

**REPORT OF: EXECUTIVE MEMBER FOR REGENERATION****TO: COUNCIL FORUM****ON: 26th April 2012**

**SUBJECT: Joint Lancashire Minerals and Waste LDF-
Proposed Major Modifications to Site Allocations and Development
Management DPD**

1. PURPOSE OF THE REPORT

1. To seek member approval to Proposed Major Modifications (Appendix A) to the Submission Version of the Site Allocations and Development Management Policies Development Plan Document (DPD) for submission to the Planning Inspector undertaking the examination into the soundness of the DPD. None of the major modifications relate to matters within Blackburn with Darwen;
2. To seek approval to formally request under Section 20 (7C) that the Inspector recommends 'main modifications' to the plan.
3. This is a joint document prepared with Blackpool Council and Lancashire County Council. It has been considered by the Joint Committee(JC) on the 4th of April 2012 and the recommendations reflect the recommendations of the JC to the three Councils;
4. All Appendices are available in each individual Political Group room.

2. OPTIONS

As a Minerals and Waste Planning Authority, Blackburn with Darwen Borough Council is required to prepare and adopt a Minerals and Waste Local Development Framework (LDF). The Council has agreed with the other two Minerals and Waste Planning Authorities in Lancashire – Blackpool Council and Lancashire County Council to prepare a joint Minerals and Waste LDF. Thus far a Joint Core Strategy has been adopted by all three joint authorities. The Site Allocations and Development Management Policies Development Plan Document (DPD) is necessary in order to deliver the Core Strategy and provide a more detail policy basis for the determination of mineral and waste planning applications.

The Council does not realistically have the option of not progressing the DPD to adoption. The proposed major modifications set out in Appendix A do not relate to any matters within the Blackburn with Darwen Council's administrative area.

3. RECOMMENDATIONS

That Members:

- (i) Approve for submission to the Planning Inspector acting on behalf of the Secretary of State for Communities and Local Government the Proposed Major Changes to the Site Allocations and Development Management Policies Development Plan Document and the

associated minor proposed modifications (Appendix B); and associated supporting documents, the Additional Sites Sustainability Appraisal, Additional Sites Habitat Regulations and Additional Sites Health and Equality Impact Assessment (Appendices C-E);

- (ii) Formally request the Planning Inspector to recommend any necessary modifications to the Site Allocations and Development Management Policies Development Plan Document to make the Plan sound under section 20(7C) of the Planning and Compulsory Purchase Act 2004; and
- (iii) That the Head of Planning and Transport after consultation with the Executive Member for Regeneration be given delegated authority to propose minor amendments to improve the clarity of the documentation referred to under Recommendation (i), and which do not alter the substance of the documents, (such amendments will be collated in a list form.)

4. BACKGROUND

The three Minerals and Waste Planning Authorities in Lancashire – Blackburn with Darwen BC, Blackpool Council and Lancashire CC have been working together on a joint Minerals and Waste Local Development Framework (LDF). A Joint Core Strategy was adopted early in 2009.

In November 2010 the Council approved the publication and submission to the Secretary of State of the Joint Site Allocations and Development Management Policies Development Plan Document (DPD) and Proposals Map which will form part of the Joint Lancashire Minerals & Waste LDF.

The DPD was submitted to the Secretary of State on the 31st of May 2011 which also marked the start of the examination in public. Geoff Hill Bsc Dip TP MRTPI was appointed as the Planning Inspector to assess the DPD against national criteria of soundness. The Inspector held a series of hearing sessions in autumn 2011 and a number of minor changes were suggested by officers under delegated powers. At the end of the hearing sessions in a letter dated 21st October 2011 and addressed to the three Joint Authorities (JA), the Inspector outlined potential shortcomings of the DPD and the need for Major Changes to overcome the possible issues of soundness. The JA requested that the Inspector suspends the examination to give the JA time to consider necessary actions.

Any major changes into a submitted DPD require further public consultation and in December 2011 the Joint Committee (JC) approved a number of major changes for public consultation which has taken place over a period of six weeks between the 19th of January 2012 and 1st of March 2012. A Consultations Outcomes Report is available in Appendix A.

The major changes relate to matters relevant to the County Council's administrative area. None of the matters pertaining to the major changes relate to issues in Blackburn with Darwen.

The Joint Advisory Committee (JAC) and the JC met on the 4th of April 2012; it considered the outcome of the public consultation and approved the final set of major changes to be recommended to each of the three Councils for formal approval.

5. RATIONALE

With the commencement of Section 112 of the Localism Act 2011, which came into force on the 15th of January 2012, sections 20-23 of the Planning and Compulsory Purchase Act 2004 Act have been amended. Under the new section 20 of the 2004 Act, Inspectors no longer make recommendations for modifications unless specifically requested to do so by the Local

Planning Authority (LPA). Such changes are referred to in the adoption process as the "main modifications". Minor changes are known as "additional modifications" and can be made by the Local Planning Authority on adoption without the need to be examined. These changes are ones that do not, when taken with the main modifications, materially affect the policies set out in the Plan.

The three Joint Authorities, will need to formally request the Planning Inspector to make modifications to the Plan under section 20(7C) of the Planning and Compulsory Purchase Act 2004. These modifications will be the amended Proposed Major Changes which are referred to above and were consulted on earlier in the year in response to the Inspector's letter dated 21st October 2011.

Failing to address the Planning Inspector's concerns by making these suggested changes may result in the DPD being found unsound, and the JA being unable to move forward with adoption as scheduled.

If the Joint Authorities do not make a formal request to the Inspector under section 20(7C) of the Planning and Compulsory Purchase Act 2004 to make any necessary modification to make the Plan sound, there is the likelihood that the Inspector's report will be confined to identifying any soundness or legal compliance failures and recommending non-adoption of the Plan. This would require the whole plan making process to start again.

Following the publication of the National Planning Policy Framework (NPPF) need to have an up-to-date development plan as soon as possible is emphasised.

A Health and Equality Impact Assessment on the Major Changes is available in Appendix E.

The timetable for submission of the major changes is governed by the dates of the three Council meetings in each of the JA. Full Councils in Blackpool and Lancashire County are meeting in May; therefore submission of the major changes is anticipated to be in early June. This will recommence the Examination in Public. The Inspector will then decide if there is a need for any further hearing sessions which if needed are likely to be scheduled in July 2012. It is expected that the JA will receive the Inspector's report in Autumn 2012 with adoption of the DPD early in 2013.

6. POLICY IMPLICATIONS

The policies within the Joint Lancashire Minerals and Waste Site Allocations and Development Management Policies Development Plan Document (DPD), and illustrated on the Proposals Map, are drafted with the purpose of implementing the Joint Lancashire Core Strategy.

This DPD enables the Joint Authorities to satisfy their requirements relating to mineral production, recycling as well as to plan for their waste needs. The DPD will also assist the JA in determining planning applications relating to minerals or waste related developments. The development management policies in particular seek to ensure that the impact of any development is minimised and Lancashire's, Blackburn with Darwen and Blackpool's residents, countryside and natural and historic environment are protected.

7. FINANCIAL IMPLICATIONS

In order to cover the preparation and examination of the Joint LDF a budget was set up to cover costs.

Lancashire County Council who leads and manages the preparation of the LDF on behalf of the three authorities has already considered potential savings and the costs in 11/12 have been lower than anticipated.

It is anticipated that the set budget for 12/13 will be sufficient to cover the further costs associated with the examination of the DPD. Any unanticipated costs will be the subject of a separate report.

There might be a need to obtain Counsel advice on a matter raised by the Inspector regarding confirmation from landowners on their endorsement of proposals. Officers contacted the Land Registry for information regarding land ownership to ensure that the issues of deliverability were explored. However, there were over 400 titles registered to the sites making it unlikely that each of the individual sites were in one controlling the ownership. To have confirmed this by getting detailed records from the Land Registry would have been prohibitively expensive and not proportionate to the consultation.

8. LEGAL IMPLICATIONS

See above under rationale in terms of the implications of the Localism Act. County Council's legal section has been involved in the examination of the DPD through the process including this last stage of making major changes.

9. RESOURCE IMPLICATIONS

There are no resource implications.

10. EQUALITY IMPLICATIONS

An Equality Impact Assessment been completed and is available in Appendix E

11. CONSULTATIONS

Public consultation on the proposed major changes took place over a six week period between the 19th of January and 1st of March 2012.

A briefing note was sent to Chief Executives, Chief Officers, and directly affected Parish Councils to inform them about the consultation and availability of documents. Over 2107 letters to residents and businesses that had previously shown an interest in the Minerals and Waste Local Development Framework. These letters drew peoples' attention to the consultation, and where documents could be found, the link to the dedicated website, and gave a phone number to call.

Press releases were sent to targeted media contacts. Public notices were put in eight main papers covering the Plan area.

The Schedule of Proposed Major Changes document was put on the dedicated consultation website together with all the supporting documents. Paper copies of the documents were also placed on deposit at all the libraries in the County and in Blackpool and Blackburn with Darwen libraries, as well as the deposit points of the County Information Centres, Town Halls, District

Planning Departments, and County Hall. Additional hard copies of documents were sent out on request.

All those who had been consulted on the Proposed Major Changes were also made aware of the relevant minor changes which had been discussed at the hearings in September and October of last year.

Details of the public consultation are outlined in the body of this Report above. An outcomes report is included in Appendix A.

Chief Officer/Member

Contact Officer: Réa Psillidou
Date: 29th March 2012

Background Papers:

- Joint Committee 4th April 2012 meeting papers
- Joint Advisory Committee 4th April 2012 meeting papers
- Site Allocation and Development Management Policies DPD – Part One and Part two
- A full list of submission documents available at <http://www.lancashire.gov.uk/corporate/web/?siteid=6106&pageid=35243&e=e>
- A full list of consultation documents available at <http://lancashireconsult.limehouse.co.uk/portal/mpc?tab=files>

Form Reference Standard Committee Report Template May 2011 1.0

20