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**SUBJECT : Joint Lancashire Minerals and Waste LDF-
Adoption of Site Allocations and Development Management
Policies Local Plan and Policies Map**

1. PURPOSE OF THE REPORT

1. To report receipt of the Inspector's Report into the Examination in Public of the Joint Lancashire Site Allocation and Development Management Policies Local Plan (the Local Plan) and accompanying Policies Map. The report includes a number of recommended modifications without which the plan could not be considered to be sound and could not be adopted by the Council. The documents to be adopted are available to view in each individual political group's rooms and to download at <http://www.lancashire.gov.uk/corporate/web/?siteid=6106&pageid=42679&e=e> (Please note due to their size, the Policies Maps are not available electronically. Copies of the map relevant to Blackburn with Darwen is available to view in each of the individual political groups' room or on request from Réa Psillidou 01254 585812.)

2. To seek Council approval of the recommended changes to the submission version of the Local Plan including the Policies Map by the Planning Inspector who held an examination into the soundness of the Plan. All the Inspector's proposed modifications have already been considered by Full Council at its meeting on the 30th of August 2012, or have been made in response to the request by Full Council that the Planning Inspector recommend any necessary modifications to address soundness issues. None of the major modifications relate to specific matters within Blackburn with Darwen but arose as a result of issues in Lancashire County Council's administrative area and the publication of the National Planning Policy Framework (NPPF).
3. To seek Council approval to adopt the Local Plan as modified by the Planning Inspector under section 23 of the Planning and Compulsory Purchase Act 2004.

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 Local Plan 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 do not relate to any matters within the Blackburn with Darwen Council's administrative area. They arose as a result of issues in Lancashire County Council's administrative area and the publication of the National Planning Policy Framework (NPPF). Without the Local Plan, the Council will not have an up to date policy framework to determine waste and mineral planning applications and will have to rely on the NPPF's presumption in favour of sustainable development.

3. RECOMMENDATIONS

That Members:

- (i) Accept the recommended modifications to the Site Allocations and Development Management Policies Local Plan and the Policies Map made by the Planning Inspector appointed by the Secretary of State for Communities and Local Government to examine the soundness of the DPD.
- (ii) Adopt the Site Allocations and Development Management Policies Local Plan and Policies Map together with the recommended modifications made by the Planning Inspector.

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 Local Plan (the Local Plan) and Policies Map which will form part of the Joint Lancashire Minerals & Waste LDF.

The Local Plan 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 Local Plan 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 Local Plan and the need for Major Modifications to overcome possible issues of soundness. The JA requested that the Inspector suspends the examination to give the JA time to consider necessary actions.

In December 2011 the Joint Committee (JC) approved a number of major changes for public consultation which took place over a period of six weeks between the 19th of January 2012 and 1st of March 2012.

The JC further met on the 4th of April 2012 to consider the outcome of the public consultation and approve the final set of major changes to be recommended to each of the three Councils for formal approval. These major changes relate to matters relevant to the County Council's administrative area. None of the matters pertaining to these major changes relate to issues in Blackburn with Darwen.

In March 2012 the Government published the National Planning Policy Framework (NPPF) in which it established a presumption in favour of Sustainable Development. The Inspector holding the examination into the soundness of the Joint Site Allocations and Development Management DPD, has advised in a letter sent to the Joint Authorities (JA) on the 20th of April 2012 that Ministers consider that a model policy setting out the approach to sustainable development must be included as standard in all development plan documents to make this clear. The inclusion of the model policy in the Local Plan was an additional Major Proposed Modification which required formal consultation. The additional public consultation was undertaken over a six week period ending on the 13th of July 2012.

Each of the Joint Authorities considered Main Proposed Modifications to the Local Plan during summer 2012. Subsequently the Joint Authorities formally requested the Planning Inspector to make modifications to the Plan under section 20(7C) of the Planning and Compulsory Purchase Act 2004; this reopened the Examination in Public. The Proposed Major Modifications were required to ensure that the Plan is found sound.

The Inspector held further hearings in autumn 2012 into objections to the proposed modifications. The Inspector's report was received by the Joint Authorities on 10th of June 2013 and is available at <http://www.lancashire.gov.uk/corporate/web/viewdoc.asp?id=103020>. Copies of the Inspector's Report are available in each of the Political Group's individual rooms.

5. RATIONALE

Under the Planning and Compulsory Purchase Act 2004, the Council as a Minerals and Waste Planning Authority, is required to prepare and adopt a Minerals and Waste Local Development Framework (LDF).

The Joint Lancashire Site Allocation and Development Management Policies Local Plan and Policies Map implements the Joint Minerals and Waste Core Strategy which was adopted in February 2009. It does this through the identification of sites and setting out development management policies on which future decisions about planning consent will be based.

Following the Examination in Public the Planning Inspector has produced a report setting out his conclusions as to whether the Joint Lancashire Site Allocation and Development

Management Policies Local Plan and Policies Map could be found sound. Subject, to his recommendations that a number of main modifications be accepted the Inspector has found the plan sound. All the Inspector's proposed modifications have already been considered by this Council on 30th August 2012, At the same time the Council resolved to ask the Planning Inspector to also make any other necessary modifications in order to address any soundness issues.

The Inspector summarises the modifications as follows:

- Change the title of the plan and other terminology to accord with the Local Plan Regulations 2012
- Introduction of a degree of flexibility for the operational life of landfill sites;
- Wider scope for alternative or additional sources of crushed rock aggregates;
- Deletion of sites which were unlikely to be available for the proposed uses during the plan period and their replacement with alternative sites;
- Inclusion of a criteria-based policy for disposal of hazardous waste;
- Inclusion of a policy to give support to sustainable development.

The Inspectors Report concludes that the Joint Lancashire Site Allocation and Development Management Polices Local Plan provides an appropriate basis for the planning of the Joint Strategic Committee's administrative area over the next 8 years providing a number of modifications are made to the Plan. The Joint Authorities have specifically requested that the Inspector recommend any modifications necessary to enable the adoption of the Plan.

The Joint Authorities can only adopt the Plan with the recommended modifications. Following the publication of the NPPF, the need to have an up-to-date development plan as soon as possible is emphasised. It is also important to establish the statutory policy framework for considering planning applications. The development management policies in particular seek to ensure that the impact of any development is minimised and the residents, countryside and natural and historic environment in Lancashire, Blackburn with Darwen and Blackpool, are protected. The Local Plan was subject to a Sustainability Appraisal, Habitat Screening and a Health and Equality Impact Assessment.

Section 23 of the Planning and Compulsory Purchase Act 2004 provides the basis for the Council to adopt the Local Plan and the accompany Policies Map. The Local Plan 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.

Failure to adopt the Local Plan would mean that the Council would not have an up to date Development Plan for determining relevant planning applications and would have to continue to rely on policies in the saved Local Plan. The saved Local Plan is increasingly becoming out-of-date and incompatible with today's minerals and waste planning agendas. This could potentially increase the numbers of planning appeals with greater costs and uncertainty.

In the absence of an up to date Local Plan, the National Planning Policy Framework presumes in favour of sustainable development.

The Local Plan was adopted by Lancashire County Council in July 2013 and Blackpool Council in August 2013. Blackburn with Darwen Borough Council is the last of the three Joint Authorities to meet and adopt the Local Plan and the date of the Council Forum meeting on the 26th of September 2013 is the date of adoption of the Joint Local Plan. Following adoption of the Local Plan, section 113 of the Planning and Compulsory Purchase Act 2004 provides that application may be made to the High Court to challenge the validity of the plan within six weeks of its adoption. During this six week period there will be a risk that the Local Plan may be challenged.

The adoption will be advertised under regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

With the adoption of the Local Plan the remaining saved policies from the 2001 Minerals and Waste Local Plan will be superseded. The list of superseded Minerals and Waste Local Plan (2001) policies are available in individual political group's room and can be downloaded from <http://www.lancashire.gov.uk/corporate/web/viewdoc.asp?id=103019>.

The adoption of the Local Plan does not have Carbon Reduction implications.

6. POLICY IMPLICATIONS

The policies within the Joint Lancashire Minerals and Waste Site Allocations and Development Management Policies Local Plan (the Local Plan) including the Policies Proposals Map are drafted with the purpose of implementing the adopted Joint Lancashire Core Strategy.

This Local Plan 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.

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). Without the Local Plan, the Council does not have an up to date Development Plan with regards to minerals and waste developments.

7. FINANCIAL IMPLICATIONS

There are no financial implications from the decision to adopt the Site Allocations and Development Management Policies DPD.

8. LEGAL IMPLICATIONS

See above under rationale. County Council's legal section has been involved in the preparation and examination of the Local Plan including this last stage of making major modifications.

9. RESOURCE IMPLICATIONS

There are no resource implications.

10. EQUALITY IMPLICATIONS

A Health and Equality Impact Assessment on the submission Local Plan and Major Modifications has been carried. No issues were identified.

11. CONSULTATIONS

Consultation was carried out in various stages in conformity with the Statements of Community Involvement of the Joint Authorities and satisfying requirements in the relevant regulations. Over 2000 representations were received during the process and over 400 representations were received at the submission stage.

The responses to these consultations, together with the submitted plan, were robustly considered by the Planning Inspector appointed to examine the Local Plan.

Chief Officer/Member

Contact Officer: Miss Réa Psillidou

Date: 15th July 2013

Background Papers:

- Inspector's Report – available at <http://www.lancashire.gov.uk/corporate/web/viewdoc.asp?id=103020>

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.

Form Reference Standard Committee Report Template May 2012 1.0