



REPORT OF: Executive Member for Regeneration

TO: Council Forum

ON: 03 December 2015

SUBJECT:

Adoption of Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies

PURPOSE OF THE REPORT

1. To present the Local Plan Part 2: Site Allocations and Development Management Policies for adoption, incorporating the changes set out by the Planning Inspector following independent public examination.

Copies of the draft Plan proposed for adoption, which comprises a written statement and policies' maps, are available in each of the political group rooms, in the Executive Members' room and on the Council's website.

OPTIONS

2. In a report to Council Forum on 07 November 2013 two options were presented:
 - i. Progress the Local Plan Part 2 to adoption as expediently as possible; or
 - ii. Delay progress on the Local Plan.
3. On consideration of this report, including the case presented for each of the options, the decision was made to progress preparation of the plan to adoption.

RECOMMENDATIONS

4. To adopt the Local Plan Part 2: Site Allocations and Development Management Policies, up to 2026, incorporating the recommended main modifications set out in the appendix to the Inspector's report dated 26 October 2015.

BACKGROUND

5. The role of the Local Plan is principally to set out the Council's:
 - i. Vision and a supporting framework for the future development and growth of the Borough in relation to housing, the local economy, community facilities and infrastructure, the environment and design, and

- ii. Planning policies that will be applied in guiding decisions on individual planning applications.
6. The Council has prepared its Local Plan in 2 stages/parts.
 7. In January 2011 the Council adopted its Core Strategy. The Core Strategy which sets out a 15 year (2011-2026) strategic framework for achieving the Council's growth agenda is in effect Part 1 of the Local Plan. Local Plan Part 2 is a complementary document; it provides more detail on specific land allocations for different purposes including employment and housing, it sets out the infrastructure requirements for the successful delivery of the identified sites and development management policies for the determination of planning applications.
 8. The table below summarises the key stages in producing the plan. Members' attention is drawn in particular to:
 - The relatively short overall time taken to prepare the Plan (by comparison with the extended timescales seen elsewhere in the country);
 - The linear nature of the process, with a clear strategic direction followed from the outset and no fundamental changes in direction introducing uncertainty or delay;
 - The efficient passage of the Plan through the public examination stage: numerous plans prepared elsewhere in the country have been subject to major delays at this stage as Inspectors have required authorities to do extensive additional work or make major changes to their plans.

KEY WORK ACTIVITIES	DATES
Consultation on issues and options including potential housing allocation sites	July 2012- May 2013
Feedback to residents, businesses and other stakeholders on outcome of consultation and implications for the plan	July 2013
Approval of Publication version plan by Council Forum	November 2013
Statutory consultation on Publication version document and appraisal of consultation feedback/representations	January – April 2014
Submission of draft plan to the Planning Inspector for independent examination	July 2014
Public Hearing sessions	December 2014
Consultation on proposed main modifications to the Submission version plan	May-June 2015
Receipt of final version Inspector's report	November 2015
Presentation to Council Forum for adoption	December 2015

9. The examination process is now complete. The Council has received the Planning Inspector's report on his assessment of the plan. The non-technical summary in his report concludes that:

'the Site Allocations and Development Management Policies Local Plan Part 2 provides an appropriate basis for the planning of the Borough, providing a number of main modifications are made to the Plan'.

10. This confirms that the Inspector considers that with the recommended main modifications set out in the appendix to his report Local Plan Part 2 is sound, legally compliant and capable of adoption.
11. The recommended modifications predominantly relate to matters discussed at the examination hearings and do not alter the overall strategy or the scale of development proposed to secure delivery of the Council's corporate ambitions for economic growth and transformation. A summary of the main issues and details of the Inspector's recommendations are set out below in Section: Key issues.
12. The Local Plan Part 2 is therefore presented to Council Forum for adoption under Section 23(3) of the Planning and Compulsory Purchase Act 2004 (as amended).

RATIONALE

13. Planning legislation and national planning policy requires local planning authorities to have a local plan in place and be up-to date.
14. With an up-to-date local plan in place the Council is in a strong position to positively guide development decisions in line with the delivery of corporate objectives for growth, health and well-being, community cohesion and place making. It equally enables the Council to resist development which is of a poor quality or not in keeping with its strategy for the future of the Borough.
15. The government has made it clear that ongoing change is needed to streamline the planning system as a means to secure early housing growth/increased housing delivery. With this in mind a new government bill, the Housing and Planning Bill, is currently progressing through the Parliamentary process towards Royal Assent. The bill sets out a wide range of matters covering housing, estate agents, rent charges, planning and compulsory purchase. One aspect of the proposed bill sets out the government's intention to give new powers to the Secretary of State to make arrangements for the production of local plans, in consultation with local communities, on behalf of those Councils who do not have local plans in place for their areas by 2017. The process for preparing local plans in these circumstances is uncertain at the moment. However it is likely to limit the scope of influence and flexibility of those affected authorities to determine their strategic approach/plan content. With this in mind the adoption of our Local Plan Part 2 is timely.
16. Under national planning legislation the main modifications recommended in the Inspector's report are binding. A local planning authority is not able to adopt a development plan/Local Plan that does not include the changes set out by the appointed Planning Inspector.
17. The majority of the changes recommended by the Inspector have been suggested by the Council and therefore reflect consensus between the Council and the Planning Inspector rather than being imposed on the Council. The modifications improve clarity, ensure consistency, set out a revised approach on a number of housing related matters and respond to national requirements that have emerged since the conclusion of the Hearings and which have implications for relevant policies in the plan.

KEY ISSUES

18. The National Planning Policy Framework (paragraph 182) defines a plan to be sound that is:
- Positively prepared
 - Justified
 - Effective
 - Consistent with national policy
19. Taking account of all the representations, written evidence and discussions that took place during his examination of the plan, the Inspector has identified five main issues upon which he considers the soundness of the plan depends. The recommended modifications principally address matters relating to these issues and as noted above are needed to ensure the plan is sound.
20. The five main issues are set out as questions in the Inspector's report and are as follows:

Issue 1: Is the overall basis for the allocation of housing and employment sites sound, having regard to the relationship with the Core Strategy, the National Planning Policy Framework and the evidence base?

21. The Inspector is satisfied that with the recommended modifications the Local Plan Part 2 supports the Council's strategic approach to housing delivery.
22. Prior to the Hearing sessions the Council submitted a statement to the Inspector that revised the housing target and phasing approach in the submitted plan to align with the housing requirement set out in the adopted development plan; the Core Strategy adopted in January 2011. Assessed on this basis the Inspector has concluded that this approach is robust, appropriate and consistent with the government's national planning policy requirements.
23. The proposed modifications reiterate the Core Strategy housing requirement for 9,365 dwellings over the plan period, to 2026 and the phasing for delivery.
24. There are no modifications recommended relating to the basis for the allocation of employment sites.
25. With regard to gypsy and traveller provision. The recommended modifications are required for clarity and consistency to ensure that the policy is inclusive of the entire travelling community by including reference to travelling show people in the text.

Issue 2: Is the approach to the Green Belt sound?

26. The Inspector is satisfied with the Council's approach to the release of land within the Green Belt. A number of the released sites have been identified for housing development within the plan period and the remaining balance as safeguarded land to provide for the Borough's development needs beyond the end of the current plan period.
27. There are two recommended modifications. One is needed to provide consistency with the National Planning Policy Framework and national guidance on development in the Green Belt. The second takes account of the Council's revised approach to housing and

the 5-year housing land supply and the implications for the schedule of safeguarded sites included in the Submission version of the plan: the modification takes two of sites out of the safeguarded sites policy and includes them as housing allocations.

Issue 3: Are the allocated employment, housing and development opportunity sites justified and deliverable within the plan period?

EMPLOYMENT ALLOCATIONS

28. The Inspector has concluded that the Council's overall strategic approach to employment land and housing allocations is sound. The inspector confirms he has no requirement to consider the alteration of the plan's proposed employment land allocations or existing identified Primary Employment Land to housing or any other use.
29. On this basis there are no proposed modifications to the plan's employment land allocations.

HOUSING POLICY and ALLOCATIONS

30. The Local Plan, as proposed to be modified, identifies 18 housing allocation sites. These have been identified as representing key strategic sites to meet the housing requirement across the Borough to the end of the plan period.
31. Over the course of the examination and in response to the Inspector's interim findings on housing matters dated 30 January 2015 the Council confirmed a number of revisions to address concerns relating to the housing numbers/housing requirement and land supply position set out in the submitted plan. These revisions have led to the need for a number of main modifications to ensure consistency across the plan including consistency with the housing requirement and the five year housing land supply, as required by the National Planning Policy Framework.
32. Each allocation is dealt with through an individual element of the housing allocation policy. In each case, as appropriate, a main modification has been recommended to address changes to the delivery figures within the revised 5 year delivery period to 2019.
33. In addition to the above and by exception main modifications are recommended for the following individual allocations. The accompanying comments set out a summary of the Inspector's rationale for each of these proposed main modifications; a comprehensive explanation can be reviewed in the Inspector's report.
 - Alaska Street to address revised figures on overall delivery based on updated evidence;
 - Gib Lane to take account of increased delivery in response to latest landowner feedback;
 - Johnson Road to acknowledge that housing delivery will not be achieved from this site in the five year period and may continue beyond the plan period;
 - Former Darwen Moorland High School/Land at Holden Fold. In response to the need to find additional land to meet the revised housing requirement this site has been extended to include an adjacent safeguarded site. Main modifications have been proposed to change the name of the allocation to Land at Holden Fold and to identify a revised development area, housing delivery, new site plan and a new set of key development considerations;
 - Robin Bank/Shorey Bank, Darwen to provide an updated and accurate delivery figure;

- Ellerslie House/Pole Lane South. In response to concerns regarding the deliverability of this site as an allocation the Council has confirmed that the Ellerslie House site is no longer to be considered as an allocation. The proposal is to replace this site with another site, Pole Lane South, which was originally proposed to be safeguarded for future development beyond the plan period. Based on updated information from the landowners and following Council scrutiny of the suitability of the site as a housing allocation the site is considered to be an acceptable allocation and to be deliverable site within 5 years.

DEVELOPMENT OPPORTUNITY SITES

34. These sites are distinct from the identified employment and housing land allocations as they are considered to be suitable for a range of uses. At the same time the plan intention is that they do contribute to the delivery of housing and employment growth over the plan period. Therefore, one of the two recommended modifications to this policy is suggested for clarity to explicitly associate development of these sites with the delivery of housing and employment in the Borough.
35. Owing to concerns regarding deliverability of Ellerslie House as a housing land allocation, a site delivering 50 or more units, the site is now to be considered within the housing supply under the small site allowance and is identified in the plan as a Development Opportunity Site. A recommended main modification makes this amendment.

Issue 4: Development Management Policies

36. The Inspector makes particular comment on the policies relating to environment, housing, retail and renewable energy.
37. The recommended modifications are principally for added clarity, to provide consistency with national policy and the requirements of Planning Practice Guidance and to include a number of updates issued by government since the Hearing sessions were closed.

Issue 5: Infrastructure, Transport, Monitoring and Supplementary Planning Documents

38. It has been acknowledged throughout plan preparation and the examination by respondents and the Inspector that the local plan sets out an ambitious transformational agenda for the Borough. The Inspector comments that this will need to be closely monitored to ensure progress is achieved and any review, if necessary, is implemented in a timely way. With this in mind the Inspector has recommended a modification to incorporate a monitoring framework as an appendix to the plan. This modification proposes two other appendices; a table of superseded policies, necessary to ensure the plan complies with regulations and a timetable for the delivery of the Supplementary Planning Documents identified in the plan to provide further guidance on the application of particular policies.
39. A copy of the Inspector's report is attached. Full details of each of the recommended main modifications are set out in the appendix to the Inspector's report.
40. In accordance with planning legislation relating to the 'Publication of the recommendations of the appointed person' (the Planning Inspector) a copy of the Inspector's report has been published on the Council's website:

POLICY IMPLICATIONS

41. Once adopted the Council will, as required by the National Planning Policy Framework have an up-to-date Local Plan in place to positively guide and deliver the Council's growth and place-making agenda to the end of the plan period.
42. The Local Plan Part 2 will, together with the adopted Core Strategy form the non-minerals and waste element of the statutory local development plan.
43. The new plan will replace the remaining saved policies in the Blackburn with Darwen Local Plan (2002) in all of the decisions made on planning applications.
44. The monitoring of the performance and delivery of the local plan will be set out in the annual Authority Monitoring Report which is published on the Council's website.

FINANCIAL IMPLICATIONS

45. The small cost in printing and distribution of final versions of the adopted local plan and posting of copy adoption statement to all who have asked to be notified (in accordance with Regulations) will be met from existing budgets.
46. It is not intended to print a large number of copies of the document. A copy of the adoption statement, local plan document and supporting material will be published on the Council's website and made available at both town halls and at libraries throughout the Borough. Anyone wishing to view/access the plan will be encouraged to do so electronically wherever possible. On occasions where printed copies of the plan are requested a charge will be made to cover the Council's costs.

LEGAL IMPLICATIONS

47. The Inspector is satisfied that all legal requirements associated with the preparation of the plan have been met.
48. The Local Plan Part 2 is being adopted in accordance with S23 (3) of the Planning and Compulsory Purchase 2004 as amended.
49. Having an up-to-date local plan in place will satisfy the requirements of planning legislation and the National Planning Policy Framework.
50. Following Council Forum's decision Council officers will take early action to ensure that the requirements set out in S26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for publicising the adoption of the Local Plan and the availability of supporting documents for inspection including the Inspector's report are carried out.
51. The regulations confirm that any person who is aggrieved by the adoption of the plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act (as amended) on the grounds that :
 - a) The document is not within the appropriate power;

b) A procedural power has not been complied with.

52. An application, challenging the adoption of the plan, must be made within 6 weeks of the date of adoption of the plan.

RESOURCE IMPLICATIONS

53. There are no resource implications associated with the actions needed to adopt the plan.

EQUALITY IMPLICATIONS

EQUALITY IMPACT ASSESSMENT (EIA)

54. The draft Local Plan Part 2 was originally screened in October 2013 using the Council's Equality Impact Assessment (EIA) methodology to assess whether a full EIA was required. This determined that an EIA was not needed.

55. Subsequently, in October 2014 to support the examination of the plan a supplementary note was prepared to take account of an update to the EIA toolkit to make it more explicit in terms of requiring consideration of the three Public Sector Equality Duties set out in Section 149 of the Equality Act 2010. This did not identify any additional equality implications for plan preparation, content or delivery.

56. In line with good practice that advises an EIA is reviewed on a regular basis and acknowledging that this is a key stage in the preparation of the Local Plan a review of the final version document has been completed. This has concluded that a full EIA is not required.

57. Each of the EIA screening documents have been published on the Council's website: <http://www.blackburn.gov.uk/Pages/regeneration-eias.aspx>

HEALTH IMPACT ASSESSMENT (HIA)

58. The Local Plan has been screened to assess whether an HIA is required. The outcome is that an HIA is not needed.

59. A copy of the completed HIA is attached for reference.

CONSULTATIONS

60. All of the requirements for consultation set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 relating to the preparation and examination of the local plan have been met.

61. The Inspector is satisfied that the consultations including feedback to residents and other stakeholders have been appropriate, responsive and thorough.

62. As noted above in the Section: Legal Implications, following Council Forum's decision Council officers will make arrangements for an adoption statement and information on the availability of supporting documents including the Inspector's report to be published.

Chief Officer/Member

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Date: 10 November 2015

Background Papers:

1. Report of Executive Member for Regeneration to Council Forum, 07 November 2013: Site Allocations and Development Management Policies Plan (Local Plan Part 2) – Publication Draft;
2. Report on the Examination of Blackburn with Darwen Site Allocations and Development Management Policies Local Plan Part 2 dated 26 October 2015;
3. Draft Local Plan Part 2: Site Allocations and Development Management Policies, December 2015.
4. Equality Impact Assessments
5. Health Impact Assessment, November 2015.

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