

**Blackburn with Darwen Borough  
Council**

**The Local Development Scheme  
January 2018- April 2021**

**January 2018**

## 1. Introduction

- 1.1 Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended) establishes the current system of local development planning in England<sup>1</sup>. As part of this system, the local planning authority must prepare and maintain a **local development scheme (LDS)**, which sets out a list of the planning documents it intends to prepare in the forthcoming years and the timetable for the preparation of those documents.
- 1.2 This document is the eighth Local Development Scheme (LDS) for Blackburn with Darwen. The LDS identifies the work programme for the **next three years** which has been agreed by the Council's Executive Board and comes into effect on 16<sup>th</sup> February 2018.
- 1.3 Section 2 summarises the progress made since the previous LDS (January 2017) and sets out where changes to the LDS are proposed. Section 3 of the document includes a timetable for the various stages of preparation of the Local Plan and information on how the Council will monitor progress against the timetable.
- 1.4 Planning documents within this LDS are classified as development plan documents (referred to as local plans). Local plans are documents which:
  - Are prepared by a local planning authority individually or in cooperation with one or more other local planning authorities which contains statements regarding one or more of the following:
  - The development and use of land which the local planning authority wish to encourage during any specific period;
  - The allocation of sites for a particular type of development or use;
  - Development management and site allocation policies, which are intended to guide the determination of applications for planning permission.
- 1.5 A local planning authority can also prepare other plans that complement the local plan including for example, Area Action Plans (to cover a specific geographical part of the local authority area) or specific plans for particular allocations or policy matters not covered by the local plan.
- 1.6 New regulations are being brought forward by Government to commence on 5 April 2018 that require local authorities to review Local Plans and their Statements of Community Involvement at least every five years from the date

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<sup>1</sup> The Planning Act 2008 and then the Localism Act 2011 (sections 110 to 113) made a number of amendments to part 2 of the 2004 Act. Regulations – most recently The Town and Country Planning (Local Planning) (England) Regulations 2012 – make provision for the operation of the current system of plan making.

of their adoption. Local Authorities will need to carry out an assessment of whether a Local Plan or Statement of Community Involvement remains relevant and effectively addresses the needs of the local community, or whether policies need updating. Having carried out this assessment authorities must decide:

- that one or more policies do need updating, and update their Local Development Scheme to set out the timetable for updating their plan, and then update their plan; or
- that their policies do not need updating, and publish their reasons for this decision.

## 2. Update on Progress

2.1 The Council's last LDS was published in January 2017 and covered the period to January 2018. It was agreed that it was appropriate to publish a one year programme of work for the following reasons:

- The Local Plan for Blackburn with Darwen, consisting of the Core Strategy (adopted January 2011) and the Site Allocations and Development Management Policies – Local Plan Part 2 (adopted December 2015) was considered to represent an up to date planning policy framework for the area; and
- The emergence of a proposed Lancashire Combined Authority with potential strategic planning functions that would impact on any future local plans within Lancashire, Blackburn with Darwen and Blackpool.

2.2 Notwithstanding the agreed position that the Local Plan remained up to date, the need for a review of the Local Plan was retained for consideration during 2017. As the year progressed, joint working in relation to planning strategy had not progressed at the pace anticipated. Moreover, Government published its Housing White Paper in February 2017 which proposed various changes that would directly impact on Local Plans. The key changes proposed through the White Paper included a new standardised housing methodology for local authorities to follow; and legislative proposals to make local plans a statutory requirement for local authorities and require reviews of plans at least every five years. These significant changes have influenced the approach that is now set out in this updated LDS, which proposes a new Local Plan to be developed over the next three years.

### 3. Local Plans and Other Documents

#### Local Plan

- 3.1 The Local Plan for Blackburn with Darwen Council consists of the Core Strategy (Local Plan Part 1) and the Site Allocations and Development Management Policies Plan (Local Plan Part 2).

<b>The Core Strategy (Local Plan Part 1)</b>	The Core Strategy was adopted in January 2011. The Core Strategy sets the overall spatial strategy for the Borough. This is presented through written policies and a key diagram which illustrates the overall spatial strategy and priorities for development.
<b>The Site Allocations and Development Management Policies (Local Plan Part 2)</b>	The Site Allocations and Development Management Policies (Local Plan Part 2) was adopted in December 2015. The plan provides additional policy detail on a range of topics covered at a strategic level in the Core Strategy. It also includes land allocations and development management policies. The Adopted Policies Map has been prepared alongside the Site Allocations and Development Management Policies plan and illustrates the site allocations and land designations proposed.

#### Joint Minerals and Waste Local Plan

- 3.2 Blackburn with Darwen Council is also jointly responsible with Lancashire County Council and Blackpool Council for the Joint Minerals and Waste Local Plan (JMWLP). The current JMWLP consists of the Core Strategy adopted in February 2009 and Site Allocations and Development Management Policies adopted in September 2013. It provides mineral and waste specific policies for use in determining planning applications for waste or mineral developments. A revised Joint Lancashire Minerals and Waste Local Plan (JMWLP) is being prepared by the three Waste and Minerals Planning Authorities in Lancashire. Any joint Minerals and Waste Plans are prepared under a separate Local

Development Scheme. This LDS does not therefore contain any details on any Minerals and Waste documents.

### **Neighbourhood Plans**

- 3.3 At the present time there are no known plans from Parish / Town Councils to prepare a Neighbourhood Development Plan (NDP) within the Borough. To date there has not been any applications for the establishment of a Neighbourhood Forum and there has not been any interest by a community groups to prepare a NDP. However, if such plans do come forward, this could have a knock on impact upon any work programme relating to a review of the Local Plan. This is because the preparation of a Neighbourhood Development Plan, whilst a community led document, does require input from the local planning authority in a variety of ways throughout the process.

### **Other Planning Documents**

- 3.4 The Local Plan also contains other supporting documents, which are available on the Council's web site including a number of Supplementary Planning Documents (SPDs); Masterplans and Development Briefs; and the Authority's Monitoring Report (produced annually).

### **Statement of Community Involvement**

- 3.5 The Statement of Community Involvement (SCI) is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended). The SCI sets out how and when the Council will involve the local community in preparing local plans and processing planning applications and controlling development. The Council is legally obliged to comply with its Statement of Community Involvement, once it is finalised. The Council's current SCI was prepared in 2006, and updated in January 2014 as part of the evidence base for the examination of the Local Plan Part 2.
- 3.6 A full review of the Council's SCI, including a reassessment of the strategies to involve the community in planning matters is in hand to inform the proposed review of the Local Plan.

### **Monitoring and Review**

- 3.7 The Council publishes an authority monitoring report (AMR) that provides information on the performance of policies within the Local Plan. It also provides an update on how the Local Plan timetable is progressing against the published LDS. The AMR therefore provides important information to

assess where future policy changes which may be required, and also helps to highlight whether a review of the local plan preparation timetable is necessary.

## 4. Local Plan Review - Timetable

4.1 The stages required in preparing a local plan are set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. In summary the key stages are:

- Reg 18 – preparation of a local plan
- Reg 19 – publication of a local plan
- Reg 20 – representations relating to a local plan
- Reg 22 – submission of documents and information to the Secretary of State
- Reg 23- consideration of representations by appointed person (Planning Inspector(s))
- Reg 24 – independent examination by the Planning Inspector(s)
- Reg 25 – publication of the recommendations of the appointed person
- Reg 26 – adoption of a local plan

### Blackburn with Darwen Local Plan

<b>Document Details</b>		
Content	The Local Plan will contain the overall spatial strategy for the Borough and set out the quantum of development for housing and economic development requirements. It will provide details on allocations across a range of land uses with a key focus on housing and employment land and any necessary supporting infrastructure. It will also provide topic based development management policies.	
Status	The Local Plan will be a Development Plan Document and provide a single point for the Council's key land use policies.	
Geographical Coverage	Borough wide	
Chain of conformity	The Local Plan will conform to national policies and guidance.	
<b>Timetable</b>		
Preparation (Regulation 18)	Scoping the issues and options for the Local Plan and commission initial key evidence base	January – June 2018
	Consult on Issues and Options	January 2019
	Consider responses to Issues and Options	February 2019 – April 2019
	Commissioning and delivery of additional evidence base to	January 2019 – December 2019



	inform emerging draft plan	
	Production of supporting technical papers for Publication Draft Local Plan	January 2020 – May 2020
Publication (Regulations 19/20)	Consult on Publication Draft Local Plan	June 2020
	Consider responses to Publication Draft and finalise Submission Draft	August – October 2020
Submission (Regulation 22)	Submit Local Plan for examination	November 2020
Examination (Regulations 23/24/25)	Process run by a Planning Inspector from the Planning Inspectorate (includes consultation on any Main Modifications to the Plan prior to receipt of the final report from the Planning Inspector).	January 2021 onwards  (Planning Inspectorate estimate a period of at least six to eight months for the examination stage) <sup>2</sup>
Adoption (Regulation 26)	Formal Adoption by the Council	Autumn 2021
<b>Local Plan Production Arrangements</b>		
Lead Team	Growth Team	
Management Arrangements	The draft Local Plan will be subject to review and approvals by the Executive Board. There will be a requirement for formal approval of certain stages by Council.	
Resources	Resource implications will be met from within existing Growth Team budgets.	
Consultation Arrangements	Consultation will be undertaken in line with the revised SCI (expected adoption in March 2018) and the relevant planning regulations.	

<sup>2</sup> See **Procedural Practice in the Examination of Local Plans**, The Planning Inspectorate June 2016 (4th Edition v.1)

## 5. Resources and Risk Management

- 5.1 A separate risk assessment (attached at Appendix A) has been undertaken of the risks which may affect the Council's ability to meet the planned timetable. The main risks relate to staff turnover, recruitment, absence, and competing work priorities in addition to potential future budget priorities. The increased use of outside consultants or temporary staff may be required to keep Local Plan document preparation on schedule. Alternatively, if the budget does not allow this, the timetable may have to be revised.
- 5.2 Further changes to the national planning system are another potential risk that could introduce some uncertainty and delay. The Council will monitor closely emerging proposals particularly with respect to the proposed standard housing methodology and any further changes proposed to the local plan process.
- 5.3 Mechanisms for cooperation with other authorities and organisations on strategic issues are already in place but mean that the timing of other authorities' Local Plan preparation may have an impact on the delivery of Blackburn with Darwen's Local Plan.

## APPENDIX 1: Risk Assessment

Nature of the Risk	Consequences of the Risk Occurring	Likelihood before mitigation (1:5) (A)	Severity / impact before mitigation (1:5) (B)	Inherent risk score (A * B)	Mitigation	Likelihood after mitigation (1:5) (C)	Severity / impact after mitigation (1:5) (D)	Post mitigation risk score (C * D)
Current Local Plan deemed out of date	Government requires the Council to update the Local Plan (potential delivery by other parties)	3	5	15	Review of Local Plan proposed	2	2	4
Staff Resources to produce new Local Plan - loss of key staff due to sickness or moving to another job	Delay in timetable for delivery of the Local Plan	3	4	12	Regular review of staff work programmes. Ensure One Team approach is maintained. Bring in external support where appropriate.	2	3	6
Changes to legislative framework or regulations	Additional requirements placed on the form and content of the Local Plan	3	3	9	Maintain close monitoring of any future Government announcements and take on board any necessary changes	2	3	6
Reduction in Financial Resources required for Local Plan production (either in-	Delays in the production of the Local Plan				Budget planning to ensure cost effective delivery of the Local Plan. Continued			

house council budgets or other external funding)					communication of the importance of the Local Plan process through the Corporate Plan and Service Plans			
Joint working with neighbouring authorities and other organisations	Potential delays if key evidence base documents requiring joint working are not signed off by all relevant parties				Ensure robust approach to agreeing the briefs for any jointly commissioned evidence base/ studies. Put in place agreed milestones for outputs from evidence base/studies.			
Potential third party challenges to the emerging new Local Plan (including any legal challenge when the plan is found sound)	Delays in the next stage of Local Plan development where consultation comments require further consideration of next steps. Delays resulting from a legal challenge whilst legal arguments are considered by the Planning Courts.				Ensure robust evidence base underpins policies and spatial approach of the Local Plan. Engage in any necessary robust defence if a legal challenge is made.			
Planning Inspectorate capacity to examine Local	Delay to the examination of the Local Plan				Close liaison with the Planning Inspectorate in			

Plan					the run up to submission of the Local Plan			
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