

# EXECUTIVE BOARD DECISION



**REPORT OF:** Executive Member for Growth and Development

**LEAD OFFICERS:** Strategic Director of Place

**DATE:** Thursday, 8 July 2021

**PORTFOLIO(S) AFFECTED:** Growth and Development

**WARD/S AFFECTED:** (All Wards);

**KEY DECISION:** Y

## SUBJECT:

Local Plan Reg18 Consultation responses and amended LDS timetable

## 1. EXECUTIVE SUMMARY

- 1.1 Blackburn with Darwen Borough Council is currently preparing a new Local Plan which will set out the land use planning strategy for the Borough up to 2037. A Public Consultation exercise on a draft version of the new Local Plan was approved by the Council's Executive Board on 10<sup>th</sup> December 2020. Consultation then commenced on Friday 8<sup>th</sup> January 2021 and concluded on Friday 19<sup>th</sup> February 2021. A Consultation Statement (Background Paper 1) sets out who has been consulted, how they were consulted provides a brief summary of the main issues raised and outlines the next steps in Plan preparation.
- 1.2 During the six week consultation period the Council received a total of 1,796 valid representations to policies and sites from 776 separate respondents (either individuals or organisations). A summary of each representation has been prepared along with a proposed Council response and this is included as Appendix H of the Consultation Statement (Background Paper 1).
- 1.3 The proposed Strategic Housing Site at North East Blackburn (Site Ref: S195) and the proposed Strategic Employment Site at Junction 5 of the M65 (Site Ref: S179) both received a large number of representations. As a result, the proposed Council response to these representations is provided separately in Appendices I and J (of the Consultation Statement) respectively.
- 1.4 A number of other representations referred to additional areas to be considered as potential future Growth sites (i.e. allocations to consider for significant new development). These are discussed further in Section 5 of the Consultation Statement and proposed Council Responses to each are provided in Appendix K. A summary is also provided in the Background section of this report below.
- 1.5 A timetable setting out the next stages of work on the new Local Plan through to its adoption is also contained in a revised Local Development Scheme (LDS) as Background Paper 2.

## 2. RECOMMENDATIONS

That the Executive Board:

1. Notes the outcomes of the Consultation Draft Local Plan Reg18 public consultation process as set out in this report and the Consultation Statement (see Background Paper 1);
2. Approves the proposed Council responses to representations (set out in Appendices H-K of the Consultation Statement);
3. Approves the updated Local Development Scheme (LDS) and agrees to the updated timescales included to prepare the new Local Plan (see Background Paper 2).

## 3. BACKGROUND

- 3.1 Blackburn with Darwen Borough Council's current Local Plan includes the Part 1: Core Strategy (2011), and Part 2: Site Allocations and Development Management Policies (2015)). Together these documents set out the land use planning strategy for the Borough up to 2026.
- 3.2 The Executive Board approved a new Local Development Scheme (LDS) in February 2018 that set out the intention to develop a new single Local Plan to replace the Core Strategy and Allocations & Policies documents. An initial "Issues and Options" public consultation was subsequently carried out between 11<sup>th</sup> February 2019 and 1<sup>st</sup> April 2019.
- 3.3 The LDS was updated in January 2020 setting out a revised timetable of work, including the key stages of consultation required to adopt the new Local Plan. The Executive Board approved publication of a "Consultation Draft" Local Plan for public consultation at its meeting of 10<sup>th</sup> December 2020. This was made available for comment alongside a significant package of supporting evidence base material between 8<sup>th</sup> January 2021 and 19<sup>th</sup> February 2021.
- 3.4 This paper reports on the outcomes of that consultation exercise, and proposes a further revised LDS and timetable. This takes account of the impacts of the pandemic and significant Government planning reforms that were put forward in the Planning White Paper (PWP) '[Planning for the future](#)' in August last year.

### Local Plan Regulation 18 Consultation Paper

- 3.5 The "Consultation Draft" Local Plan represented a key milestone in the development of the emerging new Local Plan illustrating the Council's proposals for a "balanced growth" strategy, aiming to provide new jobs and homes as well as protecting our environment and helping to address the Climate Emergency. It was prepared in line with the Town and Country Planning (Local Planning) (England) 2012 Regulations and consulted on in accordance with the Council's adopted [Statement of Community Involvement](#) and Regulation 18 of the [2012 Local Plan Regulations](#).
- 3.6 The Consultation Draft Local Plan covered the period up until 2037 and incorporated the following main themes:
  - A Vision, Strategic Objectives and Balanced Growth Strategy;
  - A set of Core Policies (housing, economic development, town centres, climate change, health, design, transport and infrastructure); and
  - Proposed areas for Growth, Renewal or Protection.

- 3.7 Within the Growth Areas, which were areas deemed suitable for substantial development, sites were allocated in order to meet the Borough's requirements for housing, employment, gypsy and traveller pitches, mixed use development or major infrastructure. Sites were selected via a robust site selection and sustainability appraisal process, considering any reasonable alternatives.
- 3.8 Areas for Renewal included the urban area, including Town and District Centres. These were areas deemed suitable for development where smaller scale development was appropriate. For example gentle densification, infill schemes, or regeneration initiatives.
- 3.9 Finally, Protection Areas were those which, as a result of particular environmental and/or cultural characteristics, justify more stringent development control. For example, these covered the Green Belt, countryside, our green infrastructure network including designated local green spaces, heritage sites and areas of highest flood risk.
- 3.10 The document highlighted six key schemes and ideas:
- Blackburn Growth Axis linking strategic growth sites across the Borough and beyond;
  - Darwen Town Investment Plan delivering a series of wide-ranging improvements for Darwen;
  - North East Blackburn Strategic Housing Site – a new neighbourhood on the edge of the town;
  - South East Blackburn Strategic Employment Site to attract jobs and investment at a key motorway location;
  - Blackburn Town Centre Major Development Site – a unique opportunity to boost the vitality of Blackburn town centre; and
  - Infrastructure Delivery Plan – an important series of interventions to improve infrastructure for all, such as roads, schools and health facilities.
- 3.11 The structure and content of the Consultation Draft Local Plan was strongly influenced by proposals set out in the Government's PWP. For example, the concept of areas for Growth, Renewal and Protection and their associated policies were designed to accommodate the zonal based system set out in the PWP. In addition, Development Management policies were omitted from the Consultation Draft.
- 3.12 In light of subsequent delays to the PWP proposals progressing, and increasing uncertainty in the extent to which proposals will be taken forward, the Council now proposes to revise the structure of the Local Plan for the next stage of consultation – further details are set out in the Consultation Statement and 'Next Steps' below.

### **Local Plan Regulation 18 Key Consultation Outcomes**

- 3.13 The Consultation Statement provides the full details of who was consulted and how they were consulted. Appendices A-D provide specific information on statutory consultees, notification letters, consultation publicity material and details of the social media / PR campaign employed.
- 3.14 Alongside the formal consultation process inviting representations in writing, a number of informal events also took place that focused on specific stakeholders. These included youth engagement work (facilitated by Social Sense) and community/voluntary group workshops (facilitated by Planning Aid England). Specific outputs from these sessions are set out in Appendices E and F.
- 3.15 The success of the consultation exercise is demonstrated in the volume of responses received via a range of different methods and from a wide range of stakeholders. Appendix

H of the Consultation Statement sets out every representation in the form of a summary of comments alongside a Council response. These are ordered by the page number from the Consultation Draft Local Plan to which the comment relates. They are also grouped by their reference to Questions, Policies or Sites. Section 5 of the Consultation Statement provides an overview of the total number of responses, and response type, by each of these categories (i.e. Questions, Policies, Sites).

- 3.16 The proposed Strategic Employment Site (at J5 of the M65) and proposed Strategic Housing Site (in NE Blackburn) attracted the highest number of comments. As a result the Consultation Statement sets out a more detailed Council Response to each of the points raised by representations to those sites in separate Appendices I and J.
- 3.17 In addition to the sites set out for Growth, Protection and Renewal in the Consultation Draft Local Plan a number of further sites have been put forward through the consultation for consideration by the Council within these categories. These additional sites are set out in Appendix K of the Consultation Statement along with a brief Council response as to how these should be taken forward and considered in preparing the Publication Local Plan.
- 3.18 Many of the proposed new sites have in fact already been considered during the plan preparation stage. In total there are a further seven new sites to take forward for consideration in the published Site Assessment Methodology – these are listed in Table 2 of the Consultation Statement. They comprise three proposals for new Housing Growth sites, two proposals for new Mixed Use Growth Sites, one new Employment Growth site, and one additional area of land to consider as future Safeguarded land. An additional five sites that have been previously considered are also now recommended to be re-considered in light of additional information and representations received – these are listed in Table 3 of the Consultation Statement.

## **Next Steps**

- 3.19 During 2020 the timetable for production of the Local Plan has been impacted by both the Covid pandemic and significant proposals for planning reform set out by the Government in its PWP 'Planning for the future' in August 2020. As a result the next stage of the Local Plan (Publication under Regulation 19) will be later than set out in the currently approved LDS.
- 3.20 A revised timetable is set out in the new LDS which states:
- Publication of the new Local Plan (Regulation 19) in January 2022;
  - Submission (Regulation 22) to the Secretary of State for examination in the summer of 2022 following Council approval;
  - Examination in Public (Regulations 23-25) led by the Planning Inspectorate typically takes a period of 12 months; and
  - Adoption (Regulation 26) of the new Local Plan expected in summer of 2023.
- 3.21 The Government's reforms set out in the PWP have also proceeded slower than anticipated over the last 9 months. The Council needs to ensure that it has an up to date plan in place no later than December 2023 to avoid Government intervention in plan making. Government has also made clear that Councils should continue to progress Local Plans despite the ongoing pandemic.
- 3.22 For these reasons it is proposed to proceed to adopt the new Local Plan under the current Regulations ([2012 Local Planning Regulations](#)) rather than await new regulations to emerge. This is in line with other Local Authorities currently progressing Local Plan reviews. This will mean reverting back to a Local Plan format that will contain both strategic and non-strategic policies. This will mean the inclusion of Development Management policies in the next stage

of public consultation. The revised LDS timetable set out above and included in this report (Background Paper 2) reflects this approach.

3.23 Between now and the end of 2021 the following key tasks will take place:

- Completing the actions set out in the Council's responses to representations at Regulation 18;
- Completing outstanding evidence base work (listed in Appendix A of the Consultation Draft Local Plan) and any further evidence base requirements identified through representations at Regulation 18;
- Completing appropriate updates to existing evidence base work to reflect changing economic circumstances, including the impacts of Brexit and Covid, to ensure the case for 'Balanced Growth' remains robust;
- Consider any new 'reasonable alternative' sites put forward appropriately through the published Site Assessment Methodology and Sustainability Appraisal;
- Prepare and consult on draft Development Management policies with statutory consultees prior to finalising them for public consultation in the Regulation 19 Local Plan;
- Continue Duty to Co-operate work with neighbouring local authorities and agree a Statement of Common Ground; and
- Complete Sustainability Appraisal and an Appropriate Assessment on policies and sites to satisfy the requirements of SA/SEA/HRA legislation.

3.24 A Publication Local Plan will be brought to the Council's Executive Board in December for approval for consultation early in 2022.

## **4. KEY ISSUES & RISKS**

- 4.1 Local Plans are examined by an independent Planning Inspector to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are considered to be sound if they are 'positively prepared', 'justified', and 'effective' and 'consistent with national policy'. Further details of these tests are set out in paragraph 35 of the NPPF.
- 4.2 It is therefore key that all representations received during the preparation stage of the plan are considered appropriately and acted upon where they may impact on soundness. This will minimise cost and disruption to the examination process once the plan is submitted. This report is to demonstrate that all representations are being duly considered, relevant action is undertaken, and that reasonable alternative growth sites put forward are being taken forward for further site assessment where appropriate.
- 4.3 If the Council fails to adopt an up to date Local Plan by December 2023 then the Government has threatened to intervene in plan making locally. The revised timetable proposes adoption by the summer of 2023. Key risks to the Council meeting this deadline are set out in Appendix 1 of the revised Local Development Scheme along with mitigation measures.

## **5. POLICY IMPLICATIONS**

- 5.1 The consultation on the Draft Local Plan marks a key stage in development of the new local plan, which (once adopted) will replace the existing two-part Local Plan. It allows the Council

to receive and assess feedback on the emerging strategy and policies, therefore adapting the Plan where necessary before finalising the Plan for Examination by Government.

## 6. FINANCIAL IMPLICATIONS

6.1 The consultation and subsequent additional work to prepare for Publication is to be funded by existing budgets allocated for the Local Plan.

## 7. LEGAL IMPLICATIONS

7.1 Local Planning Authorities have a statutory requirement to produce a Local Development Plan, as described by the National Planning Policy Framework, the National Planning Practice Guidance, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning & Compulsory Purchase Act 2004. The reporting of consultation outcomes and next steps forms part of the plan preparation work towards meeting this statutory requirement.

7.2 Given one of the background documents is accessed via a weblink, all decision makers should ensure they review that background document and be in a position to confirm this for the minutes of the meeting.

## 8. RESOURCE IMPLICATIONS

8.1 The consultation and subsequent additional work to prepare for Publication will be managed by existing resources and budgets allocated for the Local Plan within the Council's Growth Team.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below.**

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

## 10. CONSULTATIONS

The public consultation to which this paper refers took place for 6 weeks during January – February 2021. Consultation was undertaken using the Council website, direct mailing, public advertisements, and via other Council communication avenues such as social media. Exhibition material was also displayed within Blackburn and Darwen Markets and youth engagement work was carried out. Each property in the Borough received a direct mail notification of the consultation once it had commenced. A comprehensive consultation and communications strategy was also prepared involving resource from a number of Council services. Further details on the consultation process, including how people were consulted, are set out in Section 4 of the Consultation Statement.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

<b>CONTACT OFFICER:</b>	Darren Tweed
<b>DATE:</b>	17 <sup>th</sup> June 2021
<b>BACKGROUND PAPER:</b>	1: Consultation Statement – not included in agenda pack due to file size - available to view on <a href="http://www.blackburn.gov.uk/localplan">www.blackburn.gov.uk/localplan</a> 2: Local Development Scheme (July 2021)