

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Growth and Development
LEAD OFFICERS:	Strategic Director of Place
DATE:	Thursday, 13 January 2022
PORTFOLIO(S) AFFECTED:	Growth and Development
WARD/S AFFECTED:	(All Wards);
KEY DECISION:	Y

SUBJECT:

Local Plan Reg19 Public Consultation

EXECUTIVE SUMMARY

Blackburn with Darwen Borough Council currently has a two-part Local Plan made up of the Core Strategy (adopted 2011) and Local Plan Part 2: Site Allocations and Development Management Policies (adopted 2015). Together these documents set out the land use planning strategy for the Borough up to 2026.

New planning regulations introduced in 2017 require local authorities to review Local Plans at least every five years from the date of their adoption. In response to the new regulations, an assessment of the two adopted local plan documents was undertaken. The Council approved a new Local Development Scheme (LDS) in February 2018 confirming its intention to develop a single new Local Plan.

The Council is preparing a new Local Plan for the Borough to cover the period 2021-2037. It will replace the existing two-part Local Plan made up of the Core Strategy (adopted 2011) and Local Plan Part 2: Site Allocations and Development Management Policies (adopted 2015). A number of key consultations on the new Local Plan have already taken place.

The Council has now prepared its final pre-submission Regulation 19¹ 'Publication' version of the new Local Plan ready for public consultation. Consultation on the 'Publication' version is the final opportunity for people and organisations to comment before submission of the Plan to the Government's Planning Inspectorate for independent Examination in Public.

The 'Publication' Plan ([Background Paper 1](#)) illustrates the Council's proposal for a "balanced growth" strategy in a way that ensures social, environmental and economic net gains. Evidence based policies seek to attract new homes (around 7,000), new jobs (around 5,000 net new jobs)

¹ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

and new growth opportunities whilst tackling the climate emergency and addressing inequalities in health and deprivation.

A 'Climate Impacts Framework' (CIF) document ([Background Paper 2](#)) accompanies the Local Plan. The Plan proposes that all new development will be required to demonstrate how it contributes to reducing carbon emissions as part of mitigation and adaptation to climate change. The CIF is the practical way of doing so and will be subject to consultation alongside the 'Publication' Plan.

The Council should now undertake a statutory public consultation for a period of six weeks. At this final stage, comments must relate to legal or procedural compliance and whether or not the Plan is 'sound' by using the model representation form ([Background Paper 3](#)).

Despite the unwelcome resurgence of Covid, public consultation will take place in full accordance with the Council's published [Statement of Community Involvement](#). Government has urged Councils to continue at pace and have in place an 'up to date' Plan by the end of 2023 or risk intervention. The Council's [Local Development Scheme](#) anticipates the new Plan to be adopted by summer 2023.

RECOMMENDATIONS

That the Executive Board:

1. Agree that the Regulation 19 'Publication' Local Plan, and its evidence base (including the Climate Impacts Framework) should be approved for consultation; and
2. Delegate to the Strategic Director for Place (in consultation with the Executive Member for Growth and Development) any editorial amendments to the Consultation Documents prior to their final publication for consultation.

1. BACKGROUND

- 1.1 Blackburn with Darwen Borough Council currently has a two-part Local Plan made up of the Core Strategy (adopted 2011) and Local Plan Part 2: Site Allocations and Development Management Policies (adopted 2015). Together these documents set out the land use planning strategy for the Borough up to 2026.
- 1.2 New planning regulations were published by Government in late 2017 which required local authorities to review Local Plans at least every five years from the date of their adoption. In response to the new regulations, an assessment of the two adopted Local Plans was undertaken. Key factors that needed to be considered with respect to the current Local Plans were:
 - Progress on the delivery of development set out in the Core Strategy and the Local Plan Part 2 and an evaluation of the strategy set out in the plans;
 - Government consultations including the Housing White Paper (2017) and the proposals for a Standard Housing Methodology; and
 - The publication of a revised National Planning Policy Framework (NPPF) in July 2018 and updated Planning Practice Guidance (PPG) in September 2018.
- 1.3 Following consideration of these factors, the Council approved a new Local Development Scheme in 2018 that set out the intention to develop a single Local Plan to replace the Core Strategy and Local Plan Part 2.

- 1.4 In the intervening period extensive work has been undertaken in preparing the new Local Plan ready for 'Publication'. This has included a number of different public and key stakeholder consultations (held under Regulation 18 of the Regulations), including:
- An initial "Issues and Options" formal public consultation in Feb-Apr 2019;
 - A "Consultation Draft" formal public consultation in Jan-Feb 2021, incorporating strategic policies only; and
 - An informal development management (DM) policy consultation in Jul-Aug 2021.
- 1.5 Outcomes of both formal public consultations were reported to previous Executive Board meetings. All of this previous consultation work, including preparation of a significant evidence base and supporting pack of documents, has been undertaken in accordance with Regulation 18 of the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (hereon referred to as 'the Regulations').
- 1.6 A significant evidence base has been prepared to assist in developing the new Local Plan. This suite of technical reports and studies, along with wider strategies of the Council and partner organisations, have helped inform the content of the Regulation 19 'Publication' Local Plan. A full list of evidence base documents is provided in Appendix G of [Background Paper 1](#) and will be provided on the Council's Local Plan webpage during the proposed consultation period.
- 1.7 Additional influences on the content and structure of the Local Plan has been the [National Planning Policy Framework](#) (the latest version of which was published in July 2021) and planning reforms set out in the Planning White Paper 'Planning for the Future' (August 2020). There remains considerable uncertainty at this stage as to how any potential planning reforms will be progressed. Current advice from Government remains to press on with Local Plan preparations in light of a deadline for all Councils to have up-to-date plans in place by the end of 2023. For this reason the 'Publication' version Local Plan differs significantly in content and structure from the previous 'Consultation Draft'. Further details are set out below under the section 'Key changes to the Local Plan'.
- 1.8 This final stage of public consultation, on the pre-submission 'Publication' Local Plan, marks a key milestone in the development of the new Local Plan for Blackburn with Darwen. It sets out the Council's proposals for a "balanced growth" strategy, to create new homes (over 7,000), new jobs (around 5,000 net new jobs from at least 46 hectares of new employment land) and economic growth whilst at the same time tackling the climate emergency and addressing inequalities in health and deprivation. The intention is to consult on the 'Publication' Local Plan document in February - March 2022 for a period of six weeks.
- 1.9 The 'Publication' Local Plan sets the new planning policy framework to 2037. The document is structured into five main sections and contains a number of important supporting appendices. The main sections include an Introduction followed by: The Plan (Vision and Objectives); The Spatial Strategy: Core Policies; Development Management (DM) Policies; and Implementation. Further information on each of these sections is set out below.

The Plan (Vision and Strategic Objectives)

- 1.10 This section provides an overview of Blackburn with Darwen today, the challenges it currently faces, and the opportunities for the future. It then sets out a Vision to 2037 and a set of 12 strategic objectives. The objectives build upon those set out in previous consultations and reflect the current priority themes of the Council's Corporate Plan, which are 'People', 'Place' and 'Economy'.

The Spatial Strategy: Core Policies

1.11 The overarching spatial strategy of the new Local Plan comprises Core Policy 1 (CP1): A Balanced Growth Strategy and Core Policy 2 (CP2): The Spatial Approach. A key diagram summarises the strategy illustratively, including the six key ideas which form the anchor points of the plan:

1. **The Blackburn Growth Axis** – an economic framework of strategic development sites and opportunities linking the M65, key growth corridors and Samlesbury Enterprise Zone, a future economic driver of the Borough, with Blackburn Town Centre;
2. **Darwen Town Investment Plan** – delivery of a series of wide-ranging improvements for Darwen including a transformed town centre core, and a combination of new and regenerated housing and employment sites supported by the Darwen Town Deal fund;
3. **North East Blackburn Strategic Housing Site** – a significant new urban extension neighbourhood providing up to 1,500 new homes over the plan period and beyond through an urban extension (on former safeguarded land);
4. **South East Blackburn Strategic Employment Site** – a large-scale employment site at a key motorway location to attract jobs and investment to help improve the qualitative offer of development opportunities;
5. **Blackburn Town Centre Major Development Sites** – a major mixed-use opportunity to boost the vitality of Blackburn Town Centre through new residential, commercial and educational developments; and
6. **Infrastructure Delivery Plan** – an important series of interventions to support development proposals and improve infrastructure for all including roads, schools, health facilities; green infrastructure and sustainable travel

1.12 A number of other strategic core policies based under the priority themes are then set out:

People

Core Policy 3: Health and Well-being

Core Policy 4: Housing Development

Place

Core Policy 5: Climate Change

Core Policy 6: The Natural Environment

Core Policy 7: The Historic Environment

Core Policy 8: Securing High Quality Design and Inclusive Design

Core Policy 9: Transport and Accessibility

Economy

Core Policy 10: The Economy and Skills

Core Policy 11: Town Centres and Commercial Development

Core Policy 12: Infrastructure and Delivery

Development Management Policies

1.13 Section 4 details 39 ‘DM’ development management policies, again structured around the priority themes. These policies are not considered to be strategic policies in their nature², but will still play a key role in the determination of planning applications in the Borough. The majority of these policies update and replace existing policies in the adopted Local Plan Part 2 document. A policy-mapping schedule is provided in Appendix F of the ‘Publication’ Local Plan confirming whether existing policies are superseded or no longer considered relevant.

Implementation

1.14 Section 5 sets out how all of the planning policies set out in the Local Plan will be delivered, and includes a site-specific policy for each proposed site allocation. These set out key development considerations for each new growth site, along with anticipated site delivery timescales. Appendices B and C of the ‘Publication’ Local Plan show the anticipated housing and employment trajectories in graphical form. Section 5 also summarises how the Council will go about monitoring the delivery of policy objectives.

Local Plan Appendices

1.15 The Local Plan contains a number of additional appendices not already referenced above. These are included either as a means to provide important context and reference for readers of the plan, or to meet relevant legislative requirements. For example: Appendix H provides information on the status of existing guidance documents and plans to save, delete or replace those once the new Local Plan is in force.

Key Changes to the Local Plan

1.16 The ‘Publication’ Local Plan includes a number of significant changes from the previous version consulted on in early 2021.

1.17 **Structural** – the new Local Plan moves away from a zonal ‘permission in principle’ based approach to planning that the Government was advocating at the time of the Regulation 18 Local Plan being prepared³. There remains considerable uncertainty around the status of any future reforms and significant delays in the Government’s originally stated time-frame. Any planning reforms that are implemented through a new Planning Bill (announced in the Queen’s Speech in May 2021) will be integrated into a future Local Plan for the Borough through the requirement to review it at least 5 years after adoption.

1.18 **Comprehensive evidence base** – a number of significant additional evidence base reports have been prepared to support the Regulation 19 Local Plan. These are listed in Appendix G of the Local Plan and will all be published alongside the plan itself on the Council’s website as part of the consultation package. They include:

- Housing and economic needs update (to reflect post Covid and post-Brexit impacts);
- Retail and leisure update (as above);
- Transport studies (to highlight transport impacts of proposed growth and highway and sustainable transport mitigation measures);
- Plan viability study (to evidence the deliverability of growth sites set out in the Local Plan and to support the planning contributions strategy); and

² The National Planning Policy Framework requires Local Plans to confirm which policies are strategic and non-strategic

³ Details were provided in the Executive Board report of December 2020, and proposals set out in the Planning White Paper of August 2020

- Various further studies to support the Junction 5 Strategic Employment Site (including on green belt compensation measures, highways impacts, and a preliminary risk assessment).

1.19 Key Policy Changes – a number of policy changes have taken place between the ‘Consultation Draft’ and ‘Publication’ stage versions of the new Local Plan. In the main these have been made in response to updated evidence-base work, comments received during the last public consultation, or in response to the findings of sustainability appraisal work. Many relate to measures assisting with the Council’s Climate Emergency agenda. The most significant policy changes include:

- **Core Policy CP4 – Housing Need:** the overall housing requirement figure has increased from 411 dwellings per annum (dpa) to 447dpa, reflecting latest demographic projections and a more sustainable future-commuting scenario (forecast population growth reflects a 1:1 commuting ratio i.e. no net in-commuting). Despite an increase in the annual housing requirement, the overall contribution of dwellings from new growth sites set out in the plan has reduced⁴. The only new housing growth sites identified include those at: Blackburn Golf Course Practice Ground (site ref H009 - est. 68 units); Land at St Silas’ Church, Preston New Rd, Blackburn (site ref H217 - est. 10 units); Land at Blackburn Rugby Club (site ref H222 - est. 23 units); and Land off Bog Height Road, Blackburn (site ref H224 - est. 75 units).
- **Core Policy CP5 – Climate Impacts Framework:** development of a Climate Impacts Framework (CIF) and embedding into the core policy on Climate Change. The CIF is a tool to ensure that consideration of the climate impacts of new development are a central part of future decision-making and to help support the Climate Emergency Action Plan. The draft CIF is included as [Background Paper 2](#);
- **Core Policy CP12 – Infrastructure Delivery:** the potential for implementing a fixed development tariff known as the Community Infrastructure Levy (CIL) in the Borough has been investigated in detail through the Local Plan evidence base work⁵. The conclusion of this work is that Section 106 agreements are recommended as a more appropriate method of securing developer contributions due to the type and nature of developments expected in the Borough over the plan period⁶ and would result in higher overall receipts. The Local Plan therefore sets out an appropriate strategy based around this method, with minimum anticipated contribution rates set out for many of the housing growth sites, and indicative figures for windfall sites set out in the supporting text of Policy CP12.
- **Policy DM6 – Houses in Multiple Occupation (HMOs):** a strengthening of policy to restrict any new HMOs from being granted planning permission in the Borough. The policy also confirms that occupancy conditions may be imposed on planning applications for other forms of accommodation to prevent them from becoming HMOs in the future;
- **Policy DM12 – Clean and Green Energy:** further refinement of locations identified as suitable for wind, and identification of areas of potential for heat networks in the Borough (subject to further techno-feasibility work);

⁴ Due to changes in assumptions in relation to windfalls, long-term vacant properties returning into use, and updating of planning commitment info

⁵ Local Plan Viability Study (Keppie Massie) (2021)

⁶ S106 agreements can provide a greater degree of flexibility on a site-by-site basis in securing contributions and allow the Council to determine policy priorities in terms of affordable housing and education for example where viability may be an issue

- **Policy DM17 – Tree Planting:** introduction of a minimum 3:1 compensatory planting ratio (up from 1:1);
- **Policy DM33 – Town Centres:** amendment of the town centre boundary for Darwen to exclude the Belgrave Mill site (housing commitment) and to include the new mixed-use growth site at Orchard Mill (site ref: MU220);
- **Policy DM34 – 20-minute neighbourhood:** identification of Local Centres and related policy into the new Local Plan. This reflects the 20-minute neighbourhood concept and aspiration to enhance accessibility to local facilities and services, where possible, through new development over the Plan period.

Public Consultation & next steps

- 1.20 The Regulation 19 ‘Publication’ Local Plan should now be subject to a final period of statutory public consultation (lasting 6 weeks). The Regulations (and the NPPF) set out that at this final stage comments must relate to ‘legal and procedural requirements’ or whether the plan is ‘sound’ (meaning ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’)⁷ only. A model representation form must be used at this stage to ensure that all appropriate details are collected from the individual/organisation responding. This includes whether they wish to participate in hearing sessions at the examination (see below) where they propose a modification to the plan. A copy of the form is provided as Background Paper 3 and will be provided via an online survey option from the Council’s Local Plan webpage www.blackburn.gov.uk/localplan.
- 1.21 All valid comments received during the consultation period will form part of the package of documents to be submitted to the Planning Inspectorate to commence the independent examination of the Local Plan, referred to as Examination in Public (EiP). The full Council will need to approve submission of the ‘Publication’ Local Plan (intended to be brought to its July 2022 meeting), which can include responses to comments received at this stage where this is deemed appropriate.
- 1.22 All relevant consultation material will be available online via the Council’s main Local Plan webpage at www.blackburn.gov.uk/localplan. The public consultation will be publicised in full accordance with the Council’s Statement of Community Involvement and will include:
- a statutory notice;
 - press release, social media and Council website publicity;
 - hard copy documents available for reference during opening hours of all Council libraries and the Barlow at Edgworth;
 - self-service exhibition boards on display in Blackburn and Darwen markets; and
 - properties and businesses located in proximity to proposed Growth Sites will be directly notified by letter, along with all statutory and non-statutory consultees registered on the Council’s Local Plan contacts database.
- 1.23 The Council will also seek to arrange public drop-in events at Blackburn Library and Darwen Youth Centre. These however are optional and will be subject to an assessment of the ongoing Covid situation and any restrictions in place at the time.

2. KEY ISSUES & RISKS

⁷ Definitions of these are set out in paragraph 35 of the [NPPF](#)

- 2.1 The Risks set out below are similar to those set out at the Local Plan 'Consultation Draft' stage, reported to Executive Board in December 2020.
- 2.2 Inevitably the focus will fall on the growth sites. The key point to note is that an Economic Growth Scenario is proposed, as part of a Balanced Growth Strategy, because this is considered to be the most appropriate way to support a positive economic future for the Borough. If the growth scenario is not taken forward, forecasts show that the bulk of household growth would be in those households headed by people aged 65 years or more along with a decline in households headed by people aged 16 to 64. This would inevitably have an impact on the size of the working age population in the Borough and hence the ability of employers to grow their businesses within the area. To clarify, doing nothing would lead to a forecast decline of working age population of the Borough and economic decline. Our policy-on analysis shows that the Balanced Growth Strategy is both ambitious and evidence-based, and is the best option to support a positive economic future for the Borough.
- 2.3 The review of existing employment land illustrated that the required employment land allocations cannot all be accommodated within the urban area. Therefore a Green Belt Review has taken place and the 'Publication' Local Plan proposes to amend the Green Belt boundary in order to create a new strategic employment site close to the M65. Concerns were raised during the Regulation 18 consultation around the impacts of development of this strategic employment site of buried nuclear waste that was deposited down nearby mineshafts in the 1950s. These claims have been thoroughly investigated and a preliminary risk assessment report accompanies the plan in the supporting package of evidence base material. No significant risks are identified to warrant removal of the site as an allocation in the new Local Plan. The site-specific policy for the site (Policy E179) requires further contamination and geo-technical assessments, along with a remediation strategy to be proposed, prior to any development taking place.
- 2.4 The Council has investigated the continued economic case for a new strategic employment site in light of the considerable economic impacts of Covid-19 (and Brexit). The long timeframe of the Local Plan, the current shortage of employment land supply, and the prospects for supporting both economic recovery and long term Council and LEP ambitions for growth, innovation, increased productivity and social mobility justify this approach.
- 2.5 A further area of risk at this stage is associated with a failure to progress the new Local Plan. The Core Strategy was adopted in 2011 and the evidence base that informed it is in some cases over 10 years old. It is therefore clearly in need of review, notwithstanding the requirement, introduced by regulations in late 2017, to review Local Plans every five years. If the Council does not have an up to date Local Plan in place by the end of 2023, the Government has threatened to intervene in Local Plan making itself.

3. POLICY IMPLICATIONS

- 3.1 The consultation on the 'Publication' Local Plan marks a key stage in the development of the new Local Plan. Whilst it does not yet form part of the statutory development plan for the Borough (as it has not been through Examination in Public) the Council can place weight in decision making on emerging policies within it. The degree of weight attached to emerging policies depends upon the level and nature of outstanding objections to them.

4. FINANCIAL IMPLICATIONS

4.1 The consultation will be funded from existing budgets allocated for the Local Plan.

5. LEGAL IMPLICATIONS

5.1 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. This consultation on a 'Publication' Local Plan forms the final part of public consultation work towards meeting this statutory requirement.

6. RESOURCE IMPLICATIONS

6.1 The consultation will be managed by existing resources and budgets allocated for the Local Plan within the Council's Growth and Development Team.

7. 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.

8. CONSULTATIONS

8.1 The public consultation regarding this document will take place for 6 weeks during February – March 2022. Consultation will be undertaken using the Council website, direct mailing to statutory and non-statutory consultees and addresses closest to proposed site allocations (over 5,000 homes / businesses), public advertisements, and via other Council communication avenues such as social media. Exhibition boards will be on display throughout the duration of the consultation period in both Blackburn and Darwen market halls. The Council will hold a public drop-in event in both towns of Blackburn and Darwen if Covid restrictions allow, however these are not essential to fulfil the commitments of consultation set out in the [Statement of Community Involvement](#). Statutory press notices will also be published.

9. STATEMENT OF COMPLIANCE

9.1 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.

10. DECLARATION OF INTEREST

10.1 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.

CONTACT OFFICER:	Darren Tweed, darren.tweed@blackburn.gov.uk
DATE:	14 th December 2021
BACKGROUND PAPER:	<ol style="list-style-type: none">1. Local Plan 2021-2037: Regulation 19 Publication Plan Consultation (including Policy Maps)2. Draft Climate Impacts Framework3. Model Representation Form for Local Plans <p>All the above background papers are available to view on the Council's Local Plan webpage at www.blackburn.gov.uk/localplan</p>