



**REPORT OF: EXECUTIVE MEMBER FOR GROWTH AND DEVELOPMENT**

**TO: COUNCIL FORUM**

**ON: 25<sup>th</sup> JANUARY 2024**

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**SUBJECT: Adoption of the Blackburn with Darwen Local Plan 2021-2037**

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**1. PURPOSE OF THE REPORT**

- 1.1 To present the Local Plan 2021-2037 for adoption, incorporating the changes set out by the Planning Inspectors following independent public examination.

**2. OPTIONS**

- 2.1 Not applicable. The need for a review of the Local Plan is not optional, but a requirement set out by government. The process of preparing/updating a Local Plan is also prescribed in secondary regulation and a Planning Inspector(s) will only find the plan 'sound' if it meets the relevant legal and procedural requirements in terms of its preparation.

**3. RECOMMENDATIONS**

- 3.1 To adopt the Blackburn with Darwen Local Plan 2021-2037, incorporating the recommended main modifications set out in the appendix to the Inspectors' report dated 11<sup>th</sup> December 2023 (attached as Background Papers 1 and 2). For the purposes of the Council Forum meeting, the Local Plan documents (the Written Statement and the Policies Maps) incorporating all the main modifications will be made available to view on a separate weblink that will be circulated in advance of the meeting.

**4. BACKGROUND**

- 4.1 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.
- 4.2 Local Plans are now required to be reviewed every five years from the date of their adoption. The Council first approved a new Local Development Scheme in 2018, subsequently updated, setting out the intention to develop a single new Local Plan to replace the Core Strategy and Local Plan Part 2.

- 4.3 Since then, extensive work has been undertaken in preparing the new Local Plan for the Borough, which covers the period 2021 to 2037. A portfolio of evidence base documents to support the policies set out in the new Local Plan have been publically available on the Council’s website. A number of widely promoted statutory consultations have also taken place including:
- A Regulation 18 Issues and Options Consultation (approved at Executive Board of 10<sup>th</sup> January 2019);
  - A Regulation 18 Consultation Draft (approved at Executive Board of 10<sup>th</sup> December 2020); and
  - A Regulation 19 Submission Local Plan Consultation (approved at Executive Board of 13<sup>th</sup> January 2022).
- 4.4 At all stages of preparation and consultation, the Council has engaged with members of the community in line with, or over and above, its commitments set out in the published Statement of Community Involvement. The [Regulation 22 Consultation Statement](#) summarises for each stage of statutory consultation set out above, who has been consulted, how, and a summary of the key/common issues raised. At the Regulation 18 Consultation Draft Local Plan stage, every single residential and commercial property in the Borough was directly informed of the consultation via a letter and leaflet drop (around 70,000 address points).
- 4.5 In addition to the statutory consultation periods, more informal consultation has also taken place on a regular basis with key stakeholders. For example:
- An initial development management policy consultation in July-August 2021;
  - Ongoing and regular Duty to Cooperate discussions with neighbouring authorities; and
  - Meetings/engagement with a wide range of infrastructure delivery partners to inform the Local Plan’s accompanying Infrastructure Delivery Plan (IDP).
- 4.6 At the Council Forum meeting of the 28<sup>th</sup> July 2022, approval was granted for submission of the Local Plan and its accompanying documents to the Secretary of State for independent examination. The Planning Inspectorate appointed two Planning Inspectors who conducted public hearings which took place between 31<sup>st</sup> January and 2<sup>nd</sup> March 2023. This was followed by a further consultation period on a series of [draft Main Modifications](#) to the submission version Local Plan, held between August and October 2023. The Examination process has now concluded with the issuing of the Inspectors’ report on 11<sup>th</sup> December 2023.
- 4.7 The table below summarises the key stages in producing the plan:

KEY WORK ACTIVITIES	DATES
Consultation on Regulation 18 Issues and Options Local Plan	February – April 2019
Consultation on Regulation 18 Draft Local Plan	January – February 2021
Consultation on Regulation 19 Submission Local Plan	February – March 2022
Submission of draft plan to the Planning	August 2022

Inspectorate (PINS) for independent examination	
Public Hearing sessions	January – March 2023
Consultation on draft Main Modifications to the Submission version plan	August – October 2023
Receipt of final version Inspectors' report	December 2023
Presentation to Council Forum for adoption	January 2024

4.8 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.

4.9 The examination process is now complete. The Council has received the Planning Inspectors' Final Report on their assessment of the plan. The non-technical summary in the report concludes that:

***'The Blackburn with Darwen Local Plan 2021-2037 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it.'***

4.10 The recommended modifications (included as an appendix to the Inspectors' Final Report – see Background Paper 2) 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. In summary they include:

- Changes to Policy CP1: A Balanced Growth Strategy to prioritise and maximise the use of brownfield land.
- Changes to Policy CP2: The Spatial Approach to ensure consistency with the Framework in respect to development in the countryside.
- Amendments to Policy CP4: Housing Development to provide clarity that the Plan will deliver at least 7,152 net new homes during the Plan period and what action the Council will take if the supply of homes does not keep pace with the annual requirement.
- Consolidation of policy relating to affordable housing into Policy CP4: Housing from Policy DM5: Rural Exception Sites.
- Changes to Policy CP4: Housing to ensure the policy approach to the provision of self-build and custom build homes is effective and to clarify the requirement for Gypsy and Traveller accommodation over the Plan period.
- Deletion of Site Policy H217: Land at St Silas' Church, Blackburn.
- Changes to Policy CP5: Climate Change for effectiveness to explain the policy expectations in relation to the Council's Climate Impact Framework (CIF).

- Redrafting of Policies CP6: The Natural Environment and DM15: Biodiversity regarding the Natural Environment and Biodiversity to take account of the requirements of the Environment Act.
- Clarification of Primary and Secondary Employment sites in Policies DM30 and DM31.
- Amendments to the Key Development Considerations (KDCs) to a number of site allocations to achieve sustainable development.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

4.11 The Inspectors have also concluded that the Council has engaged constructively, actively and on an ongoing basis in the preparation of the Plan and that the Duty to Cooperate has therefore been met.

4.12 In terms of legal compliance, the Inspectors conclude that the Plan:

- Has been prepared in accordance with the Council's Local Development Scheme (LDS).
- Consultation on the Plan was carried out in compliance with the Council's adopted Statement of Community Involvement and met the consultation requirements of the Regulations.
- Are satisfied that the Council's Sustainability Appraisal work is fit for purpose and provides a sufficiently robust assessment, proportionate to the work needed for the preparation of the Local Plan.
- That the potential likely significant effects of proposals in the Plan have been appropriately considered through the HRA and that the Plan is legally compliant with respect to the Habitat Regulations.
- That the Plan, taken as a whole, includes policies designed to ensure that the development and use of land in Blackburn with Darwen contributes to the mitigation of, and adaptation to, climate change.
- That the Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

4.13 In light of the above, the Inspectors consider that with the recommended main modifications set out in the appendix to their report, the Local Plan 2021-2037 is sound, legally compliant and capable of adoption.

4.14 The Blackburn with Darwen Local Plan 2021-2037 is therefore presented to Council Forum for adoption under Section 23(3) of the Planning and Compulsory Purchase Act 2004 (as amended).

## **5. RATIONALE**

4.15 Planning legislation and national planning policy requires local planning authorities to have a local plan in place and be up-to date.

4.16 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.

- 4.17 Under national planning legislation, the main modifications recommended in the Inspectors' report are binding. A local planning authority is not able to adopt a Local Plan that does not include the changes set out by the appointed Planning Inspector(s).
- 4.18 The majority of the changes recommended by the Inspectors have been suggested by the Council following discussions held during the hearing sessions earlier in 2023. They therefore reflect consensus between the Council and the Planning Inspectors, rather than being imposed on the Council. The modifications improve clarity, ensure consistency, and respond to national requirements that have emerged since the conclusion of the Hearings and which have implications for relevant policies in the plan.

## **6. POLICY IMPLICATIONS**

- 4.19 Once adopted, the Council will, as required by the [National Planning Policy Framework](#) (NPPF), 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.
- 4.20 The Local Plan 2021-2037 will form the non-minerals and waste element of the statutory local development plan. Policy designations and site allocations contained in the Local Plan are reflected on the accompanying Policies Map, which also forms part of the development plan. The Council must have regard to the development plan when it determines planning applications and the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.21 The new plan will replace the policies in the Blackburn with Darwen Core Strategy (adopted in 2011) and the Local Plan Part 2: Site Allocations and Development Management Policies (adopted in 2015) in all of the decisions made on planning applications.
- 4.22 The monitoring of the performance and delivery of the Local Plan will be set out in the annual Authority Monitoring Report (AMR) which is [published on the Council's website](#).

## **7. FINANCIAL IMPLICATIONS**

- 4.23 The costs of producing the Local Plan have been met through agreed Local Plan budget allocations and existing Growth Team revenue budgets.
- 4.24 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.
- 4.25 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 Blackburn and Darwen Town Halls and at libraries throughout the Borough.

## **8. LEGAL IMPLICATIONS**

- 4.26 Local Planning Authorities have a statutory requirement to produce, and keep up to date, 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 adoption of the new Local Plan therefore meets this statutory requirement.
- 4.27 The Inspectors are satisfied that all legal requirements associated with the preparation of the plan have been met.
- 4.28 The Local Plan 2021-2037 is being adopted in accordance with S23 (3) of the Planning and Compulsory Purchase 2004 as amended.
- 4.29 Having an up-to-date local plan in place will satisfy the requirements of planning legislation and the National Planning Policy Framework.
- 4.30 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 Inspectors' report are carried out.
- 4.31 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.
- 4.32 An application, challenging the adoption of the plan, must be made within 6 weeks of the date of adoption of the plan.

## **9. RESOURCE IMPLICATIONS**

- 4.33 The adoption of the Local Plan will be managed by existing resources within the Council (Growth and Development service, IT etc.).

## **10. EQUALITY IMPLICATIONS**

- 10.1 The Publication (Regulation 19) Local Plan was originally screened in November 2021 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.

10.2 Subsequently, in June 2022 to support the Submission Version Local Plan, a review of the [EIA](#) was undertaken to take account of any amendments made to the Plan through Publication consultation. This did not identify any additional equality implications for plan preparation, content or delivery.

10.3 In line with good practice that advises an EIA is reviewed on a regular basis, a further review of the EIA document has been completed for the Adoption Version Local Plan. This has concluded that a full EIA is not required.

## **11. CONSULTATIONS**

11.1 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.

11.2 At all stages of preparation and consultation, the Council has engaged with members of the community in line with, or over and above, its commitments set out in the published Statement of Community Involvement. The Council went to specific efforts to go over and above the minimum requirements at Regulation 18 (Consultation Draft) stage, to ensure that all residents were informed of the new Local Plan. Every single residential and commercial property was informed directly of the consultation via a letter and leaflet drop through the door (around 70,000 address points).

11.3 The Inspectors are satisfied that the consultations, including feedback to residents and other stakeholders, have been appropriate, responsive and thorough.

11.4 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 Inspectors' report to be published.

### **Chief Officer/Member**

Contact Officer: Martin Kelly (Strategic Director, Growth and Development)

Date: 16<sup>th</sup> January 2024

### **Background Papers:**

- 1) Inspectors' Final Report on the Blackburn with Darwen Local Plan 2021-2037
- 2) Schedule of Main Modifications Appendix to the Inspectors' Final Report