



**REPORT OF: EXECUTIVE MEMBER FOR REGENERATION
TO: COUNCIL FORUM
ON: 7TH NOVEMBER 2013**

**SUBJECT : Site Allocations and Development Management Policies Plan
(Local Plan Part 2) – Publication Draft.**

1. PURPOSE OF THE REPORT

To recommend to Council that approval be given to the publication of the draft Local Plan, to the undertaking of consultations, and to the submission of the Plan to the Secretary of State for public examination.

Copies of the Plan are available in each of the political group rooms and on the Council's website: <http://www.blackburn.gov.uk/Pages/Local-plan-part-2.aspx>

2. RECOMMENDATIONS

That Council be recommended:

- i. To approve the publication of and six week consultation on the draft Local Plan Part 2 as required under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations).
- ii. That subject to that consultation not raising any new major issues, approval be given to the submission of the draft Plan to the Secretary of State for Communities and Local Government for public examination as required under Regulation 22 of the Regulations.
- iii. The Director of Regeneration be authorised, in consultation with the Executive Member for Regeneration, to make deletions, and / or minor amendments to the Plan which correct errors or improve the clarity of the document and which do not alter the substance of the Plan, prior to the public consultation or submission.

3. OPTIONS

The Council has only two options:

- i. Progress the Local Plan 2 to adoption as expediently as possible.

ii. Delay progress on the Local Plan.

The following paragraphs set out the important issues which need to be considered in reaching a conclusion on which is the preferred option to take.

In recent years the Coalition Government has sought to amend and speed up the Planning system in order to facilitate growth and to overcome what it sees as obstacles being put in the way of development by the planning process. As part of its planning system review, the Government has streamlined planning policy and in March 2012 published the National Planning Policy Framework (NPPF). The NPPF strongly emphasises the need for Councils to have an up-to-date development plan as soon as possible.

Having an up-to-date plan in place puts the Council in the strongest position to attract and shape high quality development, and to resist development which is of poor quality or not in line with its objectives or favoured locations.

The requirement for an up-to-date plan to be in place is also linked to the Government's wider agenda about housing growth: planning for new house building is seen as a means of promoting prosperity. In line with this agenda, the NPPF requires Councils to be able to demonstrate a five year supply of deliverable housing land and a requirement to provide evidence that the first five years' worth of the 15-year target will be delivered to meet identified needs.

To do this the Council must demonstrate to a high degree of certainty that the sites expected to be developed in the first five years are commercially viable, are controlled by an owner who intends to develop within this timeframe, and are physically capable of being developed with no insurmountable constraints. The NPPF puts this five-year land requirement at the centre of decision making, such that if an authority cannot clearly demonstrate a deliverable five-year land supply, there is a very high likelihood of its Local Plan being rejected by a Planning Inspector as unsound, and a risk of planning permissions for housing sites being granted on appeal as has happened in a number of cases, e.g. Ribble Valley.

Without the new sites identified in the Local Plan, the Borough does not have a five-year supply of deliverable housing sites. It would not be considered to have an up to date Development Plan for determining relevant planning applications. The saved Local Plan is increasingly becoming out-of-date and does not make adequate provision to meet the needs of the Borough as required by the National Planning Policy Framework (NPPF) and identified in the adopted Core Strategy.

In the absence of a demonstrable five-year housing land supply or an up to date Plan, the NPPF presumes in favour of sustainable development as set out in Paragraph 14 of the NPPF. This means the Council risks not being able to influence the location, housing mix or design of new housing developments.

The Council therefore needs to progress expeditiously towards putting in place a comprehensive and up to date planning policy framework. The draft Local Plan Part 2 puts in place positive statements about the way the Council wants the Borough to develop in the future, ensures that there is a robust and deliverable five year land

supply, and identifies specific infrastructure requirements for the delivery of the identified sites.

In view of these issues, the only realistic option is to progress the Plan to submission and adoption.

4. BACKGROUND

Statutory Requirements

Under the Planning and Compulsory Purchase Act 2004, the Council as a Planning Authority, is required to prepare and adopt a local Development Plan which will replace the existing Blackburn with Darwen Local Plan (adopted in 2002). In 2011 the Council took the first steps in replacing the current Local Plan by adopting the Core Strategy which sets out the strategic framework for development between 2011 and 2026. The Core Strategy is in effect Part 1 of the new Local Plan and Part 2 of the Local Plan will provide more detail on specific allocations and policies for the determination of planning applications.

When adopted the Local Plan Part 2 together with the adopted Core Strategy will replace the Blackburn with Darwen Local Plan in its entirety and form the non Mineral & Waste element of the local Development Plan.

Core Strategy

The Core Strategy was adopted in January 2011 setting out the strategic planning policy framework for the period up to 2026. The new Plan must be in conformity with the Core Strategy and provides more detailed policies to allocate specific sites for development and set out policies for managing development.

The Core Strategy establishes a targeted growth strategy and requires the provision of 9,365 new dwellings between 2011 and 2026 and up to 105.5 hectares of employment land. Most of the development is directed toward the existing urban areas of Blackburn and Darwen whilst smaller villages will accommodate development to meet local needs. The Core Strategy recognises that in order to meet development needs there will be a need for small scale extensions to the urban areas of Blackburn and Darwen including possible release of designated Green Belt. Although the Core Strategy seeks to maximise the use of previously developed land it also provides flexibility in ensuring that there is adequate deliverable development land.

Members are reminded that this housing target, along with the rest of the Core Strategy, was subject to detailed public scrutiny by a Planning Inspector, who assessed whether the target was supported by the full range of available evidence on future changes in population and migration in Blackburn with Darwen.

This target was confirmed by the 2010 census returns which identified Blackburn with Darwen as one of the fastest growing boroughs in the country. An additional 8,200 people live in the Borough now than in 2002 (Office of National Statistics). In mid-2011 23.2% of the Borough's population was aged between 0-15 years, which is a much larger proportion than the North West (18.8%) and England (18.9%). This highlights the

growing needs of the Borough's young population who are likely to join the housing market during the plan period (to 2026). At the same time, the age group with the greatest projected percentage change in population by 2021 is expected to be the over-65s (13.2%).

The Local Plan identifies key specific sites ("allocations") which will contribute towards meeting this housing target and securing the range of new housing the Council is seeking; and puts in place a policy framework that will enable a wider range of appropriate sites to come forward to meet the overall target.

Constraints

The introduction of the concept of commercial viability into the process of identifying suitable deliverable locations means that developers have to be able to make an acceptable commercial return from the chosen locations. This emphasis is not helpful to the process of bringing forward urban Brownfield sites and to the construction of accessible housing, both of which would ideally play a large part in the future housing provision in Blackburn with Darwen.

The evidence, and experience on the ground, demonstrates that in many cases, housing development within the urban area is not commercially viable in the current market. The main reason for this has been depressed house prices, which in turn have been created by the international "credit crunch" and restrictions on people's ability to access mortgages. Whilst other parts of the UK have recently shown growth in house prices, that has not been the case in Blackburn with Darwen.

In order to ensure that the Council can demonstrate a deliverable five-year land supply, therefore, members are advised that it is necessary to plan to release sites in parts of the Borough where values are higher. This will a) ensure that development is commercially viable, and b) increase the prospects of developers having a market for their houses, since buyers of higher-value, second- and third-time property purchases, are much less affected by mortgage restrictions.

The identified five-year land supply (detailed at Appendix A) which underpins the Plan therefore includes a significant amount of planned development on Greenfield and Green Belt sites on the edges of Blackburn and Darwen, in addition to the early planned release of a number of major Brownfield sites in the rural area. Also within the identified five-year supply are urban sites where it is known that development is going to progress (for example the Blackburn Royal Infirmary site), and an assumption that the Council's Empty Homes programme will secure the reoccupation of 130 long term empty properties within this period.

The early release of Greenfield sites will need to be balanced by more development in the urban areas in the later part of the Plan period if the overall range of housing needed in the Borough is to be delivered. Details of the fifteen year land supply are included at Appendix B, which illustrates a breakdown for the delivery of 9,398 houses; therefore including a small variance of 33 dwellings above the Core Strategy target of 9,365.

5. RATIONALE

Purpose of the Plan

The Local Plan Part 2 and the Core Strategy together aim to shape the future development of Blackburn with Darwen in order to create jobs, attract and retain a skilled labour force, and strengthen the Borough's competitive position in the North West. They set out a strategy which targets actions on six themes that will deliver these overall objectives:

- The range of sites available for commercial development
- The Borough's housing "offer"
- Town centres and public facilities
- "Quality of place"
- The environment
- People's access to jobs and services

For each of these themes, the Local Plan Part 2 identifies strategic land allocations essential to delivering our objectives; and sets out Development Management policies which will be used in assessing planning applications.

Supporting Evidence

Policies and proposals in the Local Plan must be supported with up to date and robust evidence. A number of studies have been carried out in-house or by external consultants. These include an updated version of the Strategic Housing Land Availability Assessment (which includes a viability assessment of the housing sites); a Green Belt Study; a Local Highways Impact Study and a Level 2 Strategic Flood Risk Assessment.

In addition there has been collaborative work over a number of months with a number of infrastructure providers in order to assess the impact of proposed developments on the provision of services. This collaboration involved the Local Education Authority, the Council's Drainage Section; the Environment Agency, United Utilities and the Clinical Commissioning Group (and previously the PCT). This has linked to wider work with public bodies, particularly neighbouring authorities, under the Duty To Cooperate, whereby authorities are required to work together and adopt a joined-up approach to issues extending beyond a single authority's boundaries.

Policies relating to individual allocations in the Plan indicate the development requirements which include contributions towards infrastructure such as schools and highways. The Infrastructure Work has not raised any issues which would render the Plan as undeliverable in that the necessary infrastructure to support proposed developments can not be delivered. This is further confirmed by the Plan Viability work which is required to accompany the Local Plan and demonstrate that the Plan as a whole can be delivered.

Supporting evidence including an Infrastructure Delivery Plan will accompany the Local Plan when it is published.

Sustainability Appraisal

The draft Plan has been subject to a Sustainability Appraisal as is required by national regulations. The appraisal considers the social, economic and environmental effects (both positive and negative) of the proposed Plan, including both the proposed land allocations and the development management policies. The Appraisal has informed aspects of the Plan, and also highlights issues which will need to be addressed when planning applications are submitted for particular developments.

Main Issues in Preparing the Plan

The main issues in preparing the Local Plan are set out below.

a. Identifying Key Sites for Development

The Plan identifies (“allocates”) the individual sites that are central to the delivery of the overall strategy. These include major housing sites in inner urban areas, on the edges of Blackburn and Darwen and in the rural area; sites for employment development including some areas of major change along gateway routes; new road links; and key town centre development opportunities.

The Plan also needs to take into account what will happen outside the Borough’s boundaries over the time period being considered, including the development of major employment sites at Samlesbury and at Whitebirk.

b. Planning to Deliver Housing and Balance the Housing Market

The Plan sets out how the Council will aim to balance the Borough’s housing market, and ensure that housing is available to meet the full range of needs that exist, including family housing that will help attract and retain skilled workers, affordable housing in a range of tenures, gypsy and traveller accommodation, and housing for elderly people. Importantly, the focus is not solely on new build housing, but on the overall range of housing that the Borough will have in the future, including the existing stock.

The approach set out in the Plan relies partly on an assumption that the housing market will naturally strengthen over the next 5 to 10 years so that housing development in inner urban areas becomes more viable. However it is also assumed that the Council will need to develop a proactive approach to supporting the delivery of urban housing development.

To this end work is ongoing on a “toolkit” of measures that the Council will have at its disposal to assist in bringing forward stalled or marginally viable housing sites. The range of tools is expected to include financial assistance, including the use of financial contributions towards affordable housing secured from higher value greenfield development; an ongoing programme of reoccupying empty homes; a flexible and proactive planning approach; and the exploration of how the Council can best use its own assets to secure development. The toolkit is expected to be the subject of a separate report to the Executive in early 2014.

c. Infrastructure Provision

Infrastructure encompasses a wide range of physical, social and environmental services which are necessary to support development and ensure development is sustainable and contributes to high quality of life. Examples of infrastructure include transport and highways, education, open space, health, utilities. A range of internal and external infrastructure service providers have been engaged throughout the preparation of the Plan to inform them of development proposals, understand the implications there of on infrastructure and ensure that infrastructure plans / proposals align with the delivery of development.

Infrastructure work has fed into individual site allocations each indicating the contribution expected from developments towards infrastructure. The level of contributions to infrastructure is influenced by the need to ensure that developments remain viable and consequently the plan remains deliverable. It will be necessary in many instances that the provision of infrastructure is financed through a combination of development contributions and other funding sources.

The main cumulative impacts on infrastructure relate to highways, schools and health. In Blackburn there will be a need for two new single form primary schools – north Blackburn and West Blackburn. In Darwen there will be a need for a new single form primary School in east Darwen and the expansion of capacity in south Darwen. A number of highway improvements will be necessary in order to accommodate increased traffic on the highways network arising from development.

d. Green Belt

Most of the land around Blackburn and Darwen is designated as Green Belt with a tightly drawn inner boundary; the main exceptions to this are the countryside north and south of Broken Stone Road to the west of Heys Lane, Blackburn; and land to the west of Darwen south of Sunnyhurst Woods. The Core Strategy recognised that it might be necessary to extend the urban area of Blackburn and Darwen in order to identify sufficient deliverable land to meet identified housing development needs. The Core Strategy further recognises that urban extensions may involve the release of Green Belt land.

In order to inform potential release of Green Belt land, the Green Belt Study was commissioned to assess the contribution of designated Green Belt around Blackburn and Darwen to the purposes of the Green Belt as established in national planning policy.

The Study concluded that a number of areas can be considered for release without having an impact on the integrity of the Green Belt. The main areas include: north Blackburn (the area to the east of Whinney Lane), land to the east of Heys Lane (and north of Broken Stone road), north east Blackburn (Brownhill), north west Blackburn (land to the south of Preston new Road), and in Darwen land north of the former Moorland High School. The first two areas referred to above are included as allocations in the plan. These are areas of land which have been assessed as deliverable.

The study has not considered any new areas for inclusion in the Green Belt apart from the land around Broken Stone Road, Blackburn, as directed by the Core Strategy. The Study has concluded that some land in particular to the south of Broken Stone Road, has attributes which would contribute to the purposes of the Green Belt. However in deciding whether to include additional land within the Green Belt, it is also necessary to consider whether existing countryside policies are sufficient to protect the land against development pressures and thus prevent urban sprawl. In this case it is considered that countryside policies already provide sufficient protection against urban development and it is not justifiable to designate the land as Green Belt. Therefore it is not recommended that any new areas of land be designated as Green Belt.

When reviewing Green Belt it is prudent to consider development needs beyond the plan period so as to establish robust boundaries to the Green Belt which will ensure beyond the Plan period. This is achieved by safeguarding land for development between the urban boundary and the new Green Belt boundary to meet development needs beyond the plan period. A number of the sites which the Study has concluded can be considered for release have been designated as "Land for Development Beyond the Plan Period" in the Plan. These include north east Blackburn, north west Blackburn and the land to the north of the former Moorland High School in Darwen.

A number of anomalies in the Green Belt boundary have been identified; for example instances where the boundary does not follow an identifiable feature on the ground or the boundary is outdated because of subsequent development. It is proposed that the Plan amends these anomalies through small alterations to the Green Belt boundary.

e. Open Space

Open Space includes formal and informal / amenity open space as well as wildlife areas and corridors. The Plan adopts a different approach to open space than the approach in the Blackburn with Darwen Local Plan in that it designates all types of open space on the Policies Map under the term Green Infrastructure. "Green Infrastructure" is the term used to denote a wider range of open spaces and corridors which are essential parts of the environmental structure in the Borough.

The Plan does not require a specific amount of public open space to be provided as part of residential development. It requires that residential development will contribute towards the provision of open space on site, through a "design-led" solution, or where appropriate through a financial contribution to improve the quality and /or accessibility of existing open space in the vicinity of the development. This approach provides greater flexibility to determine the appropriate solution in each case. It is proposed to update the current Open Space SPG before the start of the examination of the Plan. This will show the Inspector how the Council intends to address open space needs in line with national policy requirements.

6. POLICY IMPLICATIONS

The Local Plan Part 2 implements the Council's adopted Core Strategy and supports the delivery of the Council's priorities for Economic and Housing Growth. It also relates to the Pennine Lancashire Spatial Guide and PLACE priorities for economic growth.

The policies and proposals in the Local Plan Part 2 enable the Council to meet its development needs and ensure that the impact of any development on communities and the environment is minimised.

Once adopted it will replace the remaining saved elements of the Blackburn with Darwen Borough Local Plan which was adopted in 2002.

7. FINANCIAL IMPLICATIONS

The budget to cover the costs of the preparation and examination of the Local Plan Part 2 has been agreed to be financed through the New Homes Bonus.

Once the Local Plan is submitted, the Council is committed to progressing it through the public examination stage. The Council will be required to pay the Planning Inspectorate's fees for the examination. Based on experience from other authorities, it is currently expected that the cost of this will be approximately £120,000 to cover the following:

- Inspector's fees
- Retained consultants / barrister
- Programme officer
- Note taker
- Printing copies of the examination library
- Venue, including office accommodation for the Inspector

The cost will be affected by the length and complexity of the examination, degree of consultancy / legal support required.

£35,000 has been agreed from New Homes Bonus which is however an underestimate and additional resources will need to be identified. The latest estimate is informed by recent examinations elsewhere involving site allocations and in particular the Inspector's costs.

The Director of Finance has been consulted on the draft report.

8. LEGAL IMPLICATIONS

The relevant legislation for the preparation of the Local Plan is set out in the: -

- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Localism Act 2011

The Planning and Compulsory Purchase Act 2004, requires that the Council as a Planning Authority, prepares and adopts a local development plan. Under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012,

Council must publish a draft plan for public consultation prior to submission under Regulation 22 to the Secretary of State for an independent public examination.

The Localism Act 2011 places a legal duty on Local Planning Authorities to engage constructively and on an on-going basis in the preparation of Local Plans on matters of strategic or cross boundary nature and achieve, if possible, a consensus on the approach to these issues. See further below under section 11 Stakeholder Engagement.

The Council will need to show at examination that it has complied with the process requirements set out in these documents.

Once adopted the Local Plan Part 2 will form part of the statutory Development Plan for the purposes of planning legislation.

The Head of Legal Services was consulted on the draft report.

9. RESOURCE IMPLICATIONS

There are no resource implications.

10. EQUALITY IMPLICATIONS

There are no equality implications.

11. CONSULTATIONS

Public Consultation

Extensive public consultation with a range of stakeholder groups including residents, local businesses and other agencies has taken place to inform the preparations and content of the Plan. This has been carried out in accordance with national guidance and the Council's 'Statement of Community Involvement.

As an integral part of this consultation the Council has endeavoured to promote opportunities for public engagement in the Plan making process to as wide an audience as possible. Officers have organised a series of exhibitions and events at different stages in the preparation of the Plan; attended Ward Solution meetings; organised press briefings and made arrangements for articles to be published in 'The Shuttle'; kept the Council's website updated; and provided written feedback to over 1100 residents who attended events and/or have provided written feedback. This feedback is currently available on the Council's website at: -

<http://www.blackburn.gov.uk/Pages/New-development-in-your-area-Have-your-say.aspx>

Public Consultation Feedback

Over the past 10 months in particular (July 2012 to May 2013) there has been a series of events across the borough on the issues and options for the Plan and the potential housing site allocations.

Altogether over 1100 residents attended these events and more than 430 written responses have been received. The majority of the responses raised concerns or provided information relating to specific sites although on reviewing the comments it was apparent that there are a number of recurring issues for example, concerns regarding the potential impact of development on the local road network, school capacity, health services and the preference for affordable housing to be located within the inner urban area close to transport links and employment opportunities. At the same time a significant number of residents expressed their support for the proposals.

The Council has responded to all who attended events and/or provided written feedback. In its response the Council set out how the issues raised would be addressed in the Plan, outlined the next stages of the Plan leading to adoption and confirmed the information it will provide for comment at the next consultation, prior to submission, to demonstrate how resident and stakeholder feedback has been reflected in the draft final version Plan.

Next stage of Public Consultation

A further six-week statutory public consultation period "publication" is required under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prior to the submission of the Plan the Secretary of State for an independent public examination into the Plan's soundness. This will take place early in 2014 – the precise timetable is yet to be confirmed.

During this period there will be the opportunity to review the draft Local Plan and supporting evidence base, including the Statement of Consultation referred to above, which the Council is proposing to submit to the Secretary of State. These documents will form the basis of a public examination managed by an independent Planning Inspector.

Any representations received at this stage of consultation will be forwarded to the Inspector for consideration as part of the Examination of the Plan.

Internal Consultation

Officers from the Council's various departments have been involved in the preparation of the draft Local Plan 2. In particular there has been extensive engagement with officers from Development Management, Education, Environmental Protection, (former) Housing Services and Property Services.

Stakeholder Engagement

The Council is required to demonstrate that it has complied with the Duty to Co-operate in order for the examination of the Plan to proceed. The Localism Act prescribes certain bodies with which the Council need to engage; these include adjacent Local Authorities,

the Local Enterprise Partnership, (LEP), the Clinical Commissioning Group, (CCG), and national governmental organisations such as the Highways Agency.

In preparing the Plan the following matters have been identified as of strategic or cross boundary nature:-

- i. Green Belt
- ii. Housing provision
- iii. Employment provision and the Samlesbury Enterprise Zone
- iv. Infrastructure provision including transport links
- v. Gypsies and Travellers
- vi. Green Infrastructure
- vii. Climate change/allowable solutions and wind energy/wind turbines
- viii. Development management policies

There has been engagement with the following organisations on the matters above: -

- i. Adjacent Local Authorities, including Lancashire County Council, AGMA and Preston City Council;
- ii. Other organisations including Environment Agency, Highways Agency, LEP, CCG, United Utilities, Sport England, English Heritage, Natural England and Network Rail.

In some cases engagement is on-going but in all cases there is no conclusive disagreement in our respective positions. A detailed Statement on how the Council complied with the Duty to Cooperate requirement will accompany the Plan when it is published.

Chief Officer/Member

Contact Officer: Réa Psillidou, Strategic Planning Manager

Date: 28th October 2013

Background Papers:

1. Consultation Statement
2. Sustainability Appraisal Report
3. Equality Impact Assessment Screening Report

Form Reference Standard Committee Report Template May 2012 1.0

APPENDIX A

FIVE YEAR HOUSING LAND SUPPLY

Source of supply	Number of houses
Existing planning permissions (allowing for 5% not to be implemented)	1,321
Reoccupied long-term empty properties (unspecified)	130
Unspecified sites with less than 50 houses (includes sites in the urban area and the rural area)	360
Sites with 50 or more houses in the built-up area	1,081
Sites with 50 or more houses in the rural area	160
New sites outside the built up area identified in the Local Plan – not previously Green Belt	590
New sites outside the built up area identified in the Local Plan – previously Green Belt	120
TOTAL	3,762

APPENDIX B

FIFTEEN YEAR HOUSING LAND SUPPLY

Source of supply	Number of houses
Completions already happened (2011-2013)	199
Supply from Years 1-5 (see Table 2, 2013-2018)	3,762
Reoccupied long-term empty properties (unspecified, 2018-2026)	300
Unspecified sites with less than 50 houses (includes sites in the urban area and the rural area, 2018-2026)	1040
Contribution from Development Opportunities identified in the Local Plan and town centre residential development (unspecified, 2018-2026)	300
Sites with 50 or more houses in the built-up area (2018-2026)	2,377
Sites with 50 or more houses in the rural area (2018-2026)	140
New sites outside the built up area identified in the Local Plan – not previously Green Belt (2018-2026)	600
New sites outside the built up area identified in the Local Plan – previously Green Belt (2018-2026)	690
TOTAL	9,398