



# **Blackburn with Darwen Borough Council**

## **Local Development Scheme**

**January 2020**

## 1. Introduction

- 1.1 Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended) establishes the current system of local development planning in England<sup>1</sup>. As part of this system, the local planning authority must prepare and maintain a **Local Development Scheme (LDS)**, which sets out a list of the planning documents it intends to prepare in the forthcoming years and the timetable for the preparation of those documents.
- 1.2 Planning documents within this LDS are classified as development plan documents (referred to as local plans). Local plans are documents which:
- Are prepared by a local planning authority individually or in cooperation with one or more other local planning authorities which contains statements regarding one or more of the following:
  - Set out the amount of development and use of land which the local planning authority wish to encourage during any specific period;
  - Allocate sites for a particular type of development or use;
  - Include development management and site allocation policies, which are intended to guide the determination of applications for planning permission.
- 1.3 A local planning authority can also prepare other plans that complement the local plan including for example, Area Action Plans (to cover a specific geographical part of the local authority area) or specific plans for particular allocations or policy matters not covered by the local plan.
- 1.4 Regulations require local authorities to review local plans and their Statements of Community Involvement at least every five years from the date of their adoption. Local Authorities will need to carry out an assessment of whether a Local Plan or Statement of Community Involvement remains relevant and effectively addresses the needs of the local community, or whether policies need updating. Having carried out this assessment authorities must decide:
- that one or more policies do need updating, and update their Local Development Scheme to set out the timetable for updating their plan, and then update their plan; or
  - that their policies do not need updating, and publish their reasons for this decision.
- 1.5 The LDS should be kept up to date and was last reviewed in January 2018 to cover the period 2018-2021 and acknowledged the need to prepare a revised Local Plan. It set out the timetable involved in the Plan's preparation.
- 1.6 This January 2020 review of the LDS includes an updated timetable for production of the new Local Plan in addition to information regarding the Council's commitment to the preparation of a Statement of Common Ground to confirm the extent of joint working throughout the production of the new Local Plan.

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<sup>1</sup>The Planning Act 2008 then the Localism Act 2011 made a number of amendments to part 2 of the 2004 Act. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the current system of plan making.

## 2. Local Plans and Other Documents

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

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

### Local Plan Review

- 2.2 The Council has begun work on updating its Local Plan. This will update both the Core Strategy (Local Plan Part 1) and Local Plan Part 2: Site Allocations and Development Management Policies to produce a single Local Plan for Blackburn with Darwen. Section 3 below sets out the programme for reviewing the Local Plan.

### Joint Minerals and Waste Local Plan

- 2.3 Blackburn with Darwen Council is also jointly responsible with Lancashire County Council and Blackpool Council for the Joint Minerals and Waste Local Plan (JMWLP). The current JMWLP consists of the Core Strategy adopted in February 2009 and Site Allocations and Development Management Policies adopted in September 2013. It provides mineral and waste specific policies for use in determining planning applications for waste or mineral developments. A revised Joint Lancashire Minerals and Waste Local Plan (JMWLP) is being prepared by the three Waste and Minerals Planning Authorities in Lancashire. Any joint Minerals and Waste Plans are prepared under a separate Local Development Scheme. This LDS does not therefore contain any details on any Minerals and Waste documents.

## Neighbourhood Plans

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

## Other Planning Documents

- 2.5 The Local Plan is supported by other documents, which are available on the Council's website including a number of Supplementary Planning Documents (SPDs); Masterplans and Development Briefs; and the Authority's Monitoring Report (produced annually).

## Statement of Common Ground

- 2.6 In accordance with Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) local authorities must engage constructively, actively and on an ongoing basis in any process by means of which development plan documents are prepared.
- 2.7 The revised NPPF 2019 now requires local authorities to "*maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these*" (paragraph 27). The accompanying Planning Practice Guidance outlines what a Statement of Common Ground should contain and explains that it should be "*maintained on an on-going basis throughout the plan making process*".
- 2.8 A Statement of Common Ground will therefore be prepared with neighbouring authorities and relevant bodies and will be subject to ongoing review.

## Statement of Community Involvement

- 2.9 The Statement of Community Involvement (SCI) is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended). The SCI sets out how and when the Council will involve the local community in preparing local plans and processing planning applications and controlling development. The Council is legally obliged to comply with its Statement of Community Involvement.
- 2.10 The Council's current SCI was prepared in May 2018 to inform the review of the Local Plan.

## Monitoring and Review

- 2.11 The Council publishes an authority monitoring report (AMR) that provides information on the performance of policies within the Local Plan. It also provides an update on how the Local Plan timetable is progressing against the published LDS. The AMR therefore provides important information to assess where future policy changes which may be required, and also helps to highlight whether a review of the local plan preparation timetable is necessary.

### 3. Local Plan Review - Timetable

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

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

<b>Document Details – Blackburn with Darwen Local Plan</b>	
Content	The Local Plan will contain the overall spatial strategy for the Borough and set out the quantum of development for housing and economic development requirements. It will provide details on allocations across a range of land uses with a key focus on housing and employment land and any necessary supporting infrastructure. It will also provide topic-based development management policies.
Status	The Local Plan will be a Development Plan Document and provide a single information point for the Council's key land use policies.
Geographical Coverage	Borough wide
Chain of conformity	The Local Plan will conform to national policies and guidance.
<b>Local Plan Production Arrangements</b>	
Lead Team	Growth Team
Management Arrangements	The draft Local Plan will be subject to review and approvals by the Executive Board. There will be a requirement for formal approval of certain stages by Council.
Resources	Resource implications will be met from within existing Growth Team budgets.
Consultation Arrangements	Consultation will be undertaken in line with the SCI and the relevant planning regulations.

<b>Timetable</b>		
Preparation (Regulation 18)	Scoping the issues and options for the Local Plan and commission initial key evidence base	January – December 2018
	Consult on Issues and Options	February – April 2019
	Consider responses to Issues and Options	May - July 2019
	Commissioning and delivery of additional evidence base to inform emerging draft plan, site selection process & policy development	January 2019 – June 2020
	Consult on draft Local Plan under Regulation 18	September 2020
	Production of supporting technical papers for Publication Draft Local Plan	November - January 2021
Publication (Regulations 19/20)	Consult on Publication Draft Local Plan	March - May 2021
	Consider responses to Publication Draft and finalise Submission Draft	May - August 2021
Submission (Regulation 22)	Submit Local Plan for examination	September 2021
Examination (Regulations 23/24/25)	Process run by a Planning Inspector from the Planning Inspectorate (includes consultation on any Main Modifications to the Plan prior to receipt of the final report from the Planning Inspector).	November 2021 onwards (Planning Inspectorate estimate a period of at least six to eight months for the examination stage) <sup>2</sup>
Adoption (Regulation 26)	Formal Adoption by the Council	Summer 2022

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

## 4. Resources and Risk Management

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

## APPENDIX 1: Risk Assessment

Nature of the Risk	Consequences of the Risk Occurring	Likelihood before mitigation (1:5) (A)	Severity / impact before mitigation (1:5) (B)	Inherent risk score (A * B)	Mitigation	Likelihood after mitigation (1:5) (C)	Severity / impact after mitigation (1:5) (D)	Post mitigation risk score (C * D)
Staff Resources to produce new Local Plan - loss of key staff due to sickness or moving to another job	Delay in timetable for delivery of the Local Plan	3	4	12	Regular review of staff work programmes. Bring in external support where appropriate.	2	3	6
Changes to legislative framework or regulations	Additional requirements placed on the form and content of the Local Plan	3	3	9	Maintain close monitoring of any future Government announcements and take on board any necessary changes.	2	3	6
Reduction in Financial Resources required for Local Plan production (either in house council budgets or other external funding)	Delays in the production of the Local Plan	5	4	20	Budget planning to ensure cost effective delivery of the Local Plan.	5	2	10
Joint working with neighbouring authorities and other organisations	Potential delays if key evidence base documents requiring joint working are not signed off by all relevant parties	3	5	15	Ensure robust approach to agreeing the briefs for any jointly commissioned evidence base/ studies.	2	5	10
Potential third party challenges to the emerging new Local	Delays in the next stage of Local Plan development where	2	5	10	Ensure robust evidence base underpins policies	1	5	5

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Plan (including any legal challenge when the plan is found sound)	consultation comments require further consideration of next steps. Delays resulting from a legal challenge whilst legal arguments are considered by the Planning Courts.				and spatial approach of the Local Plan. Engage in any necessary robust defence if a legal challenge is made.			
Planning Inspectorate capacity to examine Local Plan	Delay to the examination of the Local Plan	2	4	8	Close liaison with the Planning Inspectorate in the run up to submission of the Local Plan.	1	4	4