1. **Purpose of Report**

1.1 To seek Cabinet approval to allow the Consultation Draft of the Development Management Development Plan Document (DM DPD) to be publicised for a 6-week consultation period.

2. **Recommendations**

2.1 That Cabinet:

   1. approve the content of the DM DPD Consultation Draft and agree to go out to a 6 week public consultation period starting in February 2016; and
   2. delegate authority to the Council’s Executive Director (Legal & Democratic Services) and the Chief Planning and Transportation Officer, in agreement with the portfolio holder for Planning, to make further necessary changes to the DM DPD as they consider necessary or appropriate, prior to commencing public consultation;

3. **Reasons for Recommendations and Background**

3.1 The DM DPD forms an important part of the new Local Plan for Hyndburn. The DM DPD will set out the more detailed planning policies to be used by Development Management Officers in determining planning applications for the Borough. Once complete, the DM DPD will sit alongside the Core Strategy and Accrington Area Action Plan, parts of the Local Plan already adopted by the Council (in 2012), as part of the
statutory development plan for the Borough. It will replace the majority of Local Plan (1996) policies that remain extant\(^1\), though are now considered to be out of date.

3.2 The Consultation Draft DM DPD takes into account relevant national policy and guidance, responses received to previous consultation exercises (see Section 5 of this report), recommendations of a sustainability appraisal, and any up to date evidence of relevance. There will be around 40 policies in total, organised into the following main chapters:

- General Considerations;
- The Economy and Town Centres;
- Community Infrastructure;
- Housing Matters;
- Environment (Natural and Built Environment);
- Environment (Design and Quality);
- Accessibility and Transport; and
- Rural Matters.

3.3 In addition to the policies, the DPD will set out maps relating to relevant policy constraints referred to in the main document. There will also be a number of more detailed Guidance Notes covering the following issues:

- Open space in new residential development;
- Affordable housing;
- Materials and colour;
- Advertisements;
- Shop Front Design;
- Waste Management;
- Car parking, access standards and transport assessment/travel plan thresholds; and
- Agricultural, forestry and other occupational dwellings.

3.4 During the statutory 6-week consultation period the following methods of consultation will be used:

- letters/emails will be sent to all contacts on the Local Plans database (approximately 900 people/organisations);
- copies of the DPD will be deposited in all the Libraries in the Borough;
- the DPD and all supporting documentation will be available on the Council’s website; and
- press releases and press notices will be sent to local newspapers.

\(^1\) Once the DM DPD is adopted the only policies that will remain extant from the 1996 Local Plan will relate to land allocations. These will be replaced by a Site Allocations DPD, which itself will be produced in accordance with the Council’s published Local Development Scheme (2015-2018).
4. **Alternative Options considered and Reasons for Rejection**

4.1 The DM DPD has been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012. As the preparation of this document is to be in accordance with this legal framework there are no alternative options for its preparation.

5. **Consultations**

5.1 A wide range of people and organisations have been involved in the evolution of the DM DPD up to this point. Two main consultation events have been undertaken in the past\(^2\), the first in May-June 2012 and the second in Nov-Jan 2013. Officers now intend to prioritise adoption of the DM DPD to ensure that there are up to date policies in place to help determine planning applications. This is particularly important in light of an improving economic picture, and anticipation of a potential rise in planning applications over coming years.

5.2 In line with the 2012 Regulations the Council is required to undertake this statutory consultation period, after which it may produce a ‘Publication’ Plan which it considers to be the Council’s final version. This must itself also be consulted upon, along with relevant supporting documentation, after which the Council can ‘Submit’ to the Secretary of State and the Examination in Public process begins. It is anticipated that the Council will have a final adopted DM DPD sometime during 2017 (dependent upon the length of the Examination process).

6. **Implications**

<table>
<thead>
<tr>
<th>Financial implications (including any future financial commitments for the Council)</th>
<th>There will be a need to ensure that there is a robust evidence base in place for the DPD. A review of evidence is being undertaken and considered. The DPD will also be subject to Examination in Public and there will be a need for the Council to fund this, the cost is likely to reflect the number of representations received at the ‘Publication’ stage. Examination is likely to be during 2017.</th>
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<tbody>
<tr>
<td>Legal and human rights implications</td>
<td>A DPD is a part of the statutory development plan for the Borough. It is therefore the starting point for considering planning applications and should be given considerable weight in decision-making once it reaches the ‘Publication’ stage. Once adopted, the DM DPD will be given full-weight in decision-making.</td>
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\(^2\) Under previous regulations the Town and Country Planning (Local Development) (England) Regulations 2004
<table>
<thead>
<tr>
<th><strong>Consultation on the DPD</strong></th>
<th>Consultation on the DPD must be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.</th>
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<tbody>
<tr>
<td><strong>Assessment of risk</strong></td>
<td>There are no significant risks associated with this consultation.</td>
</tr>
<tr>
<td><strong>Equality and diversity implications</strong></td>
<td>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</td>
</tr>
</tbody>
</table>
| **A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.** | • eliminate unlawful discrimination, harassment and victimisation; and  
• advance equality of opportunity between those who share a relevant protected characteristic and those who don’t; and  
• foster good relations between those who share a relevant protected characteristic and those who don’t.  
For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report. |

7. **Local Government (Access to Information) Act 1985:**
   **List of Background Papers**

   7.1 Development Management DPD Consultation Draft (January 2016)

8. **Freedom of Information**

   8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
Hyndburn Borough Council

Customer First Analysis

What is it for?

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

From 1 April 2011, a new legal duty applies to all public authorities. It covers these protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- gender;
- sexual orientation; and, for some aspects,
- marriage and civil partnerships.

The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis before making the relevant policy decision, and include consideration as to whether we can reduce any detrimental impact.

The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be proportionate to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Shaheen Amaan in Human Resources. Shaheen can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR
Customer First Analysis

1. **Purpose**

- **What are you trying to achieve with the policy / service / function?**
  The Development Management Development Plan Document (DM DPD) forms part of the new Local Plan for Hyndburn. It sets the detailed planning policies against which planning applications for new development will be considered. Strategic planning policy matters are covered in the Core Strategy (adopted in 2012), and the DM DPD supports the adopted strategic policies, providing more detailed guidance to assist decision makers.

- **Who defines and manages it?**
  Hyndburn Borough Council, through the Planning Service, including both the Plans and Environment and Development Management functions.

- **Who do you intend to benefit from it and how?**
  Existing and future residents of the Borough will benefit, through higher quality developments. Developers will also gain greater upfront certainty on the type of development that the Council will support.

- **What could prevent people from getting the most out of the policy / service / function?**
  Inadequate consultation

- **How will you get your customers involved in the analysis and how will you tell people about it?**
  The DM DPD will be consulted in accordance with the relevant regulations and the Council’s Statement of Community Involvement.

2. **Evidence**

- **How will you know if the policy delivers its intended outcome / benefits?**
  The DM DPD includes a section on monitoring and implementation to ensure the outcomes of the policies are as intended.

- **How satisfied are your customers and how do you know?**
  The local community and organisations have been involved with the production of the DM DPD in earlier stages. Where justified and appropriate, this version of the document incorporates representations received from the community and organisations in previous stages.

- **What existing data do you have on the people that use the service and the wider population?**
  The DM DPD (and Local Plan as a whole) is supported by an extensive evidence base which takes into account the socio-economic profile of the Borough.

- **What other information would it be useful to have? How could you get this?**
  N/A

- **Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?**
  This has been considered where it is relevant to issues of spatial planning and design in the preparation of the DM DPD.

- **Are you using partners, stakeholders, and councillors to get information and feedback?**
These groups have all been involved in the formulation of the DM DPD in earlier stages, and will be again through the consultation processes ahead.

3. **Impact**

- Are some people benefiting more – or less - than others? If so, why might this be? There is no evidence of this to date as the DM DPD is still at the draft stage. The statutory consultation phase of the DM DPD will be undertaken in line with the Council’s ‘Statement of Community Involvement’ which includes measures are taken to ensure that hard to reach groups are engaged. A sustainability appraisal has also been undertaken, and will be updated through the process, which assesses the impact of the DPD on social, economic and environmental matters. Where relevant, an Equality Impact Assessment will also be submitted with the DPD to the Secretary of State.

4. **Actions**

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it? N/A

- Is it discriminatory in any way? Not aware of this, every effort will be made to publicise relevant consultations on planning policy as it develops in line with the Council’s Statement of Community Involvement at the appropriate time

- Is there a possible impact in relationships or perceptions between different parts of the community? No

- What measures can you put in place to reduce disadvantages? Ensure that the future consultations on planning policy and guidance are open to all. The Council’s agreed Statement of Community Involvement will be followed wherever practical to ensure this objective is achieved

- Do you need to consult further? Yes, following the statutory consultation period proposed for February/March 2016 a further period of consultation will be necessary prior to the DPD being formally submitted to the Secretary of State for independent Examination in line with the Town and Country Planning Regulations.

- Have you identified any potential improvements to customer service? No

- Who should you tell about the outcomes of this analysis? This can be made available alongside the adopted plans

- Have you built the actions into your Business Plan with a clear timescale? N/A

- When will this assessment need to be repeated? Next report to Cabinet

Don’t forget to return your written record to HR.