

REPORT TO:		Cabinet	
DATE:		31 August 2016	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Principal Planning Officer - Policy	
TITLE OF REPORT:		Development Management DPD Publication (Reg19)	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	No

1. **Purpose of Report**

- 1.1 To seek Cabinet approval to allow the Development Management Development Plan Document (DM DPD) Publication version (Regulation 19 of ‘the Regulations’¹) to be publicised for a 6-week consultation period.

2. **Recommendations**

2.1 That Cabinet:

1. approve the content of the DM DPD Publication version and agree to commence a statutory 6 week public consultation in the period September/October 2016; and
2. delegate authority to the Council’s Executive Director (Legal & Democratic Services) and the Chief Planning and Transportation Officer, following consultation 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.

¹ ‘the Regulations’ refers to the Town and Country Planning (Local Planning) (England) Regulations 2012

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 and Planning Committee 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). It will replace the majority of Local Plan (1996) policies that remain extant².
- 3.2 The Publication DM DPD contains 39 policies in total, organised into the following core Chapters:

Name of Chapter	No. of Policies	Policy topics covered include:
General Considerations	3	Presumption in favour of sustainable development; infrastructure, planning obligations & CIL; planning enforcement
The Economy & Town Centres	5	New employment development; town centre development; retail frontages; hot food takeaways
Community Infrastructure	4	Delivering schools and early learning; cultural and community facilities; public houses; telecommunications
Housing	7	New residential development including open space provision; affordable housing; housing with care; gypsy and traveller sites; housing standards
Environment (Natural & Built Environment)	9	Trees, woodlands and hedgerows; protection and enhancement of the natural environment; protected species; flood risk matters; heritage assets; contaminated/unstable land; pollution control
Environment (Design & Quality)	6	Design quality and materials; control of advertisements; shop fronts and security shutters; environmental amenity; wind energy; waste management
Accessibility and Transport	2	Sustainable transport, traffic and highway safety; sustainable transport infrastructure
Rural Matters	3	Development in the green belt and countryside area; farm diversification and local food networks; equestrian development

² 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).

- 3.3 The DM DPD also contains nine 'Guidance Notes' which provide further detailed guidance on specific policy matters where required (for example on issues such as affordable housing and shop front design). It also comprises 'Policy Maps' which confirm and identify the spatial extent of key policy constraints referenced within the policies (such as green belt, town centre boundaries etc.).
- 3.4 The Publication version DM DPD supersedes the previous version, the 'Consultation Draft' consulted on in February/March 2016 (further details in the Consultation section below). In addition to amendments arising from representations to the Consultation Draft, the Publication version also takes into account relevant findings from new evidence base reports (such as the Council's recently published Retail Study), changes to Government policy and law (such as the introduction of Starter Homes via the Planning and Housing Act 2016), and refinements recommended by a Sustainability Appraisal.
- 3.5 The DM DPD Publication version is in effect the Council's final version of the document, and a statement of intent that it now wishes to submit the document to the Secretary of State ready for examination. In accordance with 'the Regulations', a final 6-week statutory consultation period on this version must now take place, providing individuals and organisations a final opportunity to comment on the 'soundness'³ of the document.
- 3.6 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.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The DM DPD has been prepared in accordance with 'the Regulations'. As the preparation of this document is to be in accordance with this legal framework there are no alternative options for its preparation.

³ The National Planning Policy Framework defines 'soundness' as being: positively prepared; justified; effective; and consistent with national policy.

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. Three main public consultation events have been undertaken. The first was held in May-June 2012 and the second in Nov-Jan 2013⁴. More recently, a third consultation event was held in Feb-Mar 2016 on the 'Consultation Draft' version of the document. All of this work constitutes 'preparation of a local plan' under the 2012 Regulations.

5.2 A total of 248 separate comments were received during the consultation period in Feb/Mar 2016 to the 'Consultation Draft' from 34 individuals/organisations. These comprised comments of support (45), points of objection (63) and general comments (neither clear support nor objection) (140). In June 2016 the Cabinet agreed and approved a formal 'Council Response' to these comments as follows:

- 'Agree – make changes' (94)
- 'Further work required' (84)
- 'Noted' (63)
- 'Disagree – no changes' (7)

The Cabinet report included brief notes against each representation justifying the proposed 'Council Response'.

5.3 As an indication of those individuals/organisations objecting to the Consultation Draft, those submitting more than 2 objections included:

- Outdoor Advertising Consultants (20 objections) – specialist advertisement consultancy dealing on behalf of the British Signs and Graphics Association
- Historic England (17 objections)
- JWPC Planning Consultants (4 objections)
- Coal Authority (3 objections)
- Canal and River Trust (3 objections)
- The Wildlife Trust for Lancashire, Manchester and North Merseyside (3 objections)
- Stephen Ward Planning Consultants (3 objections)

5.4 The Publication version therefore incorporates amendments arising from the agreed 'Council Response' and any subsequent discussions held with objecting parties. It also includes amendments arising from new Government Policy and new evidence base reports. The Publication DM DPD has also been presented and discussed at the Local Plan Member Working Group meetings of the 11th July and 10th August 2016.

⁴ Both of these early consultations were completed in accordance with earlier regulations the Town and Country Planning (Local Development) (England) Regulations 2004

- 5.5 In line with the 2012 Regulations the Council is now required to undertake a final statutory consultation period on its 'Publication' version providing individuals/organisations with a final opportunity to comment on whether they feel it is 'sound', and meets the relevant legal and procedural requirements.
- 5.6 Following the proposed consultation period in September/October the Council will prepare all relevant documentation to 'Submit' the DM DPD to the Secretary of State and the Examination in Public process begins. Relevant documentation will include:
- the 'Publication' version DM DPD;
 - all representations received on the publication version;
 - any further proposed changes the Council considers appropriate;
 - a Sustainability Appraisal Report;
 - a Consultation Statement; and
 - other such supporting documents that in the opinion of the Local Planning Authority are relevant to the preparation of the DPD
- 5.7 It is anticipated that the Council will have a final adopted DM DPD some time during 2017 (dependent upon availability of the Planning Inspectorate and the length of the Examination process).

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>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.</p>
<p>Legal and human rights implications</p>	<p>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.</p> <p>Consultation on the DPD must be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.</p>

Assessment of risk	There are no significant risks associated with this consultation.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>

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

7.1 Development Management DPD Publication version (August 2016)