

Subject:	Adoption of Rossendale Core Strategy Development Plan Document	Status:	For Publication
Report to:	Council	Date:	8 th November 2011
Report of:	Planning Manager	Portfolio Holder:	Regeneration
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required: Yes	Attached:	Yes
Biodiversity Impact Assessment	Required: Yes	Attached:	Yes
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1.	RECOMMENDATION(S)
1.1	That Council formally agrees to adopt the Rossendale Core Strategy Development Plan Document, which will form part of the statutory development plan for Rossendale, in accordance with the Council’s approved Local Development Scheme.

2. PURPOSE OF REPORT

2.1 Following the Examination into the soundness of Rossendale’s Core Strategy Development Plan Document (DPD), the Inspector’s Report concludes that, subject to a limited number of changes as listed in the Report (dated 10th October 2011), the Core Strategy DPD is sound. The Report states that the Core Strategy “*provides an appropriate basis for the planning of the borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has reasonable chance of being delivered*”. This Report explains the changes listed in the binding report, and seeks approval from Council to formally adopt the Core Strategy DPD, as amended by the Inspector’s Report.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** – creating a better environment for all.
 - **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
 - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

4.1 Without an adopted Core Strategy DPD (Local Plan Part 1) in place the Council will be vulnerable in determining planning applications. The Government is re-emphasizing the importance of the plan-led system, with decisions on planning applications to be made in accordance with the plan. Where the plan is “absent, silent, indeterminate or where relevant policies are out of date” the Government is expecting the default answer to development proposals to be yes.

4.2 Not having a Core Strategy in place will significantly delay the production of the Site

Allocations and Development Management DPD (Local Plan Part 2, known as *Lives and Landscapes*), and this lack of certainty for developers could have implications for the delivery of important projects within the Borough, as well as the quality of developments permitted.

- 4.3 The Core Strategy has been found to meet the tests of legal compliance and soundness, which the Inspector has been legally obliged to consider throughout the Examination. This includes conformity with existing national policy, and general compliance with the Regional Strategy (RS); this is despite the Government making clear its intention to revoke RS through the forthcoming Localism Act. During the latter part of the examination into the Core Strategy, the Council undertook an additional six week consultation, seeking views on the implications for the soundness of the Core Strategy of the Government's Draft National Planning Policy Framework (NPPF). The Inspector considered representations made to this consultation in drafting his Report. There is always a risk that future Government guidance may change, however, it should be stressed that the Core Strategy has undergone a thorough examination and has been found to conform to existing policy. The Draft NPPF is suggesting that Councils may choose to apply for a Certificate of Conformity to confirm that their development plans are in accordance with national policy. The Council may wish to consider this if this proposal in the Draft NPPF is retained in the final version. There is also renewed Government commitment to creating a system of Local Plans which is flexible, and able to respond quickly to changes.
- 4.4 Once adopted the Core Strategy will be open to a judicial review period of six weeks. This is where the Inspector's decision in finding the Core Strategy to have been prepared in accordance with the relevant statutory requirements, and met the tests of soundness, or the Council's decision to adopt the Core Strategy, can be open to an application being made for a legal challenge in the High Court. This is a risk to many of the significant decisions that any Council makes, and the Council is unable to prevent an application being made, should an individual/company consider this an appropriate course of action. However, the Planning Manager does not think that the High Court would have any grounds to overturn the status of the Core Strategy.

5. BACKGROUND AND OPTIONS

- 5.1 Members will recall that Council agreed at the meeting on 15th December 2010 to submit the Core Strategy Development Plan Document (DPD) to the Secretary of State for Communities and Local Government for examination. As agreed at Council the Core Strategy DPD (Submission Version) together with its supporting documents was formally submitted to the Secretary of State for examination on Tuesday 21st December. Mr Roland Punshon was duly appointed as Planning Inspector to undertake the examination into the soundness of Rossendale's Core Strategy DPD.
- 5.2 The public hearings commenced on 5th April 2011 and were held over a number of days over the period to 11th July 2011. As a result of the comments made at the Hearings or through written representations, or issues which he had identified, the Inspector requested the Council to give further consideration and make some amendments to policies in the light of these concerns. These amendments were fully consulted upon in May and July this year. In addition there have been some minor changes, clarifications to maps, and typographical errors corrected.
- 5.3 The Inspectors Report, which is binding on the Council, was issued on 10th October 2011. This is one of the background documents accompanying this Report, and sets out a limited

number of changes, which are needed to be made to the version submitted in December 2010. This is in order to meet legal and statutory requirements. Without making these changes the Council will be unable to adopt the Core Strategy DPD. The Schedules of Changes as appended to the Inspector's Report are also attached for your information.

- 5.4 The amendments are summarised in the Non-Technical Summary at the start of the Inspector's Report. None of these changes impact on the overall framework or thrust of the Core Strategy.
- 5.5 Upon adoption, Rossendale's Core Strategy will be one of only three in Lancashire (including Lancaster and Blackburn with Darwen Councils) to be adopted, with only about a third of Councils nationally having an adopted Core Strategy in place.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 The Financial implications arising from the development of the Core Strategy DPD (known as Local Plan Part 1), have previously been identified and a separate reserves earmarked.
- 6.2 The Council has yet to quantify or identify the additional resources needed to support the Site Allocations and Development Management Development Plan Document (known as *Lives and Landscapes*, Local Plan Part 2). This matter will be for later consideration by Members and as part of the 20012/13 Budget approval process.

7. MONITORING OFFICER

- 7.1 The Inspector's Report is binding on the Council. If the Council does not agree to these amendments the Core Strategy will be unsound, and will have to re-commence preparation of a new Core Strategy. This would significantly delay the Council having a statutory development plan in place, put at risk the Council's aspirations for the plan period, and would not comply with the Council's approved Local Development Scheme.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 8.1 The Core Strategy has been out to consultation with stakeholders in the Borough, which included equality groups, as well as statutory agencies, and it has been prepared in accordance with the Council's Statement of Community Involvement. Community Impact Assessments (CIAs) have been undertaken in the evolution of the document, and no significant negative impacts have been identified. In accordance with statutory requirements, the Core Strategy has been subject to Sustainability Appraisal (SA) at several stages, including an update to take account of the changes which are identified in the Inspector's Report. The SA considers the social, environmental and economic impacts of the Core Strategy, and identified no significant equality issues. Separate Community Impact Assessments will be prepared for specific projects and policies that arise from the over-arching Core Strategy, including the Site Allocations and Development Management DPD.

9. CONSULTATION CARRIED OUT

- 9.1 Extensive consultation has been undertaken throughout the whole process of preparing the Core Strategy DPD with developers, the community, and other stakeholders, including statutory bodies such as Natural England and the Environment Agency. Since Council approved the Submission Version of the Core Strategy, which was submitted for Examination in December 2010, there have been further rounds of consultation in respect of amendments, as well as on the implications on the Core Strategy of emerging changes to Government

policy. The first consultation ran for 6 weeks (from 16th May to 27th June) on proposed changes and the Government's Plan For Growth (which was produced to elaborate on the 2011 Budget Statement). This was followed by another 6 week consultation period (from 5th August to 16th September 2011), relating to the Draft National Planning Policy Framework.

10. CONCLUSION

- 10.1 Adoption of the Core Strategy DPD would reflect commitments made in the Local Development Scheme. The Core Strategy will provide a sound basis for determining planning applications, and provide the overall framework for allocating sites within the Borough, and identifying more detailed policies to guide developments.

Background Papers	
Document	Place of Inspection
Rossendale Core Strategy DPD (November 2011)	<p>One Stop Shop, Rawtenstall,</p> <p>or online at</p> <p>www.rossendale.gov.uk/corestrategy</p>
Rossendale Core Strategy DPD (Submission Version) (December 2010)	
Report on the Examination into Rossendale Borough Council Core Strategy Development Plan Document (10 th October 2011)	
Schedules of Changes, accompanying the Inspector's Report (10 th October 2011)	
Sustainability Appraisal	
Habitat Regulations Assessment	
Community Impact Assessment	
Biodiversity Impact Assessment	