

**Report to:** Council

**Date:** 19<sup>th</sup> January 2012

**Portfolio:** Planning, Cllr. Miles Parkinson, Leader of the Council

**Report Author:** Chief Planning and Transportation Officer

**Title of Report:** Adoption of the Accrington Area Action Plan

## **1. Purpose of Report**

- 1.1 To inform Council of the receipt of the Inspector's Report following the examination of the Accrington Area Action Plan; to outline the main points in the Report; and to seek approval for the adoption of the Accrington Area Action Plan. The Inspectors Report for the Accrington AAP is included within the Report on the Core Strategy earlier in this Agenda.
- 1.2 This report was considered by Cabinet on 11<sup>th</sup> January, which recommended adoption of the Accrington Area Action Plan.

## **2. Recommendations**

- 2.1 That Council notes the Inspector's Report and adopts the Accrington Area Action Plan, incorporating changes as set out in the Inspector's Report; and that the Accrington Area Action Plan takes effect immediately following the meeting of Full Council on 19<sup>th</sup> January 2012.

## **3. Background**

- 3.1 The Accrington Area Action Plan (AAP) sets out the detailed planning policy framework for the development of Accrington town centre. Following the submission of the AAP in May 2011, Mr Stephen Pratt, Planning Inspector, was appointed to undertake an examination into the legal compliance and soundness of the plan. The examination of the AAP, which took place concurrently with the examination of the Core Strategy, and included a Hearing Session on the 28<sup>th</sup> September 2011, has now ended and the Inspector's final report has been received.
- 3.2 In summary, the Inspector's report concludes that, with a limited number of changes that do not alter the overall strategy, the AAP satisfies all legal requirements and is sound. He considers that with the Core Strategy, it 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 a reasonable chance of being delivered.*" In summary he concludes that the plan be changed accordingly.

- 3.3 The Inspector considers that the AAAP is an “*impressive document, which sets out an ambitious strategy for the regeneration of the town centre.*” With the changes set out in his report, he considers that the vision, objectives, thematic policies in part B; policies for the spatial quarters; and arrangements for monitoring and implementation are effective, deliverable and soundly based.
- 3.4 The changes recommended in the report are based on proposals put forward by the Council in response to matters raised and discussed during the examination process. These included points raised by the Inspector and those making representations. The Inspector considers that the changes do not alter the thrust or basis of the Council’s overall strategy. Following the close of the hearing sessions, a full set of proposed changes to the AAAP were formally publicised and any representations have been taken into account by the Inspector in preparing his final report. It is important to note that the Inspector is not proposing any further changes beyond those already put forward by the Council.
- 3.5 The main changes to the AAAP which are required to make it sound relate to:
- Clarifications and updates to policies and explanatory text to fully reflect the Council’s Flood Issues Report which was prepared after submission of the plan. This includes a new policy dealing with flood risk and culverted watercourses; additions to relevant site specific policies and updated plans. The Inspector considers these are important amendments to ensure the plan fully addresses flood risk issues and complies with national planning policy.
  - Clarification to the policy for non retail uses within shopping frontages;
  - Including reference in the text to coal mining legacy issues and ground instability;
  - Clarifying and updating the implementation and phasing information in the appendices to the plan; and
  - Updating the Proposals Map to include site boundaries.

The changes which are required to make the plan sound are detailed in Annex A2 accompanying the Inspector’s report. In addition, the Inspector also endorses a schedule of minor changes to the AAAP which largely deal with minor factual updates/editorial matters (Annex B2 of the Inspector’s Report).

- 3.6 The Inspector has also taken into account policy statements which have been published by government since the submission of the AAAP. These include *Planning for Growth* and *Planning for Schools*, and the *draft National Planning Policy Framework* issued for consultation in July 2011.
- 3.7 At the time of writing this report the Inspector’s recommendations are binding upon the local authority. The Localism Act includes new provisions in relation to the adoption of Development Plan Documents. In the case of the AAAP the Inspector’s

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recommendation is that the plan be changed in accordance with the changes referred to in his report. These have largely been put forward by the Council to address issues and matters raised in the examination process. The inspector also considers that they are necessary to meet legal and statutory requirements and ensure that the plan is sound. It is therefore considered appropriate and necessary to incorporate these changes into the adopted version of the Accrington Area Action Plan.

- 3.8 Following the receipt of the Inspector's Report the Council is now in a position to proceed to the adoption of the AAAP in accordance with statutory and regulatory requirements which will need to be complied with. The AAAP (along with the overarching Core Strategy) will form part of the statutory development plan for Hyndburn and provide the up to date and detailed policy framework to guide development and regeneration of the town centre; make decisions on individual planning applications and provide certainty to developers. Further detailed work, such as the preparation of development briefs will be needed to facilitate the implementation of the plan.
- 3.9 The Council cannot choose to adopt part of the AAAP, it must adopt the document in its entirety as recommended by the Inspector.
- 3.10 Following adoption of the AAAP there will be a six week period in which an application can be made for a legal challenge in the High Court. This can relate to the Inspector's decision or the Council's decision to adopt the plan. It is a provision which is applicable to many decision making processes.

#### **4. Reasons for Recommendations**

- 4.1 To complete the formal process of adoption of the Accrington Area Action Plan.

#### **5. Alternative Options considered and Reasons for Rejection**

- 5.1 The alternative option is not to adopt the AAAP. This is not a recommended course of action and would present significant risks. The Government in the draft National Planning Policy Framework continues to emphasise the importance of an up to date, plan led system and also that where planning policies are out of date, local authorities would be urged to grant planning permission. The current planning policy framework for the town centre comprises some saved policies of the Hyndburn Local Plan. These are considerably out of date and do not provide a comprehensive framework. The failure to adopt would result in a lack of an up to date planning policy framework to guide development, provide certainty to developers and provide the context within which planning applications are determined. This could all lead to ad hoc decisions being taken on appeal.

#### **6. Implications**

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Issue	Comments
<b>Financial (including mainstreaming)</b>	<p>The costs of preparing the AAP have been considered previously and provision has been made. Costs associated with the final stages of adopting the plan include those arising from statutory notification and producing the final document. The document is not of a standard format and these costs in relation to the latter are estimated to be £3,000</p> <p>If a High Court Challenge is submitted, additional costs would arise.</p>
<b>Legal (including Human Rights issues)</b>	<p>The Inspector has examined compliance of the AAP with the legal requirements and confirms that the Core Strategy meets them all as summarised in his report.</p> <p>When adopted, the AAP will form part of the statutory development plan for the town centre plan area and will be the starting point for making decisions on planning applications.</p> <p>When adopted there will be a six week period in which a High Court Challenge can be made.</p>
<b>Assessment of Risk</b>	<p>The main risks relate to failure to adopt the AAP (see 5.1 above) and the submission of a High Court Challenge. The latter is a legal provision and is not an overriding reason to delay proceeding to adoption.</p>
<b>Equality and Diversity</b> <i>What have you done to ensure that your proposal meets the diverse needs of customers?</i>	<p>A level 3 (full) Equality Impact Assessment of the AAP was undertaken and submitted alongside the AAP in May 2011.</p>
<b>Key Decision</b> <i>Only applicable for Cabinet decisions.</i>	<p>Is the recommendation a Key Decision? Yes</p> <p>If yes, is it included in the current Forward Plan? Yes</p>

## 7. Consultations

- 7.1 None directly associated with this report. Significant consultation has taken place in preparing the Accrington Area Action Plan in accordance with both statutory and regulatory requirements and the Council's Statement of Community Involvement.

## 8. Links to Corporate Priorities

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The Accrington Area Action Plan makes a significant contribution to the delivery of corporate priorities within the plan area as follows:

<b>Priority</b>	<b>Comments</b>
<b>Corporate Governance And Customer Focus</b>	The Accrington AAP sets the strategic context for the development of Accrington Town centre and includes detailed policies setting out how this will be achieved.
<b>Safer Communities</b>	Addressed in the Accrington AAP.
<b>Strong &amp; Balanced Housing Market</b>	Thematic, spatial and site specific policies seek to develop and enhance the housing offer in the town centre.
<b>Thriving Economy</b>	Key objectives of the AAP are to strengthen retail provision in the town centre; promote investment and business development; and to enable the town centre to become a visitor destination. Policies are in line with these objectives.
<b>Safeguarding the Environment</b>	A key objective of the AAP is to enhance the quality of the environment. Thematic, spatial and site specific policies support this objective.
<b>Valuing Diversity</b>	A level 3 (full) Equality Impact Assessment of the AAAP was undertaken and submitted alongside the AAAP in May 2011.
<b>Educational Attainment</b>	A key objective of the AAAP is to improve educational and training opportunities. It includes a thematic policy to enhance educational provision.
<b>Healthier Living</b>	The AAAP includes policies to enhance greenspace provision, the pedestrian environment and cycling provision.

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

Accrington Area Action Plan (Submission version) available at:

[http://www.hyndburnbc.gov.uk/site/scripts/documents\\_info.php?documentID=724&pageNumber=5](http://www.hyndburnbc.gov.uk/site/scripts/documents_info.php?documentID=724&pageNumber=5)

Report on the Examination into the Hyndburn Core Strategy and Accrington Action Area Plan 14<sup>th</sup> December 2011, available at:

[http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?downloadID=829&fileID=3159](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?downloadID=829&fileID=3159)

Annex A2 to above report: Changes required to make AAAP sound, available at:

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[http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?downloadID=829&fileID=3161](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?downloadID=829&fileID=3161)

Annex B2 to above report: Council's proposed minor changes to the AAAP, available at:

[http://www.hyndburnbc.gov.uk/site/scripts/download\\_info.php?downloadID=829&fileID=3163](http://www.hyndburnbc.gov.uk/site/scripts/download_info.php?downloadID=829&fileID=3163)

## **10. Freedom of Information**

- 10.1 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.