

# EXECUTIVE

Wednesday, 12th July, 2023  
6.30 pm





# EXECUTIVE

## ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 12th July, 2023 at 6.30 pm

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

### AGENDA

#### 1) *Apologies*

To receive any apologies for absence.

#### 2) *Minutes*

5 - 6

To approve as a correct record the Minutes of the meeting held on 12<sup>th</sup> June 2023.

#### 3) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

#### 4) *Declaration of Interest*

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

**5) Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6) Right To Speak**

To consider questions, statements or petitions from Members of the Public.

**7) Executive Individual Decision - Minute 1 Health & Housing Coordinator** 7 - 8

**8) Statutory Review of the Local Plan and Revision of the Local Development Scheme** 9 - 86

To consider a report and recommendations.

**9) Climate Change Strategy Update** 87 - 166

To consider a report and recommendations.

**10) Empty Homes Programme** 167 - 170

To consider a report and recommendations.

**11) Allotment Review 2023** 171 - 200

To consider a report and recommendations.

**12) 2022/23 Final Revenue Outturn Position** 201 - 216

To consider a report and recommendations.

**13) 2022/23 Final Capital Outturn Position** 217 - 226

To consider a report and recommendations.

**14) Annual Treasury Management Review of 2022/23 Activity** 227 - 238

To consider a report and recommendations.

**15) Senior Management Structure** 239 - 244

To consider a report and recommendations.

## **MEMBERSHIP OF COMMITTEE**

Councillor Afrasiab Anwar (Chair)  
Councillor Sue Graham (Vice-Chair)  
Councillor John Harbour

Councillor Lubna Khan  
Councillor Mark Townsend

**PUBLISHED**

Tuesday, 4 July 2023





## EXECUTIVE

BURNLEY TOWN HALL

Monday, 12th June, 2023 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), J Harbour, L Khan and M Townsend

### OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Carol Eddleston	– Democracy Officer

#### 1. Apologies

All members of the Executive were present.

#### 2. Minutes

The minutes of the meeting held on 12<sup>th</sup> April 2023 were approved as a correct record and signed by the Chair.

#### 3. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

#### 4. Urgent Executive Decisions

Members noted an Urgent Executive Decision which had been taken by the Chief Executive since the last meeting.

#### 5. Executive Individual Decisions

Members noted an Individual Decision which had been taken by the Executive Member for Resources and Performance since the last meeting.

## 6. Executive Outside Body Appointments

The following appointments were confirmed by the Executive:

Outside Body	Qualification	Appointed 2023/24
Barnfield and Burnley Developments Limited	Leader Chief Executive	Cllr Anwar Chief Executive
Housing Joint Venture Contract:		
Council Reps	Executive Member for Housing & Green Spaces Chief Operating Officer	Councillor Harbour Chief Operating Officer
Stakeholder Reps	Leader Chief Executive Strategic Head of Economy and Growth	Councillor Anwar Chief Executive Strategic Head of Economy and Growth

## 7. Executive Sub-committee and Joint Committee Appointments

The following appointments were confirmed by the Executive.

<b>Traffic Regulation Order Sub-committee</b>	
Three Executive Members	Councillors Graham, Harbour and Lubna Khan
<b>Pennine Lancashire Leaders and Chief Executives Joint Committee (PLACE)</b>	
Leader Sub – Deputy Leader	Councillor Afrasiab Anwar Councillor Sue Graham



## INDIVIDUAL DECISION BY THE EXECUTIVE MEMBER FOR RESOURCES AND PERFORMANCE

BURNLEY TOWN HALL

### PRESENT

**OFFICERS** Alison McEwan - Democracy Officer

#### 1. Health & Housing Co-ordinator

- Purpose** The purpose of this report is to seek approval to enter a Memorandum of Understanding (MoU) with Lancashire County Council for a pilot project relating to hospital discharge.
- Reason For Decision** To provide a single point of access for people with housing related issues that impact on timely hospital and bed based intermediate care discharge or may result in unnecessary admission to hospital.
- To remove barriers, find both temporary and more permanent solutions for people that result in improved environments leading to a positive impact on people's independence, dignity and mental health and wellbeing.
- Decision** That the Executive Portfolio Holder for Resources & Performance delegates Authority to the Head of Housing and Development Control to enter the MoU attached as Appendix 1 to this report.
- Decision made by:** Councillor Sue Graham  
Executive Member for Resources & Performance

Date: 25/05/2023  
Decision Published on: 25/05/2023

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## STATUTORY REVIEW OF THE LOCAL PLAN AND REVISION OF THE LOCAL DEVELOPMENT SCHEME

### REPORT TO THE EXECUTIVE



DATE	12 July 2023
PORTFOLIO	Economy and Growth
REPORT AUTHOR	Elizabeth Murphy
TEL NO	Ext 7286
EMAIL	<a href="mailto:emurphy@burnley.gov.uk">emurphy@burnley.gov.uk</a>

### PURPOSE

1. The purpose of this report is for Executive:
  - i) To consider the Statutory Review of the Local Plan to determine if a full or partial update of Burnley's Local Plan should be commenced;
  - ii) To consider if the Statement of Community Involvement (SCI) should be updated at this time;
  - iii) To consider the need to progress the Gypsy and Traveller Site Allocations Development Plan Document (DPD) at this time; and
  - iv) To update the Local Development Scheme (LDS) to reflect the above decisions.

### RECOMMENDATION

2. It is recommended that Executive:
  - i) Notes the content of the review and agrees that an update of Burnley's Local Plan 2012-2032 is not required at the present time;
  - ii) Approves the revised Local Development Scheme set out in Appendix C; and
  - iii) Agrees that an update of the Statement of Community Involvement is not pursued at the present time.

### REASONS FOR RECOMMENDATION

3. To meet the legislative requirement to review the local plan at least every five years from the date of adoption to assess whether it needs updating; and to publish the reasons if it is considered that no update is necessary.
4. To meet the legislative requirement to review the SCI at least every five years from the date of adoption to assess whether it needs updating; and to publish the reasons if it is

considered that no update is necessary.

5. To agree that an update of Burnley's Local Plan 2012-2032 is not pursued at the present time for the reasons set out in the report, which conclude that no national policy trigger has been activated in respect of local housing need, that the Plan is sufficiently up-to-date, that it continues to perform well delivering the Council's Vision for the borough and that it continues to provide a strong plan-led approach to development.
6. The proposals set out in the Levelling Up and Regeneration Bill would fundamentally change the nature of local plans and the procedures for preparing them. To commence a local plan update ahead of the Bill being enacted may lead to abortive work and costs.
7. To meet the legislative requirement to maintain an up-to-date LDS setting out the local plan documents that the Council intends to produce and the timescales for their production.

## SUMMARY OF KEY POINTS

### Background

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#### The Current Local Plan

8. Burnley's Local Plan was adopted on 31 July 2018. It will reach its 5th anniversary on 31 July 2023. The Plan covers the period 2012 to 2032. We are therefore 11 years into the 20-year plan period.
9. During the Examination of the Plan, the Inspector raised concerns regarding the then proposed Gypsy and Traveller Site Allocation at Oswald Street. In order to allow the Examination of the Local Plan to conclude, it was proposed to remove this site from the Plan and to address the issue in a separate Gypsy and Traveller Site Allocations DPD. This approach was confirmed in the January 2018 LDS and the current February 2020 LDS. Whilst some early preparation work was commenced, work ceased following the announcement of major reforms to the plan-making system in 2020. (See paragraph 56)

#### Local Plan Review Requirements

10. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017, provides that local planning authorities must review their plans every five years from the date of adoption. Section 17 of the Planning and Compulsory Purchase Act 2004 (PCP Act) requires them to publish their reasons if they consider that no update is necessary. Section 17 already required local plans and SCI's to be kept under review, but the new Regulation formalises this requirement.
11. The National Planning Policy Framework (NPPF) (2021), Para 33 states that "*Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.*"

12. Traditionally the term 'review' was used for the updating of a plan and the redefinition of this term causes some confusion, but in the context of the current legislation and national policy the term 'review' means the assessment provided in this report to determine whether the local plan needs updating in whole or in part.

### **What triggers the need for an Update?**

13. Paragraph 33 of the NPPF sets out what the review should take into account i.e. *“changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”*. Further guidance is set out in National Planning Practice Guidance (NPPG) which states that *“local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method.”* As this is not the case in Burnley with the plan number being above the number generated using the standard method, this particular trigger does not apply.
14. Burnley's Local Plan was written to be legally compliant with the legislation then in force and 'sound' as per the tests set out in the 2012 NPPF. One of these tests was that the plan should be "consistent with national policy". This test remains. Revised versions of the NPPF were issued in 2018, 2019 and 2021.
15. The online National Planning Practice Guidance is also regularly updated and whilst not officially falling under the label of 'national policy' but rather 'guidance issued by the Secretary of State', it is still in effect viewed as such. In any case, legislation requires that in preparing a local development document, the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State. (PCP Act S192A)
16. It is open to a Council to update its local plan at any time whether or not national policy requires this. A plan may be at odds with a changed Council vision for its area, or may not be performing as intended. Performance of Burnley's Local Plan is assessed annually through the Authority Monitoring Report (AMR) to see if an update may be required before its end date of 2032. If officers identified this potential, a report would be brought to Executive regardless of the specific five-year review requirement.
17. Preparation of local plans takes many years and is very costly and plans which contain strategic policies are normally prepared to cover a 15-year period from adoption. Over such extended periods there will inevitably be changes in national policy and local circumstances and plans are carefully written to be flexible enough to accommodate some level of change. It is also important to bear in mind that the national policy and legislative picture will change throughout the preparation of any update, and again following its adoption, and that the outcome of any plan changes sought cannot be guaranteed.

18. The decision to update a plan must be made in the context of how the plan is currently performing, whether any changes sought could be implemented i.e. be successfully pursued through Examination and whether these would significantly improve the weight and functioning of the plan. The cost and uncertainty created by embarking on an update should also be borne in mind.
19. In circumstances where *“there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date”* the NPPF applies what is often described as a ‘tilted balance’ which seriously undermines many of the adopted plan’s policies. Whilst most of these circumstances are not described in the NPPF, two specific examples are given of where this would be the case: where the council cannot demonstrate a five-year housing land supply and where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Neither of these circumstances apply to Burnley at the present time.

### **Cost, Scope and Timescale of an Update**

20. Updating a full local plan (like the current plan) would take a minimum of 4 years to adoption (assuming the required resources were in place) with preparation starting August 2023 and adoption in August 2027. The current Plan took 6 years. The government previously stated that the average is 7 years. Progress is also dependent on the input from other bodies, particularly Lancashire County Council, Highways England and Natural England. Speed of progress also depends on the number and extent of national policy and procedural changes made through the course of the plan’s preparation. Undertaking a full update does not mean that every policy needs to be changed, just that the whole plan is opened up for reconsideration.
21. It is estimated that updating the Local Plan would cost c £1million on top of existing budgets.
22. A partial update of the Local Plan could possibly be completed in 2.5 to 3 years depending on the scope of the update, but this approach has significant limitations and risks. A partial update only really works if one or two discrete areas of a plan are to be updated. A partial update is always likely to result in inconsistencies between parts of the Plan to some degree, and restricting an update to certain topics only will mean people may be very unhappy about not being able to comment on matters important to them.
23. If the update involved strategic policies, the plan period would need to be extended to c2040 (15 years from adoption), which means an additional 8 years’ worth of development would need to be accommodated. This would either be an entirely new requirement or be offset by any reductions agreed to the remaining current targets to 2032. If the Plan’s housing requirement was to be revisited, the employment land requirement would also need to be reconsidered. A new ‘call for sites’ for housing and employment would be required and the sites put forward would need to be duly considered. Depending on the employment land figure agreed by the Inspector through the Examination and the alternatives put forwards in the call for sites, the release of



Green Belt land at one or more of the sites previously identified but deleted by the Inspector as not being required to meet employment needs to 2032, may be necessary.

24. If the partial update related to site allocations, then it is likely that all allocations would need to be reviewed together i.e. housing, employment and retail, and also any policies that are directly related to the choice of sites e.g. Policy HS2 Affordable Housing, Policy HS3 Housing Mix and HS4 Housing Developments (adaptable homes and open space standards); and potentially the open spaces that are currently protected e.g. through Policy NE2.
25. Adopted plans are the starting point for the consideration of planning applications and legislation requires that applications be determined in accordance with them unless material considerations indicate otherwise. This is the case whether the plan needs updating or not and even where a plan is 'time expired'. This means that the current Local Plan would remain in place whilst any updated plan is being prepared until such time as the new Plan is adopted. Of course, over time national policy changes, changed circumstances and legal duties will become weightier material considerations in the determination of individual planning applications and can mean that one or more policies of the plan no longer function as intended.
26. At this moment in time, the Council also needs to consider whether a full or partial update could realistically be progressed before that progression is prevented by changes to national policy and legislation. The proposed planning reforms set out in the Levelling Up and Regeneration Bill are proposed to be implemented in late 2024. These would include transitional arrangements and these were consulted on in December 2022 ([Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK](#)) and proposed that any current style plan update would need to be submitted for Examination by 25 June 2025 and then adopted by 31 December 2026. Plans not submitted by that date would need to be in a new format focussed on development quantum, site allocations and design guidance with development management policies being prescribed nationally. Under the new regime, plans would be required to be completed within 30 months of starting.

## The Review

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27. In accordance with National Policy and Guidance, this Review considers whether the Local Plan:
  - Is consistent with current national planning policy?
  - Reflects current legislation (planning and non-planning)?
  - Continues to align with the Council's Vision and aligns with other Corporate Strategies
  - Is delivering as intended?
  - Needs to respond to new opportunities and/or challenges?
28. The Matrix at Appendix A to this report provides a summary analysis of the Local Plan's Vision, Objectives and Policies in relation to the above criteria, the level of change that might be appropriate and whether the change is essential or not at this time. The assessment draws on information from the [Authority Monitoring Report \(AMR\)](#). The

analysis is separated into those aspects of the policies that are affected by legislative and national policy changes and those which are affected by changed circumstance and evidence. This is a high-level analysis and does not put forward a specific recommendation or new policy wording as that would be a matter for detailed consideration, public consultation and independent examination.

29. Over a Plan's long time period, things will inevitably change locally, nationally and internationally. The important question is not therefore, has anything changed, but rather do any changes mean the plan can't operate as intended and/ or do they allow a new and improved plan to be prepared?

### **Is it consistent with national policy?**

30. Since the Local Plan was adopted in 2018 there have been several updates to the NPPF which affect both plan content and on-going decision making. The changes include revised policy on density and design, affordable housing and its definition and 5-year housing land supply.
31. There have also been changes to the method of calculating housing need and resulting plan requirements, incorporating the use of the "standard method". A brief outline of the standard method is included at Appendix B. Despite the availability of more recent household projections (2016, 2018 and 2020-based) and factual data (the Census), the standard method still uses the 2014-based household projections in its calculation. When the 2014-based population projections that underpin the household projections are compared with the actual population figures for Burnley in 2021 (94,700 according to the Census as opposed to 87,400 according to the 2014-based projections), it is clear that these would not inform a meaningful housing number for Burnley or allow the needs of different groups to be properly assessed. Once the 2021 Census data has been translated into new household projections (planned to be issued in 2024) the continued use of 2014-based statistics will be untenable.
32. As set out in paragraph 13, national policy does not require Burnley's Local Plan to be updated to take into account the standard method.
33. As set out in the Matrix at Appendix A, none of the national policy changes are considered to undermine the Local Plan or require a different approach. Where specific national policy changes post-date the plan and differ to it, they would be material considerations in relevant planning decisions.

### **Does it reflect current legislation?**

34. At the time of preparing the Local Plan, the Climate Change Act 2008 established a legally binding target to reduce the UK's net carbon account by at least 80% in 2050 from 1990 levels. In 2019, the Act was amended to increase the target to 100% i.e. "net zero."
35. There have been recent changes to the building regulations to increase energy efficiency and electric car usage which exceed some of the specific requirements of the Local Plan but are nevertheless consistent with its approach. Whilst these changes affect the

interpretation of certain clauses of Policy SP5 and IC3, these policies still perform adequately through a sensible interpretation and weighing of material considerations.

36. Changes to the Use Classes Order, particularly the amalgamation of a number of A, B and D Use Classes into a new E Class has impacted on the Council's ability to manage change within and outwith town centres (Policies TC2 and TC3). Despite this deliberate weakening of control, national policy in the NPPF on town centres remains unchanged and so the Local Plan's town centre policies remain consistent with it. Similarly, a widening of the scope of permitted development rights means more development does not require planning permission and except for limited 'prior approval' matters, the consideration of Local Plan policies.
37. As set out in the matrix at Appendix A, none of the legislative changes undermine the Local Plan or require a significantly different approach.

### **Is it delivering as intended?**

38. We are only part-way through the plan-period, five years from its adoption and 11 years into its 20-year span. The Plan was written to be flexible and forward-looking, particularly in terms of anticipated population and household growth and proactive regeneration activity; and it is remarkably on track in terms of the overall quantum of development for housing (market and affordable), employment development and retail and leisure development.
39. The Plan is proving very successful in delivering a majority of housing development on brownfield sites (92.8% - see Appendix A, Policy SP5), and development is being delivered in accordance with the settlement hierarchy on allocated and windfall sites within the development boundaries, with development in the open country being strictly controlled. Key to the Plan's success here has been in maintaining a 5-year housing land supply (currently 10.1 years) and wider developable supply over the Plan period; and passing the government's housing delivery test. (See also earlier paragraph 19.)
40. It is also on track in terms of the quality and mix of development, although some fine tuning in terms of meeting all sections of market housing demand and delivering design quality and sustainability could be beneficial (but is not essential). A number of other policies have been identified in this category i.e. they could benefit from some updating but this is not essential, and allowing for other material considerations to be taken into account, including SPDs, the policies can still operate effectively.
41. The overall need for affordable housing identified in the Plan has now been met but not the need for all specific types and tenures e.g. intermediate tenures. There is likely to still be a need for new/replacement affordable rent/social rent and the type of accommodation needed may have changed due for example, to changes in benefit rules. Updated evidence on the quantum of need and the types and tenures required is necessary in order that proposals for affordable housing can be appropriately considered and weighed in the planning balance and any contribution requests justified. However, as Policy HS2 does not include a specific target it is unlikely to require updating. The

Developer Contributions SPD which sets out the expected percentages of affordable housing by site type may need to be updated. An updated Affordable Housing Need Study is therefore to be commissioned.

### **Is it helping to deliver the Council's Vision and does it align with other Corporate Strategies?**

42. The Vision and Objectives of the Plan still closely align with the Council's [Strategic Plan \(Feb 2023\)](#) and other key strategies including [Burnley's New Economy: A Strategy for Recovery and Growth \(Sep 2020\)](#), the [Town Centre and Canalside Masterplan](#), and the [Lancashire 2050 - A Strategic Framework for Lancashire \(2023\)](#).
43. The Plan was adopted before the Council declared a climate emergency and developed its Climate Change Strategy. However, the Plan was developed in the full knowledge of the issues relating to climate change which are referenced and addressed in the Plan. Climate Change is identified as one of the "key Issues and Challenges" and reflected in the Plan's objectives particularly Objective 1: Delivering Sustainable Growth.
44. The Local Plan then addresses climate change including through policies SP5, CC1, CC2, CC3, NE5, IC1, IC2 and IC3. These policies are considered and applied in decision making and are consistent with the NPPF.
45. Whilst there have been some changes to wider national and international policy in relation to the overall targets for greenhouse gas emissions (net zero) and to national legislation e.g. the building regulations, there is nothing in the Local Plan that is inconsistent with these changes which in themselves are not reflected in the NPPF. Any wider changes can be addressed through a sensible interpretation of the policies and weighing of material considerations. The government stated in its December 2022 consultation on planning reforms that: *"As committed to in the Net Zero Strategy, we will carry out a fuller review of the National Planning Policy Framework following Royal Assent of the [LURB] Bill, to ensure they contribute to climate change mitigation and adaptation as fully as possible."*

### **Does it respond to new opportunities and challenges?**

46. The Local Plan was written before the government's "levelling up" agenda was announced. To date, the awards of levelling-up funding to the Council and to the County Council to be spent in Burnley are to a large extent to deliver projects and policies already set out in the Local Plan rather than to chart a different course. If, however, there was to be a significant increase in resources and tools to facilitate new initiatives, then an update to the Local Plan could provide an opportunity to better embrace this agenda. An example of this could be e.g. to tackle on a strategic scale the refurbishment and/or clearance of existing housing stock. This would require a level of public funding similar to that seen under the previous Pathfinder Housing Market Renewal Scheme i.e. £81.35m from 2003 to 2010 in Burnley ([Audit Commission: HMR strategic review 2010 Elevate East Lancashire](#)] ([nationalarchives.gov.uk](http://nationalarchives.gov.uk))) and there is no indication at this time that this level of funding or intervention would be forthcoming; or directed toward deprived places

like Burnley in the immediate future.

47. The economic indicators collected in the AMR demonstrates that the borough has substantially recovered following the COVID 19 pandemic. There have been no other major economic shocks that would require an update.

## **Conclusion**

48. In terms of the coding set out in the matrix in Appendix A, of the 51 Local Plan policies, 1 has been identified for possible deletion entirely, 2 for deletion with some remaining parts then incorporated into other policies, 6 for amendments to change their meaning and/or incorporate parts of deleted policies, 12 for minor changes to aid clarity or update factual information, 30 for no change and 3 possible new policies. None of the potential changes identified are considered to be immediately necessary or urgent.
49. It is considered that the Local Plan does not currently require updating. It is performing well and is on track to deliver the development needed to meet need and deliver the Council's Vision for the borough. With sensible interpretation it can continue to provide a strong plan-led approach to development.
50. Even if this were not the case, taking into account the cost and complexity of a Local Plan update and given the uncertainties created by the proposed reforms set out in the Levelling Up and Regeneration Bill which would fundamentally change the nature and procedure for preparing local plans and may prevent the progression of any update commenced, it would not be recommended that an update is pursued at this point in time. This matter should be kept under review.

## **Statement of Community Involvement (SCI)**

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51. Legislation requires Local Planning Authorities to prepare an SCI setting out how the Council will engage with communities and others in preparing planning documents such as the Local Plan and in dealing with planning applications. The current SCI was adopted on 14 July 2015.
52. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017, provides that local planning authorities must review their SCIs every five years from the date of their adoption. The Act already required SCI's to be kept under review, but the new Regulation formalises this requirement. SCI updating can be done with or without consultation.
53. In February 2020, the Executive Report on the LDS identified that whilst the SCI still adequately reflected the current plan-making system, resources had been reduced since 2015 and feedback on the post-2015 local plan consultation undertaken had included some criticism; and, that where resources permit, the Council always needed to look to improve plan-making consultation. It also identified that the Development Control Team had recently moved offices and were recruiting/restructuring and implementing a new planning applications software package. It concluded that the SCI would benefit from

some minor updating.

54. Work on this had commenced in 2020 but was delayed, initially due to the Coronavirus pandemic, but later put on hold pending the outcome of the proposed planning reforms set out initially in the White Paper – ‘planning for the future’ (Aug 2020) and then in the Levelling Up and Regeneration Bill 2022 (LURB) as these would significantly alter the procedures for plan-making and consultation. As such, it is not considered sensible to proceed with an update to the SCI at the present time, but that this matter is revisited by Spring 2024.

## **Local Development Scheme (LDS)**

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55. The Council is required to maintain an up-to-date Local Development Scheme (LDS) setting out the local plan documents (DPDs) that it intends to produce and the timescale for their production. The current LDS includes a commitment to produce a Gypsy and Traveller Site Allocations DPD and a Design Guide SPD.

### **The Gypsy and Traveller Site Allocations DPD**

56. As set out earlier in paragraph 9, this document has been put on hold pending the outcome of the planning reforms as the implications for it are unclear. Furthermore, a recent Court of Appeal judgement has implications for the interpretation of the definition of Gypsies and Travellers in the government’s ‘Planning Policy for Traveller Sites 2015’ and how these are then evidenced and addressed in plan-making. Speedy clarification of this matter by the government would be welcomed. (See Appendix A). In view of this uncertainty, it is not considered sensible to proceed with this document or an updated needs assessment at the present time, but that this matter is revisited by Spring 2024.

### **The Design Guide SPD**

57. In February 2020 Executive resolved to prepare a Design Guide: Addressing Quality and Climate Change Supplementary Planning Document (SPD). Preparation of this was to commence in 2020 and be led by consultants appointed by the Council. £40,000 was set aside for this work. This SPD was also put on hold in 2020 in view of indications that ‘Design Codes’ were to become mandatory as part of the local plan and that councils would be no longer able to prepare SPD’s. Design Codes, being more prescriptive than Design Guides are likely to require additional resource.
58. In the interim, the policy team is supporting development control with design advice where possible, and the Council has signed up to a PAS-subsidised design training package for officers and members throughout 2023/4.

<b>FINANCIAL IMPLICATIONS AND BUDGET PROVISION</b>
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59. The recommendation is to not pursue an update of the Local Plan at this time and additional resource would therefore not be required. The potential cost of updating the Local Plan is set out at paragraph 21. This estimate does not take account of the

proposals for new style local plans as set out in the Levelling Up and Regeneration Bill.

60. The SCI and Gypsy and Traveller DPD were to be prepared within existing budgets. The recommendation to not pursue the Design Guide SPD until the outcome of the Levelling Up and Regeneration Bill is clear, would save around £40,000 in the current financial year.

#### **POLICY IMPLICATIONS**

61. As set out in the report and appendices, whilst some aspects of the Local Plan do not take full account of national planning policy changes or new legislation, these changes do not undermine it or require a different approach. Where national policy changes post-date it and differ, they can be material considerations in decision-making.
62. A changed Vision for Burnley to that set out in the Local Plan could require and/or justify a new Local Plan. Whilst the precise wording of the current Vision could be debated at length and fine-tuned, it is still considered fit for purpose and it aligns with other corporate strategies. Progress towards achieving the Vision for Burnley has been made.
63. Overall, the Plan is considered to be sufficiently up-to-date to still operate as intended. This position needs to be kept under review.

#### **DETAILS OF CONSULTATION**

64. None

#### **BACKGROUND PAPERS**

None

#### **FURTHER INFORMATION**

**PLEASE CONTACT:**

**Elizabeth Murphy**

**ALSO:**

**Kate Ingram**

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## Burnley Local Plan Review Matrix – Appendix A to Executive Committee Report 12 July 2023

1. This matrix sets out a very high-level analysis of the performance of the Local Plan policies. For the proportionality of the exercise, it does not list every change in evidence or circumstance that has occurred since the examination or adoption of the Local Plan.
2. It does not provide a detailed analysis of the performance or set out any potential rewording of the policy. Further information on policy performance is set out in the [2021/22 Annual Monitoring Report](#).
3. Coding: The result have been coded. This coding is for information only as the decision on whether a policy would in fact be amended, deleted or added would be subject to due process including wide consultation and independent examination.
  1. **deleting** - policy may be deleted entirely, or deleted and its content/remaining content merged with another policy
  2. **amending** - policy could be amended to change its meaning
  3. **minor changes** - policy could be changed or updated to add clarity rather than to change its meaning
  4. **no change** - no change identified as necessary
  5. **new policy adding** - a new policy could be added, either to cover a new subject that the current plan is silent on, or to cover a matter that is currently within another policy but could benefit from being in a separate policy with additional wording
4. Any partial or full update of the Local Plan will require a Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment. If allocations are being reviewed, this is likely to also require a full Appropriate Assessment.
5. This matrix does not take account of the changes in the Levelling Up and Regeneration Bill (LURB) relating to plan-making, or the draft 2023 NPPF.

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Vision	In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a five-year <a href="#">Climate Change Strategy</a> in Feb 2022.  <a href="#">Burnley's New Economy: A Strategy for Recovery and</a>	No	No	Extended PD rights and Use Class Order changes mean more development will take place without regard to the Local Plan.  At the time of preparing the Local Plan, the Climate	No	Progress towards achieving the Vision for Burnley in 2032 has been made. Delivery of the Vision also relies on actions beyond the Local Plan, in particular the availability of resources to the Council and others and national policy and legislation. Given	3

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	<p><a href="#">Growth (Sep 2020)</a> - Local Plan Vision is consistent with the strategy.</p> <p><a href="#">Lancashire 2050 - A Strategic Framework for Lancashire (2023)</a> – Consistent with Local Plan Vision.</p> <p>Charter Walk Shopping Centre was purchased by the Council in 2021 – this helps support the Vision for the town centre.</p> <p>Levelling Up funding for the further expansion of the University of Central Lancashire (UCLan), upgrades to Manchester Road railway station; improving links between the town centre and Turf Moor; accessibility upgrades to train stations; and new walking and cycling infrastructure to promote active travel all help support the Vision.</p>			Change Act 2008 established a legally binding target to reduce the UK's net carbon account by at least 80% in 2050 from 1990 levels. In 2019, the Act was amended to increase the target to 100% i.e. "net zero."		these constraints, whilst the precise wording of the Vision could be debated at length and fine-tuned e.g. to refer to climate change mitigation (in addition to adaptation already mentioned) and the role of Burnley as a University Town, it is still considered fit for purpose.	
<b>Objectives:</b>  <b>Delivering Sustainable Growth</b>	In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a 5-year Climate Change Strategy in February 2022.	No	Increased emphasis on design quality and placemaking in current NPPF than in the 2012 version (including requirement for beauty and tree lined streets); and through the	Extended PD rights and Use Class Order changes mean more development will take place without regard to the Local Plan.	No	The Objectives are delivered through the individual plan policies and progress has been made. Delivery also relies on actions beyond the Local Plan, and in particular the availability	3

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<b>Population and Housing</b> <b>Economy and Employment</b> <b>The Natural Environment</b> <b>The Built and Historic Environment</b> <b>Accessibility, Transport and Other Infrastructure</b> <b>Community Involvement</b>	<p>Objective 1 refers to minimising the adverse impacts of climate change (i.e. adaption).</p> <p>Mitigation of climate change is not specifically mentioned but is implied through the other actions outlined including moving towards a low carbon economy, managing growth so that it takes place in the most appropriate locations, promoting energy efficiency and sustainable design and the re use of previously-developed land and buildings.</p> <p>Reducing the impact of transport emissions is not specifically mentioned but is similarity implied in Objectives 1, 6 and 9.</p> <p>The Population and Housing Objective (Objective 2) does not make specific reference to the existing housing stock, particularly vacants, but it does not exclude them. The text could be made clearer in this regard.</p>		<p>National Design Guide and National Model Design Code (2021).</p> <p>In the Objectives on the Built and Historic Environment, design quality is not specifically mentioned in respect of new development.</p>	<p>At the time of preparing the Local Plan, the Climate Change Act 2008 established a legally binding target to reduce the UK's net carbon account by at least 80% in 2050 from 1990 levels. In 2019, the Act was amended to increase the target to 100% i.e. "net zero."</p>		<p>of resources to the Council and others and national policy and legislation. Given these constraints, whilst the precise wording of the Objectives could be fine-tuned and they could be re-ordered, they are still considered fit for purpose.</p>	

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<b>Policy SP1: Achieving Sustainable Development</b>	Model policy based on 2012 NPPF wording not now advocated by Planning Inspectorate (PINS), but inspector was aware of this then recently changed stance at the Local Plan examination but didn't feel its deletion was necessary to achieve soundness.	The policy has been referred to in multiple appeals and has been applied as intended.	Clauses 3 a) and b) reflect policy in the 2012 NPPF which of course has now changed.	Extended PD rights and Use Class Order changes mean more development will take place without regard to the Local Plan.	n/a	The wording of this policy, although not in direct conflict with the current wording of the NPPF paragraph 11, differs from it which is unhelpful. For this reason and ideally it would be deleted entirely (and referred to instead in the supporting text).	1
<b>Policy SP2: Housing Requirement 2012-2032</b>	<p>New 2016-based sub national population and household projections (SNPP and SNHPs) released in 2018.</p> <p>New 2018-based SNPP and SNHPs released in 2020.</p> <p>2021 Census data on population released in 2022.</p> <p>2021 Census data on households released in 2023.</p> <p>The statistical data referencing permissions, demolitions and completions was correct as at adoption. Updated figures are published annually.</p> <p>Council action on filling of vacants is exceeding the estimates built into Policy SP2.</p>	<p>Only referred to in one appeal decision in relation to the size of sites anticipated to come forward to meet the windfall allowance in the policy.</p> <p>Harrogate Crescent <a href="#">APP/Z2315/W/21/3286494</a></p>	<p>Any update of this policy would be informed by the government's standard method - currently calculated using the 2014-based SNHPs ("unless exceptional circumstances justify and alternative approach which also reflects current and future demographic trends and market signals"). See Appendix B.</p> <p>Current NPPF also updates the approach to housing requirements for neighbourhood plans.</p>	More of overall requirement will be met by development which takes place without full planning control and regard to the Local Plan.	<p>Yes.</p> <p>New housing needs (SHMA-type) study. <sup>1</sup></p> <p>The plan period would need to be extended to c2042 and the needs for this extended period assessed.</p> <p>New Employment Land Demand Study (ELDS).</p> <p>New Strategic Housing and Employment</p>	<p>The Plan remains 'up to date' and on track to deliver as intended. To date, actual population growth is exceeding the projection used to underpin the housing requirement and housing delivery is meeting the SP2 requirement with an average of 204 net additional dwellings delivered per annum; and is on track to deliver the overall requirement by 2032.</p> <p>The housing requirement is not required by national policy to be updated to take account of the standard method, and as set out in Appendix B, this would in any case not inform a meaningful housing number for Burnley or allow proper assessment of the different sizes, types and tenures</p>	4

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	The overall level of vacant properties has considerably reduced over the Plan period from 7.36% in 2012 to 4.5% in 2022. A vacancy rate of 3% is widely accepted as the normal rate to allow for market 'churn' which would mean that the borough now has just under 619 excess vacancies as opposed to 1.765 in 2012. (AMR Table 21)				Land Availability Assessment (SHLAA) to assess site availability and capacity.  New Housing/ Empty Property Strategy to provide evidence on future vacant property programmes.	needed for different groups (NPPF para 62).  The greater level of vacant properties filled by Council action than included in the policy is counted in assessing the housing land supply position. Any updated policy would need to consider if a greater level of supply can be factored in from the re-occupation of vacants. This would need to be based on evidence from an up to date Housing/Empty Property Strategy.  If updated, the policy would be amended to reflect delivery/ commitments to date.	
<b>Policy SP3: Employment Land Requirement 2012-2032</b>	The statistical data referencing permissions, losses, under construction sites and completions was correct as at adoption. Updated figures are published annually in the monitoring report (AMR).  Employment land and premises losses are running at a higher rate than anticipated in policy SP3. (AMR: Table 68)	No	The 2012 NPPF Paragraph 158 stated that the assessment of, and strategies for, housing, employment and other uses should be integrated; this advice is no longer included within the 2021 NPPF.  The government's ambition to 'level up' the country and reduce regional disparities was a key plank of the	Extended PD rights and Use Class Order changes will contribute to the losses of employment land and premises to housing, retail and other 'town centre uses'.	Yes.  New Employment Land Demand Study (ELDS), including additional evidence on sectoral split.	Although the Plan remains up to date and largely on track to deliver as intended, careful monitoring of losses, take up and demand is needed.  Any updated policy would be amended to reflect delivery/ commitments to date.	4

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	<p>The three largest sites allocated to meet the residual requirement have permission/part permission, but are yet to be completed.</p> <p>Some of the smaller/brownfield sites have not yet come forward e.g. EMP1/4 Stoneyholme Gas Works, or are being proposed for alternative uses e.g. EMP1/7 Westgate - for retail.</p> <p>Site EMP1/6 has been approved for battery storage.</p> <p><a href="#">Burnley's New Economy: A Strategy for Recovery and Growth (Sep 2020)</a> – although with a wider remit than the Local Plan, the relevant parts are consistent with it.</p> <p><a href="#">Lancashire 2050 - A Strategic Framework for Lancashire (2023)</a> – a high level strategy that is consistent with the Local Plan.</p>		Conservative 2019 general election manifesto. The 2022 levelling up white paper defined what levelling up means in more detail, specifying 12 'missions' to be achieved by 2030, covering most aspects of government policy across the economy, public services, pride in place and devolution.		New SHLAA to assess site availability and capacity.	SP3 doesn't reflect the government stated 'levelling up agenda'.	
<b>Policy SP4: Development Strategy</b>	Clause 4): Development in the Open Countryside: Examples of the exceptions to policy clause 4) that are referred to in	Yes.  The policy has been referred	The wording has changed but the thrust of national policy has not.	Extended PD rights and Use Class Order changes means more development (new build and change of	Yes.	Some updating would be beneficial, but the current NPPF and legislative requirements operate as a material	3

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	<p>paragraph 4.4.15 do not include EMP5 Rural Business &amp; Diversification. Whilst they refer to Policy HS5 House Extensions and Modifications, that policy does not cover the rebuilding /replacement of existing dwellings.</p> <p>HMO and Small Flats SPD adopted April 2022.</p>	<p>to in multiple appeals and has been applied as intended and is consistently performing well.</p>	<p>Brownfield Land: Slight strengthening of the wording from “encouragement” in 2012 to “making as much use as possible” in 2021. However, in 2012 this was provided that it is “not of high environmental value” whereas in 2021 it is “except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity,” arguably a narrower test?</p>	<p>use) will take place without planning permission and regard to the Local Plan.</p> <p>This may result in new uses that are inappropriate to their location or loss of important existing facilities. (See Policy IC5)</p>	<p>New Plan Viability Assessment</p> <p>New Employment Land Demand Study (ELDS)</p> <p>New housing needs (SHMA-type) study.</p> <p>New SHLAA to assess site availability and capacity.</p>	<p>consideration and do not alter the overall thrust of this policy.</p> <p>Clause 1) Settlement Hierarchy: The approximate numbers of properties within the development boundaries has been re calculated – this does not affect the hierarchy.</p> <p>Clause 2) Development Boundaries: These have been used successfully to direct and control development in line with the development strategy and settlement hierarchy. They have not to date facilitated small-scale new build development to support and enhance existing service provision in small villages. In practice, in the small villages, small scale development is likely to protect existing service provision rather than enhance it.</p> <p>Success of the development boundaries relies in no small part on maintaining a 5-year housing land supply.</p> <p>At the time of adoption, the Local Plan housing trajectory</p>	

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						<p>anticipated that from an overall supply of 4,200 dwellings (made up of net additional dwellings completed and under construction, small sites with planning permission, re-occupied empty homes through Council action, allocations and an allowance for brownfield windfalls) 76% or 3,196 dwellings would come forward on previously developed (brownfield) land. Up to 31 March 2022 the supply from net additional dwellings and the re-occupation of empty homes, as per Policy SP2, has delivered 2,215 dwellings of which 92.8% or 2,056 dwellings have come forward on previously-developed (brownfield) land.</p> <p>Clause 4): Minor updating to the supporting text would be beneficial but is not essential.</p>	
<b>Policy SP5: Development Quality and Sustainability</b>	<p>Shopfront and Advertisement Design SPD adopted June 2019</p> <p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p>	<p>Yes.</p> <p>The policy has been referred to in multiple appeals and has been</p>	<p>With regard to energy efficiency and onsite renewable and low carbon energy generation, the wording of the current NPPF differs from that in the 2012 NPPF, key parts of which are</p>	<p>In 2019 the 2008 Climate Change Act was amended to replace the target to reduce the UK's net UK carbon account by at least 80% in 2050 compared to</p>	<p>Yes:</p> <p>New Plan Viability Assessment (if any specific design or</p>	<p>Some updating of this policy and its supporting text would be beneficial, but the current NPPF and legislative requirements operate as material considerations and do not alter the overall thrust of the policy.</p>	3



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	<p>HMO and Small Flats SPD adopted April 2022</p> <p>Planning for Health SPD adopted October 2022</p> <p>Residential Extensions SPD adopted Oct 2022</p> <p>Clause 1 - Energy Efficiency:</p> <p>In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a 5-year Climate Change Strategy in February 2022.</p> <p>BREEAM requirements under 1 c) are not being consistently applied.</p> <p>Clause 2 i) - whilst there is no particular issue with its wording, rear storage solutions for mid terrace properties are not proving effective for modern refuse and recycling requirements resulting in bins being left on driveways and in front gardens to the detriment</p>	<p>applied as intended and is consistently performing well.</p> <p>For residential extensions and alterations, SP5 is being used consistently, in combination with HS5 to dismiss poor design. Clauses 2(a) and 2(e) are being used in combination to dismiss development that causes unacceptable harm to the character and appearance of the area.</p>	<p>referenced in the Plan's supporting text.</p> <p>Whilst the essence remains the same, there is no longer any reference to a 'zero carbon buildings policy' in the NPPF (although this is still mentioned in the planning practice guidance), nor any reference to 'net zero'. The planning practice guidance still refers to the 80% target.</p> <p>The government stated in its December 2022 consultation on planning reforms that "As committed to in the Net Zero Strategy, we will carry out a fuller review of the National Planning Policy Framework following Royal Assent of the Bill, to ensure they contribute to climate change mitigation and adaptation as fully as possible."</p> <p>Energy Efficiency Standards:</p> <p>The Planning and Energy Act 2008 allowed local planning authorities to set and apply policies for energy efficiency</p>	<p>1990 levels with 100% (i.e. net zero).</p> <p>As a stepping-stone to a 'Future Homes Standard', in December 2021 the Government introduced an interim uplift in building regulations standards, effective from June 2022 that will result in an estimated 31% reduction in carbon emissions from new homes compared to the previous standards. The emphasis is on the adoption of a 'fabric first approach' with higher standards for the building envelope and improved airtightness, along with the use of low-carbon heating technologies.</p> <p>Extended PD rights and Use Class Order changes mean more development (new build and change of use) will take place without planning permission and regard to the Local Plan.</p>	<p>sustainability standards are proposed).</p>	<p>Areas that would benefit from minor updating include:</p> <ul style="list-style-type: none"> <li>• Clause 1) and the relationship with the new building regulations and planned future homes standard. Similarly, the supporting text this policy aspect could benefit from updating.</li> <li>• The updating of the supporting text in relation to 'net zero'.</li> <li>• The links to health of this policy as referenced in the Planning for Health SPD.</li> </ul>	

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	of the quality of the street scene.		<p>standards in new homes that exceeded the requirements of the then Building Regulations. In 2015, the government set out in a Written Ministerial Statement (WMS) its policy expectation that local planning authorities should no longer set bespoke performance standards for new homes higher than Building Regulations and should consider reviewing their plans to remove any that existed. (The stated intention at the time was to revise the Building Regulations and introduce a 'zero carbon homes standard' in 2016 and to formally revoke the 2008 Act provision referred to above.) The WMS indicated that pending the commencement of the legislative changes, then planned for late 2016, local plans could still set energy performance levels (subject to robust evidence and viability testing) above the building regulations.</p> <p>The 2013 Deregulation Bill was enacted in March 2015, but</p>	<p>Whilst design and external appearance is often a prior approval matter for the exercise of new PD rights, the extent of control is limited; and changes of use within Class E do not require any form of impact assessment. Although these changes of use do not authorise external conversion works, the change in the use can still result in unsatisfactory development quality or bring about pressure for subsequent changes to accommodate the new uses.</p>			

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			<p>the clause revoking the relevant provision of the 2008 Act has never been brought into force. The 'zero carbon homes standard' and planned building regulations uplifts were dropped in 2015.</p> <p>At the time of the submission and examination of Burnley's Local Plan, the intention to enact the clause of the Deregulation Act referred to above and to move away from bespoke energy efficiency performance standards in local plans remained.</p> <p>The current planning practice guidance states that <i>"The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and</i></p>				

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			<p><i>will need to be based on robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review when considering a local requirement relating to new homes.” (27 03 2015)</i></p> <p>As set out above, this is not what the NPPF now says.</p> <p>The NPPG also says:  <i>“Can a local planning authority set higher energy performance standards than the building regulations in their local plan? Different rules apply to residential and non-residential premises. In their development plan policies, local planning authorities:</i>  <i>- Can set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes</i></p>				

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			<p>- Are not restricted or limited in setting energy performance standards above the building regulations for non-housing developments.” (15 03 2019)</p> <p>This text is also out of date as it does not reflect the new building regulations which exceed Level 4. (Level 4 was 20% above the former building regs but is now below the current).</p> <p>Design:</p> <p>There is an increased focus on design quality and placemaking in current NPPF than in the 2012 version (including requirement for beauty and tree lined streets); and through the National Design Guide and National Model Design Code (2021).</p>				
<b>Policy SP6: Green Infrastructure</b>	<p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>Developer Contributions SPD adopted Dec 2020.</p>	No	<p>NPPF: New reference to “access to healthy food” (first added to 2018 NPPF).</p> <p>Natural England <a href="#">Green Infrastructure Framework January 2023</a> Includes target</p>	Environment Act 2021: Mandatory 10% BNG is proposed to be brought into force in November 2023.	Updated evidence on GI may be necessary.	In anticipation of mandatory biodiversity net gain, use of the Natural England metric has become widespread and there is some cross-over with the audit referred to in clause 2 b) of this policy and the supporting text	2

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	<p>Planning for Health SPD adopted October 2022</p> <p>Residential Extensions SPD. Adopted Oct 2022.</p> <p>In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a 5-year Climate Change Strategy in February 2022.</p>		<p>for everyone to have access to high quality blue or green open space within a 15 min walk of their home.</p> <p>New urban greening factor scores for developments 0.3 for Commercial developments 0.4 for residential developments</p>	<p>Local Nature Recovery Strategy (LNRs) requirements brought into force April 2023. New Local Plans must have regard to these.</p> <p>Extended PD rights and Use Class Order changes mean more development will take place without regard to GI. Whilst PD/Use Class rights do not override protected habitats and species legislation, for PD rights prior approval of landscaping schemes is only relevant to the demolition and new build category and GI matters/policies cannot be considered in the exercise of other rights, except as part of assessing flood risk. (See Policy CC4 and CC5)</p>		<p>and as a result this has not been specifically taken forward. The metric and other supporting information as necessary, is being using to providing an equivalent analysis.</p> <p>The policy would therefore benefit from some minor updating in this regard, but this would not alter its thrust.</p> <p>Natural England's GI framework would inform the GI standards in any new local plan, but again would not alter the trust of this strategic policy.</p>	

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<p><b>Policy SP7: Protecting the Green Belt</b></p>	<p>Residential Extensions SPD. Adopted Oct 2022</p> <p>“Inappropriate development” in the Green Belt since adoption:</p> <p>Crow Wood Hotel – very special circumstances demonstrated;</p> <p>Former William Blythes, Hapton – the unallocated part of site lies in the Green Belt – very special circumstances were demonstrated (approved prior to adoption).</p> <p>Such developments may require land to be removed from the Green Belt in the longer term.</p>	<p>Yes.</p> <p>Policy being used as intended to protect the Green Belt.</p>	<p>The current 2021 NPPF includes some minor wording changes to Green Belt policy from the 2012 version.</p> <p>It also adds changes of use of land for sport, recreation or, cemeteries and burial grounds in the list of exceptions for other inappropriate developments in the Green Belt (under clause 3) - thus clarifying a matter which had been disputed in some LPA areas where it was argued this was already implied under 2 b).</p> <p>More substantially, it now includes development which would “contribute to meeting an identified affordable housing need within the area of the local planning authority” in the list of exceptions for new buildings on brownfield sites under clause 2 f). This is in addition to the “limited affordable housing for local community needs under policies set out in the local plan (including policies for rural exception</p>	<p>No.</p>	<p>No.</p> <p>June 2016 Green Belt Review still relevant</p>	<p>The current NPPF would be a material consideration in any relevant decisions. Other than the changes identified, which will only be relevant in very limited circumstances where other Local Plan policies would continue to apply, Policy SP6 still reflects national policy and is being implemented to direct and control development accordingly.</p>	<p>4</p>

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			sites)” under clause 1 e) which is not restricted to brownfield sites.				
<b>Policy HS1: Housing Allocations</b>	<p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>Developer Contributions SPD adopted Dec 2020.</p> <p>Planning for Health SPD adopted October 2022</p> <p>The site choices flow from the strategic policies, in particular the requirement in SP2, and policies SP4 and SP5.</p> <p>Out of the 32 housing allocations, as at 31 March 2023:</p> <ul style="list-style-type: none"> <li>• 5 are complete</li> </ul>	<p>Yes.</p> <p>Full weight given by the inspectorate to the allocations policy which is operating as intended.</p>	<p>The 2021 NPPF includes some changes that could affect the identification of sites in any new local plan but doesn't diminish the weight given to current allocations.</p> <p>It also states that in reviewing allocations in existing plans, there is a need to identify those sites which have no prospect of coming forward, look to reallocate sites for more suitable uses and, before plans are updated, support applications for alternative uses which would meet unmet needs.</p>	<p>Extended PD rights and Use Class Order changes could affect the delivery of allocated brownfield sites by diverting demand.</p>	<p>Yes.</p> <p>If this policy is to be updated, then Policy SP2 would also need to be updated and a new housing needs (SHMA-type) Study prepared. An updated ELDS may also be necessary.</p> <p>New SHLAA.</p>	<p>This policy has proved strong and effective in delivering plan-led housing development.</p> <p>Information on sites progress is shown in the Housing Trajectory which accompanies the annual Housing Land Supply Assessment.</p> <p>The indicative capacity numbers set out in the policy are proving to be reliable – with higher yields at some sites and, unsurprisingly as it was always known to be a conservative estimate, a small number of larger windfall sites have come forward which provide additional numbers to help meet the SP2 requirements.</p>	<p>4</p>



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	<ul style="list-style-type: none"> <li>• 7 are under construction – one in part only – HS1/4 – Land at Rossendale Road</li> <li>• 2 have detailed planning permission</li> <li>• 2 have outline planning permission – one of which relates to only part of the allocated site HS1/5 – Former Baxi Site (1.87Ha)</li> <li>• 4 have detailed planning applications submitted – one is part of site HS1/4 – Land at Rossendale Road and one is a replacement application for a site currently under construction – HS1/22 – Former Dexter Paints</li> </ul> <p>13 remain with no current planning status. Of these:</p> <ul style="list-style-type: none"> <li>• 31% are owned by the Council or other public sector bodies.</li> <li>• 38.5% are brownfield</li> <li>• 38.5% are greenfield</li> <li>• 23% are part brown/part greenfield</li> </ul> <p>Site HS1/5 Former Baxi Site:</p>					<p>There is still sufficient supply of sites to meet both the five-year land supply requirements and the overall plan requirement and sufficient flexibility was built into the supply to allow some sites not to come forward and as such an update of this policy is not considered necessary at the present time.</p> <p>Concerted action is needed over the coming years to unlock some of the more complex brownfield sites still to come forward.</p> <p>If the Plan was updated, this Policy would be amended to reflect delivery to date and to remove sites which will not come forward within the Plan period and add any new sites.</p>	

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	<p>77% (6.36Ha) of the site will not be developed due to flooding and technical issues.</p> <p>Site HS1/7 Ridge Wood: This is now considered unlikely to come forward in this plan period due to difficult ground conditions.</p> <p>Site HS1/14 Former Gardner site: This site is now considered unlikely to come forward in this plan period. Application FUL/2020/0204 approved to retain site in employment use.</p> <p>Site HS1/28 George Street Mill: Part of the site will be utilised for future phases of the University expansion (to be determined) with the remainder of the site to provide housing (number to be determined)</p>						
<b>Policy HS2: Affordable Housing Provision</b>	<p>Typing error in supporting text – corrected via erratum sheet/sticker.</p> <p>Developer Contributions SPD adopted December 2020. This sets out the expected</p>	Yes – no issues identified and policy working as intended.	<p>Yes.</p> <p>The NPPF 2018 widened the definition of affordable housing and included ‘starter homes’ and this revised definition remains in the 2021 version. A WMS issued in May</p>	Provision of housing via extended PD rights and use class order changes will further limit the ability to provide affordable housing through developer contributions.	<p>Yes.</p> <p>New housing needs (SHMA-type) study (or partial update)</p>	<p>Minor amendment required.</p> <p>Updating would be beneficial to align more closely with the revised national definitions of affordable housing but the current NPPF and legislative requirements operate as a</p>	3

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	<p>percentages of affordable housing by site type.</p> <p>HMO and Small Flats SPD adopted April 2022</p> <p>Planning for Health SPD adopted October 2022.</p> <p>A wide range of economic changes affect the need for affordable housing, including employment rates, wages levels, benefit levels and rules, house prices and rents, mortgage rates and availability; and the general cost of living.</p> <p>Demographic and social changes including overall population growth, immigration, changes to the age profile, ill-health and disability levels will also affect the need.</p> <p>Right to buy and any demolition will result in a loss of stock.</p> <p>New build and purchase by RSL will increase stock.</p> <p>Affordable housing delivery (including firm commitments) up</p>		<p>2021 introduced 'first homes' but this was not taken forward into the 2021 NPPF and so is of no weight or very little weight.</p> <p>It also includes an expectation that for major development, <i>"policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups."</i> Some further exemptions for specific development types are also included.</p> <p>The Developer Contributions SPD deals with this issue and explains how this policy change will be interpreted in Burnley.</p>	<p>To date this has affected 2 schemes but as these were brownfield sites of type 'W' (SPD) no affordable housing contributions would have been required in any event. (Ashworth House (57) and Stephen House (39))</p>	<p>New Plan Viability Assessment would be required.</p> <p>New SHLAA may be required.</p> <p>Developer Contributions SPD would also need to be revised.</p>	<p>material consideration and do not alter the overall thrust of this policy.</p> <p>National Policy also remains muddled and does not appropriately reflect Burnley's circumstances so is not particularly useful even if an updated policy were to be pursued.</p> <p>The evidence of affordable housing need requires refreshing to ascertain the ongoing need for affordable housing and the types of tenures required; and a revised position agreed if necessary. However, as Policy HS2 does not include a specific target and as there is likely to be at ongoing need for affordable housing demonstrated, Policy HS2 is unlikely to require updating. The Developer Contributions SPD may need to be updated.</p>	

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	to 31 March 2022 has met the numeric need identified in the Local Plan/SHMA (1040) but not all of the need for specific types and tenures. This need was not expressed as a specific policy target.						
<b>Policy HS3: Housing Density and Mix</b>	<p>HMO and Small Flats SPD adopted April 2022</p> <p>Planning for Health SPD adopted October 2022.</p> <p>Analysis of delivery mix is set out in the AMR.</p>	No	<p>The 2021 NPPF introduced a requirement to ensure all new streets are tree-lined unless, in specific cases, there are clear, justifiable, and compelling reasons why this would be inappropriate. This can affect site density.</p> <p>The 2012 NPPF stated that local plans should “set out their own approach to housing density to reflect local circumstances.” The 2021 NPPF has additional advice on density including the setting of “minimum density standards for city and town centres and other locations that are well served by public transport” that “should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are</p>	<p>Yes.</p> <p>Extended PD rights mean more development (new build and change of use) will take place without planning permission and regard to the Local Plan and Policy HS3 is not relevant to any of the ‘prior approval’ matters.</p>	<p>Yes.</p> <p>New housing needs (SHMA-type study)</p> <p>New SHLAA and Plan Viability Assessment would be required.</p>	No	4

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			<p>strong reasons why this would be inappropriate.”</p> <p>In essence therefore there is no change in policy but there is a greater requirement to justify the local standards.</p>				
<b>Policy HS4: Housing Developments</b>	<p>HMO and Small Flats SPD adopted April 2022 (see commentary below)</p> <p>Residential Extensions SPD adopted October 2022.</p> <p>Planning for Health SPD adopted October 2022.</p> <p>Developer Contributions SPD adopted Dec 2020.</p> <p>Policy is principally aimed at new build development but also covers new dwellings created through changes of use.</p> <p>The policy clauses 5-9) relating to the provision of open space could benefit from some minor alterations and clarifications.</p>	<p>Yes.</p> <p>Clause 3) (privacy and amenity etc):</p> <p>Regularly used and applied as intended including to dismiss appeals.</p>	<p>The 2021 NPPF introduced a requirement to ensure that all new streets are tree-lined unless, in specific cases, there are clear, justifiable, and compelling reasons why this would be inappropriate. This can affect open space provision in clauses 5-9).</p> <p>Natural England <a href="#">Green Infrastructure Framework January 2023</a></p>	<p>Extended PD rights allow increased amounts of housing development to take place without regard to the adaptable homes and open space requirements of this policy. The amenity aspects such as privacy standards can still be applied in considering prior approval matters</p> <p>2,243 net additional dwellings completed 2012-2023: 94% of dwellings created through planning applications (2112) and 6% through prior approval notifications (131).</p>	<p>Yes.</p> <p>New Plan Viability Assessment would be required.</p> <p>Updated Developer Contributions, Residential Extensions and Planning for Health SPDs.</p>	<p>Although the scope of this policy is reduced due to the expansion of pd rights, it remains effective and relevant where planning permission is still required - which is still for the majority of schemes. Updating would be beneficial to clauses 5) 7) and 9) (Open Space provision in new housing development), including cross reference to Policy IC5, but the Developer Contributions and Planning for Health SPDs assist here.</p> <p>Current NPPF and legislative requirements operate as material considerations and do not alter the overall thrust of this policy.</p>	3
<b>New Policy:</b>	HMO and Small Flats SPD adopted April 2022:	N/A	Revisions to the NPPF were issued in 2018, 2019 and 2021. The 2018 version added	The extended PD rights do not allow for conversion to C4 HMOs but do allow	Yes	New	5

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<b>HMOs and student accommodation</b>	The SPD adds additional policy interpretation to a number of Local Plan policies with regard to applications for HMOs and Small Flats including SP4, SP5, HS4, TC2 and 3 and IC3, CC4 and CC5; clarifying, for example, the Council's approach to the clustering of HMOs.		reference to 'healthy living conditions' which is retained in the 2021 version (Para 119) and states that "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."	for C3 small HMOs – up to 6 people	New housing needs (SHMA-type) Study	The merits of introducing new separate policy as part of any Update could be considered, but it is not essential at the present time. The HMO and Small Flats SPD provides additional policy interpretation.	
<b>New Policy: Specialist Housing</b>	Applications for specialist housing are considered under the existing housing policies and other policies as appropriate, and this approach is successfully supporting delivery of specialist housing from age-restricted market housing and extra care flats to nursing homes and self and custom build.  However, in an appeal at Astley House, the lack of a specific policy/requirement in the Plan weighed in favour of the scheme stating that there was "no policy obstacle in relation to housing need". <a href="#">APP/Z2315/W/20/3252022</a>	N/A	National policy is unchanged in requiring the need for all types of housing and the needs of different groups in the community to be assessed and appropriately planned for.  Updated planning practice guidance has been issued which now separates out guidance on housing needs for different groups and housing for older and disabled people from the guidance on overall housing needs.	No	Yes.  Updated evidence from LCC would be required on supported housing and accommodation . The current information dating from 2018 is being updated.	New  The merits of introducing new separate policy could be considered, but it is not essential.	5

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<b>Policy HS5: House Extensions and Alterations</b>	The Residential Extensions SPD adopted October 2022.  The policy does not cover the rebuilding /replacement of existing dwellings.	Yes.  HS5 is being regularly used in combination with SP5 to refuse poor design and is working as intended.	The current NPPF is stronger on design - See SP5.	Extended PD rights mean more development will take place without planning control and full regard to the Local Plan and these developments may in themselves set a precedent for those which remain within planning control.	No	Whilst no change to the policy wording is necessary, consideration could be given to expanding the policy to include replacement dwellings within or outwith the Development Boundaries or this could be within a new policy.	2
<b>Policy HS6: Agricultural Workers' Dwellings</b>	No	No	The NPPF now includes homes for "those taking majority control of a farm business" within the list of allowable isolated homes in the countryside.	Extensive PD rights to convert agricultural buildings to residential and other uses already limit the effectiveness affect this policy but do not make it unworkable.	No	The policy could benefit from some rewording of clause d) to reflect the extended PD rights but this is not essential. The current NPPF and legislative requirements operate as a material consideration and do not alter the overall thrust of this policy.	3
<b>Policy HS7: Gypsy and Traveller Site Criteria</b>	Planning for Health SPD adopted October 2022.  Current GTAA assesses needs until 2026.	No	Planning Policy for Traveller Sites (PPTS) 2015 remains unchanged.	None	No	Policy sets out criteria for assessing windfall site suitability, and development standards on allocated and windfall sites.  No change necessary.	4
<b>Policy HS8: Gypsy and Traveller Site Occupancy Condition</b>	Current GTAA assesses needs until 2026	No	Planning Policy for Traveller Sites (PPTS) 2015 remains unchanged.	n/a	No	No change necessary.	4

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<b>New Policy: Gypsy and Traveller Site Allocation(s)</b>	<p>Current GTAA assesses needs until 2026.</p> <p>The allocation of a sites/sites to meet need was to be pursued in a separate DPD, but could be incorporated into any updated Local Plan.</p>	n/a	<p>Planning Policy for Traveller Sites (PPTS) 2015 remains unchanged. However, the Appeal Court judgement in the case of Lisa Smith v Secretary of State for Levelling Up, Housing &amp; Communities <a href="#">[2022] EWCA Civ 1391</a> found the definition to be discriminatory. The relevant planning appeal has been referred back to the Planning Inspectorate for redetermination and clarification from the government regarding the definition is awaited.</p>	n/a	<p>New needs assessment (GTAA) would be required in any case for the currently proposed Gypsy and Traveller Site Allocation(s) DPD</p>	<p>If this DPD is subsumed within an updated local plan, a new allocation policy would be required.</p>	5
<b>Policy EMP1: Employment Allocations</b>	<p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>Developer Contributions SPD adopted Dec 2020.</p> <p>The site choices flow from the strategic policies, in particular the requirement in SP3, and policies SP4 and SP5.</p>	<p>Yes.</p> <p>Site EMP1/2 <a href="#">APP/Z2315/W/22/3302561</a> Dismissed - height restriction. The inspector found that the overall mass (height and scale) would seriously harm</p>	<p>Although the current 2021 NPPF still places significant weight on the need to support economic growth and productivity, P81, its policy is arguably weaker in this regard than the 2012 version which stated that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth." P19</p>	<p>Extended PD rights and Use Class Order changes could affect this policy.</p> <p>Any sites allocated for B1b/c if approved without conditions restricting the use within Class E could potentially be lost to town centre uses. This could affect 6 of the 11 EMP1 allocations.</p>	<p>Yes.</p> <p>ELDS, SFRA, probably also specific highways evidence.</p>	<p>This policy has been reasonably effective but given the extent of losses, it is important to protect the remaining allocations and the protected employment sites and premises. (EMP2/EMP3).</p> <p>If the Plan was updated, this Policy would be amended to reflect delivery to date and to remove sites which will not come forward within the Plan period and add any new sites.</p>	3



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	<p>Out of the 11 site allocations, as of 31/03/22 there were:</p> <ul style="list-style-type: none"> <li>• 5 without permission.</li> <li>• 3 with planning permission but with development not yet commenced.</li> <li>• 1 under construction.</li> <li>• 2 where part of the site has been completed and part not started.</li> </ul>	living conditions.	The 2012 NPPF Paragraph 161 bullet point 2 stated that reviews of land available for economic development should be undertaken at the same time as, or combined with, a SHLAA. This requirement is no longer included within the 2021 NPPF (but the NPPG identifies that LPAs may do this). It would be very odd not to look at both potentials at the same time?				
<b>Policy EMP 2: Protected Employment Sites</b>	No	No	Although the current 2021 NPPF still places significant weight on the need to support economic growth and productivity, P81, its policy is arguably weaker in this regard than the 2012 version which stated that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.” P19	Extended PD rights and Use Class Order changes affect this policy. UCO changes allow the change of use of certain B1a (offices), b (research and development) and c (light industrial) to other Class E uses such as retail. Extended PD rights permit certain changes of use to C3 housing, and certain schemes of demolition and redevelopment for housing, although the prior approval matters allow some of the most	Yes.  Updated ELDS.	Despite the fact there will no longer be control over the loss of some B1 uses to wider Class E uses, and that control over loss to C3 uses (through change of use or new build) will be more limited, this policy is still necessary to help protect the existing B2/B8 employment uses on sites.	4

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				damaging schemes to be resisted.			
<b>Policy EMP3: Supporting Employment Development</b>	Clause 2) Loss of Sites and Premises does not make specific reference to loss of premises which are currently causing genuine conflicts with adjacent land uses e.g. residential. This issue is, however, referred to in clause 1) in relation to new and upgraded sites and premises.	Yes.  No issues identified and policy working as intended.	The 2021 NPPF P123 states that LPAs should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space  This new policy goes beyond those in the 2012 NPPF	Extended PD rights and Use Class Order changes affect this policy.  UCO changes allow the change of use of certain B1a (offices), b (research and development) and c (light industrial) to other Class E uses such as retail (and vice versa).  Extended PD rights permit certain changes of use to C3 housing, and certain schemes of demolition and redevelopment for housing, although the prior approval matters allow some of the most damaging schemes to be resisted.	No	Clause 2) Loss of Sites and Premises could include reference to loss of premises which are currently having substantially negative impact on surrounding land uses.	3

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			<p>supporting the reuse of brownfield land but would not be applicable in Burnley. Whilst this change does not undermine Policy EMP3 it does make it a little more challenging to resist the loss of sites and premises which is regrettable.</p>				
<p><b>Policy EMP4: Office Development</b></p>	<p>Minor Typo in clause 4).</p>	<p>No</p>	<p>Despite the extended PD rights and Use Class Order changes which undermine this and related town centre policies, the NPPF remains unchanged and is consistent with Policy EMP4 for schemes where planning permission is required.</p>	<p>Extended PD rights and Use Class Order changes considerably undermine this policy.</p> <p>Clauses 1) and 2) are partially undermined (new offices) but clauses 3) and 4) (loss of offices) are significantly undermined by the ability to change within Class E and the PD rights for conversion to residential, and certain schemes of demolition and redevelopment for housing, which affect ground floor premises.</p> <p>To date this has affected 7 schemes totalling 124 dwellings with an</p>	<p>Yes: New Employment Land Demand Study (ELDS)</p>	<p>Delete and merge</p> <p>Policy would need to be comprehensively updated and probably would be amalgamated with TC2 as there is no longer any distinction in the UCO between retail and office use, but its town centre first thrust is still important and consistent with the NPPF.</p>	<p>1</p>

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				application for a further 24 pending.			
<b>Policy EMP5: Rural Business &amp; Diversification</b>	There has been some debate about clauses 1) and 2) and the definition of the 'wider open countryside' in clause 2) but the policy is operating as intended with this to mean the open countryside not immediately adjacent to Development Boundaries or an existing group of buildings.	Yes.  Full weight given by the inspectorate to the policy in multiple appeals and it is operating as intended.	No material change to the NPPF.  However, an additional paragraph (P85) has been added emphasising that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The specific advice on such developments is consistent with the Local Plan.	Extended PD rights and Use Class Order changes affect this policy. More development (new build and change of use) will take place without regard to the Local Plan, and this could introduce uses in areas that would be contrary to this policy.	No	The policy could benefit from a reordering of its clauses/sub clauses but does not require any changes in substance.	3
<b>Policy EMP6: Conversion of Rural Buildings</b>	This policy applies to reuse of building for all new uses and not just for residential. It applies to buildings in use as well as redundant buildings. Whilst it generally works well it can be open to abuse either where buildings are recently erected for another purpose and then proposed to be converted e.g. to housing, and/or where buildings are still in productive use and a	Yes.  Policy operating as intended.	In respect of conversion to residential, national policy is unchanged and only supports the re-use of redundant or disused buildings in isolated locations for new dwellings where (inter alia) it would enhance its immediate setting.  It also supports the conversion of buildings in the open countryside in limited	Whilst extended PD rights and Use Class Order changes affect this policy, the PD rights for the conversion of agricultural buildings to commercial and residential uses were already extensive when the Local Plan was written.	No	Whilst the Policy is affected by the extended PD rights, it is still necessary for schemes where planning permission is required or where it is relevant to the consideration of a prior approval matter.  It and/or its supporting text could benefit from some minor wording changes.	4

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	<p>new building is then required to accommodate the lost use. The policy wording could be tighter in respect of these circumstances, or the supporting text amplified.</p> <p>The policy is however working well and as intended.</p>		<p>circumstances for sustainable rural employment. The policy is amplified from the 2012 NPPF in respect of development outwith settlements. (See above)</p> <p>This national policy is also undermined by the extended PD rights.</p>				
<b>Policy EMP7: Equestrian Development</b>	Policy being used as intended.	No	No – See comment under EMP5.	No	No	No change necessary.	4
<b>Policy TC1: Retail Hierarchy</b>	Charter Walk Shopping Centre was purchased by the Council in 2021.	No	No	Extended PD rights and Use Class Order changes could undermine the vitality of the retail centres over time but are unlikely to fundamentally undermine centres' roles in the short and medium term.	Surveyed biennially already.	No change necessary.	4
<b>Policy TC2: Development within Burnley and Padiham Town Centres</b>	<p>Policy generally working well and as intended.</p> <p>Planning for Health SPD adopted October 2022 which affects the interpretation of Clause 1 d) and 3) and 4) in respect of takeaways.</p>	No	Policy TC2 differed slightly from the 2012 NPPF wording (which is unchanged in the current 2021 version) in respect of the sequential test for comparison retailing in Burnley.	<p>Extended PD rights and Use Class Order changes affect this policy and partially undermine it.</p> <p>UCO changes allow the change the of use within Class E anywhere without</p>	<p>Yes.</p> <p>New retail office and leisure study would be required.</p>	It is difficult to reconcile the NPPF approach to town centres with the recent Use Class Order changes and extended PD rights in particular; and whilst this policy is significantly undermined by these, to adopt a different policy approach i.e. not to	2

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	<p>Clause 8 b) is being used but is quite difficult to apply since it does not include any form of measurement.</p> <p>HMO and Small Flats SPD adopted April 2022.</p>		Despite the extended PD rights and Use Class Order changes which partially undermine it, the NPPF remains unchanged in its approach to town centres.	<p>any form of planning control, allowing the loss of retail issues on the high street and their relocation elsewhere.</p> <p>New PD rights allow the change of use to residential (C3) anywhere in the town centre, although the prior approval matters allow some of the most damaging schemes to be resisted.</p> <p>Where schemes require planning permission this can sometimes be conditioned to withdraw these rights.</p>		<p>protect town centres from loss of retail and other town centre uses would not be consistent with the NPPF so would fail the tests of soundness.</p> <p>This policy would benefit from incorporating what is currently Policy EMP4 office uses which are 'town centre uses'.</p>	
<b>Policy TC3: Burnley Town Centre - Primary and Secondary Frontages</b>	A biennial survey is carried out of uses and vacancies. There has been a reduction in the proportion of properties in A1/E(a) retail use since 2019. The 2021 survey results (which would have been affected by the coronavirus lockdown restrictions) showed a significant reduction, and the 2023 results show a recovery but not back to	No	The current NPPF no longer requires LPAs to define Primary and Secondary Retail Frontages but still requires plans to <i>"define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;"</i>	This policy reflects a longstanding tried and tested approach to protecting the core of the Primary Shopping Area (Primary Frontages) from loss of A1 retail uses, and the outer areas of the Primary Shopping Area (Secondary Frontages) from loss of wider retail	Yes.  New Retail Office and Leisure Study would be required.	Primary and Secondary Frontages no longer seem to have a role, but the Primary Shopping Area does within larger Town Centres such as Burnley (they are one and the same in smaller Town Centres such as Padiham), and the current NPPF which operates as a material consideration retains a policy protection for Primary Shopping Areas and the	1

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	2019 levels. Not all of this change is accounted for through vacancies.		The practice guidance (NPPG) does state that LPAs may, where appropriate, also wish to define primary and secondary retail frontages where their use can be justified in supporting the vitality and viability of particular centres.	<p>and ancillary uses, cafes, offices etc.</p> <p>Extended PD rights and Use Class Order changes significantly undermine this policy.</p> <p>The Class E Use Class Order changes undermine clause 2) in particular as they allow change of use without any form of planning control to a wide variety of non-A1 retail uses.</p> <p>The new PD rights allowing a change of use from Class E to residential (C3) is subject to a limited prior approval process which, although it allows some of the most damaging schemes to be resisted, undermines both clauses 2) and 3), but 3) in particular.</p>		<p>range of uses permitted within them – if they require planning permission.</p> <p>However, the Class E Use Class Order changes mean that this policy can no longer operate to protect comparison retailing uses in the Primary Shopping Area (Primary or Secondary frontages) - this is now reliant solely on the market (outwith Charter Walk which the Council owns).</p> <p>The aspect of the policy which would protect from loss of broader town centre uses in the Primary Shopping Area e.g. to residential would still be of some limited relevance as the PD rights have some limitations but the resulting percentages loss would be much than Policy TC3 currently sets out.</p> <p>This Policy could be deleted, and the remaining effective aspects incorporated into Policy TC2, or it could be replaced with a new/significantly amended policy for “Burnley’s Primary Shopping Area.”</p>	

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<b>Policy TC4: Development Opportunities in Burnley Town Centre</b>	One of the two allocated sites has planning permission and is being redeveloped i.e. TC4/1 Pioneer Place, Curzon Street.	No	No	Extended PD rights and Use Class Order changes affect the policy in so far as the acceptable uses are concerned, but don't affect its overall thrust.	Yes.  New retail office and leisure study would be required to address capacity beyond 2026.	Whilst one of the two allocated sites has planning permission, the development is not yet complete and there is potential for a second phase of development so a policy would continue to be necessary. Any update would reflect facts on the ground and any new allocations required.  Depending on the mix of uses eventually delivered on these sites, they could be incorporated into a future Primary Shopping Area or remain in the wider Town Centre.	3
<b>Policy TC5: Uses within the Weavers' Triangle</b>	This policy supports a mixture of uses within the Weavers' Triangle including residential and town centre uses. Whilst it is silent on educational uses, these have been forthcoming.	No	No	Whilst extended PD rights and Use Class Order changes limit planning control within the Weavers' Triangle, this particular policy supports a wide range of uses and so the changes are not incompatible with it and in any event are restricted in respect of designated heritage assets.	Canalside Conservation Area Appraisal requires updating.	No change to this policy is considered necessary, although the supporting text in para 5.3.45 could be updated to reflect the growing concentration of education and associated uses.  See also comment on the Vision.	4
<b>Policy TC6: District Centres</b>	The boundaries need to be kept under review as some of the District Centres already have a	No	None	Extended PD rights do undermine this policy somewhat, but the prior approval procedure allows	Surveyed biennially already.	Would benefit from some updating to reflect Use Class Order changes but remains relevant and necessary.	3



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	high percentage of non-commercial/community uses.			some aspects of the policy to remain effective.  The Use Class Order changes (Class E) do not affect the policy as the policy supports a wide range of these uses.			
<b>Policy TC7: Hot Food Takeaways</b>	<p>Planning for Health SPD (adopted October 2022)</p> <p>The SPD provides further interpretation of this policy in relation to opening hours under clause 4) and unacceptable concentration ('clustering') under clause 3a) (Page 60).</p> <p>It also clarifies the intention and application of Clause 2) in relation to takeaways outside of Town and District Centres. (Page 59)</p>	<p>Yes.</p> <p>The policy was interpreted as intended.</p>	<p>New reference to "access to healthy food" was added to the 2018 NPPF.</p> <p>The current NPPF no longer requires LPAs to define Primary and Secondary Retail Frontages but maintains the need to define Primary Shopping Areas. The planning practise guidance (NPPG) does state that LPAs may, where appropriate, also wish to define primary and secondary retail frontages where their use can be justified in supporting the vitality and viability of particular centres. (See also Policy TC3 discussion)</p>	<p>The Use Classes Order changes now identify Hot Food Takeaways as a <i>Sui Generis</i> use (they were A5) which still allows control over new premises.</p> <p>However, many restaurants which offer a hot food takeaway service fall within use class E(b) (previously Class A3) and these can now be widely created without planning permission from other uses within Class E.</p>	No	<p>Some minor changes to reflect the Use Classes Order changes and to specifically incorporate the link to health currently referred to in the supporting text would be beneficial.</p> <p>Some minor changes to reflect the additional guidance and interpretation set out in the Planning for Health SPD would be beneficial. However, they are not urgent as the SPD and changes to the NPPF in relation to healthy food are material considerations which allow the policy to function adequately and largely as intended.</p>	2
<b>Policy TC8: Shopfront &amp; Advertisement Design</b>	Shopfront and Advertisement Design SPD adopted June 2019.	Yes.	There is an increased focus on design quality and placemaking in the current NPPF than in the 2012 version	Extended PD rights to demolish and rebuild will limit the effectiveness of this policy.	No	No change is necessary but the supporting text and/or the policy could be amended to include advice on premises which have	4

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		Policy operating as intended.	(including requirement for beauty and tree lined streets); and through the National Design Guide and National Model Design Code (2021).	<p>Changes of use within Class E do not allow works of alteration.</p> <p>The new PD rights allowing changes of use from Class E to residential (C3) are restricted in conservation areas and on listed buildings but elsewhere these can become an issue.</p> <p>Some of the PD rights allow external changes and these matters are subject to prior approval, whilst others do not (separate planning permission for these is still needed), but nevertheless simply changing the use from for example a shop to a house can result in unsatisfactory development quality or bring about pressure for subsequent changes to accommodate the new use.</p>		been changed to non-commercial uses under extended PD rights.	

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<b>Policy HE1: Identifying and Protecting Burnley's Historic Environment</b>	Local List SPD adopted April 2022.  The Council is working towards a full review of the current local list. Preparatory work has included the adoption of the Local List SPD and ongoing involvement in the Lancashire Local List project.	Yes.  No issues identified and policy working as intended.	No	Extended PD rights and Use Class Order changes mean more development will take place without regard to the Local Plan.  Whilst PD rights are restricted for designated heritage assets, including conservation areas and listed buildings they are not for non-designated heritage assets.	No	HE1 remains relevant and necessary and in accordance with the NPPF.	4
<b>Policy HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens</b>	Residential Extensions SPD adopted Oct 2022.	Yes.  No issues identified and policy working as intended.	No	None	No	HE2 remains in accordance with the NPPF.	4
<b>Policy HE3: Non-Designated Heritage Assets</b>	Local List SPD adopted in April 2022.  Residential Extension SPD. Adopted Oct 2022.  Review of Local List Itself not yet started but some preparatory work has including through the Lancashire Local List Project.	Yes  No issues identified and policy working as intended.	No	Whilst PD rights have never been restricted for non-designated heritage assets, unless these happen to be within conservation areas, the extended PD rights and Use Class Order changes mean more development will take place without regard to this policy.	Review of Local List	No change to this policy is necessary. The policy reflects national policy and is being implemented insofar as it is able, to conserve and enhance non-designated heritage assets when determining planning applications.	4

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				Whilst in some circumstances conversion works remain subject to planning control and in others prior approval is required, the latter cannot consider Policy HE3.			
<b>Policy HE4: Scheduled Monuments and Archaeological Assets</b>	Local List SPD adopted April 2022.	No	None	No	No	No change to this policy is necessary.	4
<b>Policy NE1: Biodiversity and Ecological Networks</b>	Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.  Residential Extensions SPD adopted Oct 2022.	Yes.  No issues identified.	The 2012 NPPF sought net gains via the planning system " <i>where possible.</i> "  The current NPPF seeks to " <i>minimise impact on and provide net gains for biodiversity</i> " through policies and decisions, but also includes somewhat contradictory text seeking to avoid significant harm to biodiversity and where it cannot be avoided, adequately mitigating or compensating for it i.e. without a net gain.	The general biodiversity duty referred to in para 5.5.1 has been amended by the Environment Act 2021 to include " <u>conservation and enhancement</u> " of biodiversity and the Act includes other provisions requiring proactive biodiversity actions, including a 10% mandatory biodiversity net gain for certain development schemes - this clause of the Act is not yet in force; and	Yes.  An update of the Biological Heritage Sites BHS's is planned via LCC.  Local Nature Recovery Strategies (to be prepared by LCC in consultation). These may replace the current	The policy and supporting text would benefit from some updating to reflect the new and emerging legislative changes, including the proposed mandatory BNG.  Current NPPF and legislative requirements operate as material considerations and do not alter the overall thrust of this policy, most parts of which remain fully up to date.	2

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				<p>the preparation of Local Nature Recovery Strategies.</p> <p>Extended PD rights and Use Class Order changes mean more development will take place without regard to the Local Plan. Whilst PD rights are restricted within SSSIs and do not override protected species legislation, wider biodiversity impacts and net gain cannot be considered.</p>	Woodland and Grassland Ecological Networks		
<b>Policy NE2: Protected Open Space</b>	<p>Error on printed Policies Map (being hand corrected)</p> <p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>Planning for Health SPD adopted October 2022</p>	No	No	No	<p>Yes.</p> <p>Updated Open Space Assessment (appendix to Green Spaces Strategy) and potential to include privately owned sites in conjunction with parish councils/amenity groups.</p>	<p>The Policy could perhaps benefit from some minor updating to aid clarity because there have been some queries about the words in clause 1) about retaining the “fundamental purpose and nature of the site as open space”. This is intended to allow appropriate changes in the function of the particular open space (or part thereof) providing it remains as open space.</p>	3

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<b>Policy NE3: Landscape Character</b>	No	Policy referred to in 11 appeals since Local Plan adoption.  Where issue was determinative, the appeals dismissed were due to the significant harm caused to the character and appearance of the surrounding countryside.	No material change to the NPPF.	Extended PD rights and Use Class Order changes mean more development will be take place without requirement 2 consider landscape impact except in very limited circumstances.	No	No change is necessary.	4
<b>Policy NE4: Trees, Hedgerows and Woodland</b>	Residential Extensions SPD. Adopted Oct 2022.	No	The 2021 NPPF introduced a requirement to ensure all new streets are tree-lined unless, in specific cases, there are clear, justifiable, and compelling reasons why this would be inappropriate.	Whilst they would not cut across existing tree protections, the extended PD rights and Use Class Order changes will further limit the ability to require landscaping schemes etc.	No.	The supporting text could benefit from some minor updating to reflect the revised NPPF policy and BNG but it is not essential.	4
<b>Policy NE5: Environmental Protection</b>	Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted December 2020. (Validation Checklist needs to be	Yes.  A hot food takeaway appeal was	<a href="https://www.gov.uk/government/consultations/air-quality-strategy-for-england">The air quality strategy for England - GOV.UK (www.gov.uk)</a> 28 April 2023. This strategy states that, in summary, local authorities	Changes of use within Class E under the Use Class Order do not allow for the consideration of any impacts.	No	The policy remains relevant and necessary and in accordance with the NPPF.	4

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	<p>updated to highlight the requirements of the SPD to applicants.)</p> <p>HMO and Small Flats SPD adopted April 2022</p> <p>Planning for Health SPD adopted October 2022</p> <p>Residential Extensions SPD. Adopted Oct 2022.</p>	<p>dismissed in part due to fact that noise impacts could not be mitigated or controlled through condition. A café bar appeal was allowed on the basis that noise impacts could be mitigated or controlled through condition.</p> <p>Policy working as intended.</p>	<p>should exercise their functions, and use the powers available to them, in a way which improves and maintains air quality.</p> <p>The implementation of Policy NE5, supported by the Air Quality Management SPD, sits within the delivery framework identified in the strategy.</p>	<p>In December 2021 the government introduced changes to the Building Regulations (Part S), effective from 15 June 2022 to require the installation of infrastructure (charging points and/or cabling) for the charging of electric vehicles for certain building projects. The projects covered include most new dwellings with 'associated' (on site) parking spaces.</p>			
<b>Policy CC1: Renewable and Low Carbon Energy (not including Wind Energy)</b>	<p>In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a five-year Climate Change Strategy in Feb 2022.</p> <p>A small number of proposal have been submitted/approved for battery storage facilities to</p>	No	None	N/A	<p>Yes.</p> <p>New Employment Land Demand Study (ELDS)</p> <p>New SHLAA to assess site</p>	<p>Policy could be amended to include battery storage facilities to support renewable energy development.</p> <p>The supporting text would benefit for updating to reflect revised legislation and new statistics.</p>	2

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	support wider renewable energy development. Such developments are not currently within the scope of this policy unless they are directly part of a specific renewable energy generation scheme.  Residential Extensions SPD. Adopted Oct 2022.				availability and capacity.		
<b>Policy CC2: Suitable Areas for Wind Energy Development</b>	In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a five-year Climate Change Strategy in Feb 2022.	No	None	None	Possibly	No change	4
<b>Policy CC3: Wind Energy Development</b>	In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a five-year Climate Change Strategy in Feb 2022.	No	No.  The 2015 Written Ministerial Statement (WMS) on local planning which included changes to national policy on wind energy development (now incorporated into the NPPF) was taken into account in preparing the Local Plan.	None	No	No change to the Policy is necessary.  The supporting text referring to the 2015 WMS would benefit from some minor updating to reflect that this national policy is now within the NPPF but this is not essential.	4
<b>Policy CC4: Development and Flood Risk</b>	Flood Zone information is regularly Updated by EA.  Flood Risk Climate Change Allowances have also been updated. These affect future	Yes.  No issues identified.	The 2021 NPPF incorporates some wording changes, further emphasising the need to assess flood risk from all sources in plan making and decision taking (as was done in	All the extended PD rights, apart from the enlargement of dwellinghouses through additional storeys, include flood risk in the prior	Yes:  An updated Strategic Flood Risk Assessment (SFRA) would be	The policy and its supporting text would benefit from some updating in relation to current national policy and flood risk data, but the revised national policy operates as a material	3



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	<p>Strategic Flood Risk Assessments to support plan-making and Site-Specific Flood Risk Assessments to support planning applications. These will be taken into account by the EA and LLFA in their planning application responses.</p> <p>Residential Extensions SPD. Adopted Oct 2022.</p> <p>HMO and Small Flats SPD adopted April 2022</p> <p>Local Flood Risk Management Strategy for Lancashire 2021-27.</p>		<p>Burnley's SFRA for the Local Plan).</p> <p>The most significant impact of the wording changes is for windfall sites. NPPF p162 now refers to flood risk "areas" not just fluvial flood risk "zones" and as a result major new build development on windfall sites in flood zone 1 may also need to carry out a Sequential and Exception Test where sites are "at risk of flooding". (Clause 4) and 5))</p> <p>Site Specific Flood Risk Assessments (Clause 6) require the consideration of risks from any source and cover many aspects of the Exception Test. The need for a Site Specific Flood Risk Assessment would now be extended to sites of less than 1 hectare in Zone 1 in wider circumstances than clause 6 a) currently sets out. There is guidance available for applicants on the requirements. <a href="http://www.gov.uk">Flood risk assessments if you're applying for planning permission (www.gov.uk)</a></p>	<p>approval matters, allowing this policy to be applied.</p> <p>Changes of use within Class E under the Use Class Order changes do not allow for the consideration of any flood impacts.</p>	<p>required - Part 1 definitely and Part 2 also if the site allocations are to be revisited.</p>	<p>consideration and does not alter the overall thrust of Policy CC4. The latest data is used by the EA and LLFA in their planning application responses.</p>	

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			<p>For allocated sites there is no change in this regard as all risks/risk areas were considered.</p> <p>A significant refresh of the planning practice guidance on Flood Risk and Coastal Change was published in 2022 which reflects the 2021 NPPF.</p>				
<b>Policy CC5: Surface Water Management and Sustainable Drainage Systems (SuDS)</b>	<p>Residential Extensions SPD. Adopted Oct 2022.</p> <p>HMO and Small Flats SPD adopted April 2022.</p>	<p>Yes.</p> <p>Used to justify conditions by Inspector at Harrogate Crescent <a href="#">APP/Z2315/W/21/3286494</a></p>	<p>The 2021 NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. It also adds that plans should make as much use as possible of natural flood management techniques, using opportunities provided by new development and improvements in green/other infrastructure.</p> <p>This approach is already reflected in Policy CC5 and SP6. See also commentary on Policy CC4 above.</p>	<p>All the extended PD rights, apart from the enlargement of dwellinghouses through additional storeys, include flood risk in the prior approval matters allowing some aspects of this policy to be applied.</p> <p>Changes of use within Class E under the Use Class Order changes do not allow for the consideration of this policy.</p>	No	The supporting text would benefit from some updating in relation to the current NPPF and planning practice guidance but no change is necessary to the policy.	4

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<b>Policy IC1: Sustainable Travel</b>	<p>In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a 5-year Climate Change Strategy in February 2022.</p> <p>Developer Contributions SPD adopted December 2020.</p> <p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>Planning for Health SPD adopted October 2022.</p> <p>Residential Extensions SPD. Adopted Oct 2022.</p>	<p>Yes.</p> <p>Policy operating as intended.</p>	No	<p>At the time of preparing the Local Plan, the Climate Change Act 2008 established a legally binding target to reduce the UK's net carbon account by at least 80% in 2050 from 1990 levels. In 2019, the Act was amended to increase the target to 100% i.e. "net zero."</p> <p>Extended PD rights and Use Class Order changes means more development can take place without regard to this policy.</p> <p>The Class E reforms allow no consideration of impacts for changes of use within Class E.</p> <p>The new PD rights allow the consideration of certain prior approval matters, and these include Transport and Highways Impacts.</p> <p>The thresholds in Table 9 in Appendix 8 now have to</p>	Potentially new highway evidence depending on the scope of an update.	No change necessary.	4

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				be interpreted according to the new use classes.			
<b>Policy IC2: Managing Transport and Travel Impacts</b>	<p>Developer Contributions SPD adopted December 2020.</p> <p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>Planning for Health SPD adopted October 2022.</p> <p>Residential Extensions SPD adopted Oct 2022.</p>	<p>Yes.</p> <p>No issues identified and policy operating as intended.</p>	No	<p>Extended PD rights and Use Class Order changes means more development can take place without regard to this policy.</p> <p>The Class E reforms allow no consideration of impact for changes within Class E.</p> <p>The new PD rights allow the consideration of certain prior approval matters, and these include Transport and Highways Impacts.</p> <p>The thresholds in Table 9 in Appendix 8 now have to be interpreted according to the new use classes.</p>	Potentially new highway evidence depending on the scope of an update.	No change necessary.	4
<b>Policy IC3: Car Parking Standards</b>	<p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>HMO and Small Flats SPD adopted April 2022</p>	<p>Yes.</p> <p>Several appeals - policy working as intended.</p>	The 2021 NPPF includes new next in relation to setting maximum parking standards in local plans (requiring “clear and compelling justification “). Burnley’s Local Plan is consistent with this policy.	At the time of preparing the Local Plan, the Climate Change Act 2008 established a legally binding target to reduce the UK’s net carbon account by at least 80% in 2050 from 1990 levels. In	No	<p>The changes to The Building Regulations (Part S) affect clause 8) which is now somewhat obsolete (and the relevant part of Appendix 9).</p> <p>Appendix 9 could benefit from some additional clarification in</p>	3

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	<p>Planning for Health SPD adopted October 2022</p> <p>Residential Extensions SPD adopted October 2022</p> <p>Appendix 9 does not specifically state that the standards set out in its main table refer to on-site/in curtilage parking (though this is implied); or that the visitor requirement for residential developments can be on-street where this would not conflict with Policy IC3. Note 1 could have made this clearer.</p> <p>In Appendix 9 the parking space dimensions are referred to in point 2 and require a width of no less than 2.4m. LCC highways requested an additional space where required for pedestrian access to the property increasing the required width to 3.2 metres based on Guidance from Residential Roads and Footpath Design Bulletin 32.</p> <p>In order to satisfy clause 1) the requirements of Policy IC1 in relation to providing safe convenient access, developers are being asked to incorporate</p>			<p>2019, the Act was amended to increase the target to 100% i.e. “net zero.”</p> <p>In December 2021 the government introduced changes to the Building Regulations (Part S), effective from 15 June 2022 to require the installation of infrastructure (charging points and/or cabling) for the charging of electric vehicles for certain building projects. The projects covered include most new dwellings with ‘associated’ (on site) parking spaces.</p> <p>Extended PD rights and Use Class Order changes means more development can take place without regard to the parking standards.</p> <p>The Class E reforms allow no consideration of impact for changes within Class E.</p>		<p>relation to residential visitor parking and note 1, but this would not alter the application of the policy.</p> <p>Although there have been changes to the Use Classes Order which affect Appendix 9, it is possible to translate the standards to these new use classes. The standards themselves remain relevant.</p> <p>The Policy and Appendix 9 still operate effectively and are consistent with national policy.</p>	

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	this additional width where necessary.			The new PD rights allow the consideration of certain prior approval matters and these include Transport and Highways Impacts, including parking.			
<b>Policy IC4: Infrastructure and Planning Contributions</b>	<p>Developer Contributions SPD adopted December 2020.</p> <p>Air Quality Management: Protecting Health and Addressing Climate Change SPD adopted Dec 2020.</p> <p>In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a 5-year Climate Change Strategy in February 2022.</p>	<p>Yes.</p> <p>Operating as intending to secure relevant contributions.</p>	None	Extended PD rights and Use Class Order changes mean more development will take place without planning control and regard to the Local Plan and the NPPF. Infrastructure contributions can only be sought in relation to the matters approved through the prior approval process.	Updated Infrastructure Delivery Plan.	The policy remains effective and consistent with national policy and is supported by the Developer Contributions SPD - no change is necessary.	4
<b>Policy IC5: Protection and Provision of Social and Community Infrastructure</b>	<p>Planning for Health SPD adopted October 2022</p> <p>The supporting text does not cross refer to policy HS4 (provision of open space in new housing developments).</p>	No	<p>New reference to “access to healthy food” added to 2018 NPPF.</p> <p>Natural England <a href="#">Green Infrastructure Framework January 2023</a></p>	Whilst the supporting text to the policy recognises that the council has limited control over the loss of social and community infrastructure (through its closure or change to other uses), the widening of PD rights and Use Class changes have further weakened the	<p>Playing Pitch Strategy (PPOSS) already being updated to cover period 2023 to 2033.</p> <p>Green Spaces Strategy would be updated in</p>	<p>No change to the Policy is necessary.</p> <p>The current NPPF and legislative requirements operate as a material consideration but not alter the overall thrust of this policy.</p> <p>The supporting text could be amended to cross refer to policy</p>	4

Policy or Section	Errors, omissions, or changed local strategy or circumstance (not including national policy changes)	Tested on appeal?	NPPF or other national policy change implications	Changes to legislation, including PD/Use Class Order changes	Is new evidence required (if Policy to be updated)?	Conclusion: What, if any change is needed and how necessary or urgent is any change?	Code
				level of control (with the exception of shops and recreational facilities that fall within Local Community use Class (Class F2)).  Where new infrastructure is required, restrictions could be applied to ensure the infrastructure remains available.	due course in any event.  Indoor Sports Provision Strategy.  Updated Infrastructure Delivery Plan (IDP)	HS4 (provision of open space in new housing developments) and updated to reflect new evidence and PD/Use Class Order changes.	
<b>Policy IC6: Telecommunications</b>	No.	Yes.  No issues identified and policy operating as intended.	No change to thrust of policy - updated to reflect latest technology.	Extended PD rights have further weakened the level of control	No	The supporting text would benefit from some updating in relation to the current NPPF but no change is necessary to the policy.	4
<b>Policy IC7: Taxis and Taxi Booking Offices</b>	In July 2019 the Council declared a climate emergency. To support this declaration the Council adopted a five-year Climate Change Strategy in Feb 2022.  The operating model and booking process for some taxi firms has changed which may lessen the overall need for taxi booking offices. The demand for electric vehicle charging equipment will have increased	No	None	Clause 1 a) could be affected over time by the Use Class Changes – see TC2 and TC6.	No	The supporting text would benefit from some updating in relation to the current NPPF and planning practice guidance but no change is necessary to the policy.	4

Policy or Section	Errors, omissions, or changed local strategy or circumstance (not including national policy changes)	Tested on appeal?	NPPF or other national policy change implications	Changes to legislation, including PD/Use Class Order changes	Is new evidence required (if Policy to be updated)?	Conclusion: What, if any change is needed and how necessary or urgent is any change?	Code
	but the policy is flexible to accommodate these changes.						
<b>Appendix 1: Glossary</b>	No	No	Changed definition of affordable housing  The term Strategic Housing Market Assessment (SHMA) is no longer used in national policy or practice guidance.	N/A	No	Updating would be beneficial but is not essential or urgent.	3
<b>Appendix 2: Reference List</b>	No	N/A	N/A	N/A	N/A	Updating would be beneficial but is not essential or urgent.	3
<b>Appendix 3: List of Superseded Policies</b>	No	No	N/A	N/A	N/A	No change necessary	4
<b>Appendix 4: Designated Heritage Assets</b>	Yes, in terms of numbers of LB entries there is a net increase of 1 (309)	No	N/A	N/A	No	Updating would be beneficial but not essential or urgent as the data is updated annually and published in the AMR	3
<b>Appendix 5: Housing Trajectory</b>	The housing trajectory in Appendix 5 was always a snapshot in time and requires annual updating. It relates to Policy SP2.	N/A The current trajectory is that which would be tested.	See Policy SP2.	4 means more housing will come through as windfall development than the initial trajectory predicted.	Yes – See Policy SP2	It is updated annually and would also be reconsidered in any new plan. See discussion Policy SP2.	2
<b>Appendix 6: Main and Small Villages (Tiers 3 and 4) Audit of Facilities - April 2016</b>	Facilities unchanged. Approx number of properties recalculated using GIS data.  See Policy SP4.	No	N/A	N/A	Would be updated in-house at the time.	Minor change to number of properties – does not affect the application of policy.	3



Policy or Section	Errors, omissions, or changed local strategy or circumstance (not including national policy changes)	Tested on appeal?	NPPF or other national policy change implications	Changes to legislation, including PD/Use Class Order changes	Is new evidence required (if Policy to be updated)?	Conclusion: What, if any change is needed and how necessary or urgent is any change?	Code
<b>Appendix 7: Protected Open Spaces</b>	No	No	None	None	Would require an update of the exercise to identify and map the protected open spaces.	The list of sites and their boundaries would be reviewed if this policy were to be included in an update of the Local Plan.	3
<b>Appendix 8: Transport Assessments and Travel Plans</b>	See comments under Policy IC2	See comments under Policy IC2	See comments under Policy IC2	See comments under Policy IC2	See comments under Policy IC2	See comments under Policy IC2	3
<b>Appendix 9: Car Parking Standards</b>	See comments under Policy IC3	See comments under Policy IC3	See comments under Policy IC3	See comments under Policy IC3	See comments under Policy IC3	See comments under Policy IC3	2

**Abbreviations:**

ELDS: Employment Land Demand Study

EA: Environment Agency

LHN: Local Housing Need derived through the standard method

LCC: Lancashire County Council

LLFA: lead local flood authority (LCC)

LPA: Local Planning Authority

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

PD: Permitted Development

PDR: Permitted Development Right

PSA: Primary Shopping Area

RSL: Registered Social Landlord

SHLAA: Strategic Housing (and Employment) Land Availability Assessment

SHMA; Strategic Housing Market Assessment

SPD: Supplementary Planning Document

UCO: Use Classes Order

WMS: Written Ministerial Statement

**End Notes**

<sup>1</sup> The terms Strategic Housing Market Assessment (SHMA) is no longer used in national policy or practise guidance this still an assessment/assessments of local housing needs, (numbers types) very similar to the SHMA

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# Local Housing Need and the Standard Method: Appendix B to Local Plan Review Executive Committee Report 12 July 2023

## The Introduction of the Standard Method

1. The 'standard method' for assessing local housing needs for planning purposes was first introduced in 2018.<sup>1</sup> It was based on the 2014-based Household Projections with a formula uplift for affordability, and then subject to a 'cap' in relation to current plan requirements.
2. In December 2020, the method was changed<sup>2</sup> to include an urban uplift in the 20 most populated cities and urban areas. Burnley was not identified as one of these areas.
3. Possible changes to the standard method were consulted on in December 2022.<sup>3</sup> These are not discussed here. The outcome of this consultation is awaited.

## The Standard Method for assessing Local Housing Need

### What the NPPF says:

4. The National Planning Policy Framework (NPPF 2021 Paragraph 61)<sup>4</sup> sets out the government's objective of *"significantly boosting the supply of homes."*
5. The NPPF states that:  
*"To determine the minimum number of homes needed, strategic policy should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless 'exceptional circumstances' justify an alternative approach which also reflects current and future demographic trends and market signals."*
6. It further requires the size, type and tenure of housing needed to be assessed and reflected in planning policies.
7. The identifying of the need figure is a separate process from then looking at whether an authority can meet the need (or any needs that cannot be met in neighbouring areas).

### What the NPPG says:

8. The method itself is set out in detail in the national planning practice guidance (NPPG).
9. It states that *"the standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply"* and *"identifies a minimum annual housing need figure. It does not produce a housing requirement figure"*. It allows and indeed supports in principle, plan requirements that are above the minimum figure.
10. The method requires LPAs to:

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<sup>1</sup> In the July 2018 NPPF and its calculation later set in the 13 Sep 2018 planning practice guidance

<sup>2</sup> [16 Dec 2020 planning practice guidance](#)

<sup>3</sup> [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](#)

<sup>4</sup> <https://www.gov.uk/guidance/national-planning-policy-framework>

- Determine household growth using 2014-based sub national household projections for the area in question, based on the average over a 10-year period.
- Adjust this figure upwards according to a published affordability formula (thereby counting some of the same households more than once)
- Cap the level of increase that any one LPA can face, depending on the status of its existing plan (thereby excluding some households entirely)
- Apply an uplift in certain urban areas of 35%. (There is no relationship of this % to the local household projections).

### Burnley's Current Standard Method (LHN) Figure

11. The latest Standard Method figure for Burnley (2023 – 2033) is 55 net additional dwellings per annum. This is calculated as follows:

Step One:	Household growth 2023–2033 (using 2014-based SNHPs)	$38,388 - 38,918 = 530$ $530/10 = 53$	53
Step Two:	Affordability ratio adjustment	2022 Affordability ratio = 1:4.59  $\frac{4.59 - 4}{4} \times 0.25 + 1 = 1.037$	1.037
Step Three:	Capping the level of any increase	Not applicable	0
Step Four:	Urban Centres Uplift	35% not applicable	0
<b>Result:</b>		<b><math>53 \times 1.037 = 55</math></b>	<b>55</b>

12. As a comparator and just for information, using the most recent 2018 SNHP's, the Standard Method for Burnley would be as follows:

Step One:	Household growth 2023–2033 (using 2018-based SNHPs)	$38,899 - 40,444 = 1545$ $530/10 = 156$	156
Step Two:	Affordability ratio adjustment	2022 Affordability ratio = 1:4.59  $\frac{4.59 - 4}{4} \times 0.25 + 1 = 1.037$	1.037
Step Three:	Capping the level of any increase	Not applicable	0
Step Four:	Urban Centres Uplift	35% not applicable	0
<b>Result:</b>		<b><math>156 \times 1.037 = 55</math></b>	<b>162</b>

### Population and Household Estimates

13. The Council's Authority Monitoring Report, at its Table 5, compares the last 4 rounds of biennial population projections, the ONS mid-year estimates (MYE), the 2021 Census data and the SHMA projection used for the Local Plan.<sup>5</sup> This is reproduced overleaf. When the population projections that

<sup>5</sup> [Burnley Authority Monitoring Report 2021/22](#)

underpin the household projections are compared with the actual population figures for Burnley in 2021 (shown in red) the outdatedness of the 2014-based figures is apparent.

**Table 1: Comparison of Population Projections for Burnley Borough:**

	2012	2014	2016	2018	2020	2021	2032	2012 -2032	Average Annual Population Growth
2012-based SNPP	87,127	87,009	86,984	87,002	87,053	87,074	86,885	-242	-12
2014-based SNPP	(87,127)	87,291	87,250	87,286	87,369	87,400	87,303	+176	+9
2016-based SNPP	-	-	87,496	87,550	87,681	87,734	87,180		-20 (2016-2032)
2018-based SNPP	-	-	-	88,527	89,278	89,621	91,861		+238 (2018-2032)
MYE (Rounded)	87,100	87,200	87,500	88,500	89,300	-	-	-	+275 (2012-2020)
2021 Census (Rounded) 87,100 2011						94,700			+760 (2011-2021)
Burnley Local Plan Scenario Ei	87,127	87,291	87,522	87,894	88,545	88,890	92,460	5,333	+267

Source: ONS and Burnley Council

14. The Council's Authority Monitoring Report, at Table 30, also compares the last 4 rounds of biennial household projections and the SHMA projection used for the Local Plan. The following table also adds in the 2021 Census figure.

**Table 2: Comparison of Household Projections for Burnley Borough**

	2012	2014	2016	2018	2020	2021	2032	2012 -2032	Average annual h'hold growth	Average annual dwellings required inc. 3.5 % for vacancies & 2nd homes
2012-based SNHP	37,579	37,652	37,787	37,941	38,056	38,130	38,675	1,096	55	57
2014-based SNHP	37,583	37,732	37,856	38,029	38,183	38,263	38,880	1,297	65	67
2016-based SNHP	37,247	37,358	37,489	37,624	37,731	37,797	38,434	1,187	59	61
2018-based SNHP	37,247	37,358	37,489	37,952	38,342	38,531	40,289	3,042	152	157
2021 Census						39,872				
Burnley Local Plan Scenario Ei	37,583	37,732	37,530	37,915	38,404	38,684	41,326	3,743	187	194

Source: ONS, CLG and Burnley Borough Council.

## Comment

15. The Government set out in the 2019 Conservative manifesto, for "300,000 homes a year by the mid-2020s". The figure, which is for England, was unveiled by then Chancellor Philip Hammond in November 2017. The latest available data for 2021/22 is 232,820.<sup>6</sup>

16. Views on the standard method vary; some local authorities progressing plans view it only as a starting point whilst others seek to use the figure as their plan requirement; some have sought to use a lower figure on the basis of 'exceptional circumstances'. 26 are reported to have halted plan making

<sup>6</sup> [Housing supply: net additional dwellings, England: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/housing-supply-net-additional-dwellings-england-2021-to-2022)

awaiting the outcome of the latest consultation on changes to the standard method and housing land supply.<sup>7</sup>

17. The figure generated by the standard method may change every year depending on the 10 year period used, the annual change in the affordability ratio and the position in relation to the cap. Despite the availability of more recent household projections (2016, 2018-based) and factual data (the 2021 Census), the government is insisting via the practice guidance that the 2014-based projections continue to be used in the standard method. Once the 2021 census data has been translated into new household projections (planned to be issued in 2024), this will become untenable.

18. Given the standard method's use of outdated household projections, LPAs in setting their local plan requirement will always need to look at the issue in more detail, testing the figure against other evidence and the sizes, types and tenures needed to meet the needs of different groups.

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<sup>7</sup> [Local Plan Watch: The 26 authorities that have paused or delayed their local plans since the government announced housing need changes | Planning Resource](#)



# Local Development Scheme (LDS) 2023-2026

Draft for Executive Committee 12 July 2023

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## **1. Introduction**

### **1.1 The Purpose and Scope of the LDS**

1.1.1 The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires the Council to prepare a Local Development Scheme (LDS) setting out its programme for the production of the ‘development plan documents’ that make up its Local Plan. It may include reference to other relevant documents.

1.1.2 This revision of the LDS supersedes all previous versions. It sets out a programme for the three-year period 2023-2026 and will be reviewed on a regular basis to ensure that it remains up to date. It replaces the previous LDS adopted in February 2020.

### **1.2 National Planning Policy**

1.2.1 The National Planning Policy Framework (NPPF) (current version 2021) together with a number of other documents, including the Planning Policy for Traveller Sites 2015 and individual Written Ministerial Statements (WMSs), set out the government’s planning policies for England and how they are expected to be applied. In order to be found ‘sound’, local plans must be consistent with national policy.

1.2.2 National planning policy is supported by online Planning Practice Guidance which is regularly updated. Whilst not officially falling under the label of ‘national policy’ but rather ‘guidance issued by the Secretary of State’, it is still in effect viewed as such. In any case, legislation requires that in preparing a local plan the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State. (PCP Act S192A)

### **1.3 Planning Reform**

1.3.1 The government set out proposals for major reforms to the plan-making system initially in the White Paper – ‘planning for the future’ (Aug 2020) and more recently in the Levelling Up and Regeneration Bill 2022 (LURB). As these have not yet been confirmed, they are not considered in this LDS.

### **1.4 Types of Planning Document**

1.4.1 There are two types of formal planning documents – Development Plan Documents and Supplementary Planning Documents

#### **Development Plan Documents (DPDs)**

1.4.2 Development Plan Documents (DPDs) set out policies and proposals and can allocate land. They make up a Council’s Local Plan. They have statutory ‘development plan’ status and legislation requires that applications be determined in accordance with them unless material considerations indicate otherwise. In their preparation they must be subject to community involvement and Sustainability Appraisal/Strategic Environmental Assessment, and before being adopted they need to be independently examined by a Planning Inspector appointed by the Secretary of State. These have to be included in the LDS.

### Supplementary Planning Documents (SPDs)

1.4.3 Supplementary Planning Documents (SPDs) do not have statutory development plan status but are material considerations in respect of relevant planning proposals. They are useful in providing more detailed guidance and support for policies and proposals in Development Plan Documents. They have the advantage of being quicker to prepare as they are not subject to independent examination. They cannot allocate land. They do not have to be included in the LDS.

### Statements of Community Involvement (SCI)

1.4.4 The 2004 Act also requires Local Planning Authorities to prepare a Statement of Community Involvement (SCI). The SCI describes how the Council will engage with communities and others in preparing planning documents such as the Local Plan and in dealing with planning applications. They do not have to be included in the LDS.

### Neighbourhood Plans

1.4.5 The 2011 Localism Act introduced new rights and powers allowing the community to help shape future development in their area by coming together to prepare a Neighbourhood Development Plan.

1.4.6 In December 2016, Worsthorne with Hurstwood Parish Council submitted a formal application to Burnley Council for a Neighbourhood Area for the Parish, with an intention to prepare a Neighbourhood Development Plan. This was approved 31 March 2017. It is understood that the Parish Council has now commenced work on the Plan (2023).

## **2. Current Planning Policy in Burnley**

2.1.1 The current development plan for Burnley consists of:

### **2.2 Burnley's Local Plan**

2.2.1 Burnley's Local Plan 2012-2032 was adopted on 31 July 2018. This sets out strategic planning policies and identifies site specific allocations (other than those required to meet the needs of Gypsies and Travellers) together with detailed development management policies.

2.2.2 During the Examination of Burnley's Local Plan, the Inspector raised concerns regarding the proposed Gypsy and Traveller Site Allocation at Oswald Street (Policy HS7 – Site GT1). In order to allow the Examination of the Local Plan to conclude, it was proposed to remove this site from the plan and to address the issue in a separate Gypsy and Traveller Site Allocations DPD. This approach was confirmed in the January 2018 LDS and the February 2020 LDS, but work on this has now been put on hold – see section 3.

2.2.3 The Council's Local Plan would therefore have consisted of 'Burnley's Local Plan' and a 'Gypsy and Traveller Site Allocations DPD'.

### **2.3 Statement of Community Involvement (SCI)**

2.3.1 The current SCI was adopted in July 2015.

2.3.2 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017, provides that local planning authorities must review their SCIs every five years from the date of their adoption. The Act already required SCI's to be kept under review, but the new Regulation formalises this requirement. SCI updating can be done with or without consultation.

2.3.3 The required review was undertaken in February 2020 and the resulting LDS identified that whilst the SCI still adequately reflected the current plan-making system, resources had been reduced since 2015 and feedback on the post-2015 local plan consultation undertaken had included some criticism; and, that where resources permit, the Council always needed to look to improve plan-making consultation. It also identified that the Development Control Team had recently moved offices and were recruiting/restructuring and implementing a new planning applications software package. It concluded that the SCI would benefit from some minor updating.

2.3.4 Work on this updating had commenced in 2020 but was delayed, initially due to the Coronavirus pandemic, but later put on hold pending the outcome of the proposed planning reforms set out initially in the White Paper – 'planning for the future' (Aug 2020) and more recently in the Levelling Up and Regeneration Bill 2022 (LURB) as these would significantly alter the procedures for plan-making and consultation.

2.3.5 As a result, the Council resolved at its Executive meeting on 12 Jul 2023 that it was not sensible to proceed with an update to the SCI at the present time, but that this matter be revisited by Spring 2024.

### **2.4 Authority Monitoring Report (AMR)**

2.4.1 The Authority or Annual Monitoring Report (AMR) measures plan-making progress against the timetable set out in the LDS and the extent to which planning policies and objectives are being

achieved. It is published at least annually. The latest [AMR](#) for 2021/22 was published in December 2022.

## 2.5 Supplementary Planning Documents (SPDs)

### Current SPDs

2.5.1 A number of new SPDs have been developed to support the policies in the new Local Plan. These are material considerations in respect of relevant planning proposals. These are listed in the Table below.

2.5.2 Two older SPDs which were written to support the former Local Plan of 2006 i.e. the Public Realm Strategy for Burnley Town Centre SPD and the Public Realm Strategy for the Weavers' Triangle SPD have been retained for the time being as informal guidance. Whilst these have significantly reduced weight in planning decisions, where these remain consistent with the NPPF and a current local plan approach, they can still be regarded as material considerations and can be helpful in decision-making.

Document Title	Date of Adoption
Shopfront and Advertisement Design SPD	(Adopted June 2019)
Developer Contributions SPD	(Adopted December 2020)
Air Quality Management: Protecting Health and Addressing Climate Change SPD	(Adopted December 2020)
Houses in Multiple Occupation and Small Flats SPD	(Adopted April 2022)
Local List SPD	(Adopted April 2022)
Planning for Health SPD	(Adopted October 2022)
Residential Extensions SPD	(Adopted October 2022)
Burnley Town Centre Public Realm Strategy SPD	(September 2011)
Weavers' Triangle Public Realm Strategy SPD	(September 2011)

### Additional SPDs

2.5.3 The February 2020 LDS proposed a further SPD, the Design Guide: Addressing Quality and Climate Change SPD.

2.5.4 Preparation of this was to commence in 2020 and be led by consultants appointed by the Council. £40,000 was set aside for this work. This SPD was also put on hold in 2020 in view of indications in the government planning reforms that 'Design Codes' were to become mandatory as part of the local plan and that councils would be no longer able to prepare SPD's. Design Codes, being more prescriptive than Design Guides are likely to require additional resource. The report considered by the Council's Executive on the 12th of July 2023 (see section 3) confirmed that this document is being put on indefinite hold until matters become clearer.

## 2.6 Evidence Base

2.6.1 Local Plans should be based on robust evidence and this is essential in demonstrating the 'soundness' of a plan at Examination. Refreshed evidence can also indicate the need for a Plan review. A list of the key and most recent evidence base documents is set out in the Council's [AMR](#).

2.6.2 In preparing a Local Plan, Council's must demonstrate evidence of having effectively cooperated on strategic matters with cross-boundary impacts, including to meet development requirements which cannot wholly be met within their own areas. Wherever possible, Burnley Council has sought to produce joint evidence with one or more neighbouring authorities. A Duty to Cooperate report was produced to inform Burnley's Local Plan Proposed Submission Document consultation.

## **2.7 Minerals and Waste Local Plan**

2.7.1 Lancashire County Council is responsible for minerals and waste planning matters in Burnley and prepares a separate development plan. This currently comprises the Joint Minerals and Waste Local Plan Core Strategy (Feb 2009) and Site Allocations and Development Plan Policies (September 2013). [Local planning policy for minerals and waste - Lancashire County Council](#)

### 3. Local Plan Review

3.1.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017<sup>1</sup>, provides that local planning authorities must review their plans every five years from the date of adoption. Section 17 of the Planning and Compulsory Purchase Act 2004 (PCP Act) requires them to publish their reasons if they consider that no update is necessary. Section 17 already required local plans to be kept under review and is done informally as a matter of course through the Council's AMR, but the new Regulation formalises this requirement.

3.1.2 A report was considered by the Council's Executive on the 12th of July 2023 and the Committee resolved not to commence an update of Burnley's Local Plan 2012-2032 at the present time. *[to be confirmed]*.

3.1.3 It further resolved to put on hold the production of the Gypsy and Traveller Site Allocations DPD until such time as *inter alia* the outcome of the proposed planning reforms set out in the LURB become clearer and that this matter is revisited by spring 2024.

3.1.4 The reasons for the decisions are set out in the Committee Papers which have been published on the Council's Website *[to be added]*.

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017  
<https://www.legislation.gov.uk/uksi/2017/>

## 4. Resources and Management

### 4.1 Staff Resources

4.1.1 The Planning Policy team which sits within the Economy and Growth Unit, currently consists of 4.2 FTE posts.

- Planning Policy Manager
- Principal Planner
- Principal Planner (part-time)
- Senior Planner (part-time)
- GIS and Monitoring Officer.

4.1.2 As well as the production, review and monitoring of DPDs and SPDs, officers also provide support to development management on planning applications and appeals and provides planning policy information to the public and other Council departments. A significant proportion of the time of the post of Principal Planner (part time) is committed to supporting the implementation of heritage initiatives and buildings at risk.

4.1.3 The team receives limited but valuable support from staff across other service areas including other teams within the Economic and Growth Unit, and from other service units including Green Spaces and Amenities, Environmental Health, Housing, Policy and Engagement, and Legal and Democracy

### 4.2 Financial Resources

4.2.1 There is a dedicated budget for the Local Plan to cover the costs of the agreed work programme.

### 4.3 Risk Assessment

4.3.1 The planning policy team have project management procedures in place to ensure work is undertaken in a timely and efficient manner. This includes considering risks and taking actions to mitigate these where this is within the Council's control. The LDS Risk Plan is set out in the table below:

Risk	Impact	Mitigation Measures
Insufficient Budget	Low High	Dedicated budget to cover planned work; Seek to retain staff to avoid reliance on consultancy staff at additional expense
Unfilled vacancies/staff turnover	High – potential loss of knowledge and work slippage	Provide satisfying work, a supportive environment and opportunities for personal development; Employ temporary staff/consultants; Explore joint working with other authorities
Programme change due to political process or change in direction	High – potential to delay plans or introduce requirements for entirely new plans	Agreement of the Local Development Scheme; Involving Members fully in the process through briefings and training.
Unforeseen additional work	Medium – staff diverted to other work streams such as appeals or major	As part of team work-programming, management of other work demands to enable adherence to the LDS and other

	regeneration schemes, neighbourhood planning	statutory commitments e.g. Local Plan Review, AMR which would be given priority over other competing demands
Changes to the planning system	High – changes could affect timescales or lead to demands outside of council’s control	Changes likely to continue and difficult to mitigate against. Team is constantly horizon-scanning to predict, comment on and anticipate changes



## 5. Contacts

5.1.1 For further please see the Council's website at:

<https://burnley.gov.uk/planning/planning-policies/> or contact:

Policy & Environment Team  
Town Hall  
Burnley  
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## REPORT TO EXECUTIVE



<b>DATE</b>	12 <sup>th</sup> July 2023
<b>PORTFOLIO</b>	Housing & Development Control
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## CLIMATE CHANGE STRATEGY UPDATE AND CARBON BUDGET REPORT

### PURPOSE

1. To seek approval for the update to the Council’s Climate Change Strategy, the Carbon Budget and work to calculate and monitor emissions.

### RECOMMENDATION

2. That Members approve the attached documents,

Appendix 1 - Climate Change Strategy Progress Update 2022 – 2023  
 Appendix 2 - Revised Climate Change Action Plan 2023  
 Appendix 3 - Burnley Council Carbon Budget Report 2023

That Members approve the spend of £24,995 to commission CO2Analysis to work with the Council to calculate, monitor and reduce scope 3 emissions.

### REASONS FOR RECOMMENDATION

3. To ensure the Council’s Climate Change Strategy remains up to date and relevant and to document the progress the Council has made since the introduction of the strategy in 2022.

To ensure the Council has a thorough and complete understanding of its emissions.

### SUMMARY OF KEY POINTS

#### **Introduction**

4. Following the Council’s declaration of a Climate Emergency in July 2019 officers were tasked to produce a comprehensive strategy to set out the Council’s programme for how they intended to address the challenges of climate change. The strategy was published in February 2022 and set out seven priority themes under which the work programme was structured.

- Theme 1 - Vehicle Emissions
- Theme 2 - Emissions from the use and occupation of buildings
- Theme 3 - Emissions from the use and manufacture of products & materials
- Theme 4 - Renewable energy
- Theme 5 - Enhancing the natural environment
- Theme 6 - Flood Risk
- Theme 7 - Communication and Stakeholder Engagement

The document concludes with a detailed action plan that contains the specific tasks the Council are pursuing to maximise its contribution to addressing the issues of climate change.

To assist the climate change work programme the Council also committed to produce a carbon budget that works to establish and monitor the Council's direct and indirect emissions (scope 1, 2 and 3 emissions) and to plan reduction strategies and actions necessary to achieve them.

The Council's Climate Emergency declaration made reference to becoming carbon neutral. Whilst this is a very important part of the journey, the Council's ultimate goal is to reach net zero at the earliest possible date. Work is currently ongoing to assess emissions and financial data to establish the Council's net zero target.

### **Appendix 1 - Climate Change Strategy Progress Update 2022 – 2023**

This document reproduces all the actions published in the strategy in February 2022 and the column on the right includes a narrative of the progress the Council has made against each action. This approach is generally accepted as best practice in strategy monitoring as it demonstrates that the strategy is being effectively implemented.

In summary the Council have made good progress against the actions identified with some notable achievements in increasing the number of Electric Vehicle Charging Points, securing significant additional funding through Cosy Homes in Lancashire to improve the insulation and efficiency of homes throughout the borough and planting 18,500 woodland trees during 2022.

### **Appendix 2 - Revised Climate Change Action Plan 2023**

Following the introduction of the Council's Climate Change Strategy the Executive and Officers have been committed to ensuring that the Strategy remains relevant and up to date. Climate change issues and the interventions to tackle them will continue to change over time and in recognition of this we have committed to produce a revised action plan for each year of the strategy.

The purpose of revising the action plan annually is that those actions that have been completed in full can be removed, those actions that have been partial achieved can be revised and any new actions that have been identified can be included in the document.

### **Appendix 3 - Burnley Council Carbon Budget Report 2023**

In order to have a fully informed Climate Change Strategy and Action Plan it is important to record and monitor carbon emissions through a carbon budget. This work stream tracks

and records carbon emissions across the entire scope of the Council's activity and in doing so identifies areas of highest emissions. This information can then be used to inform where the Council target their resources and how they develop their strategic interventions to maximum effect.

The report attached at Appendix 3 discusses this area in more detail and summarises some of the headline data from the carbon budget. The carbon budget will remain a live document that is periodically updated to ensure that we track our emissions over time and capture the significant strategic interventions that we implement.

## **CO2Analysis**

The council will work towards net zero at the earliest opportunity and part of this process will be to calculate, monitor, and reduce all Scope 3 emissions. To achieve net zero in Scope 1, 2, and 3 emissions, work will have to be completed to calculate the Council's full Scope 3 emissions. Scope 3 Supply Chain has been the most challenging area for organisations to understand and baseline.

CO2Analysis offers a technology based solution for the analysis of organisational and product carbon footprints and will assist the council to produce the essential information we need to fully understand our emissions data and effectively plan our journey to net zero.

For further information refer to Attachment 1.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

5. The recommendation in this report includes a cost of £24,995 to commission CO2Analysis to work with the council to calculate, monitor and reduce scope 3 emissions. This cost will be met from the Climate Change Budget.

## **POLICY IMPLICATIONS**

6. The introduction of a Revised Action Plan for 2023 (Appendix 2) will amend the Climate Change Strategy.

## **DETAILS OF CONSULTATION**

7. None

## **BACKGROUND PAPERS**

8. Burnley Climate Change Strategy 2022 - 2026

## **FURTHER INFORMATION**

**PLEASE CONTACT:**

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**ALSO:**

**Claire Graham 01282 477233**

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# Burnley Climate Change Progress Updates 2022-23

## Action Plan 2022- 2026

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
<b>Theme 1 - Vehicle Emissions</b>					
Objective 1A – reduce greenhouse gas emissions from vehicles					
i - provide new electric vehicle charging infrastructure	Explore further opportunities to increase the electric charging infrastructure on all existing council car parks in the town centre and at other facilities	Streetscene	Ongoing	Complete a review of the car park portfolio and identify opportunities for installation Monitor and report on the additional number of chargers installed	EXISTING BURNLEY BOROUGH COUNCIL RELATED PUBLIC PROVISION: RAPID charge points at Council Car Parks are: Centenary Way CP: 2 charge points, 4 served spaces King Street CP: 2 charge points, 4 served spaces  Successful funding bid to On-Street Residential Chargepoint Scheme (ORCS), with Department of Transport. The project will deliver 21 fast charge points at 8 car park locations. BBC PUBLIC PROVISION IN THE PIPELINE: The ORCS Project aims to deliver FAST (7kw) charge points as follows: <u>Padiham:</u>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					<p>Town Hall CP: 3 charge points, 6 served spaces  Clitheroe Street CP: 3 charge points, 6 served spaces  Hambledon St CP: 2 charge points, 4 served spaces  <u>Burnley:</u>  Bank Parade CP: 3 charge points, 6 served spaces  Centenary Way CP: 3 charge points, 6 served spaces  Sutcliffe St CP: 3 charge points, 6 served spaces  Arthur St CP: 2 charge points, 4 served spaces  Elm St CP: 2 charge points, 4 served spaces  <u>TOTALS:</u> 21 charge points, 42 served spaces  One fully accessible EV space at each location.</p> <p>There is an additional project to install two charge points at Pioneer Place by the end of the year.</p> <p>Between April 2022 and April 2023, Burnley saw a 17.2% increase in chargers of all speeds increasing from 29 to 34,</p>



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Work with Lancashire County Council to explore opportunities for the provision of electric charging infrastructure on the borough's highways	Streetscene	Ongoing	Monitor and report on the additional number of chargers installed	and a 37.5% increase in rapid chargers, increasing from 8 to 11.  As a result of LCC's work with <a href="#">BPChargemaster</a> (now known as bpPULSE) Electric Vehicle charging bays have been installed throughout the county. In Burnley, there have been 4 x F7 (7kWh) chargers added (8 bays) at Kingsway, and 1 x Rapid (50kWh) charger (1 bay) at Ribble Street, Padiham.
	Explore ways to improve charging infrastructure for existing development - in particular private housing without off street parking. Identify grant opportunities	Electric Vehicle Working Group	Ongoing	Monitor and report on the schemes developed during the life of the strategy	See above update
	Develop and Implement the Electric Vehicle Charging Strategy	Streetscene	Ongoing	Strategy approved and actions implemented	EV strategy draft completed. Will continue to monitor through updates to the climate change strategy.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
ii - require charging infrastructure through new developments	Implement planning policies for all developments requiring and supporting the provision of ULEV charging points. (Policy IC3 and NE5)	Planning Service	Ongoing	Monitor annually the number of charging points installed on new residential and commercial developments	<p>Burnley's Local Plan supports and encourages the adoption of Electric Vehicles and their associated infrastructure through Policy NE5, and Policy IC3 and Appendix 9: Car Parking Standards.</p> <p>Planning services request EV points as standard on all major housing developments on the detached plots – no formal monitoring at present.</p> <p>Planning services encourage EV points on all minor developments.</p> <p>All major applications that have been determined since 2022 have included EV charge points.</p> <p>E.g., Barratt housing development (FUL/2021/0273 Approved 13 Oct 2022) exceeded the policy requirement for EV charging points.</p>
iii - limit vehicle emissions from new developments requiring planning permission	Apply planning policies for new developments requiring planning permission to limit emissions from vehicles (including Policy NE5 and the Air Quality Management: Protecting Health	Planning Service	Ongoing		The Council is required to designate an air quality management area (AQMA) in any area which does not meet or is not likely to meet one or more of the objectives. To date (March 2022) no AQMAs have been designated within the

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	and Addressing Climate Change SPD.)				<p>Borough of Burnley. However, the Council have identified two areas within the Borough which are at risk of exceeding air quality objectives and the Council is closely monitoring results here to determine if an AQMA will be needed. The Air Quality Management: Protecting Health and Addressing Climate Change SPD was adopted on 8 December 2020. All schemes will have applied the policies in some way, but the larger schemes require specific measures to be looked at.</p> <p>One recent example is the Barratt housing development (FUL/2021/0273 Approved 13 Oct 2022) which was accompanied by a specific air quality assessment. It required a contribution towards an upgrade to the nearby junction to assist with traffic flow and one to improve bus stops. It also exceeded the policy requirement for EV charging points.</p>
	Update Validation Checklist to reflect new information	Planning Service	March 2022	Validation checklist amended and in operation	Validation checklist updates in progress. Due to be completed by April 2024.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	requirements and advise applicants accordingly				
iv - reduce vehicle emissions from existing development	Facilitate hybrid working for council staff	Human Resources, Policy and Engagement	Ongoing	Monitor and record the percentage of time employees are working from home	Hybrid working in operation with a 3-day office, 2-day home working agreement.
	Work with the Highways Authority and Highways England to support junction improvements on key transport networks	Economy and Growth	Ongoing	Report on planned and implemented improvements	Implemented – Padiham Road realignment as part of Town Centre Project (completed summer 2022) and Rossendale Road Junction improvements (completed August 2021).
	Produce an annual Air Quality Monitoring Plan and implement DEFRA recommendations.	Environmental Health	Annually	Air Quality Plan produced; recommendations implemented	Air Quality Plan is produced annually. Refer to '2022 Air Quality Annual Status Report' for details. Successful traffic management project completed in 2022 on Burnley Road, Padiham as part of the £2m 'Padiham Public Realm Improvement Scheme' which comprised the removal of the traffic lights to improve traffic-flow.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Keep up to date on any additional air quality requirements within the proposed Environment Act.	Environmental Health	Ongoing		Stricter requirements are being introduced regarding particulate matter. Under the Environment Act 2021, the government has set two ambitious, legally binding targets to reduce concentrations of PM2.5: an annual mean concentration target for PM2.5 of 10 µg/m <sup>3</sup> across England by 2040 and an average population exposure reduction target of 35% in 2040, compared to a 2018 baseline. Informative campaign being run by Environmental Health to assist people with domestic improvements, rather than penalty fines, whilst continuing to investigate and take enforcement action upon any reported offences.
	Implement Euro 6 vehicles standards across the borough's taxi fleet	Licensing	December 2023	Monitor percentage of compliance	The EV taxi piece has been delayed, due to external factors including vehicle supply, ongoing energy crisis, and downturn in the economy.
	Investigate options to promote and incentivise the use of Electric and Hybrid vehicles for the taxi fleet	Licensing	Ongoing	Monitor number of vehicles recorded annually	Some promotional work is planned with drivers as part of the contract to install the chargers. 29 out of 349 vehicles in the taxi fleet are hybrids (increase from

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					3 hybrids in 2019). Currently no fully electric vehicles.
v - replace existing council vehicles and machinery with electric alternatives	Investigate and develop proposals for green alternatives to waste collection operations to inform the future procurement of the waste collection contract  Burnley Leisure to replace golf ball collectors, 3G pitch tractor and school van with electric alternative	Streetscene  Burnley Leisure	June 2025  Ongoing	Options assessed and evaluated, Tender exercise undertaken, Contractor appointed.  Introduction of electric alternatives	Contract due for renewal in 2025. To inform future procurement options an electric bin truck was sourced and deployed for a week during 2022. The truck performed well and completed all rounds as tasked, with 35% battery life remaining. This indicates that a switch to electric vehicles is possible and the current technology is sufficient for this to take place. The cost of electric RCVS is currently making this solution cost prohibitive at £400,000 per RCV. Will be kept under review.  Current action kept under review. Due to the nature of some of the activities, such as vehicles with refrigeration, the technology for these vehicles is not a viable option at present.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Keep under review the Council's grey fleet of operational vehicles and look at introducing new electric vehicles for officer use as required, exploring cross unit work	All units	Ongoing	Introduction of new electric vehicles	<p>The 3G pitch tractor is 2 years old and will be replaced with an electric alternative at the end of contract (another 2 years). Electric van lease being considered, delayed due to the need for a charging point which is currently being looked into.</p> <p>Survey sent to each department to compile a list of EV vehicles, petrol/ diesel vehicles, and grey fleet across the council. Results showed: <u>Total EVs:</u> 5 electric cars, 6 electric vans, 1 ATV, 3 e-bikes, 1 hybrid car. <u>Total petrol/ diesel:</u> 0 petrol, Diesel - 8 vans, 1 small van, 1 road sweeper, 29 plant machinery <u>Total Grey Fleet:</u> 86</p>
	Where there are no alternatives to diesel vehicles for Council operations, reduce the lease period to allow for movement to electric as soon as practically possible once the technology is	Green Spaces and Amenities	Ongoing	As leases are renewed increase electric vehicle usage	Green Spaces plan for vehicle and machinery replacements includes costed options for EV equivalents where available and will be included in future bids for capital funding.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	<p>available and the business case is viable</p> <p>Replace parks equipment with electric alternatives as they become available</p> <p>Investigate the option to introduce an Electric Car Leasing Scheme for Council employees to encourage staff to switch to electric vehicles</p>	<p>Green Spaces and Amenities</p> <p>Finance and Property/Human Resources</p>	<p>Ongoing</p> <p>December 2022</p>	<p>Increase over time the amount of electric equipment in operation</p> <p>Appraisal carried out and recommendations made</p>	<p>Streetscene purchased electric ride-on Scrubber Drier in April 2023, replacing current petrol one. It was purchased from a local Burnley company.</p> <p>All small horticultural machinery is now electric. Also reduced the amount of vehicles needed through no mow areas – reduced number of tractors from 4 to 3, and ride-on mowers from 7 to 4. Also got rid of 2 vans and acquired 3 electric bikes.</p> <p>This scheme has been put on hold due to complications over the financing. The work will be picked up again in 2023 and concluded.</p>
<b>Objective 1B - support and improve sustainable transport provision</b>					
i - ensure new development is sustainably located appropriate to its nature and scale	Implement Local Plan policies requiring and supporting sustainable locations and travel (Policy SP4, IC1 and IC2)	Planning service	Ongoing		The Local Plan (Sustainable Travel Policy SP4 and IC1) aims to provide employment and new housing close to local services to reduce the need to travel, improve public transport infrastructure and usage, and ensure



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Ensure that maximum benefit is achieved through developer contributions on new development to contribute to sustainable transport methods	Planning service/Green Spaces and Amenities	Ongoing	Monitor S106 agreements and amounts received and spent	<p>new development is accessible by public transport, walking and cycling.</p> <p>As reported in the <a href="#">AMR</a>, in 2021/22 there were two schemes that met the threshold to provide a Travel Plan and did so (FUL/2021/0135 and FUL/2021/0029).</p> <p>An outline application for employment development (OUT/2020/0366) will provide £300,000 to improve the frequency of bus services at Accrington Road, Hapton.</p> <p>The Barratt housing development (FUL/2021/0273 Approved 13 Oct 2022) was accompanied by a specific air quality assessment. It required a contribution towards an upgrade to the nearby junction to assist with traffic flow and one to improve bus stops.</p>
ii - improve the footpath, cycling and riding	Work with partners to implement the Lancashire Cycling and Walking Improvement Plan	Green Spaces and Amenities, Planning Policy	Ongoing	Funding awards received	The Burnley & Pendle LCWIP is still in development, proposals have been submitted to LCC. The network plan and

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
infrastructure and its use	(LCWIP) seeking opportunities to develop better links to sustainable transport infrastructure and identify funding opportunities for new projects				<p>draft report will be prepared for consultation by June.</p> <p>£50m <a href="#">Levelling Up Fund</a> has been secured for East Lancashire including Burnley. The bid focuses on three themes:</p> <p><u>Liveable Neighbourhoods</u> – making residential areas safer for walking and cycling and making neighbourhoods more attractive by connecting places through greener walking and cycling routes.</p> <p><u>Public Transport Service Improvements</u> – upgrading public transport facilities, and reducing journey times to work, training and education.</p> <p><u>Active Travel</u> – improving walking and cycling facilities, connecting residential areas with places of employment, shops and leisure facilities - all helping to improve the health and well-being of local people.</p> <p>Also working on the cycling network for Burnley, Greenspaces are currently replacing 14 cycling network signs. A</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Maximise funding for sustainable transport links through planning obligations attached to planning permissions	Green Spaces and Amenities/ Planning Services	Ongoing	Monitor S106 agreements, amounts received and spent	map with cycling routes will be accessible via a QR code.  Application OUT/2020/0366 approved Sept. 2022. £300k public transport improvements Application FUL/2021/0273 approved October 2022. £70k for road junction improvements and £20k bus stop improvements.
	Implement Local Plan policies requiring and supporting the use and provision of sustainable travel (Policy SP4, IC1 and IC2)	Planning Services	Ongoing	Monitor the location of new housing development.	Application FUL/2021/0264 approved March 2022. Improvements to pedestrian road crossing secured through condition. Application FUL/2022/0023 approved August 2022. Improvements to pedestrian road crossing secured through condition. Application FUL/2021/0135 approved August 2021. Footpath link secured through condition.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Input into Lancashire County Council plans including the local transport plan and cycling and walking strategies	Planning Services/Green Spaces and Amenities	Ongoing	Plans updated and adopted	As reported in the <a href="#">AMR</a> , in 2021/22 there were two schemes that met the threshold to provide a Travel Plan and did so (FUL/2021/0135 and FUL/2021/0029).  Involved through LCWIP. 'Beat the street' initiative is being run again in 2023 by Burnley Borough Council and partners, to encourage people to walk or cycle more, with the chance to win prizes.
iii. increase the use of public transport services in favour of the car	Work with the Economic Recovery and Growth Board to lobby for increased train services on the Blackburn-Burnley-Manchester line.  Work with neighbouring local authorities, Lancashire County Council, and the Lancashire Enterprise Partnership, to	Economy and Growth  Economy and Growth	Ongoing  Ongoing		Network Rail commenced feasibility studies in February 2023 to investigate journey time improvements and increased capacity.  Work has been cancelled. <b>Remove action from plan.</b>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	promote electrification of the rail line from Preston, through Pennine Lancashire, into West Yorkshire and Greater Manchester, as an alternative to the M62 and Northern Powerhouse Rail Corridors				
<b>Theme 2 - Emissions from use and occupation of buildings</b>					
Objective 2 - achieve higher standards of energy efficiency in new and existing buildings					
i - support and encourage high energy efficient standards in new buildings	Implement Local Plan policies encouraging high standards of energy efficiency in new buildings	Planning Service	Ongoing	Monitor renewable energy installations for major developments	Major applications that have gone beyond current building regulation requirements: <u>Calico Schemes</u> FUL/2022/0023 FUL/2021/0659 <u>Residential Schemes</u> FUL/2021/0273 FUL/2021/0274 Ful/2020/0321 FUL/2021/0135  BREEAM very good rating for non-residential buildings

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Review Developer Contributions SPD to take account of increased construction costs due to proposed uplift in national building regulations, biodiversity net gain and any other new statutory requirements	Planning Service	March 2023	Review undertaken and SPD amended	Employment development at Accrington Road (OUT/2020/0366).  SPD in place will be reviewed as appropriate
ii - implement national changes to the building regulations and the future homes standard	Implement changes to Building Regulations as they are introduced. Communicate and provide advice on the changes to applicants and stakeholders	Building Control Service	Expected: - B Regs 2022 - Future Homes Standard 2025	Timescales depend on implementation date of national changes	Building Control have been enforcing revised part L guidance on all new schemes submitted since 15th June 2022.  Prior to the changes being enacted local agents and architects were provided with an LABC approved guidance document on how to show practical compliance with the enhanced thermal efficiency standards. On site, builders are being introduced to the new standards as schemes covered by the revised regulations come on-line. From

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					June 2023 all developments will comply with these standards.
iii – promote, facilitate, and enforce higher energy efficiency standards in the private rented sector	Complete the Minimum Energy Efficiency Programme (MEES) in the private rented sector and ensure all properties are achieving at least an EPC rating of E	Housing Service	Ongoing	All private rented sector properties have an EPC rating of at least E. Enforcement action is taken against all those properties that do not comply	Project completed between September 2021 and March 2022. 3,235 domestic properties identified as having an F or G EPC. 362 domestic properties identified as being privately rented with an F or G EPC. 441 owners sent a letter. 182 properties have been improved to an EPC of E or above (as of April 2022). 102 properties exempt from EPC requirements due to being family homes/ RSL/ owner occupied. 1 owner served with £5000 penalty notice. 45 remaining open cases under review.
	Incorporate housing legislation on MEES into the housing disrepair service	Housing Service	July 2022	All officers trained and standards implemented into work programme	Completed/ implemented. Procedures in place to check the BEIS database and EPC register periodically for any privately rented properties with a recently lodged EPC of F or G.
	Review the code of practice for Landlord Accreditation to explore	Housing Service	April 2023	Code reviewed and updated	Reviewed 26/01/23. Code will be revised so that to meet Gold Standard

	<b>Actions</b>	<b>Who will lead on this action?</b>	<b>Timescale for delivery</b>	<b>Outputs and milestones</b>	<b>Progress update</b>
	options to increase the level of energy efficiency required				Accreditation, the property must be EPC C or above.
	Consult on and redesignate selective licensing areas where appropriate to continue to improve the standard of properties in the private rented sector	Housing Service	March 2022	March 2022 - Burnley Wood, Leyland Road November 2024 - Gannow, Queensgate, Trinity and Daneshouse	The Burnley Wood with Healey Wood and Leyland Road selective licensing areas were consulted upon and submitted to the Secretary of State for confirmation. The Secretary of State confirmed the areas which came into force in July 2022. The Gannow, Queensgate, Trinity and Daneshouse with Stonelyholme selective licensing areas are now in their 3rd year and are due to end in November 2024. The interim report for these areas is published on the Council's website.
	Keep the ward analysis programme under annual review to assess whether any new licensing areas require further investigation based on data	Housing Service	Ongoing	Carry out annual review	Building Research Establishment have been appointed to complete a Borough wide stock modelling exercise. This modelling exercise is due to complete by the end of June 2023.



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
iv – promote and facilitate higher energy efficiency standards in owner occupied properties	Working through the Cosy Homes in Lancashire partnership promote energy efficiency improvements to owner occupiers throughout the borough	Housing Service - Home Improvement Agency	Ongoing	Monitor annually the number of homes in the borough that have taken up measures through CHiL.	<p>Through the CHiL partnership we secured £27.25 million across Lancashire to install large scale energy efficiency improvements to properties. For Burnley, this funding helped 358 properties with 606 measures installed.</p> <p>The Council through the CHiL partnership are currently delivering <b>Home Upgrade Grant round 1 (HUG 1)</b>. Targeting properties that do not have a gas supply.</p> <p><b>Affordable Warmth Scheme:</b>  3 boiler replacements with an additional 16 committed for completion.  7 boiler Services have been completed.  2 draught proofing measures completed.  2 floor coverings completed.  67 winter packs given out.  48 CO2 monitors given out  31 properties have had LED bulbs fitted.  2 heaters given out for emergencies.  Central heating due to be installed in 10 properties which currently have no central heating.</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Introduce a Residential Extensions SPD (Design Guide) to inform planning applications and permissions	Planning Service	July 2022	Design guide in operation	<p><b>Heating Rebate Grants</b> Grant offered by the Council to replace an inefficient or broken central heating system, or for installing a heating system for the first time. Owner occupiers living in the borough of Burnley can receive £400 for a property that already has gas central heating. If the property has never had a central heating system, there is a grant of £1000 towards the cost of central heating. For the financial year to 2022/23: 80 residents received a £400 grant and 10 residents a £1000 grant.</p> <p>Completed, design guide introduced in October 2022.</p>
v – work in partnership with register housing providers to	Work with housing association partners to maximise the funding available through the Green Homes Grant and other funding	Housing Service/Register Providers – Calico Housing Association	Ongoing	Monitor level of funding received, and properties improved	Calico are in the process of developing their Sustainability and Environment Strategy. Burnley College consultants did the impact mapping. They've set their

	<b>Actions</b>	<b>Who will lead on this action?</b>	<b>Timescale for delivery</b>	<b>Outputs and milestones</b>	<b>Progress update</b>
<p>maximise the energy efficiency of their existing dwellings</p>	<p>streams to contribute to retrofit programmes for their stock</p> <p>Work with housing association developer partners to facilitate and promote the move to carbon ready and carbon zero homes on new affordable housing developments</p>	<p>Housing Services/Registered Providers - Calico Housing Association</p>	<p>Ongoing</p>	<p>Number of homes developed at net zero and carbon ready</p>	<p>objectives and mapped projects, with a net zero target of 2040. Currently investigating decarbonisation and retrofitting, biodiversity with their green team, waste management, and fleet.</p> <p>For Calico Homes new build properties are achieving an EPC A. Ongoing programme of work to raise all existing assets to EPC C, in line with the Future Homes Standard 2025.</p>
<p>vi - ensure the council's property portfolio has high energy efficiency standards</p>	<p>Produce individual building surveys to assess scope for improving EPC ratings of properties owned by the Council</p>	<p>Property Services/Liberata</p>	<p>September 2022</p>	<p>Review of EPC ratings and improvements implemented</p>	<p>EPCs or Heat Decarbonisation Plans (HDPs) have been carried out on all operational buildings, and non-operational buildings as appropriate. HDPs and energy audits have taken place at some locations to identify areas for energy efficiency improvements. Tender exercise for costings of improvements is planned before the next Public Sector Decarbonisation Scheme funding</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Implement new measures to ensure the efficient use of crematorium services	Green Spaces and Amenities	July 2022	Policy introduced and operational	becomes available – expected in Autumn 2023.  Re-roofing and improved insulation to crematorium has been undertaken. More efficient heating system in operation.
	Record and track energy usage across the Council’s business operations and establish a baseline to monitoring progress	Audit	June 2022	Process in place and baseline established	Using the LGA Greenhouse Gas Accounting Tool, baseline has been established and council's carbon budget has been produced. Council's emissions will be recorded and monitored annually to ensure council is staying on track with their carbon budget. Emissions data will be used to identify highest areas of emissions within the council and target key areas of work needed to reach net zero.
	Carry out a desk top study and structural surveys where appropriate to assess the suitability of roof structures for	Liberata	September 2022	Study produced and surveys done with options identified	Ties into work being done with Heat Decarbonisation Plans (HDPs). Currently awaiting report on feasibility of locations and costs for PV panels. LED lighting has

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	the installation of Solar Panels on Council owned buildings				been completed at the Town Hall, looking to expand this across the council's property portfolio.
vii - ensure projects supported by the council promote high energy efficiency standards	Work with operators to review café leases to include climate change initiatives and methods of operation focusing on waste management, supply chains and use of materials	Green Spaces and Amenities	Ongoing	Lease updated as reviewed	Currently specifying that any repairs and maintenance must be the most energy efficient options, not the cheapest e.g., replace old lights with LEDs, and when appliances need replacing, use most energy efficient options available. All leisure hospitality sites have embedded sustainable waste management throughout, waste oil is collected and recycled for biofuel, and waste food is collected for composting and fertiliser. Plastic packaging is kept to a minimum, no plastic is used for takeaways. First in the UK to begin using 'ButterflyCups' that remove the need for straws or lids and are plastic-free, recyclable and biodegradable. Council park kiosks/cafes - Contracts specify no single-use plastics are to be used.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	<p>Appoint a Sustainability Officer to co-ordinate the work of the Council, strengthen our work with partners and monitor our climate emergency commitments</p> <p>Carry out an independently accredited carbon literacy programme for all Council employees and appoint carbon champions</p>	<p>Human Resources/Housing Service</p> <p>All units</p>	<p>September 2022</p> <p>July 2022</p>	<p>Post filled and work programme agreed</p> <p>All employees trained and carbon champions appointed</p>	<p>Completed – Climate Change Officer appointed</p> <p>Achieved Bronze Award and working towards Silver Award with at least 15% of staff trained (aiming to achieve this by September 2023). Carbon champions appointed across service areas. All heads of service and senior managers have completed Carbon Literacy Training. Implementing a programme of Train the Trainer to roll out Carbon Literacy Training across the council through the carbon champions.</p>
viii - maximise the use of energy from renewable and low carbon sources and	Explore the options for the use of renewable energy suppliers for electricity and bio-diesel for vehicles and machinery where	Liberata/All units	End of March/ early April 2023	Review carried out and initial findings produced	Not changed yet, contract with Crown Commercial Frameworks up for renewal end of March 23. 10-15% of energy from CCF is from renewables currently. New energy packages are being launched end

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
for council operations	electric alternatives are not available				<p>of Feb, considering best package for % of renewables and cost to start in April. Considering highest % of renewable energy possible.</p> <p>When Biodiesel was investigated with local suppliers, it was found to contain palm oil derivatives, which has biodiversity downsides and so requires further investigation.</p>
<b>Theme 3 - Emissions from the use and manufacture of products and materials</b>					
Objective 3A - reduce energy use in construction, manufacturing, and business operations					
i - encourage and promote the use of low energy equipment and materials	Work with the East Lancashire Chamber of Commerce and University of Central Lancashire to promote and deliver the Green Principles Grant Programme targeting SMEs to encourage the introduction of low carbon business operations.	Economy and Growth	Ongoing to March 2025	Grant programme fully allocated with examples of best practice identified	UK SPF funding agreed for East Lancs Chamber to deliver a Net Zero Decarbonisation Programme. This is a pan-Lancashire collaboration that will be delivered by East Lancashire Chamber and their Low Carbon Team in conjunction with UCLAN and the Advanced Manufacturing Research Centre (AMRC). This will provide a package of support to firms with the highest carbon footprint, analysing

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Work with partners to support the development of the Low Carbon Accelerator Pilot.	Economy and Growth	March 2025	Best practice examples identified	environmental impact and will include initial analysis, baseline support, best practice support and in-depth decarbonisation planning and net zero future proofing covering interventions. Will support 150 businesses, resulting in 90 decarbonisation programmes. This is a support programme, not grants.  Working with Chamber of Commerce to develop low carbon businesses accelerator/incubator. Initial concept and ideas developed, next step requires capital and revenue funding. Timescale delayed to 2025 subject to suitable funding being available.
	Work with the East Lancashire Chamber of Commerce Low Carbon Technologies Business Support and Skills Academy to promote carbon reduction operations and initiatives	Economy and Growth	Completed	Best practice examples identified	Completed December 2022 – funded for 12 months.



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Work with Growth Lancashire to deliver a grant programme to incentivise investment in low energy equipment	Economy and Growth	Completed	Grant programme fully allocated with examples of best practice identified	The Community Renewal Fund Grant programme completed December 2022. Businesses were able to apply for grants for a range of business investments, which included low carbon investment.
	Encourage and support the reuse of existing buildings to accommodate new residential and employment uses	Planning Services/Economy and Growth	Ongoing		<p>The Council have worked pro-actively with developers and partners to reuse and repurpose a range of vacant buildings for current uses.</p> <p>The Council is delivering a number of programmes to actively support the re-use of existing buildings. In Padiham Town Centre, the Council has brought back into use 8 vacant or underutilised retail buildings for retail, office and residential use. The upper floor of Padiham Town Hall has been re-purposed into high quality managed offices and co-workspaces.</p> <p>In Burnley Town Centre the Council is working with property owners to bring</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Support and encourage the reuse of demolition material through local plan policies	Planning Services/Economy and Growth	Ongoing		vacant and under-utilised premises back into use for retail, offices, residential and cultural uses. The Council has acquired a heritage building for re-use as a cultural hub and artists studios. The Council is currently investing over £12m in bringing the derelict Newtown Mill back into use for the expansion of the University of Central Lancashire.  In progress – limited control regarding demolition
ii – maximise the number of empty homes brought back in to use	Return a minimum of 90 empty homes back in to use through direct intervention from the Council	Housing Services	Ongoing	Number of homes brought back in to use – target 90 per year	106 properties were brought back in to use in 2022, and 12 acquisitions were made.
	Work with Calico to deliver future phases of their empty homes programme assisting with communication and compulsory purchase	Housing Services/Registered Providers	Ongoing	Number of homes purchased and renovated each year	Calico have returned into use 35 empty homes this year making a total of 170 for the programme since 2019. 2023/24 phase is approved and in preparation to deal with 35 more empty properties.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
Objective 3B – increase recycling and the use of low embodied energy products					
i - ensure high standards of energy efficiency in the Council's purchasing of equipment, materials and services	Require a carbon reduction statement in all tenders for works above £5,000	Legal and Democracy	Ongoing from March 2023	Tender documents amended and issued as standard	This action has been included in the new Procurement Strategy that was approved in Feb 2023. It is being implemented this year with suppliers, where appropriate.
ii - Promote and facilitate an increase in recycling and reusing of products and materials	Carry out a pro-active communications programme for "Reduce, Reuse, Recycle" to positively promote changes in behaviour	Streetscene	December 2022	% of waste recycled	<p>Figures from NI 192 - Percentage household waste sent for reuse, recycling or composting</p> <p>2019/20 = 32.2%</p> <p>2020/21 = 33.3%</p> <p>2021/22 = 32.2%</p> <p>2022/23 = Not yet available</p> <p>Comms strategy due to be updated when new Government Waste Strategy is published.</p> <p>A reduced charge for bulky items was introduced during 2022 which saw the amount of bulky waste collection increase by approximately 50%. Since the trial, Burnley's Bulky waste charge</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Maximise recycling through the household waste collection service by the introduction of more extra capacity bins	Streetscene	Ongoing	Monitor the increase in the provision of larger recycling bins. % of waste recycled	has been kept low at only £15 to encourage the use of this service.  A review will be carried out later in the year following the publication of the Government Waste Strategy.
	Review leisure centres and sports facilities to assess options for improved recycling facilities	Burnley Leisure	March 2023	More recycled material introduced into business operations	Recycling being enforced at all facilities. Aiming to use local companies for procurement where possible to reduce emissions.
<b>Theme 4 - Renewable energy</b>					
<b>Objective 4 - increase renewable energy capacity and provision</b>					
i - support and encourage renewable energy provision	Implement Local Plan policies supporting renewable energy provision in new development and supporting stand-alone new renewable energy infrastructure	Planning Services	Ongoing	Number of renewable energy schemes with approval	In 2021, operational and consented renewable energy installations in Burnley had a capacity of 36.1MW. 16MW of this is produced by the Coal Clough wind farm, Long Causeway, Burnley where 24 x 0.4MW turbines

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					<p>were replaced by 8 x 2MW turbines in 2015. The number of homes powered equivalent using renewable energy is 20,987 (full breakdown in <a href="#">Authority Monitoring Report</a>). This is equivalent to 49.3% of the Boroughs total housing stock being powered by renewable energy.</p> <p>In 2021/2022 no new planning permissions were granted for stand-alone renewable energy projects. It should be noted that many small-scale and domestic renewal energy projects do not require planning permission.</p>
ii – include renewable energy provision in council funded or supported projects	<p>Introduce climate change actions as a standing item at all future partnership board meetings with the waste contract provider</p> <p>Review the specification for the renovation of empty homes to assess the options for including renewable energy products</p>	<p>Streetscene</p> <p>Housing Services</p>	<p>July 2022</p> <p>April 2022</p>	<p>Recorded as a standing item on all agendas</p> <p>Specification reviewed and updated as appropriate</p>	<p><b>Completed</b> – this has been done</p> <p>Completed: Appointed retrofit assessor who recommends specification for each property under the programme. Achieved an EPC B on a Victorian terrace.</p>

	<b>Actions</b>	<b>Who will lead on this action?</b>	<b>Timescale for delivery</b>	<b>Outputs and milestones</b>	<b>Progress update</b>
	iii – work in partnership with housing providers and landlords to introduce renewable energy in their existing dwellings	Housing Services	Ongoing	Number of properties with renewable energy products installed	Ongoing – investigate any incentives for landlords to improve energy efficiency. The housing service is currently working with Warwick University on a piece of work investigating how to best incentivise the private rented sector to retrofit properties.
<b>Theme 5 – Enhance the natural environment</b>					
<b>Objective 5 – protect and increase trees, woodland, meadowland and habitats</b>					
	i - protect trees on development sites or where appropriate require replacement	Planning Service	Ongoing		The Local Plan sets a monitoring indicator for Policy NE2 of the amount of protected open space lost to development. This is measured once planning permission has been granted and the scheme is under construction. 0.033 Hectares of protected open space were lost to development in 2021/22 for COU/2020/0239 - Change of use of land from open space to residential curtilage, at land to the rear of 31-39 Lydgate.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Introduced new tree preservation orders for suitable trees	Planning Service	Ongoing	Number of additional tree preservation orders issued	<p>Public Open spaces provided under Policy HS4 (for new housing developments) that were approved and completed after 31 July 2018 will also be protected under Policy NE2. No such schemes were completed in 2021/22.</p> <p>NE4 covers the number of approvals for the felling of trees protected by a TPO. The total number of approvals for the felling of trees protected by a TPO in 2021/22 was three.</p> <p>There have been three TPO's made since Feb 2022 two have been confirmed.</p>
ii - maintain trees on council land	The Council to implement the Tree Management Policy	Green Spaces and Amenities	Ongoing	Policy implemented, reviewed and adapted	<p>In place – recently updated, on website. Revising woodland management plan - proposed that over the next 2 years, by April 2025, management plans are developed for 18 Council owned woodlands.</p> <p>Actively managing Ash dieback – Assistant Tree Officer and an apprentice post have been introduced to help work on this project. At risk locations surveyed</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					and monitored with Red, Amber, Green dots added to trees, amber and red are felled and used for playground woodchips.
iii protect designated sites, and maintain priority habitats and ecological networks	Implement Local Plan Policy NE1  Implement new biodiversity duties in 2021 Environment Act	Planning Services  All Units	Ongoing  Relevant provisions of Act not yet in force – expected winter 2023	No development approved within or adversely affecting the integrity of national or international sites of county level biological heritage sites. Presence of ecological networks, priority habitats and protected species appropriately addressed in all planning approvals.  Statutory net gain for biodiversity incorporated into approvals from 2023/4	As of March 2022, no development has been approved within or adversely affecting the integrity of national or international sites or county level biological heritage sites.  Monitoring Biodiversity Net Gain (BNG) target, awaiting further regulations and guidance regarding formal introduction. The planning team consult Greater Manchester Ecology Unit and currently aiming for 10% net gain on all major developments as a starting point,



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					together with the requirements in Local Plan policy NE1.
iv - require planting of new trees and shrubs on land not in Council ownership	Work with partners to implement the Pennine Lancashire Treescapè programme (PLanT)	Green Spaces and Amenities	September 2022	By September 2022 16,000 trees planted.	18,500 woodland trees planted in 2022, beating the target of 16,000 and creating 45 micro woodlands in Burnley. 9,000 due to be planted in 2023. 'Beat the Streets' initiative will invite participants to plant trees in Autumn 2023 to create 'mini forests'. Trees for Burnley volunteer group plant on council grounds and do a big plant each month of between 500-1000 trees.
	Work with partners to progress the Community Forest initiative and encourage tree planting on private owned land	Green Spaces and Amenities	Ongoing	% of the borough with tree cover	Around 8% of the borough has tree cover currently.
	Implement planning policies requiring landscaping schemes, new and replacement trees and planting to mitigate against	Planning Service	Ongoing		Landscaping schemes form part of most new developments and have a number of benefits – public amenity, ecology and absorption of pollution. An outline permission (OUT/2021/0443 – Barden

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	vehicle emissions and other pollutant				Lane) requires off-site woodland planting to mitigate against on-site tree loss and to protect the biodiversity network that is identified on the Policies Map of Burnley's Local Plan (adopted 2018) - see Policy NE1.
	Work with the Ribble Rivers Trust to facilitate more tree planting along riverbanks	Green Spaces and Amenities	March 2026	% of the borough with tree cover	Ongoing. Around 8% of the borough has tree cover currently.
v – plant new trees and increase wildflower meadows across the borough	Review and implement the Council's rethinking Parks Programme	Green Spaces and Amenities	March 2026		Urban park meadows, less mowing taking place to benefit biodiversity. The Council is managing areas of amenity grassland, which were frequently mown (10 times/year) as meadow, which means that they are cut only once or twice per year and where possible the hay crop is removed which helps to reduce fertility over time and increases biodiversity, reduces CO2 emissions, reduces labour costs and creates more interesting parkland landscapes. A total of 60.7 hectares of open spaces are managed as meadows. Most of which have been <a href="#">mapped</a> .

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	<p>Continue to progress the Council's Meadow Management Programme to increase the areas covered by meadowland and semi natural environments to reduce the need for grass cutting</p> <p>Introduce sustainable forms of floral displays reducing the need for intensive management</p>	<p>Green Spaces and Amenities</p> <p>Green Spaces and Amenities</p>	<p>March 2026</p> <p>Ongoing</p>	<p>% of meadowland monitored and increased</p> <p>Number of displays introduced</p>	<p>83% of meadow locations were surveyed in 2023 and the quality of meadows categorised. Due to the first such survey, there is no comparative data. The next survey will be in 2025.</p> <p>Benefits biodiversity and pollinators. <a href="#">75 floral meadows</a> have been planted in locations around Burnley. These are non-native wildflowers which are colourful and provide for pollinators.</p>
vii - protect species, priority habitats and wider biodiversity	Protect habitats where possible and ensure that suitable sites are provided for habitat offsets where development results in habitat loss	Planning Services/Green Spaces and Amenities	Ongoing	Record net gain as part of the 2021 Environment Act duties (from 2024)	<p>Some examples. Not an exhaustive list: FUL/2022/0023 – for 61 dwellings for Calico at Kinross Street. Requires some ecology mitigation for on-site loss which is dealt with by condition that requires a scheme of off-setting to achieve net gain to be submitted, agreed and implemented (scheme agreed on Council land adjacent to the development site).</p> <p>An off-site ecology mitigation contribution of £31,590 is required by a</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
					<p>S106 Agreement for Barratts development at Rosendale Road (FUL/2021/0273) – to be used “to enhance grassland habitats suitable for priority breeding farmland birds”.</p> <p>Routinely request Electric Vehicle Charging Points on new developments and porous surfaces to reduce emissions and flood risk.</p> <p>Other local plan policies.</p> <p>SP5 – requires energy efficiency</p> <p>IC3 – EV chargers</p> <p>Climate change policies CC1-CC5</p>
<b>Theme 6 - Flood Risk</b>					
Objective 6A - limit the impacts of flood risk on and from new development					
i - require new developments to be safe from flooding and to not cause or exacerbate	Implement Local Plan policies requiring and supporting the provision of Sustainable Urban Drainage Systems (SUDs)	Planning Services	Ongoing		SUDs are always encouraged in line with the drainage hierarchy. All major applications on greenfield sites will have SUDs.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
flooding issues elsewhere	Maintain and update strategic flood risk assessments as necessary	Planning Services	Ongoing		In progress. This action will be progressed when the council is in receipt of updated flood plans from the Environment Agency.
<b>Objective 6B - protect existing properties and infrastructure from flooding and improve resilience</b>					
i - protect existing properties from current and future flood risk	Support and implement schemes which protect and prepare existing properties for current and future flood risk	Economy and Growth/Housing Services	Ongoing	Action Government schemes as they are made available	40 residential flood grants were paid in 2016/17. 28 residential flood grants in 2020/2021. 5 business flood resilience grants in 2020-21 11 business flood recovery grants in 2020-21 39 business flood resilience grants in 2016-17 37 business flood recovery grants in 2016-17
	Support businesses at risk of flooding to implement strategies and technologies to protect their properties	Economy and Growth/Housing Services	Ongoing	Action Government schemes as they are made available	The Environment Agency, Burnley Borough Council and partners have been working together to develop an ongoing Flood Risk Management Scheme for Padiham, since the 2015 flood. The

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Encourage greater sign up to Flood Alerts and Emergency Weather Notifications	Policy and Engagement	Ongoing with annual review	More households and businesses engaged	<p>scheme will benefit approx. 150 homes, businesses, public buildings and key infrastructure in central Padiham. It will manage flood risk from the River Calder, Green Brook and surface water. The defences will consist of flood walls and earth embankments. The work will also include additional environmental, biodiversity and amenity improvements. The council advertises the EA Flood Hub information on our website and provides ongoing advice on how to sign up to EA flood alerts. Additional advice during flood events is posted on our website and social media.</p> <p>Ongoing – Information available on the Council website, link to Environment Agency flood risk maps and link to sign up for flood alerts. The Council issue information on social media when there is an amber alert or weather warning. The EA Flood Hub forum provides flooding resilience advice and support.</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	Improve and keep under review information available on the Council's website and social media platforms	Policy and Engagement	Ongoing with annual review	Website updated with annual review undertaken	This is available on the Council's website, and any EA updates are shared.  Ongoing - Information is available on the Council's website about what to do before and after flooding. Links to flood maps and alerts are also included.
ii – ensure the Council and partners have an effective emergency planning response	Keep emergency plan under review to ensure it remains flexible to the potential challenges faced by climate change and maximise its effectiveness when deployed.	Streetscene	Ongoing	Annual review undertaken	The Council are part of the Lancashire Resilience Forum and severe weather (includes flooding) is an LRF thematic group. Any flood events are responded to in accordance with our statutory resilience and Emergency Planning requirements.
<b>Theme 7 – Communication and stakeholder engagement</b>					
Objective 7A – adopt an effective communications strategy					
i – Develop a communications plan	Develop a Climate Emergency Communications Plan to provide information and advice to	Policy and Engagement/Housing and DC	In progress	Plan in progress, due to be completed and adopted by the end of 2023	Communications Plan in draft form and due for completion by July 2023.

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
	residents, businesses and stakeholders				
<b>Objective 7B – engage with stakeholders</b>					
ii – engage young people	Devise a programme of engagement with the Burnley Youth Forum to establish long term engagement with young people	Policy and Engagement/Housing and DC	December 2022		Initial contact has been made with a variety of youth organisations, this action will be progressed during 2023/24. Information about UK Schools Sustainability Network (UKSSN) circulated to external contacts to encourage any uptake from Burnley schools.
	Explore the opportunities to work with schools and educational facilities on promoting climate change messages	Policy and Engagement/Housing and DC	Ongoing	Engage with youth through social media plan – include targeted posts to youth audience on social media.	This action will be progressed during 2023/24.



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones	Progress update
iii – promote best practice and innovation	Seek opportunities through the Council’s work programme to promote climate change awareness and promote best practice	Policy and Engagement/Housing and DC	Ongoing		The Council are currently engaged in a facilitating dialogue between academic, business and community sectors regarding the potential for geothermal energy in the borough.
	Work with Burnley Bondholders to promote examples of low carbon business operations and the development of innovative technologies	Economy and Growth	Ongoing		Green edition of ‘In Business Burnley’ magazine was published after COP26, highlighting low carbon businesses. Businesswise Solutions, a Bondholder, ran a green business event with advice on lowering business’ carbon footprints. Green/Energy Saving Champion category is included at the Above and Beyond Awards to promote and encourage green behaviours. Also, a new Environmental Excellence Award was introduced at the Burnley Business Awards in 2022.
iv – Influence Government and other key organisations to	Lobby Government where possible to provide the necessary statutory support and financial resources to implement the Climate Change Strategy	All units	Ongoing	Level of resources secured	In progress – as and when opportunities arise.

	<b>Actions</b>	<b>Who will lead on this action?</b>	<b>Timescale for delivery</b>	<b>Outputs and milestones</b>	<b>Progress update</b>
support our ambitions	Develop a programme of engagement with key stakeholders to establish and build on existing partnerships	Policy and Engagement	Ongoing	Number of active partnerships	Initial meetings have been held with East Lancashire Chamber of Commerce and Calico Homes. This action will be progressed during 2023/24.



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# Burnley Climate Change Revised Action Plan 2023

## Action Plan 2022- 2026

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
<b>Theme 1 - Vehicle Emissions</b>				
Objective 1A – reduce greenhouse gas emissions from vehicles				
i - provide new electric vehicle charging infrastructure	Explore further opportunities to increase the electric charging infrastructure on all existing council car parks in the town centre and at other facilities	Streetscene	Ongoing	Complete a review of the car park portfolio and identify opportunities for installation Monitor and report on the additional number of chargers installed
	Work with Lancashire County Council to explore opportunities for the provision of electric charging infrastructure on the borough’s highways	Streetscene	Ongoing	Monitor and report on the additional number of chargers installed
	Explore ways to improve charging infrastructure for existing development - in particular private housing without off street parking. Identify grant opportunities	Electric Vehicle Working Group	Ongoing	Monitor and report on the schemes developed during the life of the strategy
	Develop and Implement the Electric Vehicle Charging Strategy	Streetscene	Ongoing	Strategy approved and actions implemented

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
ii - require charging infrastructure through new developments	Implement planning policies for all developments requiring and supporting the provision of ULEV charging points. (Policy IC3 and NE5)	Planning Service	Ongoing	Monitor annually the number of charging points installed on new residential and commercial developments
iii - limit vehicle emissions from new developments requiring planning permission	Apply planning policies for new developments requiring planning permission to limit emissions from vehicles (including Policy NE5 and the Air Quality Management: Protecting Health and Addressing Climate Change SPD.)	Planning Service	Ongoing	
	Update Validation Checklist to reflect new information	Planning Service	March 2024	Validation checklist amended and in operation
iv - reduce vehicle emissions from existing development	Facilitate hybrid working for council staff	Human Resources, Policy and Engagement	Ongoing	Monitor and record the percentage of time employees are working from home
	Work with the Highways Authority and Highways England to support junction improvements on key transport networks	Economy and Growth	Ongoing	Report on planned and implemented improvements
	Produce an annual Air Quality Monitoring Plan and implement DEFRA recommendations.	Environmental Health	Annually	Air Quality Plan produced; recommendations implemented
	Keep up to date on any additional air quality requirements within the proposed Environment Act.	Environmental Health	Ongoing	

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Implement Euro 6 vehicles standards across the borough's taxi fleet	Licensing	December 2023	Monitor percentage of compliance
	Investigate options to promote and incentivise the use of Electric and Hybrid vehicles for the taxi fleet	Licensing	Ongoing	Monitor number of vehicles recorded annually
v - replace existing council vehicles and machinery with electric alternatives	Investigate and develop proposals for green alternatives to waste collection operations to inform the future procurement of the waste collection contract	Streetscene	June 2025	Options assessed and evaluated, Tender exercise undertaken, Contractor appointed.
	Burnley Leisure to replace golf ball collectors, 3G pitch tractor and van with electric alternatives	Burnley Leisure	Ongoing	Introduction of electric alternatives
	Keep under review the Council's grey fleet of operational vehicles and look at introducing new electric vehicles for officer use as required, exploring cross unit work	All units	Ongoing	Introduction of new electric vehicles
	Where there are no alternatives to diesel vehicles for Council operations, reduce the lease period to allow for movement to electric as soon as practically possible once the technology is available and the business case is viable	Green Spaces and Amenities	Ongoing	As leases are renewed increase electric vehicle usage

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Replace parks equipment with electric alternatives as they become available	Green Spaces and Amenities	Ongoing	Increase overtime the amount of electric equipment in operation
	Investigate the option to introduce an Electric Car Leasing Scheme for Council employees to encourage staff to switch to electric vehicles	Finance and Property/Human Resources	December 2023	Appraisal carried out and recommendations made
<b>Objective 1B - support and improve sustainable transport provision</b>				
i - ensure new development is sustainably located appropriate to its nature and scale	Implement Local Plan policies requiring and supporting sustainable locations and travel (Policy SP4, IC1 and IC2)	Planning service	Ongoing	Monitor S106 agreements and amounts received and spent
	Ensure that maximum benefit is achieved through developer contributions on new development to contribute to sustainable transport methods	Planning service/Green Spaces and Amenities	Ongoing	
ii - improve the footpath, cycling and riding infrastructure and its use	Work with partners to implement the Lancashire Cycling and Walking Improvement Plan (LCWIP) seeking opportunities to develop better links to sustainable transport infrastructure and identify funding opportunities for new projects	Green Spaces and Amenities	Ongoing	Funding awards received



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	<p>Maximise funding for sustainable transport links through planning obligations attached to planning permissions</p> <p>Implement Local Plan policies requiring and supporting the use and provision of sustainable travel (Policy SP4, IC1 and IC2)</p> <p>Input into Lancashire County Council plans including the local transport plan and cycling and walking strategies</p> <p>Establish a 'Burnley Active Travel Network', with members from Green Spaces, Planning, Leisure, and Streetscene, to ensure there is a strategic view on how to develop cycling and walking plans in line with future housing developments</p>	<p>Green Spaces and Amenities/ Planning Services</p> <p>Planning Services</p> <p>Planning Services/Green Spaces and Amenities</p> <p>Green Spaces and Amenities</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>April 2024</p>	<p>Monitor S106 agreements, amounts received and spent</p> <p>Monitor the location of new housing development.</p> <p>Plans updated and adopted</p> <p>Network established and meetings taking place to discuss plans.</p>
iii. increase the use of public transport services in favour of the car	Work with the Economic Recovery and Growth Board to lobby for increased train services on the Blackburn-Burnley-Manchester line	Economy and Growth	Ongoing	
<b>Theme 2 - Emissions from use and occupation of buildings</b>				
Objective 2 - achieve higher standards of energy efficiency in new and existing buildings				

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
i - support and encourage high energy efficient standards in new buildings	Implement Local Plan policies encouraging high standards of energy efficiency in new buildings	Planning Service	Ongoing	Monitor renewable energy installations for major developments
	Review Developer Contributions SPD to take account of increased construction costs due to proposed uplift in national building regulations, biodiversity net gain and any other new statutory requirements	Planning Service	Ongoing - annual review	Review undertaken and SPD amended
ii - implement national changes to the building regulations and the future homes standard	Implement changes to Building Regulations as they are introduced. Communicate and provide advice on the changes to applicants and stakeholders	Building Control Service	Expected: - Future Homes Standard 2025	Timescales depend on implementation date of national changes
iii – promote, facilitate, and enforce higher energy efficiency standards in the private rented sector	Complete the Minimum Energy Efficiency Programme (MEES) in the private rented sector and ensure all properties are achieving at least an EPC rating of E	Housing Service	Ongoing	All private rented sector properties have an EPC rating of at least E. Enforcement action is taken against all those properties that do not comply.
	Consult on and redesignate selective licensing areas where appropriate to continue to improve the standard of properties in the private rented sector	Housing Service	November 2024	November 2024 - Gannow, Queensgate, Trinity and Daneshouse

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Keep the ward analysis programme under annual review to assess whether any new licensing areas require further investigation based on data	Housing Service	Ongoing	Carry out annual review
	Work with Warwick university to explore how best to encourage and incentivise the private rented sector to improve energy efficiency across the sector	Housing Service	April 2024	Work completed in partnership with Warwick University
iv – promote and facilitate higher energy efficiency standards in owner occupied properties	Working through the Cosy Homes in Lancashire partnership promote energy efficiency improvements to owner occupiers throughout the borough	Housing Service - Home Improvement Agency	Ongoing	Monitor annually the number of homes in the borough that have taken up measures through CHIL.
v – work in partnership with register housing providers to maximise the energy efficiency of their existing dwellings	Work with housing association partners to maximise the funding available through the Green Homes Grant and other funding streams to contribute to retrofit programmes for their stock	Housing Service/Register Providers	Ongoing	Monitor level of funding received, and properties improved
	Work with housing association developer partners to facilitate and promote the move to carbon ready and carbon zero homes on new affordable housing developments	Housing Services/Registered Providers	Ongoing	Number of homes developed at net zero and carbon ready

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
vi - ensure the council's property portfolio has high energy efficiency standards	Keep under review building surveys assessing scope for improving EPC ratings of properties owned by the Council, and revise as appropriate	Property Services/Liberata	Ongoing	Review of EPC ratings and improvements implemented
	Record and track energy usage across the Council's business operations to monitor emissions reduction progress, in line with the Council's carbon budget	Audit/ Housing and Development Control	Annually	Process in place and baseline established
	Progress solar projects where feasible, following desk top study and structural surveys to assess the suitability of roof structures for the installation of Solar Panels on Council owned buildings	Liberata	Ongoing	Study produced and surveys done with options identified
	Incorporate additional Scope 3 emissions into Council's carbon budget	Audit/ Housing and Development Control	April 2024	Begin to calculate Scope 3 including waste emissions, procurement, commuting, etc.
	To review investment options and agree a net zero target for the Council	Housing and Development Control	April 2024	Net zero target agreed

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Continue to monitor and expand on the three main strands of the Carbon Reduction Capital Budget: Voltage optimisation, LED lighting, and PV panels	Finance and Property	Ongoing – update next financial year	Report on progress of these three main projects
vii - ensure projects supported by the council promote high energy efficiency standards	<p>Work with operators to review café leases to include climate change initiatives and methods of operation focusing on waste management, supply chains and use of materials</p> <p>Carry out an independently accredited carbon literacy programme for all Council employees and appoint carbon champions</p> <p>Pilot recycling scheme in Towneley Park, add public recycling bins throughout the grounds in partnership with Friends of Towneley Park group</p> <p>Devise and implement a promotional campaign to ensure all council staff are utilising buildings and equipment in an efficient way to reduce energy use and council emissions</p> <p>Monitor switches to energy efficient LED bulbs carried out by the Home Improvement Agency</p>	<p>Green Spaces and Amenities</p> <p>All units</p> <p>Green Spaces and Amenities</p> <p>Housing and Development Control/ Policy and Engagement</p> <p>Housing and Development Control</p>	<p>Ongoing</p> <p>July 2024</p> <p>Summer 2023</p> <p>December 2023</p> <p>Annual monitoring</p>	<p>Lease updated as reviewed</p> <p>All employees trained and carbon champions appointed</p> <p>Recycling bins added throughout grounds, recycling rate/ uptake monitored</p> <p>Raise awareness across Council employees</p> <p>Record number of regular bulbs changed to LED bulbs</p>

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
viii - maximise the use of energy from renewable and low carbon sources and for council operations	Explore the options for the use of renewable energy suppliers for electricity and bio-diesel for vehicles and machinery where electric alternatives are not available	Liberata/All units	Ongoing – Contract renews end of March/ Apr 2024	Review carried out and initial findings produced
<b>Theme 3 - Emissions from the use and manufacture of products and materials</b>				
Objective 3A - reduce energy use in construction, manufacturing, and business operations				
i - encourage and promote the use of low energy equipment and materials	Work with the East Lancashire Chamber of Commerce and University of Central Lancashire to promote and deliver the Green Principles Grant Programme targeting SMEs to encourage the introduction of low carbon business operations.	Economy and Growth	Ongoing to March 2025	Grant programme fully allocated with examples of best practice identified
	Work with partners to support the development of the Low Carbon Accelerator Pilot.	Economy and Growth	March 2025	Best practice examples identified
	Encourage and support the reuse of existing buildings to accommodate new residential and employment uses	Planning Services/Economy and Growth	Ongoing	
	Support and encourage the reuse of demolition material through local plan policies	Planning Services/Economy and Growth	Ongoing	

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
ii – maximise the number of empty homes brought back in to use	Return a minimum of 90 empty homes back in to use through direct intervention from the Council	Housing Services	Ongoing	Number of homes brought back in to use – target 90 per year
	Work with Calico to deliver future phases of their empty homes programme assisting with communication and compulsory purchase	Housing Services/Registered Providers	Ongoing	Number of homes purchased and renovated each year
<b>Objective 3B – increase recycling and the use of low embodied energy products</b>				
i - ensure high standards of energy efficiency in the Council’s purchasing of equipment, materials and services	Require a carbon reduction statement in all tenders for works above £5,000	Legal and Democracy	Ongoing from March 2023	Tender documents amended and issued as standard
ii - Promote and facilitate an increase in recycling and reusing of products and materials	Carry out a pro-active communications programme for “Reduce, Reuse, Recycle” to positively promote changes in behaviour	Streetscene	December 2023	% of waste recycled
	Maximise recycling through the household waste collection service by the introduction of more extra capacity bins	Streetscene	Ongoing	Monitor the increase in the provision of larger recycling bins. % of waste recycled
	Review leisure centres and sports facilities to assess options for improved recycling facilities	Burnley Leisure	March 2024	More recycled material introduced into business operations

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Carry out a review of the bulky items scheme to help tackle the consistently high number of fly-tipping incidents	Streetscene	April 2024	Review carried out.
	Explore the options for food waste collection/ food waste-to-energy scheme	Streetscene	April 2024 (New Government Waste Strategy due 2023)	Implement food waste collection and monitor food waste collection rates.
iii - Focus procurement on sustainable alternatives where possible	Ensure more sustainable alternatives are procured where possible to reduce transportation emissions, single use plastics and non-recyclable goods	Legal and Democracy	Ongoing (single-use plastics ban October 2023)	Monitor switches away from non-sustainable/ high emission items.
<b>Theme 4 - Renewable energy</b>				
Objective 4 - increase renewable energy capacity and provision				
i - support and encourage renewable energy provision	Implement Local Plan policies supporting renewable energy provision in new development and supporting stand-alone new renewable energy infrastructure	Planning Services	Ongoing	Number of renewable energy schemes with approval
	Review the heating rebate grants to include renewable energy installations	Housing Services	December 2023	Number of renewable energy grants applied for. Looking into grants towards solar, air-source heat pumps, and renewable energy sources.



	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Work with partners to consider the feasibility of geothermal mine energy schemes	Policy and Engagement	April 2024	Feasibility study for an area of the borough completed.
	Consider feasibility of solar for swimming pools and leisure facilities to reduce large area of emissions. Look into options for renewables and grant/ funding opportunities	Burnley Leisure	April 2024	Feasibility studies completed for leisure facilities. Funding opportunities monitored.
ii – include renewable energy provision in council funded or supported projects	Continue to work on renovation specifications of empty properties for the council's empty homes programme, to improve energy efficiency and reduce carbon footprint	Housing Services	Annual monitoring	Number of properties with EPCs of B or above.
iii – work in partnership with housing providers and landlords to introduce renewable energy in their existing dwellings	Seek funding opportunities through Government grant programmes	Housing Services	Ongoing	Number of properties with renewable energy products installed

## Theme 5 – Enhance the natural environment

Objective 5 – protect and increase trees, woodland, meadowland and habitats

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
i - protect trees on development sites or where appropriate require replacement	Implement Local Plan protected identified open space Policy NE2 and specific trees Policy NE4	Planning Service	Ongoing	Number of additional tree preservation orders issued
	Introduced new tree preservation orders for suitable trees	Planning Service	Ongoing	
ii - maintain trees on council land	The Council to implement the Tree Management Policy	Green Spaces and Amenities	Ongoing	Policy implemented, reviewed and adapted
iii protect designated sites, and maintain priority habitats and ecological networks	Implement Local Plan Policy NE1	Planning Services	Ongoing	No development approved within or adversely affecting the integrity of national or international sites of county level biological heritage sites. Presence of ecological networks, priority habitats and protected species appropriately addressed in all planning approvals.
	Implement new biodiversity duties in 2021 Environment Act	All Units	Relevant provisions of Act not yet in force – expected winter 2023	Statutory net gain for biodiversity incorporated into approvals from 2023/4
iv - require planting of new trees and shrubs on land not in Council ownership	Work with partner to progress the Community Forest initiative and encourage tree planting on private owned land	Green Spaces and Amenities	Ongoing	% of the borough with tree cover
	Implement planning policies requiring landscaping schemes, new and replacement	Planning Service	Ongoing	

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	trees and planting to mitigate against vehicle emissions and other pollutant  Work with the Ribble Rivers Trust to facilitate more tree planting along riverbanks	Green Spaces and Amenities	March 2026	% of the borough with tree cover
v – plant new trees and increase wildflower meadows across the borough	Review and implement the Council’s rethinking Parks Programme  Continue to progress the Council’s Meadow Management Programme to increase the areas covered by meadowland and semi natural environments to reduce the need for grass cutting  Introduce sustainable forms of floral displays reducing the need for intensive management	Green Spaces and Amenities  Green Spaces and Amenities  Green Spaces and Amenities	March 2026  March 2026  Ongoing	% of meadowland monitored and increased  Number of displays introduced
vii - protect species, priority habitats and wider biodiversity	Protect habitats where possible and ensure that suitable sites are provided for habitat off sets where development results in habitat loss	Planning Services/Green Spaces and Amenities	Ongoing	Record net gain as part of the 2021 Environment Act duties (from 2024)

## Theme 6 - Flood Risk

Objective 6A - limit the impacts of flood risk on and from new development

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
i - require new developments to be safe from flooding and to not cause or exacerbate flooding issues elsewhere	Implement Local Plan policies requiring and supporting the provision of Sustainable Urban Drainage Systems	Planning Services	Ongoing	
	Maintain and update strategic flood risk assessments as necessary	Planning Services	Ongoing	
<b>Objective 6B - protect existing properties and infrastructure from flooding and improve resilience</b>				
i - protect existing properties from current and future flood risk	Support and implement schemes which protect and prepare existing properties for current and future flood risk	Economy and Growth/Housing Services	Ongoing	Action Government schemes as they are made available
	Support businesses at risk of flooding to implement strategies and technologies to protect their properties	Economy and Growth/Housing Services	Ongoing	Action Government schemes as they are made available
	Encourage greater sign up to Flood Alerts and Emergency Weather Notifications	Policy and Engagement	Ongoing with annual review	More households and businesses engaged
	Improve and keep under review information available on the Council's website and social media platforms	Policy and Engagement	Ongoing with annual review	Website updated with annual review undertaken

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
ii – ensure the Council and partners have an effective emergency planning response	Keep emergency plan under review to ensure it remains flexible to the potential challenges faced by climate change and maximise its effectiveness when deployed.	Streetscene	Ongoing	Annual review undertaken
<b>Theme 7 – Communication and stakeholder engagement</b>				
Objective 7A – adopt an effective communications strategy				
i – Develop a communications plan	Develop a Climate Emergency Communications Plan to provide information and advice to residents, businesses and stakeholders	Policy and Engagement	By end of 2023	Plan developed and adopted
Objective 7B – engage with stakeholders				
ii – engage young people	Devise a programme of engagement with the Burnley Youth Forum to establish long term engagement with young people  Explore the opportunities to work with schools and educational facilities on promote climate change messages	Policy and Engagement  Policy and Engagement	December 2023  Ongoing	

	Actions	Who will lead on this action?	Timescale for delivery	Outputs and milestones
	Establish meaningful engagement with youth audiences about climate change and actions they can take	Policy and Engagement	Ongoing	Engage with youth through sustainability comms plan – include targeted posts to youth audience on social media.
iii – promote best practice and innovation	Seek opportunities through the Council’s work programme to promote climate change awareness and promote best practice	Policy and Engagement	Ongoing	
	Work with Burnley Bond Holders to promote examples of low carbon business operations and the development of innovative technologies	Economy and Growth	Ongoing	
iv – Influence Government and other key organisations to support our ambitions	Lobby Government where possible to provide the necessary statutory support and financial resources to implement the Climate Change Strategy	All units	Ongoing	Level of resources secured
	Develop a programme of engagement with key stakeholders to establish and build on existing partnerships	Policy and Engagement	Ongoing	Number of active partnerships



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# Burnley Borough Council Carbon Budget Report

## Background and targets

Following the Climate Emergency declaration in 2019, Burnley Borough Council has worked to establish its carbon budget to monitor their direct and indirect emissions (scope 1, 2 and 3 emissions) and to plan reduction targets and actions necessary to reach net zero.

The terms 'net zero' and 'carbon neutral' are sometimes used interchangeably and with varying definitions; for clarity, the definitions Burnley Borough Council are observing are the following.

**Carbon Neutral:** 'Although often used interchangeably with 'net-zero', the two are not the same. In general, when companies claim carbon neutrality they are counterbalancing CO2 emissions with carbon offsets without necessarily having reduced emissions by an amount consistent with reaching net-zero at the global or sector level. This may conceal the need for deeper emissions reductions that are in line with what the science requires for the world to keep global warming to 1.5°C. Carbon neutrality claims also do not necessarily cover non-CO2 GHGs'<sup>1</sup>.

**Net Zero:** 'Since the 2015 United Nations Paris Agreement, the concept of 'Net Zero' has become established as a target for climate policy and adopted by many countries, companies and other organisations. It means that all sources of emissions are reduced as close to zero as possible and that any emissions that cannot be avoided are compensated for by an equal amount of active removal of emissions from the atmosphere' [offsetting or carbon capture and storage]. ... 'for a Net Zero commitment by a particular date to be consistent with the temperature goal of the Paris Agreement, it must also be combined with ambitious emissions reductions over the whole period between now and reaching Net Zero'<sup>2</sup>.

The UK target is net zero by 2050, with an emissions reduction of 78% by 2035<sup>3</sup>. Burnley Borough Council is working alongside this target but are also carrying out further analysis and modelling works to determine if an earlier net zero target is feasible for their direct and indirect emissions (scope 1, 2, and 3).

The Council is currently working on establishing a net zero target that is as ambitious as possible, whilst remaining achievable. This will involve calculating the estimated costs and timescales necessary to undertake carbon reduction actions, including the retrofit of buildings and leisure facilities, the transition to electric fleet, and the move to renewable energy. This will also allow time to calculate and incorporate further scope 3 emissions into the Council's carbon budget, including procurement and waste.

In the meantime, the Council will continue to monitor and reduce their emissions in line with UK climate law to reach net zero by 2050 at the latest. The Council has also committed to being **carbon neutral by 2030**.

The Council is implementing a range of strategic interventions that have been identified through the climate change strategy and the carbon budget. The main strategic actions identified to reduce the Council's emissions are renewable energy schemes, decarbonising council buildings and ensuring excellent energy efficiency, sourcing green energy tariffs, and transferring to electric fleet. The carbon budget will monitor areas of highest emissions and continue to identify areas of focus for climate actions. Alongside this, the Council is working

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<sup>1</sup> <https://sciencebasedtargets.org/blog/net-zero-jargon-buster-a-guide-to-common-terms>

<sup>2</sup> <https://www.theccc.org.uk/wp-content/uploads/2020/10/CCC-Insights-Briefing-3-The-UKs-Net-Zero-target.pdf>

<sup>3</sup> <https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035>

to ensure every member of staff is Carbon Literacy certified to imbed climate action across all departments.

The Council is working towards net zero at the earliest opportunity and part of this process it will need to calculate, monitor, and reduce all Scope 3 emissions. Costs of analysing our supply chain/ procurement Scope 3 emissions with 'CO2Analysis' will be £9,995 (excluding VAT) for year 1, and £7,500 for years 2 and 3. **Further information attached.**

### **Carbon budget**

Setting a baseline of 2018/19 (from when accurate energy data is available), Burnley Borough Council has mapped its carbon budget and the annual emission reductions needed to reach net zero over various pathways, although it is important to note the required emission reductions will increase when complete scope 3 emissions are incorporated into the carbon budget.

The Council's baseline 2018/19 emissions were 2764.98 tCO<sub>2</sub>e, these have reduced slightly each year up until the current reported year 2021/22 where emissions spiked to 2762.49 tCO<sub>2</sub>e. The reason for the spike in 2021/22 emissions is mostly due to the addition of St Peter's Leisure centre electricity data, and Sandygate student accommodation gas data. Due to St Peter's being a CHP (combined heat and power) site, and complications with invoices, electricity data is included from 2021/22 onwards due to energy data availability. Similarly, due to availability of Sandygate gas data, gas emissions have been included from 2021/22 onwards (the site was acquired in 2020/21 and electricity data was available and included from that point).

Spikes in emissions are anticipated as the council takes on new buildings, for example, Charter Walk was acquired in August 2021 and data will be included for vacant units and shared areas from 2022/23 onwards. This is usual and any steep spikes or declines in emissions will be reported for full transparency.

### **Emission scopes**

Our carbon budget currently includes all the Council's scope 1 and 2 emissions, and partial scope 3 emissions. Further work will be undertaken to calculate the Council's full scope 3 emissions, this will be incorporated into the carbon budget and reduction targets as soon as possible.

Figure 4 demonstrates that even though all scope 3 emissions have not been recorded yet, this area is currently the second highest area of emissions for the Council. For this reason, partial scope 3 emissions have been included, rather than excluding the data until it is all gathered, as it is important to start understanding and reducing this area too.

## Breakdown of emission scopes

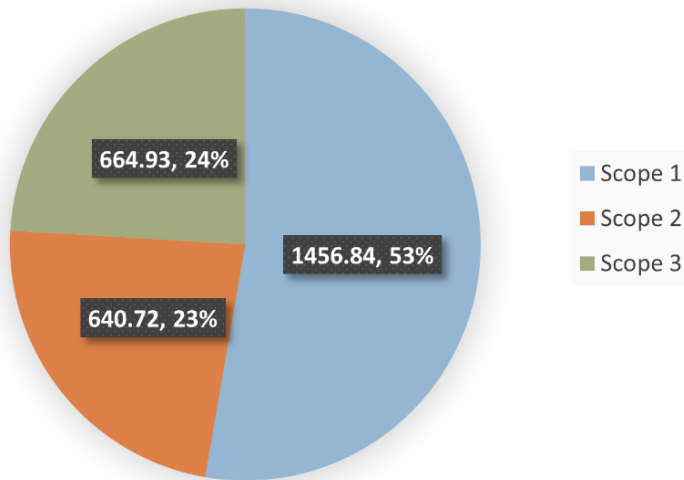


Figure 1: Breakdown of council's emission scopes.

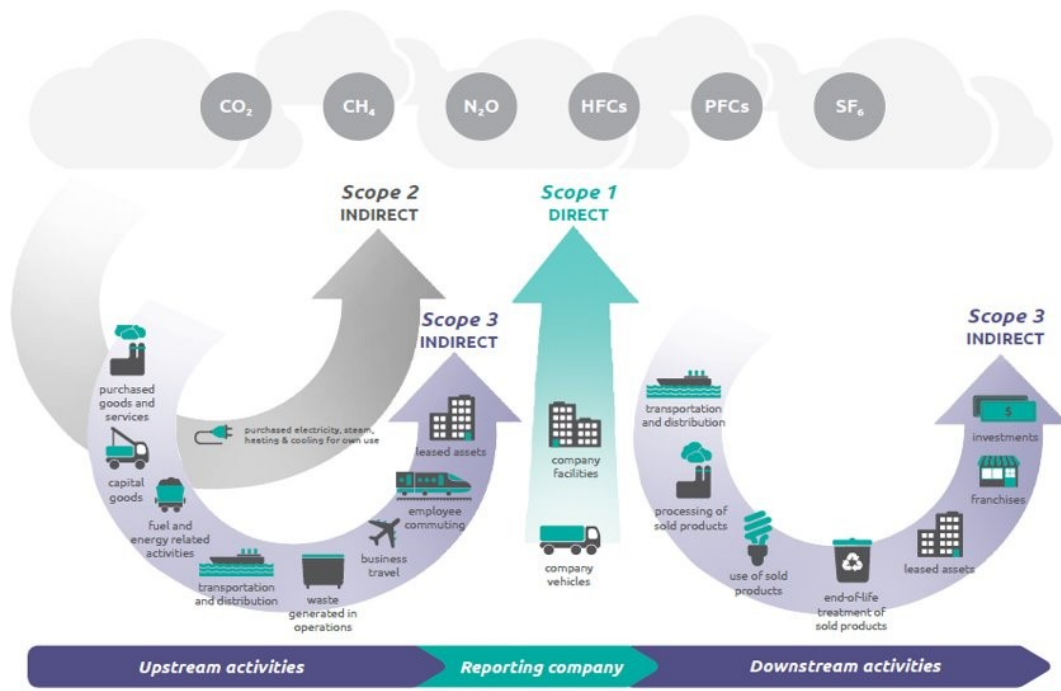


Figure 5: Diagram showing Scope 1, 2 and 3 emissions<sup>4</sup>.

The majority of the Council's emissions are made up of Heating (47.8%), Electricity (23.2%), and Outsourced Fleet\* (21.7%) (Figure 6).

\*Refuse collection vehicles and street cleaning

<sup>4</sup> <https://www.local.gov.uk/publications/scope-3-greenhouse-gas-emissions-social-care-guidance-local-authorities>

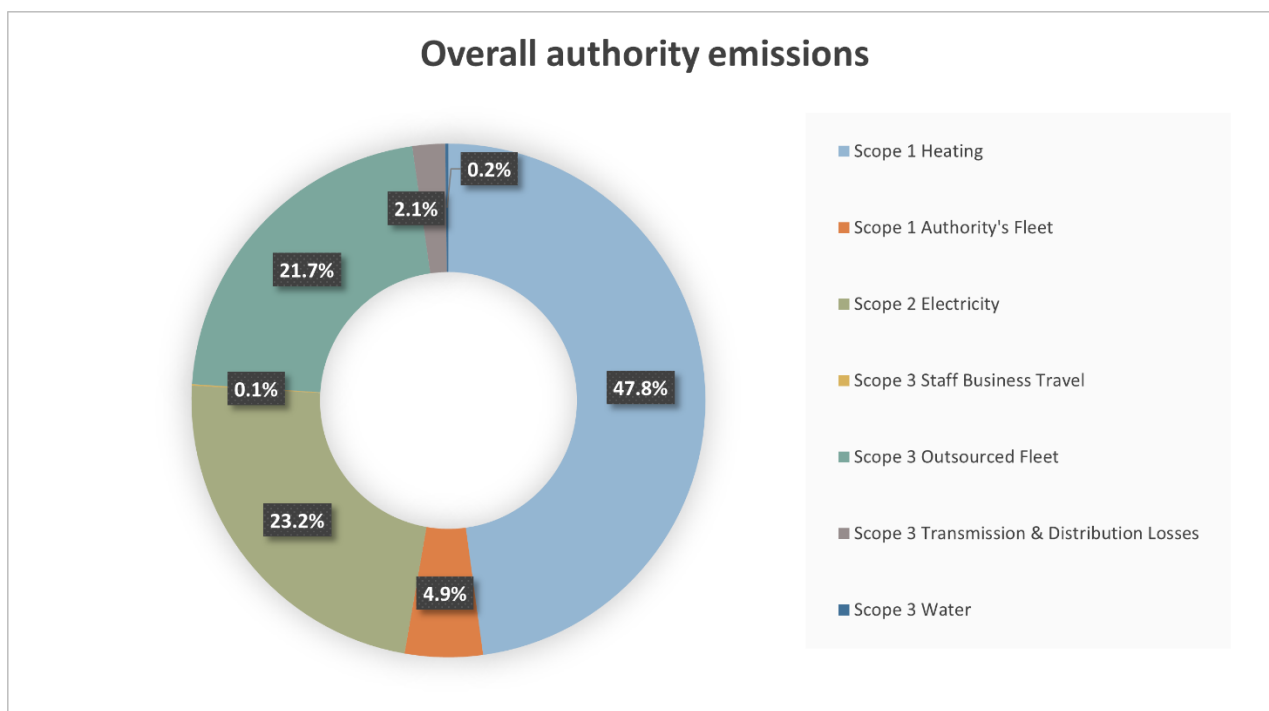


Figure 6: Breakdown of overall authority emissions.

Table 1 shows a complete breakdown of the council's emissions, allowing us to identify key areas of focus as we work to reduce emissions.

Table 1: Complete breakdown of council's emissions. Scope 3 showing as 0 are the areas not yet recorded.

Scope	Emissions Type	Emissions (tCO2e)	Percentage of Total Emissions
<b>Scope 1</b>	Heating	1321.77	47.8%
	Fugitive Emissions	0	0%
	Authority's Fleet	135.07	4.9%
<b>Scope 2</b>	Electricity	640.72	23.2%
<b>Scope 3</b>	Staff Business Travel	2.32	0.1%
	Outsourced Fleet	600.32	21.7%
	Transmission & Distribution Losses	56.70	2.1%
	Water	5.59	0.2%
	Material Use	0.00	0%
	Waste generated from own operations	0.00	0%
	Outsourced Scope 3	0.00	0%
<b>Total Emissions</b>		<b>2762.49</b>	<b>100%</b>

As two of the major areas of emissions for the Council are Heating (47.8%) and Electricity (23.2%), a building list has been compiled, identifying the council buildings responsible for the highest gas and electricity usage (Tables 2 & 3). This will allow us to identify areas where emissions can be monitored and reduced, and energy efficiency or renewable energy schemes can be implemented where possible.

Table 2: Top 10 buildings with highest gas use 2021/22.

Building	Gas (kWh)	Emissions (tCO2e)
<b>St Peter's Leisure Centre</b>	2889397.64	529.22
<b>Crematorium</b>	655273.25	120.02
<b>Padiham Pool/ Leisure Centre</b>	498146.04	91.24
<b>Sandygate Student Accommodation</b>	487578.00	89.30
<b>Burnley Town Hall</b>	357985.15	65.57
<b>Towneley Hall Art Gallery &amp; Museum</b>	260949.41	47.80
<b>Burnley Market Hall</b>	255012.21	46.71
<b>Padiham Town Hall</b>	218207.55	39.97
<b>Civic Offices, Parker Lane</b>	202727.69	37.13
<b>Mechanics Institute</b>	189018.58	34.62

Table 3: Top 10 buildings with highest electricity use 2021/22.

Building	Electricity (kWh)	Emissions (tCO2e)
<b>St Peter's Leisure Centre</b>	769817.00	163.46
<b>Burnley Town Hall</b>	135976.00	28.87
<b>Sandygate Student Accommodation</b>	107683.00	22.86
<b>Prairie Sports Village</b>	104016.00	22.09
<b>Briercliffe Bowling</b>	102359.60	21.73
<b>Padiham Pool/ Leisure Centre</b>	100641.00	21.37
<b>Civic Offices, Parker Lane</b>	92806.10	19.71
<b>Burnley Market Hall</b>	91399.00	19.41
<b>Mechanics Institute</b>	85421.90	18.14
<b>Towneley Hall Art Gallery &amp; Museum</b>	72904.90	15.48

\* Due to being a CHP (combined heat and power) site, and complications with invoices, St Peter's Leisure Centre electricity data is included from 2021/22 onwards due to energy data availability. This has contributed to the spike in emissions recorded for 2021/22.

\*\* Sandygate student accommodation was acquired during 2020/21. Due to availability of Sandaygate gas data, gas emissions have been included from 2021/22 onwards. This has contributed to the spike in emissions recorded for 2021/22.

\*\*\* Charter Walk acquired in August 2021, data will be included for vacant units and shared areas from 2022/23 onwards.

The top 10 buildings with the highest combined gas and electricity emissions have also been identified (Table 4), highlighting areas for key focus.

Table 4: Top 10 buildings with highest gas and electricity use 2021/22.

Building	Gas and electricity (kWh)	Emissions (tCO2e)
<b>St Peter's Leisure Centre</b>	3659214.64	692.68
<b>Crematorium</b>	683971.25	126.11
<b>Padiham Pool/ Leisure Centre</b>	598787.04	112.61
<b>Sandygate Student Accommodation</b>	595261.00	112.17
<b>Burnley Town Hall*</b>	494820.15	94.62
<b>Burnley Market Hall</b>	346411.21	66.11
<b>Towneley Hall Art Gallery &amp; Museum</b>	333854.31	63.28
<b>Civic Offices Parker Lane</b>	295533.79	56.84
<b>Mechanics Institute</b>	274440.48	52.76
<b>Prairie Sports Complex</b>	242113.43	47.38

\*Including Town Hall car park off Yorke Street

Heating and electricity make up 71% of the Council's carbon footprint, with a total of 1,962.49 TCO2e (as of 2021/22).

The top 10 buildings emit 1424.56 TCO2e, which is over 50% (51.6%) of the Council's total emissions for 2021/22 (2,762.42 TCO2e).

The top 5 buildings emit more than 1,000 TCO2e (1138.19 TCO2e), which is 41.2% of the Council's total emissions for 2021/22 (2,762.42 TCO2e). Figure 7 shows a breakdown of this.

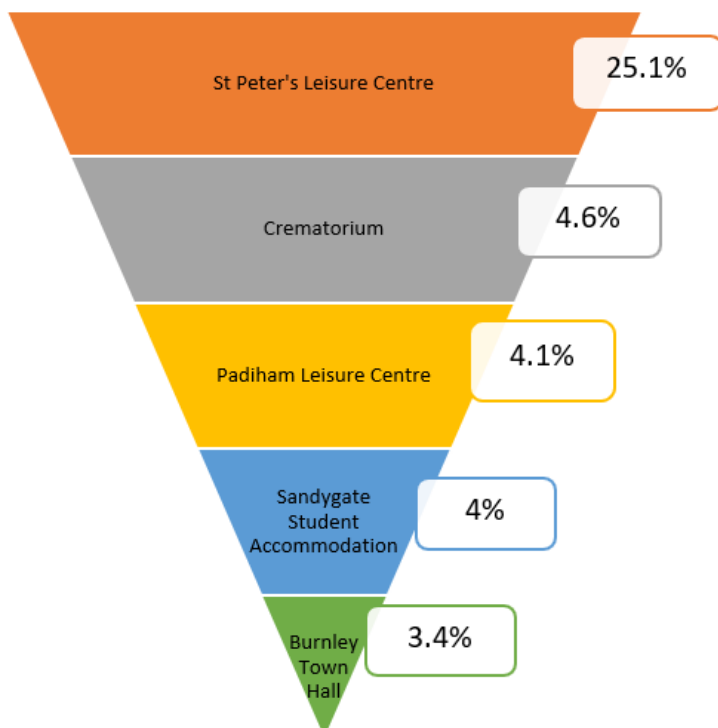


Figure 7: Top 5 buildings with highest gas and electricity, showing percentage of council's total emissions for 2021/22.

Table 5: Emission type definitions.

Scope	Emissions Type	Definition
<b>Scope 1</b>	Heating	Heating for all council buildings.
	Fugitive Emissions	Emissions not caught by a capture system which are often due to equipment leaks, evaporative processes and windblown disturbances <sup>5</sup> .
	Authority's Fleet	Vehicles used mostly in Green Spaces, and other services directly. This comes from Fuel Card data and Depot fuel deliveries for Parks vehicles plant and equipment.
<b>Scope 2</b>	Electricity	Electricity for all council buildings.
<b>Scope 3</b>	Staff Business Travel	As submitted on claims forms.
	Outsourced Fleet	Fuel used by Urbaser Waste collection and Street Cleansing only. This does not include Liberata staff vehicle claims.
	Transmission & Distribution Losses	Refers to the energy lost as electricity is transmitted across the transmission network from generation to directly connected demand or grid supply point <sup>6</sup> .
	Water	Water use for all council buildings.
	Material Use	Procurement and use of materials – food and drink, plastics, electrical items, paper and board, etc.
	Waste generated from own operations	Waste and recycling from council's own operations.
	Outsourced Scope 3	Emissions that come from activities provided to the local authority by other parties, including heating, fugitive emissions from refrigerants/air conditioning units, etc., vehicles, electricity usage in buildings, provider staff travel, usage of materials by providers, waste generated by outsourced operations, etc. E.g., procured goods and services and outsourced contracts <sup>7</sup> .

The GHG Protocol splits emissions into three distinct reporting scopes:

Scope 1 emissions are released as a direct result of an activity. For a local authority this will largely comprise combustible fuel for heating boilers and fuel burned in owned fleet vehicles. There may also be an element of fugitive emissions from air conditioning units and medical gases used in care provision.

Scope 2 emissions are those released as an indirect consumption of an energy commodity. For a local authority this will be the purchased grid electricity used in its operations (buildings, street lighting and for charging Electric Vehicles (EV)).

Scope 3 emissions are all other indirect emissions other than electricity. The measurement of Scope 3 emissions is an emerging area, and they usually represent 70-80 per cent of a local authority's total emissions<sup>8</sup>.

<sup>5</sup> <https://www.eea.europa.eu/help/glossary/eea-glossary/fugitive-emission>

<sup>6</sup> <https://www.nationalgrid.com/sites/default/files/documents/8589939704-Guidance%20on%20the%20impact%20of%20Locational%20Transmission%20losses%20on%20transmission%20charges.pdf>

<sup>7</sup> <https://www.local.gov.uk/climate-change-reporting-guidance-local-authorities>

<sup>8</sup> <https://www.local.gov.uk/climate-change-reporting-guidance-local-authorities>

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# CO2Analysis Solution Overview

## Background and client base

CO2Analysis offers a technology based solution for the analysis of organisational and product carbon footprints. The technology is globally unique and was developed in partnership with Goldsmiths College London and Reading University cybernetics departments. It was part of the largest Knowledge Transfer Partnership (KTP) in the UK, with 13 academics and a large private sector R&D department working for 3 years to create the Artificial Intelligence solution.

It was used by the National Audit Office for a national study of NHS consumables procurement and also by the NHS Sustainability team to create the NHS national 'hot spots' report. It has continued to be developed and now has a wide range of customers in the public and private sectors in the UK and globally.

## What's unique?

Scope 3 Supply Chain has been the most challenging area for organisations to understand and baseline. The amount of data held in a single organisations finance system can run to millions of lines and it's impossible to analyse it manually.

The AI does the heavy lifting – it can take all of the finance and procurement data and within a few days it can look at each of the individual purchase lines, code, classify and create a carbon footprint. The results are presented back in an excel work book which is fully searchable, allows detailed drill down and has tools to help organisations address their carbon footprint in real time.

The solution continues to learn and refine the carbon intensities based on all of the line item data that it analyses. It holds the single largest global repository of carbon footprints.

All of this means that organisations can quickly get an accurate view of their carbon footprint and which supplier and which goods or services are having the greatest impact. Armed with their detailed data organisations can make pragmatic plans for carbon reduction, both internally and with the supply base.

CO2Analysis is the only organisation that works with data at Line Item level, all other automated data analysts work at Category or Standard Industry Code (SIC code) level. Consultants generally manually analyse purchasing data using spreadsheets.

To give an idea of the difference using stationery as an example;

- ❖ Line item – Niceday copy paper, 80gsm, white, 500 sheets.
- ❖ Category level – Stationery/office supplies
- ❖ SIC Code – Viking Direct, office supplies

Your teams know that office supplies have a carbon footprint, but not any detail or how to reduce it. Giving them a high level figure doesn't help and nor does it help to benchmark and track usage.

Knowing how many reams of paper you use and the carbon footprint of a ream makes the carbon impact tangible – you can write the carbon on the front of the stationery cupboard and people can see what they are taking out from a carbon perspective.

### **Cost effective and time effective.**

The AI can sort through and categorise millions of lines of data quickly and accurately, allowing you to start making savings as soon as you have the analysis.

The data enables procurement and sustainability to start making carbon and financial savings, rather than being stuck in the analysis cycle. Given that these can be very significant the ROI from using the AI solution is generally very high.

## The Empty Homes Programme

### REPORT TO EXECUTIVE



<b>DATE</b>	<b>12<sup>th</sup> July 2023</b>
<b>PORTFOLIO</b>	<b>Housing and Green Spaces</b>
<b>REPORT AUTHOR</b>	<b>John Killion</b>
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<b>EMAIL</b>	<b>jkillion@burnley.gov.uk</b>

#### PURPOSE

1. To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.
  
2. To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy and scheme of delegation or to Calico Homes as appropriate.

#### RECOMMENDATION

3. That the Head of Housing and Development Control in consultation with the relevant Executive Member approve in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:
  - The Burnley (7 Cameron Street Burnley) Compulsory Purchase Order 2023
  - The Burnley (34 Piccadilly Road Burnley) Compulsory Purchase Order 2023
  - The Burnley (34 Fraser Street Burnley) Compulsory Purchase Order 2023
  - The Burnley (8 Gill Street Burnley) Compulsory Purchase Order 2023
  - The Burnley (14 Graham Street Padiham Burnley) Compulsory Purchase Order 2023
  - The Burnley (66 Caernarvon Avenue Burnley) Compulsory Purchase Order 2023
  - The Burnley (25 Lawrence Street Padiham Burnley) Compulsory Purchase Order 2023
  
4. That the Head of Legal and Democratic Services be authorised to agree terms for the acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation.
  
5. To authorise the Head of Legal and Democratic Services to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council's case at public inquiry, if necessary.
  
6. Subject to confirmation by the Secretary of State to authorise the Head of Legal and Democratic Services to secure full title to and possession of the CPO land as appropriate by:

- Serving notice of confirmation of the CPO on all interested parties
  - Serving notice of intention to execute a General Vesting Declaration
  - Executing the General Vesting Declaration
  - Serving Notices to Treat and/or Entry as appropriate
  - Acquiring land and interests by agreement if possible
7. That the Executive authorises the tendering of any renovation/building works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
8. That the Executive approves that the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

## REASONS FOR RECOMMENDATION

9. The owners of these properties have been contacted and have either not responded at all or have given no reasonable proposals for renovating the property or bringing it back into housing use.
10. The majority of the properties are long term vacant properties, being empty, in one case for 26 years. One of the more recently vacant properties is on this list as the owner has advised the council that he plans to take no action to bring the property back in to use. Without intervention by the Council through acquisition by agreement or CPO the properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear in local residents, resulting in a declining neighbourhood. The Caernarvon Avenue property is on the list as local residents report that some of the former occupants have returned on a number of occasions over the last few months and used the property as a 'party house'. On inspection it was evident that the property had been vandalised internally.

*7 Cameron Street Burnley vacant since 22<sup>nd</sup> May 1997*

*34 Piccadilly Road Burnley vacant since 1<sup>st</sup> August 2008*

*34 Fraser Street Burnley vacant since 6<sup>th</sup> April 2020*

*8 Gill Street Burnley vacant 17<sup>th</sup> December 2021*

*14 Graham Street Padiham Burnley vacant since 28<sup>th</sup> February 2022*

*66 Caernarvon Avenue Burnley vacant since 12<sup>th</sup> December 2022*

*25 Lawrence Street Padiham Burnley vacant since 23<sup>rd</sup> May 2023*

11. Through the Vacant Property Initiative and Empty Homes Programme over 150 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

## SUMMARY OF KEY POINTS

12. The Empty Homes Programme (EHP) is an established project and is an amalgamation of programmes used over the last several years. The initiative identifies properties that have been vacant for a long period of time, and which are causing problems for

neighbouring properties and local residents, mainly supporting the five current Selective Licensing designations but also borough wide.

13. Since the financial year 22/23, and as part of the Council's commitment to reduce carbon emissions, all properties renovated under the Empty Homes Scheme have a retrofit assessment carried out. This identifies the best solutions to fit to the property to reduce emissions.
14. Since the inception of the programme in 2004, the number of empty properties reached its height in 2009 when there were 3232 empties. Since then, the number has fallen to nearly half the numbers reported in 2009. Last year the figure was 1867 (4.42%), a slight increase from the year before of 1832 (4.48%). However, the number of long-term empties (over 6 months empty) in the borough continues to reduce from 1139 in 2017 to 658 in 2022, these properties are the ones the empty homes programme targets as they tend to cause the greatest problems and are unlikely to be brought back into use without the Council's intervention.
15. Negotiations for the acquisition of the properties have not yet commenced on the majority of the properties as no contact has been received from the owners. If the owners do contact the Council efforts will be made to purchase the properties by agreement.
16. Where owners contact us, we will work with them to reach an agreement for bringing the property back in to use preventing the need for a CPO. If agreement cannot be reached satisfactorily, the council will use the CPO power as a last resort to ensure the property is brought back in to use.
17. If the owners do not come forward to receive their market value compensation within a six year period then the Council can no longer be held to account for the compensation monies as the Limitation Act 1980 comes into force.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

18. The cost of delivering the properties detailed in this report will be funded from the approved Empty Homes Capital Programme 2023/24. It is not envisaged that all the CPOs listed in this report will be made in this financial year as properties may be brought back in to use by owners prior to making the CPO or properties may be bought by agreement.
19. The majority of the cost associated with the programme are made up of two elements, buying the property and the renovation cost. We can reasonably assume, given past experience, that the selling prices for the properties above would vary from between £65,000 to around £130,000 once renovated. We can also assume that we would need to spend around £42,000 renovating each of the properties.
20. Throughout the financial year properties will be chosen from the list above. Any properties not selected this year will be placed in next year's programme and use the associated budget.
21. Any receipts generated from the sale of properties will be recycled back into the programme to enable the purchase and renovation of more problem properties.

## **POLICY IMPLICATIONS**

22. Overall, the proposed action will help to achieve the Council's strategic plan of "People Places Prosperity and Performance". The acquisition and renovation of the vacant properties will enable the Council to bring them back into use, which will improve the environment for residents in the vicinity of the vacant properties by reducing the potential for crime and anti-social behaviour.
23. In terms of Human rights Act implications, Government advice is that local authorities must strike a fair balance between the demands of the community and the need to protect individual's fundamental rights. In considering this balance, one of the issues that a court would look for is whether compensation will be payable. The level of compensation is of course negotiable between the Council and the property owner's Valuer. In addition, individual rights are protected by the statutory objection and inquiry procedure.
24. It is anticipated that the recommendations in this report will have no further policy implications.

## **DETAILS OF CONSULTATION**

25. None

## **BACKGROUND PAPERS**

26. None

## **FURTHER INFORMATION**

### **PLEASE CONTACT:**

**John Killion (Team Leader Empty Homes)**  
**01282 475886**

### **ALSO:**

**Clare Jackson (Private Sector Housing Manager)**  
**01282 477231**

## Report to Executive



DATE	29.03.22
PORTFOLIO	Housing & Leisure
REPORT AUTHOR	Simon Goff
TEL NO	07971 0331907
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## Allotment Review 2023

### PURPOSE

1. To seek approval to adopt the Review of Allotment Provision 2023 (Appendix 1.)

### RECOMMENDATION

2. The Executive is recommended to:
  1. Adopt the Review of Allotment Provision 2023
  2. Note that additional funding for a post of part-time Allotment Officer and to fund a program of allotment improvements will be provided from the Revenue Support Reserve.

### REASONS FOR RECOMMENDATION

3. To ensure that the Council provides well managed allotments.

### SUMMARY OF KEY POINTS

4. The purpose of the allotment review is to guide the management and development of allotments in Burnley over the coming years.
5. The review contains an analysis of current provision and management and makes recommendations that will be incorporated into an Allotment Action Plan and implemented in the coming years.
6. Provision of allotments:

The review identifies that there is a shortfall in provision and recommends increasing supply by splitting larger and under-used plots and investigating the provision of additional

allotments sites on existing green spaces. The review also makes recommendations on a stepped charging policy that will encourage tenants to consider giving up parts of larger plots, which will help to create more plots. Proposals on stepped charging will be brought forward when the Council sets fees and charges for 2024/25.

7. Management of allotments:

The review identifies the need to improve the inspection and management of allotment tenancies to ensure that they are well used and don't cause a nuisance to other tenants and neighbours.

It is recommended that a part-time (1 – 2 days per week) post of allotment officer is created to undertake inspections, issue notices to cultivate, show vacant plots to prospective tenants and liaise more closely with existing tenants and associations. It is proposed that a revenue budget of £15k is allocated to fund the post for a temporary period of 5 years.

8. Development of allotments:

To help increase the supply of allotments, the review recommends that a budget is created to enable a programme of clearing and splitting neglected plots and other minor improvements. A budget of £15k allocated in 2022/23 enabled 42 plots to be created and it is proposed that a budget of £15k will be made available to allow this work to continue for a period of 5 years.

### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

9. The growth item of £30k for the items outlined above will be funded from the 2023/24 Revenue Support Reserve and included in future years revenue budgets.

### **POLICY IMPLICATIONS**

10. The implementation of the Allotment Review will contribute to the achievement of the Policy PL4 in the Council's Strategic Plan

### **DETAILS OF CONSULTATION**

11. Allotment tenants by survey and with Heasandford, Reedley Hallows and Fennyfold allotment associations.

### **BACKGROUND PAPERS**

12. Review of Allotment Provision 2023

### **FURTHER INFORMATION**

**PLEASE CONTACT:**

**Simon Goff 07971 033197**

**ALSO:**

**Mark Holt 07855 820941**



## Review of Allotment Provision 2023



## Green Spaces and Amenities Unit

# Review of Allotment Provision 2023

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## Section 1: Context

### Burnley's Allotment Review

Burnley Borough Council has produced this Allotment Review with the aim of guiding the management, administration, development, promotion and funding of allotments in Burnley.

This review describes the background and issues relevant to the provision of allotments and makes recommendations that will be implemented over the next 10 years.

The review has been prepared following guidance contained in 'Growing in the Community' published by the Local Government Association.

### What is an allotment?

The Allotment Act of 1922 defines the term 'allotment' as:

*"An allotment not exceeding forty poles\* in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit crops for consumption by himself or his family"*

\*A pole is the distance from the back of the plough to the nose of an ox.

### A brief history of allotments

Allotments evolved as a consequence of the early Enclosure Acts which forced landless poor into abject poverty, relying on the parish for support. Against a backdrop of civil unrest, the General Enclosure Act (1845) empowered parish wardens to let up to 20 acres as allotments for the poor.

Later in the 19th Century there were some private initiatives (led by Quakers) to provide allotment gardens on the outskirts of cities, such as Birmingham and the growing demand for allotments eventually led to the Small Holding and Allotments (1908) which required local authorities to supply them if demanded.

By 1913, there were 600,000 allotments rising to 1,500,000 at the end of the First World War as large areas of unused urban land were requisitioned to provide allotments to increase food supply.

The number of allotments fell in the 1920s as the requisitioned land was returned to its former owners, but in the early thirties there remained strong support for allotments for the unemployed, including some provision of allotments for the keeping of animals. On the outbreak of the Second War, there were about 740,000 individual plots and the 'Dig for Victory' campaign created a further 1.4 million unofficial allotments. By 1944 the Government estimated some 10% of food production came from allotments.



The Allotments Act 1950 restated the requirement that local authorities should have a duty to provide garden allotments. However during the later years of the 20<sup>th</sup> century the number of allotments fell to 300,000.

After years of decline allotments are now enjoying a renaissance as people recognise the value of growing cheap, healthy food for themselves, especially during the present economic downturn.

## Vision and Aims

The Council's vision for allotments in Burnley:

**The council aspires to meet demand for allotments, at a fair rent and to manage allotments in a way that makes a positive contribution to the community and the environment.**

The Council's aims, which will be achieved through implementation of the Allotment Review, are to:

- **Ensure allotments contribute to the Council's vision of making Burnley a better place to live, work and play.**
- **Enable allotments to be provided in locations where there is demand, within the resources available.**
- **Manage allotments efficiently so that they are self-financing but can be offered at a 'fair rent'.**
- **Work with other allotment providers including parish councils, voluntary organisations and private individuals to increase provision and raise awareness of sustainable gardening practices.**
- **Enable allotment tenants and partner organisations to participate in the management and development of allotments and establish an Allotment Forum.**
- **Ensure that allotments contribute to environmental sustainability and promote biodiversity.**
- **Provide allotments that are more inclusive and provide a safe and friendly environment that encourages all sections of the community to use them.**
- **Improve health & wellbeing**
- **Promote and protect biodiversity**
- **Contribute to carbon neutrality by 2030**
- **Deliver improvements through an Allotment Improvement Plan.**

## National Planning Context

The Government does not provide a formula for local authorities to determine the number of allotments they should provide.

In terms of the duty to provide under section 23 of the Small Holdings and Allotments Act 1908, If a council decides that there is a demand for allotments; they should provide a sufficient number of plots and to let them to persons residing in its area who want them. However, there is no time limit for provision once it has been established that there is a demand.

## Local Planning Context

Allotments are included under in [Burnley's Local Plan 2018](#) under Local Plan Policy IC5: Protection and Provision of Social and Community Infrastructure, which states that:

- 1) The Council will, where possible and appropriate:
  - a) Safeguard existing social and community infrastructure, subject to a continued need or likely future need or demand for the facility in question; and require alternative comparable or improved provision where a development scheme would result in the loss of important social and community infrastructure;
  - b) Require the provision of new social and community infrastructure where a development would increase demand for it beyond its current capacity or generate a newly arising need;
  - c) In circumstances where new social or community infrastructure is required, ensure that this is provided close to the need arising, or where it is a larger facility which serves a wider population, in locations with good accessibility by walking, cycling and public transport;
  - d) Require high quality and inclusive design of social or community infrastructure;
  - e) Promote the co-location and multi-functionality of social or community infrastructure.

Allotment gardens within the urban area are identified as protected open space, which means that they can't be developed for housing, etc..

## Burnley's Green Spaces Strategy

The Green Spaces Strategy audited provision of different types of green spaces including allotment land. The audit considered the quantity, quality and accessibility of allotments in Burnley.

The audit identified current provision of 0.15ha per 1,000 population of allotments and the Green Spaces Strategy established a local standard of 0.18 hectares per 1,000, which

would require an additional 2.7 hectares of allotment land in Burnley and provide approximately 90 'standard' 250m<sup>2</sup> size allotments, or up to 270 compact allotments.

The Green Spaces Strategy also set a local standard for accessibility of allotments, based on a 15-minute walk time equivalent to 1.2 kilometres.

## Allotment Law

Allotment law is set out in various statutes that were passed during the period 1819 to 1950.

The key functions that a local authority should perform are to:

- Assess the demand for allotments
- Provide sufficient number of allotments to meet demand
- Keep and manage waiting lists for the allotments they provide
- Provide a tenancy agreement with a compensation clause

Local authorities have powers to acquire land for the provision of allotments. However, there is no time limit placed on the Councils to meet demand and there are no specific standards, such as provision of water, minimum size of allotment, etc. that Councils must fulfil.

## Types of Allotments

- **Statutory allotments** are parcels of land that are formally designated for use as allotments. These sites cannot be sold or used for other purposes without the consent of the Secretary of State. The Council's allotment sites are in this category.
- **Temporary allotments** are on land which is allocated for other uses but leased or rented by an allotment authority. Temporary allotments are not protected from disposal in the same way that statutory allotments are.
- **Privately** owned land can also be let for use as allotments. These plots have the same legal status as temporary allotment sites, but the Council has no control over them.

## Size of Allotments

There is no statutory size for an allotment although since 1908 the 'national standard' size has been established as 250m<sup>2</sup> (300 sq yards). In Burnley the average size is 336 m<sup>2</sup> with allotments ranging in size from 97m<sup>2</sup> to 1400m<sup>2</sup>.

Many people find that a whole allotment is too large an area to fully cultivate and in a survey of allotment tenants conducted for this review only 64% assessed their own plots as being well cultivated.

## Permitted uses of allotments

The permitted uses are defined in the 1922 allotment Act:

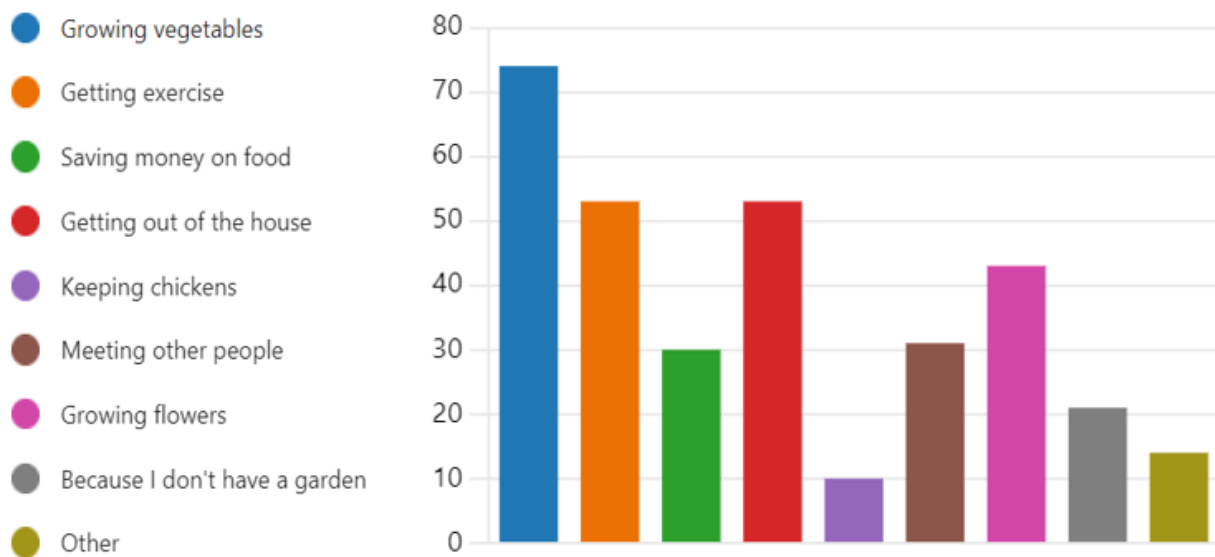
*“An allotment not exceeding forty poles (1200 m<sup>2</sup>) in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit crops for consumption by himself or his family”*

This description remains important as it defines the permitted uses of an allotment. Provided it is used mainly for growing vegetables or fruit, part of the land can be used for growing flowers, as a leisure area or for keeping poultry (where permitted) and surplus can be shared with others.

## The Benefits of Allotments

Allotment gardening is an activity that provides significant benefits to individuals and to the quality of people’s lives, through exercise, healthy eating, social contact, purposeful activity etc. Gardening is the single biggest leisure activity undertaken by the public in the UK.

A survey of allotment holders (spring 2023) asked: **Why do you keep an allotment?**



Whilst growing vegetables is the primary reason for having an allotment, ‘getting exercise’ and ‘getting out of the house’ were also identified as particularly important.

### Growing healthy food

Successive governments have promoted the importance of eating fruit and vegetables through the ‘5-a-day’ and other campaigns. Poor diet contributes to ill health and diet-related chronic disease is estimated to cost the NHS +£7 billion a year.

The popularity of ‘grow-your-own’ has risen significantly over recent years. An estimated 33% of people already grow or intend to grow their own vegetables. Allotments provide opportunities for those living in houses without gardens to grow vegetables.

### Getting exercise and relaxation

Not only can allotments encourage people to eat more healthy vegetables, it takes a good deal of healthy exercise to produce them. A survey by the National Allotment Society identified that respondents spent an average 203 hours per year working on their allotments, equal to 4 hours per week. This exceeds the Government's minimum recommendation of 2.5 hours per week and a majority (55%) of Burnley's allotment holders also walk to their plot, so they get a double helping of exercise! Outdoor exercise is proven to reduce the risks of obesity, coronary heart disease, strokes, high blood pressure, high cholesterol, diabetes, osteoporosis, cancer, depression and improve overall fitness and well-being.

Allotment gardening also reduces levels of self-reported stress, depression and loneliness and so the service saves local health providers and the wider economy considerable sums of money in primary care costs.

### Saving money on food

This is important for 70% of people on the waiting list and 37% of existing plot holders. Allotments were originally established to benefit the poor and the production of cheap food remains an important reason for having an allotment. A survey by the National Allotment Society identified that a well-tended standard size allotment could produce fruit and vegetables with a value of up to £1,300, although a more typical annual yield might be up to £200 - £500.

Once established, the volume of food produced from an allotment can make a contribution to a family's needs and surplus produce will often be shared with family and friends. There may also be opportunities to encourage sharing of surplus produce to local food banks and the Council will work with allotment associations to encourage this..

### Getting out of the house and meeting people

Allotment gardening can be a socially inclusive activity and brings together people from different backgrounds whose knowledge of gardening can be shared. Allotments allow people to enjoy a sense of being in a strong community and the benefits of allotments in promoting community cohesion are increasingly recognised and promoted as an integral part of cultural strategies. High fences between allotments can discourage social interaction and where plots are being split to create new smaller allotments, 1.2m high fences will be the maximum allowed.

### Saving the planet

Allotments contribute to environmental sustainability at both a local and global level. They are valuable as habitats for wildlife, supporting up to 54 times more bees and pollinators than traditionally maintained amenity green spaces. Insects and birds are attracted by a wide range of vegetables and flowers and many allotment holders actively encourage threatened species such as bees.

Locally grown fresh food cuts out waste, un-necessary packaging and the environmental cost of transporting food over long distances (food miles).



## Section 2: Review of Current Provision

### Allotment sites in Burnley

Burnley Council administers 431 allotment plots on 11 sites as identified in the table below.

At the time of the 2012 Allotment Review, the Council administered 312 allotment plots. This has now increased by 119 to 431 plots. This has been achieved largely by implementing the policy of splitting larger plots as they become vacant or following the issue of notices to cultivate on neglected sites.

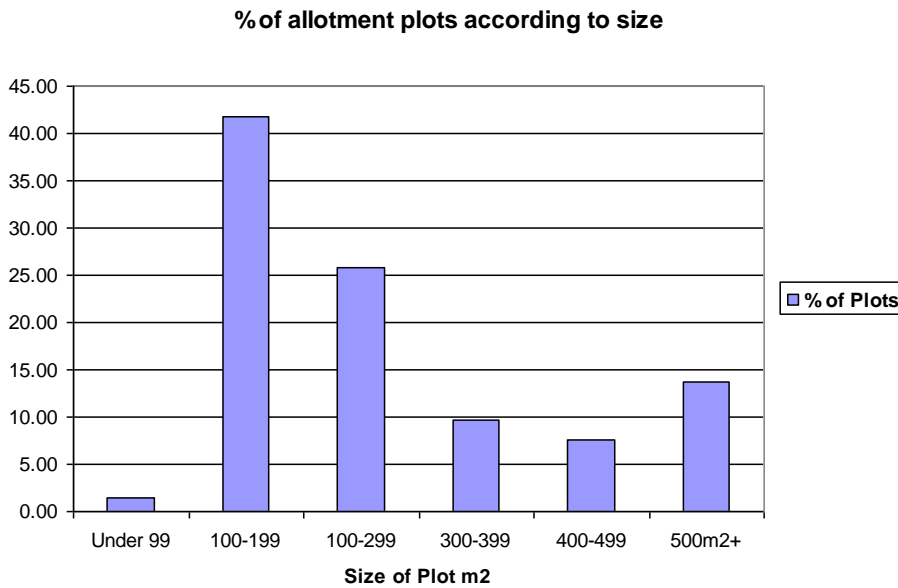
#### Council Allotment Sites

Allotment Site	Area of site (ha)	Number of Plots	Average size of plots m <sup>2</sup>	Minimum size of plot m <sup>2</sup>	Maximum size of plot m <sup>2</sup>
Reedley	2.43	95	256	91	385
Heasandford	1.55	68	228	167	167
Fennyfold	5.36	120	447	125	1446
Woodgrove Road	0.41	16	256	125	533
Whitegate	0.43	18	239	63	422
Victoria Rd/ Lumb Quarry	0.58	21	276	188	480
Lawrence Street	0.44	17	259	213	350
West Street	0.26	10	260	160	592
Garden Street	1.39	42	331	255	1073
Palace house	0.32	13	246	100	516
Harold Street (Chicken Hill)	0.2	11	182	94	260
<b>Total</b>	<b>13.37</b>	<b>431</b>	<b>310</b>		

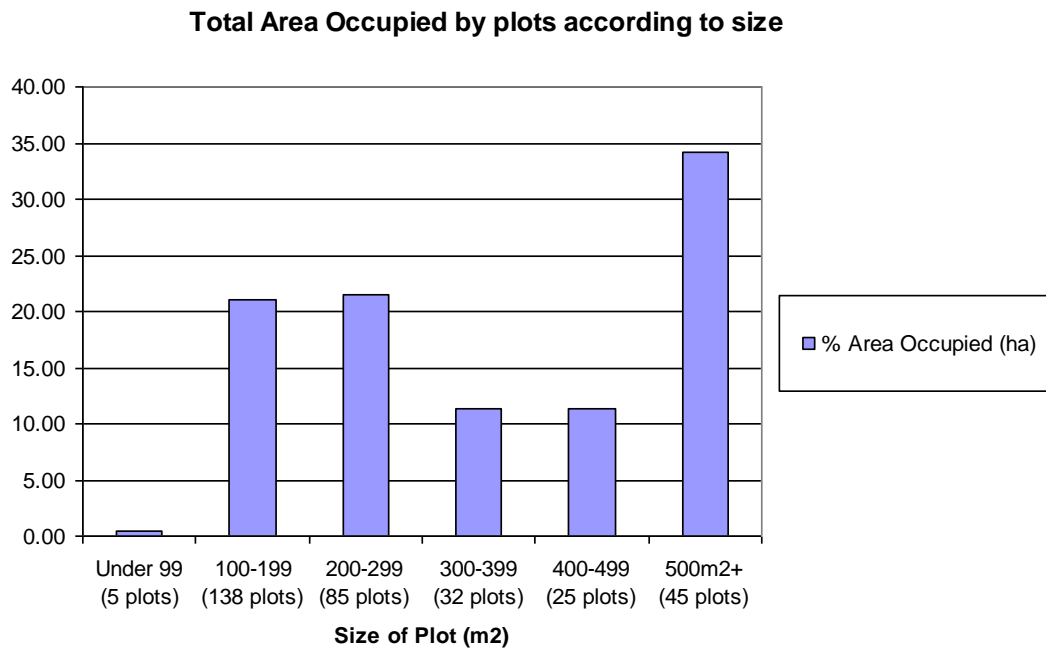
### Size of allotment plots

The table above shows that the Council currently provides 13.37 hectares of allotment land containing a total of 431 plots, with individual plot sizes ranging from around 100m<sup>2</sup> to over 1000m<sup>2</sup>.

The average area of plots is 310 m<sup>2</sup>, but if the larger grazing and animal pens plots at Fennyfold and Quarry St are excluded, the average size of cultivation plots is 245m<sup>2</sup>, equivalent to the size of the 'national standard' allotment plot which is 250m<sup>2</sup>.



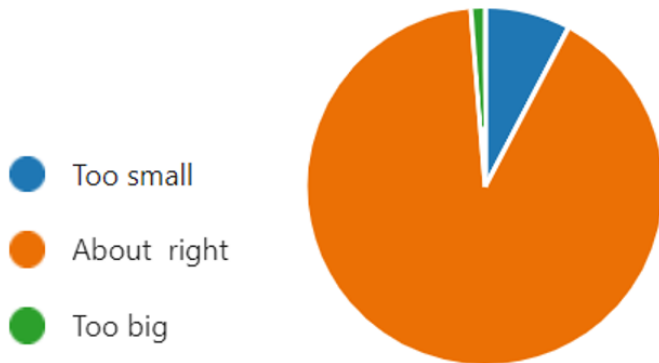
The graph above shows the distribution of allotments according to size. The majority of allotments (67%) are in the size range 100 – 300m<sup>2</sup>. However, as shown on the graph below, the largest 500m<sup>2</sup>+ plots account occupy nearly 35% of the total allotment area.



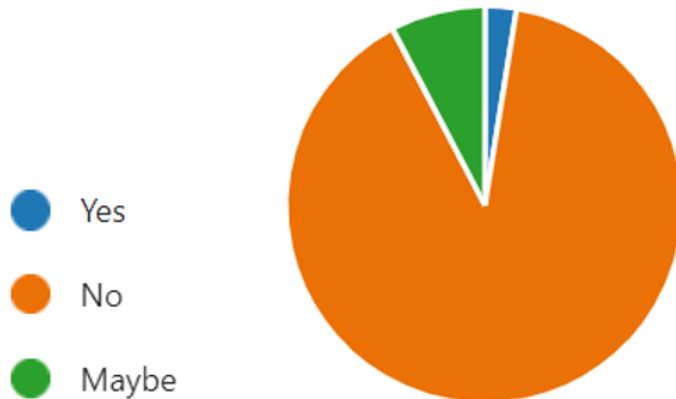
This indicates that one way of meeting the demand for new allotment plots could be achieved by splitting larger plots and reducing the number of larger animal plots. This is discussed in more detail later in this report.

When existing tenants were asked for their view on the size of their plots, nearly 91% of tenants identified that their plot was about right and when asked whether they would be willing to split their plot, 11% of respondents said maybe or yes.

### Is your plot the right size for your needs?



### Would you be willing to consider splitting your plot?



### Quality of allotment sites

Allotment holders were asked what improvements (if any) they would like to see carried out on your site?

In descending order of frequency, the areas of concern identified by allotment holders are:

1. Condition of roads and internal paths

Improvements to internal paths are needed at a number of sites where they have become potholed and muddy. This is work that can be undertaken by GS&A staff and Community Payback during winter at modest cost.

2. Access to water

Plots at Reedley Hallows, Heasandford are provided with water and there is an additional charge of £16.15 per plot is made for this facility. These sites account for

42% of sites. New water connections are expensive, but the Council will support any allotment society that seeks grant funding for water supply connections.

3. The Council should act more quickly on the condition of neglected plots

The Green Spaces staff inspect allotments but have limited capacity. The employment of a part-time allotment officer for 1 or 2 days per week would enable more frequent inspections and closer liaison with allotment holders, leading to an improvement in cultivation and faster turnround when plots become vacant.

It is proposed that the current (informal) practice of issuing two notices to cultivate before a notice to quit is too time consuming, taking 3 months to remove a tenant. This should reduce to one warning (notice to cultivate) then a notice to quit (as set out in the tenancy agreement).

4. Provision of toilet facilities

No sites currently offer toilet facilities, except Fennyfold community allotment, and the cost of providing and maintaining conventional toilets is extremely high. However, a number of firms supply composting toilets for allotments, that are significantly cheaper to install and it is proposed that the Council will support individual allotment associations that wish to raise funds to provide such facilities, prioritising larger sites such as Reedley Hallows, Fennyfold and Heasandford first.

5. Skips for rubbish

Skips are provided by arrangement with allotment committees on the larger sites. Skip costs are currently £2,000 per year.

6. Security/vandalism

This is an ongoing issue, but one that is difficult to manage and the Council will continue to liaise with associations.

7. Overhanging trees/removal of mature trees

Where the trees are growing on Council land, the tree team will undertake work considered necessary, taking account of the need to avoid heavy shading of allotments.

8. Perimeter fences

At a number of sites the perimeter fences are in poor condition. These perimeter fences are currently the responsibility of the Council and repaired on an ad-hoc basis as the need arises. New tenancy agreements will set a clear standard for perimeter fencing and require tenants to maintain.

9. Poor drainage

At Reedley hallows problems of flooding and poor drainage are due to a collapsed culvert that is owned by Network Rail and progress is (hopefully) being made for the rail company to make repairs.

At other sites there are more localised drainage problems on low lying plots, which are difficult to resolve and some wet plots may be better taken out of use for cultivation and managed for bio-diversity or planted with willow for use as bean poles.

## Allotment provision by parish council and private landowners

In addition to the Council managed sites, a number of Parish Councils manage allotment sites and there are also a number of privately run allotments as detailed in the table below:

(more details to follow);

Location	Owner	number of plots
Cliviger	Cliviger P.C	10
Hapton Recreation Ground	Hapton P.C.	11
Briercliffe Recreation Ground	Briercliffe P.C.	42
Gorple Road Worsthorne	Worsthorne P.C.	50

## Management of Waiting Lists

Waiting lists are maintained for each site and when a plot becomes vacant at a particular site, it is offered to the person that has been on the waiting list the longest for that site .

Individuals can register on the waiting list for more than one site and this is common practice with many local authorities.

Fennyfold Allotment Association manages its own waiting list but uses the Council's list and principles.

Due to high levels of demand, there are few un-tenanted plots, except a number at Reedley Hollows that suffer from flooding and which can't currently be let. However, the process of offering plots to successive people on the waiting list can be time consuming and the process will be reviewed to speed it up.

The total number of individuals on waiting lists for a plot is currently 1,095 and a further 590 people who were on waiting lists failed to respond to requests to confirm that they still want a plot.

A significant number of people have applied for plots since 2020, during the COVID19 lockdowns and subsequently. These recent applicants are being contacted to confirm that they wish to remain on the waiting list.

Work is ongoing to clean up the list to ensure that it includes only those who currently want a plot and those who have not responded are being given a further opportunity to confirm that they wish to remain on the list.

The process of offering plots also needs to be speeded up as 50% - 70% of those on waiting lists either don't respond or don't take up the plot offered. The proposed Allotment Officer post will facilitate this.

<b>Name of Allotment Site</b>	<b>Number of Plots</b>	<b>Longest waiting since</b>
Reedley	95	2018
Heasandford	68	2016
Fennyfold	120	2018
Reedley Hallows	98	check
Woodgrove Road	16	2010
Whitegate	18	2013
Victoria Rd/ Lumb Quarry	21	2015
Lawrence Street	17	2014
West Street	10	2013
Garden Street	42	2016
Palace house	13	2013
Harold Street (chicken Hill)	11	2013
<b>Total</b>	<b>431</b>	

### **New tenancies**

When plots do become vacant, they are often those that have been neglected and, for someone who is new to allotment gardening, taking over a large and neglected plot is a challenge.

Providing help with clearing plots and preparing them for cultivation supports new tenants and this assistance is provided through the Probation Service's Community Payback programme and use of Green Spaces staff.

During the winter of 202/23, additional revenue funding of £15,000 provided by the Council has brought 42 plots into use (when all are complete and tenanted) by clearing 17 vacant and neglected plots and splitting them to create 42 plots. The budget was used

to meet labour costs (£6,000) for clearing neglected plots and tipping costs (£9,000) for disposal of waste. A growth item will be submitted for the 2024/25 budget onwards, to support the programme of plot clearance and splitting.

Splitting larger plots into smaller ones would also help and this is considered in more detail in Section 4, and also the creation of small starter plots, where people who are new to allotment gardening can 'have a go' before moving onto a larger plot.

There is a high drop-out rate for new tenants, and this is common across the country. Offering prospective tenants a short half-day allotment course in partnership with Offshoots. But note that Fennyfold allotments report a much lower drop out rate due to continuous support for new tenants.

A Facebook group Burnley Allotments will be set up to facilitate mutual support.

### **Recommended Actions**

- AR1 An Allotment Improvement Plan should be prepared in consultation with allotment societies/tenants and implemented as resources allow.**
- AR2 Continue the programme for clearing vacated plots ready for new tenants using Community Payback teams to remove un-wanted buildings and greenhouses, treating overgrown plots with herbicide to kill perennial weeds and splitting large plots into smaller ones to help reduce the waiting list.**
- AR3 Submit a growth item to the Council's budget to establish a modest annual budget to help meet the costs of clearing neglected allotments plots**
- AR4 Develop a compulsory half-day introduction to allotment gardening training course with Offshoots (Towneley) aimed at people at the top of the waiting list who are about to be offered a plot.**
- AR5 Work with Heasandford and Reedley Hallows allotment associates to establish community allotments and micro allotments for people wishing to begin allotment gardening.**
- AR6 Support allotment committees to secure funding for provision of toilets on Heasandford, Reedley hallows and Fennyfold.**
- AR7 Work with allotment associations to enable any surplus produce to be distributed to food banks.**
- AR8 Work with allotment associations at Heasandford and Reedley Hallows to develop community allotment plots that provide opportunities for people to experience allotment gardening.**
- AR9 Set up Burnley Allotments Facebook group.**

## **Administration and management of allotment sites**

Allotments are administered by an admin officer in Green Spaces and Amenities. Duties include managing the waiting list, showing plots to new tenants, preparing tenancy agreements and issuing notices to cultivate/quit, dealing with general enquiries and supervising work undertaken by Community Payback, etc.

The largest allotment site, Fennyfold is not directly administered by the Council. This site has been under a delegated management agreement since 2004. The Fennyfold Allotment Association undertakes site inspections and offers plots to new tenants and receives rent income which is used for site improvements, provision of skips, etc. However, the Council retains responsibility for holding tenancy agreements and issuing new tenancies, notices to quit and for collecting allotment rent.

There are allotment associations at Heasandford and Reedley Hallows but these do not (currently) play a formal role in managing the sites on behalf of the Council. The issue of devolved management is discussed in more detail in Section 5.

Tenancy agreements for all plots, including the self-managed Fennyfold site, are kept on file and in electronic format. There are minor variations in the tenancy agreements between sites, to reflect specific aspects of individual sites, such as keeping of chickens. There are variations between tenancy agreements on the same site, as agreements have been modified over time, with some oldest agreements dating back 30 years or more.

Generally, the tenancy agreements are out of date and do not address issues such as burning waste, accumulation of unsuitable materials on site, nuisance behaviour, arrangement for co-workers, etc. It is recommended that all existing tenancy agreements should be terminated (giving the required period of notice) and tenants issued with new, up-to-date agreements.

### Allotment inspections and termination of tenancies

By their very nature, allotments can be untidy in their appearance. Sheds and fences are often constructed of recycled materials and some tenants neglect their plots compared with others. In managing tenancies, the Council needs to strike a balance between the need to ensure that they are being used properly, against the need to leave tenants to enjoy their allotment without overly bureaucratic control.

Plot inspections are undertaken by the Green Spaces Manager & Parks Officer. The frequency is limited by the time that they have available. To improve the frequency of inspections and reduce the time taken to issue new tenancies, it is recommended that a post of part-time allotment officer, working between 1 and 2 days per week, should be considered. The post holder would undertake allotment inspections, issue notices to cultivate, carry out follow up inspections and show plots to new tenants. This would improve the quality of cultivation, increase the availability of new plots (by splitting larger ones) and will enable the Green Spaces Manager to devote more time to implementing an Allotment Improvement Plan and supporting associations to progress to devolved management and help them to secure grant funding, etc.



Also, the allotment officer would be able to identify plots falling into disrepair or lack of cultivation far earlier when visiting sites. This would enhance the improvement plan as an early warning mechanism.

#### Notices to cultivate and quit

There is a written procedure in place to inspect sites and plots to ensure compliance with the tenancy agreement. Usually these issues involve the neglect of a plot or untidy condition. Enforcement involves serving the tenant with a Notice to Cultivate which allows the tenant 3 weeks to comply with the notice. This is followed by a further inspection which can lead to the issue of a Final Notice to Cultivate. If the plot remains uncultivated and there is no good explanation, such as illness, the tenant is issued with a Notice to Quit. It is proposed to reduce to one notice to cultivate followed by a further one month period after which a notice to quit would be issued.

With so many people waiting for allotments it is important that those who have an allotment use them effectively. Whilst the majority of plots are well used, many are neglected or under-cultivated by their tenants. Where these plots are inspected and a notice to cultivate/quit would normally be issued, an alternative is to agree with the tenant that the plot will be split into two or more smaller allotments. This will increase the utilization of valuable allotment space and help reduce waiting lists.

Allotments at a number of sites including Garden Street and Palace House plots are largely uncultivated and used for keeping chickens. Progress is being made to split these larger plots.

#### Keeping Poultry

The keeping of poultry and rabbits on allotments is permitted under section 12 Allotments Act 1950 and on some allotment sites such as Garden Street, Palace house are referred to locally as pens and the keeping of poultry is the predominant use. Other sites are designated in tenancy agreements as 'poultry not allowed' allotments. These include Lawrence St, West St, Victoria Road, Woodgrove Road and most plots at Reedley. T

#### **Recommended actions:**

- AR10 Tenancy agreements should be updated for all new tenancies, ensuring that issues such as cultivation of plots and the permitted size of green houses and sheds are adequately addressed. There also needs to be clauses relating to nuisance and ASB.**
- AR11 The option to terminate all existing tenancy agreements (giving requisite notice) and issue of the new updated tenancy agreements should be investigated and implemented on a site-by-site basis, beginning with Fennyfold allotments.**
- AR12 Submit a growth item to the Council's budget to employ a part-time Allotment Officer for 1 or 2 days per week, to undertake allotment inspections and follow-up actions, issue of new tenancies and tenant liaison.**

**AR13 At the discretion of the Green Spaces Manager, notices to quit for non-cultivation of allotments may not be issued if the tenant agrees an alternative option of splitting the plot and retaining a smaller part with a requirement to cultivate 80% of the smaller plot.**

**AR14 Notice to quit should be issued after a single notice to cultivate.**

**AR15 Provision will be made for plots to be cultivated by co-workers through co-worker agreements, which exclude the right for co-workers to take over tenancies as this can be used as a means of shortcutting waiting lists.**

## Finance and Allotment Rent Policy

Allotments are currently charged at a rate of 30 pence per square metre (2023/24).

Concessions of 50% are given to people over sixty.

Allotments at Heasandford and Reedley Hallows (42% of all plots) are charged extra for water (£16.17); this does not quite meet the full cost of water charges.

### Allotments Income & Expenditure 2022-23

	<b>Budget 2022/23</b>
<b>Expenditure</b>	<b>£</b>
Ground Rents & Wayleaves	975.00
Water Charges	3,096.00
Grant to Fennyfold	5,910.00
Software	1,748.00
Accountancy Services	60.00
Debtor Services	1,181.00
Skips	2,059.00
	<u>15,029.00</u>
<b>Income</b>	
Allotment Rents	(23,513.00)
Net Cost	<u>(8,484.00)</u>
2022/2023 development budget	15,000.00

The item for 'Grants' reflects the rental income collected for Fennyfold Allotments and paid over to the Fennyfold Allotment Association (less any costs).

### Invoicing

Annual invoices are sent out through the Council's Sundry Debtor system in March of each year and allotment fees are reviewed each year.

Where invoices remain unpaid for longer than 1 month a reminder is sent and if rent remains outstanding for a period of more than 3 months the tenancy is terminated.

### Charging Policy

Comparisons have been made with the charges of allotments within Penine Lancashire as detailed below.

Authority	Cost per m2 in pence	£ Cost for typical 250sqm plot	Number of allotments plots
Rossendale	25	63	71
Blackburn	27	68	Not available
<b>Burnley</b>	<b>30</b>	<b>75</b>	<b>431</b>
Preston	34	85	561
Hyndburn	36	90	850
Pendle	36	90	Not available
<b>Average</b>	<b>31</b>	<b>78</b>	

Burnley's charge (per m2) is just above the local average.

The law requires that Councils charge a fair rent but not necessarily a subsidised rent.

Allotments were originally established to help alleviate poverty by offering a means of producing cheap food and to provide healthy exercise. However, whilst the Council offers a concession to persons aged over 60 regardless of their income, no discount is offered to those who are on low incomes. It is recommended that the age concession should be phased out.

#### Proposed stepped charging policy

It is proposed that allotments up to the traditional 250m<sup>2</sup> allotment size should be charged a standard rate and every square metre above this should be charged at a higher rate (to be agreed when fees & charges are set).

The effect of this stepped charge would be to encourage the tenants of larger plots to consider to splitting them, so creating new allotments for those on the waiting lists.

Stepped charges could be phased in over a number of years to allow allotment holders with large plots to make arrangements to split their plot.

#### Age concession

There is currently a 50% concession for tenants aged 60+

It is proposed that this should change to reflect the current pension age.

To make this adjustment, the age at which this concession will apply will increase by one year, each year, starting from October 2023, as such, the age-related concession will apply to tenants aged 61, or over, on 1st October 2023, for those aged 62, or over, on 1st October 2024 etc.

This annual increment will continue until it reaches the State Pension age (currently age 67).

### Investment requirements

Consultation has identified improvements, such as water supply, provision of toilets, fencing and access improvements, that are required on a number of sites. These will be costed, prioritised and included in an Allotment Improvement Plan that can be used to secure any external grant funding (with support from allotment societies) that may be available, together with assistance from Community Payback and voluntary work by allotment holders themselves.

Capital funding would be required for the provision of any new allotments. External grant funding sources and S106 contributions from developers may be available and will need to be investigated for any sites that are progressed together with funding applications to the Council's capital programme.

### **Recommended actions**

**AR16 Introduce stepped charging with the aim of encouraging larger plots to be split into smaller ones, phased in over a period of years.**

**AR17 Phase in an adjustment to the age at which age related discounts are applied from 60 to 67 over a period of 7 years**

**AR18 Investigate funding for new allotments sites including use of S106 contributions from developers.**

## **Devolved Management of Allotment Sites**

The publication 'Growing in the Community' published by the Local Government Association identifies five different models of devolution according to the extent of duties to be devolved.

**Dependence:** the local authority manages the site with neither the plot holder nor societies playing any practical role.

**Participation:** Associations participate in management of the site; plot holders accept responsibility for minor maintenance works;

**Delegation:** a properly constituted allotment society accepts formal responsibility for a range of duties under license – a proportion of rental income is released for this purpose e.g. society arranging tenancies and maintenance but the local authority carries out repairs, pays for overheads such as water;

**Semi-autonomy:** the allotment society leases the site from the Council, arranges tenancy agreements and reinvests revenue (which it manages) on maintenance, repairs and capital items. Depending on the terms of the lease, the tenants may become tenants of the society rather than the local authority;

**Autonomy:** the allotment society owns the site and operates independently.

Devolved management needs commitment from the authority, the allotment societies and individual plot holders. The capacity for an allotment society to take on and succeed with devolved management will depend in part on the duties to be devolved – this depends on the type of delegation.

Capacity also depends on the leadership abilities of present and future tenants and both the willingness and ability of plot holders to take on voluntary community effort. Any allotment society has to be democratically elected and must operate with fairness and accountability. Their performance has to be monitored as the Council is likely to remain the owner of sites leased out under devolved management and has a statutory obligation to provide equal access for all residents to allotment land.

The table below illustrates the position of Burnley Borough Council’s allotments in respect of devolved management.

Name of Allotment Site	No Plots	Dependency	Participation	Delegation	Semi-autonomy	autonomy
Fennyfold	120					
Reedley	74					
Heasandford	59					
Woodgrove Rd	14					
Whitegate	17					
Victoria Rd	15					
Lawrence St	16					
West Street	10					
Garden Street	16					
Palace house	8					
Harold Street	7					

### Advantages of Devolved Management

- Less time spent inspecting allotments and administering sites.
- Increased tenant participation leading to better managed sites.
- Ability to access external grants funding.

### Disadvantages

- Lack of democratic accountability
- Volunteer managers can be easy targets for dissatisfied plot holders.
- Lack of capability to manage tenancies and finances
- More management time may be needed to provide ongoing support/monitoring

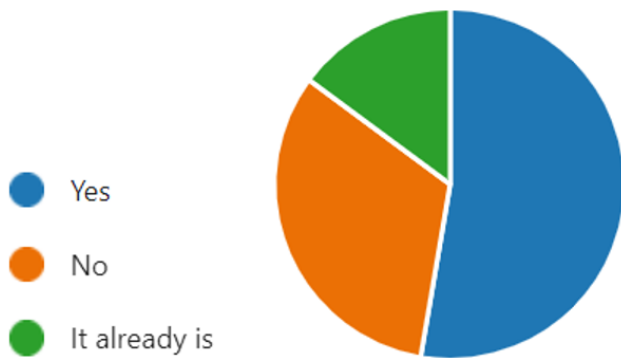
### **Progress with devolved management**

Fennyfold Allotment Society were given delegated management responsibilities for the site in 2004. The Council has retained responsibilities for managing tenancy agreements and collecting rent on behalf of the society and maintaining the waiting list. The society receives the allotment rent income (less any costs) and has used this to make significant improvements to the site over recent years.

Heasandford and Reedley Hallows allotment societies are established and will be supported to move towards delegated management, if they wish to do so.

Efforts have also been made to encourage allotment tenants at individual sites, including Garden Street and Victoria Road to form allotment societies, so that they could access external grants, but there has been little (so far) enthusiasm from tenants and they remain firmly dependant.

The recent survey asked: **Would you like your site to be directly managed by tenants if it meant that rent money could be used to improve the site?**



60% of tenants of Council managed sites indicated that they would like their site to be directly managed by tenants.

There are some risks with autonomous management, if an allotment society responsible for managing the allotments does not administer the tenancies properly. In these circumstances the Council, as landowner, would eventually be responsible for sorting out problems, which could be costly and time-consuming.

These risks can be reduced if the Council works with associations to improve the standard of husbandry and the issue of new tenancy agreements, helps to develop the capacity of allotment societies and provides a pathway for the associations to progressively take over management of sites.

### **Recommended Actions**

**AR19 The Council will support allotment committees that wish to progress towards devolved management.**





## Section 3: Future Provision

### Duty to provide allotments

This review has established that the Council has a duty to provide allotments where demand is known to exist. The Government gave the following response to a petition organised by the National Society for Allotment and Leisure Gardeners which called on the Government to provide more allotments.

*“if an allotment authority is of the opinion that there is a demand for allotments in its area, it is required under Section 23 of the Small Holdings and Allotments Act 1908, to provide a sufficient number of allotments and to let them to persons residing in its area who want them. There is no time limit for provision once it has been established that there is a demand.”*

It is not known whether any legal action has been brought against a Council in respect of Section 23 of the Small Holdings and Allotments Act 1908.

### Demand for allotments

Demand for allotments has increased significantly in recent years with the waiting list increasing to 1,095, which exceeds the total number of number of plots available (431).

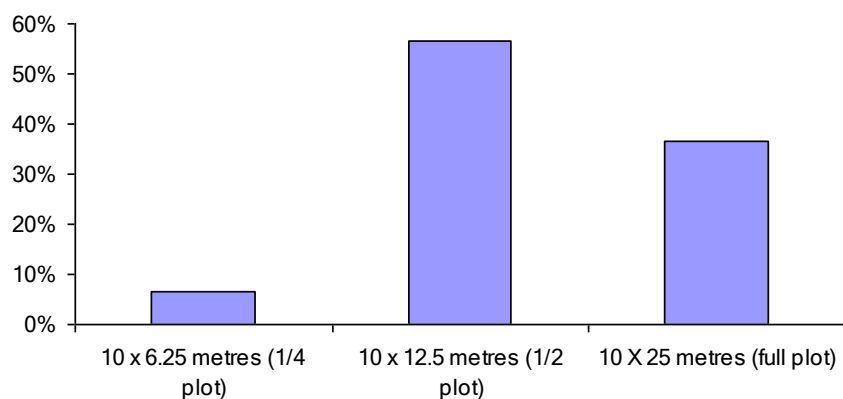
There may also be latent demand, from people who would want an allotment but are put off from adding their name to a waiting list when they hear how long they may have to wait.

The other aspect is that for many people, an allotment is an aspiration and they register for an allotment online, but some who take on allotments are put off by the amount of time and hard work it takes. It is proposed to investigate running half-day ‘introduction to allotments’ courses in partnership with Offshoots at Towneley to provide people at the top of the waiting list a better idea of what is involved.

### Consultation with people on the waiting list

#### Size of allotments

The ‘standard’ allotment is 250m<sup>2</sup>, however when asked the majority of respondents identified they would prefer a half plot; 125m<sup>2</sup>.

**What size allotment do you want?**

It is recommended that 125m<sup>2</sup> should be adopted as the standard size plot and that ¼ (75m<sup>2</sup>) plots should also be created by splitting larger plots. Other authorities, such as Preston City Council have introduced 125m<sup>2</sup> plots as the standard size.

**Location**

The location of allotments is important as 66% of existing tenants live within 1 mile of their allotment, 64% visit daily in summer and 67% walk there.

The local standard that was adopted for allotment provision in the Green Spaces Strategy 2017 identified a travel distance of 1.2 km.

Analysis of a plan showing the location of people on the waiting list, shows high demand close to all of the existing sites which the Council has sought to address by splitting plots to increase the number of allotments available on these existing sites.

Demand also exists in areas of the borough where there is currently no provision including Gannow, Rosegrove, Trinity, Whittlefield, Brunshaw, Queensgate and Lanehead. Priority should be given to identifying locations for new allotments in these areas of the borough.

**Meeting demand for allotments**

There are a number of ways in which the demand for allotments can be met, either by increasing the number of plots on (or adjacent to) existing allotment sites or by creating new allotment sites.

**1. Splitting existing plots as they become vacant**

This can be achieved at relatively low cost and approximately 119 new plots have been created since 2012. However, not all plots are suitable for splitting, due to access or in some cases there may be large shed and greenhouse on a site. Splitting plots that have been neglected can involve significant work in clearance of buildings and rubbish before new tenants take over.

**2. Splitting existing tenanted plots that are under cultivated**

It is important that existing allotment plots are well used, However, some allotments are neglected by their tenants. This is frustrating for people who want an allotment and yet see some that are under-used. It is proposed that plots where the uncultivated area is equivalent of a new small plot may (at the discretion of the Head of Green Spaces and Amenities) be issued with Notices to Cultivate that will be withdrawn if they agree to split their plot. This could produce new plots relatively quickly and at low cost.

### 3. Introducing stepped charging for allotments

The introduction of stepped charging (outlined on page 22) could encourage the tenants of large plots over 250m<sup>2</sup> to agree to split their plots. There are more than 100 plots that are larger than 250m<sup>2</sup> and these account for a significant proportion of the total allotment area.

Stepped charges would provide an incentive for tenants to agree to split their plot to avoid higher costs, with the greatest incentive targeting the largest plots. It is recommended that higher charges should be phased in. This option would produce new plots relatively slowly, over the next few years, but at low cost.

### 4. Creating new sites from Council owned land that is currently used for other purposes

The Green Spaces Strategy identifies that the Council will consider options for the change of use of 'amenity' green space in parts of the borough where there is a surplus.

A 'long list' of sites that may be suitable for change of use to allotments has been prepared. The next stage will be to undertake a more detailed assessment of each site, taking account of criteria such as whether the site is listed on the contaminated land register, whether there is an adequate depth of well drained topsoil suitable for cultivation, access and parking, etc. and consultation with planning regarding whether an application for change of use is likely to be acceptable.

It should be noted that, whilst the Borough does have a lot of amenity green space, much of it has been reclaimed following the clearance of industry and housing. Consequently these apparently 'greenfield' sites are little more than a thin layer of grass and topsoil over brick and concrete rubble and are unsuitable for cultivation as allotments.

It is proposed that any new allotments would be developed as 'model' allotments with strict controls on the appearance of the sites; no internal boundaries, permitting only standard 8' x 4' sheds and green houses, preventing the accumulation of recycled materials, such as plastic, metal sheeting, etc. on site and ensuring an attractive external appearance using hedges and close-boarded fencing.

Capital funding would be required to develop any new plots.

### 5. Other public and private allotments

Provision of allotments by others landowners is a means by which the waiting list can be reduced.

There is nothing to prevent private landowners from seeking planning consent for change of use of their land and elsewhere in the country a number of private allotments have become established having obtained planning consent.

**Recommended actions**

**AR20** The local standard size allotment plot should be set as 125m<sup>2</sup> with a minimum size of 75m<sup>2</sup> for plots.

**AR21** Work with Heasandford and Reedley Hallows allotment associations to develop a community allotment and small starter plots.

**AR22** A travel distance of 1.2 kilometres will be kept as the access standard for allotments.

**AR23** When any plot becomes vacant it will be divided into smaller plots unless there is a good reason why this can't be achieved.

**AR24** Notices to Cultivate that would normally be issued to tenants of plots that are neglected may (at the discretion of the Head of Green Spaces and Amenities) be withdrawn if the tenant agrees to split their plot.

**AR25** Priority will be given to creating new allotment plots on existing sites by splitting vacant and neglected plots.

**AR26** Sites for new allotments will be identified with priority given to areas where high demand exists, including: Gannow, Rosegrove, Trinity, Whittlefield, Brunshaw, Queensgate and Lanehead.

**AR27** Offer an 'introduction to allotments' training course in partnership with Offshoots.

## REPORT TO EXECUTIVE



<b>DATE</b>	<b>12<sup>th</sup> July 2023</b>
<b>PORTFOLIO</b>	<b>Resources &amp; Performance Management</b>
<b>REPORT AUTHOR</b>	<b>Craig Finn</b>
<b>TEL NO</b>	<b>01282 475811</b>
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## Final Revenue Outturn Position 2022/23

### PURPOSE

1. To report the provisional position on the Council's revenue accounts for 2022/23.

### RECOMMENDATION

2. That the Executive Members are requested to recommend that Full Council approve:
  - a) The provisional final position on the Council's revenue account for 2022/23, being a net underspend of £61k which is to be transferred to the Revenue Support Reserve. The projected underspend estimated at quarter 3 budget monitoring was £9k.
  - b) The transfers to/from Earmarked Reserves totalling a net £2.368m increase to reserves *including* carry forward requests subject to approval but *excluding* the recommended Revenue Support Reserve transfer above (see Appendix 2).
  - c) The approval of additional revenue budget carry forward requests from Heads of Service totalling £671k and assumed within the net underspend reported above for presentation purposes only at this time (see Appendix 3).

### REASONS FOR RECOMMENDATION

3. To conclude the revenue budget monitoring process for 2022/23 and report the final outturn position as outlined in the Council's Statement of Accounts for 2022/23.

## SUMMARY OF KEY POINTS

### Revenue Outturn position

4. Members will recall that there were three quarterly budget monitoring reports to the Executive during 2022/23. These reports disclosed that there were anticipated variations in spending and income compared with the revised budget, not least due to the financial impact of the Coronavirus pandemic and cost-of-living crisis. The third and most recent in-year monitoring report to Full Council, in February 2023, estimated a year end underspend of £9k on the revenue account.
5. Available revenue resources as at 31 March 2023 have been confirmed at £17.486m, up from £15.321m approved as part of the original 2022/23 Budget. This net increase is largely due to additional S31 grants received as compensation from Government for lost income relating to additional Business Rate Reliefs made available to businesses in the borough during the year.
6. This has resulted in a re-alignment of budgets at the year-end with a budgeted reduction to net service budgets and increased transfer to reserves to support ongoing commitments into future years (see paragraph 9, Reserve Transfers).
7. The final outturn on the Council's revenue account for 2022/23 has moved from an underspend position of £9k, as estimated in the quarter 3 budget monitoring report, to a year end underspend of £61k (see Appendix 1).
8. Table 1 below shows actual spend compared to budget and the associated variance for each service department.

		Q3 REVISED BUDGET £000	APPROVED BUDGET CHANGES £000	REVISED BUDGET £000	ACTUAL £000	VARIANCE £000
a	Economy and Growth	1,037	-314	723	589	-134
b	Policy and Engagement	1,015	-987	28	-70	-98
c	Management Team	373	18	391	388	-3
d	Sport and Culture Leisure Client	910	110	1,020	1,171	151
e	Green Spaces and Amenities	1,531	-12	1,519	1,484	-35
f	Streetscene	3,523	-264	3,259	3,323	64
g	Housing and Development Control	952	-269	683	878	195
h	Strategic Partnership	4,141	0	4,141	4,210	69
i	Finance and Property	-1,409	-108	-1,517	-1,434	83
j	Revenues and Benefits Client	-1,309	-370	-1,679	-1,605	74
k	Legal and Democratic Services	1,198	-98	1,100	1,054	-46
l	People and Development	225	-11	214	204	-10
m	Central Budgets - Other <i>(includes corporate costs eg utilities, apprenticeship levy)</i>	735	-629	106	-42	-148
	Central Budgets - Savings Targets	-248	-417	-665	0	665
	<b>NET SERVICE BUDGET</b>	<b>12,674</b>	<b>-3,351</b>	<b>9,323</b>	<b>10,150</b>	<b>827</b>
	Pensions	783	1	784	770	-14
	Provisions <i>(Balance to be determined at year end)</i>	0	50	50	-90	-140
	Impairments <i>(Provisions for Bad Debt)</i>	0	-52	-52	-52	0
	Parish Precepts <i>(Disbursement to Parishes)</i>	169	0	169	169	0
	Treasury <i>(Investment Income &amp; Expenditure)</i>	1,660	-160	1,500	828	-672
	Capital Financing	3,675	-331	3,344	3,282	-62
	Earmarked Reserves (to / (from))	-1,603	4,512	2,910	2,971	61
	Strategic Reserves (to / (from))	-2,038	1,496	-542	-542	0
	<b>NET CORPORATE ITEMS</b>	<b>2,646</b>	<b>5,516</b>	<b>8,163</b>	<b>7,336</b>	<b>-827</b>
	Council Tax	-7,480	0	-7,480	-7,480	0
	Parish Precepts <i>(Receipts from Council Tax Payers)</i>	-169	0	-169	-169	0
	Business Rates: Retained Income	-4,513	-431	-4,944	-4,944	0
	Business Rates: S31 Grants <i>(For award of business rates relief)</i>	-1,655	-1,771	-3,426	-3,426	0
	Prior Year Collection Fund (Surplus)/Deficit	1,261	37	1,298	1,298	0
	Revenue Support Grant	-1,700	0	-1,700	-1,700	0
	New Homes Bonus	-576	0	-576	-576	0
	Other Government Grants	-489	0	-489	-489	0
	<b>FUNDING</b>	<b>-15,321</b>	<b>-2,165</b>	<b>-17,486</b>	<b>-17,486</b>	<b>0</b>
	<b>BUDGET BALANCE</b>	<b>-1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

A summary of the significant variances since quarter 3 is shown in the table below:

	Significant Variances £'000s
<b>Underspends / Increased Income</b>	
Increased Utility costs above forecast	62
Leisure Management Fee (pay award)	47
Net Treasury Management activity	(44)
New Burdens grant (Council Tax Rebate)	(126)

9. Reserves Transfers

The Executive is asked to recommend to Full Council approval of the movements in earmarked reserves being a net overall increase in the year of £2.368m - *excluding* the recommended transfer of the 2022/23 net underspend of £61k but *including* carry forward requests subject to approval of £671k. Additionally, year-end net transfers to reserves in the sum of £1.275m are included within the outturn figure. These adjustments are in addition to any previously approved reserve transfers and contribute to an increase in earmarked and strategic reserves from £23.055m at the start of the year to a year end position of £25.423m.

10. The Covid Recovery reserve was re-designated the 'Covid-19 and Cost-of-Living Reserve' as part of the Q3 Revenue Budget Monitoring cycle, recognising ongoing pressures relating to income and expenditure. Sums originally set aside to help cover any future shortfalls in income or increases in expenditure associated with the pandemic will also be earmarked to support similar challenges linked to the cost-of-living crisis.
11. Carry forwards of £671k have been requested, of which £139k relate to externally funded Covid-19 grant schemes and £140k to other sources of external funding. For all externally funded schemes it has been agreed by the funding provider that unspent monies can be carried forward for spend in 2023/24. The balance of £392k is made up of carry forward requests from the council's revenue budgets – see Appendix 3.
12. A summary of year-end Reserve transfers is attached at Appendix 4.
13. The balance of General Reserves has remained at £1.379m.



## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

14. As shown in the body of the report and appendices.

## **POLICY IMPLICATIONS**

15. The provisional outturn position will be reflected in the draft Statement of Accounts which will show the spending by the Council in pursuit of declared objectives in that financial year and the reserves and balances available for future spending. Following a temporary extension to the deadline for production of the draft financial statements for the two-year period 2020/21 and 2021/22 to 31<sup>st</sup> July each year, there has been a reversion to 31<sup>st</sup> May 2023 for production of the draft 2022/23 accounts. The Council's draft 2022/23 Statement of Accounts is available for inspection on the website.

The deadline for publishing audited local authority accounts is 30<sup>th</sup> September 2023. This deadline is expected to remain for at least six years, up to and including completion of 2027/28 accounts.

The draft Statement of Accounts will be subject to audit by the Council's external auditors, Grant Thornton UK LLP. There may be minor adjustments to the figures included within the provisional outturn as a result of the audit. The Accounts will be reported to the Audit and Standards Committee.

## **DETAILS OF CONSULTATION**

16. None.

## **BACKGROUND PAPERS**

17. None.

## **FURTHER INFORMATION**

**PLEASE CONTACT:**

**Craig Finn  
Principal Accountant**

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**Revenue Underspending 2022/23****Appendix 1****Final Variances**Underspends/Increased Income

Reduction in PWLB borrowing costs due to internal borrowing	(260)		
Additional temporary investment interest income	(448)		
Increased cemetery and crematorium income	(96)		
		<hr/>	
			<b>(804)</b>

Increased Expenditure/Reduced Income

Pay Award higher than estimated	532		
Increased utility costs	129		
Other minor net movements/(underspends) under £20k	82		
		<hr/>	
			<b>743</b>
			<b>(61)</b>

Transfer to Reserve

Transfer to Revenue Support Reserve to achieve provisional outturn break even position	61	<b>61</b>	<b>61</b>
		<hr/>	

**Break even position for year**

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Transfers to/from Earmarked Reserves	2021/22			2022/23			Balance at 31 March 2023 £000s
	Balance at 31 March 2021 £000s	Net transfers In/(Out) £000s	Movements between Reserves £000s	Balance at 31 March 2022 £000s	Net transfers In/(Out) £000s	Movements between Reserves £000s	
<b>Earmarked Reserves</b>							
<b>Specific Reserves</b>							
Specific Reserves							
Taxi Licensing	4	-	-	4	-	-	4
Selective Licensing	680	(201)	-	479	(3)	-	476
Local Development Framework	22	-	20	42	-	-	42
Transport & Plant Replacement	36	15	-	51	(15)	-	36
Revenue Grants Unapplied	173	266	(90)	349	101	-	450
Primary Engineer	37	-	-	37	-	-	37
Town Centre Master Plan	95	-	1,000	1,095	-	-	1,095
Charter Walk Refurbishment	-	75	-	75	200	-	275
Charter Walk Regeneration	-	778	-	778	1,047	-	1,825
Burnley Bondholders	45	14	-	59	(29)	-	30
Business Rates Retention Volatility	5,710	3,502	-	9,212	488	(4,661)	5,039
Cremator Relining	-	19	-	19	(19)	-	-
Revenue Support	565	645	-	1,210	546	1,178	2,934
Carry Forwards	2,199	(850)	-	1,349	(464)	-	885
Regeneration Reserve	690	(128)	21	583	(42)	-	541
Pension Strain Reserve	350	358	-	708	405	-	1,113
Sandygate Sinking Fund Reserve	40	41	-	81	42	-	123
Sandygate Smoothing Reserve	588	(3)	-	585	114	-	699
Elections Reserve	38	20	-	58	35	-	93
COVID-19 and Cost of Living Reserve	1,589	628	(1,041)	1,176	(234)	-	942
Housing Initiatives Reserve	51	357	90	498	81	(178)	401
Collection Fund Deficit Reserve	5,264	(5,203)	-	61	(336)	1,788	1,513
Towneley Park Events	-	12	-	12	37	-	49
Energy Volatility	-	194	-	194	66	-	260
Asylum Seekers Reserve (New)	-	-	-	-	682	-	682
Padiham Town Hall Reserve (New)	-	-	-	-	8	-	8
Pioneer Place Smoothing Reserve (New)	-	-	-	-	200	-	200
	18,176	539	-	18,715	2,910	(1,873)	19,752
<b>Strategic Reserves</b>							
Transformation	1,992	810	-	2,802	(54)	1,873	4,621
Growth	1,538	-	-	1,538	(488)	-	1,050
	3,530	810	-	4,340	(542)	1,873	5,671
<b>Total</b>	<b>21,706</b>	<b>1,349</b>	<b>-</b>	<b>23,055</b>	<b>2,368</b>	<b>-</b>	<b>25,423</b>

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Service Unit / Task	Details	2022/23 Budget £	2022/23 Forecast Outturn £	2022/23 (Under) / Over Spend £	Amount to be Approved Q4 £
<b>Economy and Growth</b>					
Planning Policy Team		40,000	0	(40,000)	40,000
Local Plan	Due to changes and uncertainties around the Levelling Up Bill the Planning Policy team put on hold a number of pieces of work in the financial year and would propose carrying forward the funding to be used for the preparation of any planning policy documents and/or studies that may be required in future years	30,885	1,994	(28,891)	28,891
		3,565	0	(3,565)	3,565
<b>Sub-total</b>		<b>74,450</b>	<b>1,994</b>	<b>(72,456)</b>	<b>72,456</b>
<b>Policy and Engagement</b>					
Digital Transformation	New Telephony system has been delivered. However a new strategy for digital transformation is being developed. A key priority is a new building control system following the decision to bring the service back in house. This carry forward will support that requirement	103,184	64,289	(38,895)	38,895
<b>Sub-total</b>		<b>103,184</b>	<b>64,289</b>	<b>(38,895)</b>	<b>38,895</b>
<b>Finance &amp; Property</b>					
Internal Audit	Maternity leave savings, to provide cover for extra audit days to support delivery of the Internal Audit plan	20,230	9,820	(10,410)	10,410
Property Services	Request to carry forward sums to support management of vacant sites	5,620	710	(4,910)	4,910
<b>Sub-total</b>		<b>25,850</b>	<b>10,530</b>	<b>(15,320)</b>	<b>15,320</b>
<b>Green Spaces and Amenities</b>					
Burnley Bonfire	Request c/f of underspend from this year's event towards next year	15,700	12,639	(3,061)	2,606
Donation - Friends of Towneley Park	Request to carry forward unspent donations	10,211	7,025	(3,186)	3,186
Grounds Maintenance	Unspent donations received for commemorative benches	(10,000)	(13,921)	(3,921)	3,921
Burnley Cemetery	Bereavement Services management software installation to be completed in 2023/24	50,230	28,380	(21,850)	21,850
Towneley Golf Club House	Towneley Golf Club House Condition survey to be completed April/May 2023	5,000	0	(5,000)	5,000
<b>Sub-total</b>		<b>71,141</b>	<b>34,123</b>	<b>(37,018)</b>	<b>36,563</b>
<b>Streetscene</b>					
Street Cleansing	To support the associated costs in relation to Charter Walk for the purchase of new bins/cleansing and other associated costs	22,000	0	(22,000)	22,000
Residual Household Waste	For the purchase of additional household waste bins.	(31,997)	(45,245)	(13,248)	13,000
Trade Waste	For installation of cameras on new vehicles	44,443	28,216	(16,227)	9,098
Community Safety	Continued suport to Alleygating Programme and temporary Anti-Social Behaviour (ASB) Officer	32,179	29,562	(2,617)	2,617
<b>Sub-total</b>		<b>66,625</b>	<b>12,533</b>	<b>(54,092)</b>	<b>46,715</b>

<b>Housing &amp; Development Control</b>					
Housing Advice	Continued support to vulnerable Tenants, funded by the Homelessness Prevention Grant	54,330	8,970	(45,360)	45,360
Development Control	Utilise salary savings to fund temporary Agency costs in 2023/24	172,245	126,888	(45,357)	45,357
<b>Sub-total</b>		<b>226,575</b>	<b>135,858</b>	<b>(90,717)</b>	<b>90,717</b>
<b>Legal &amp; Democratic Services</b>					
Democracy Team	Request to carry forward in year saving on software costs to cover increase in contract for Modern Gov. Future increases will be incorporated into the revenue budget	30,721	24,863	(5,858)	5,858
Member Training	To fund new member training approaches including Development Control moving from in-house provision to external	4,668	1,838	(2,830)	2,830
Insurances	To allow for fire suppression works to be carried, as recommended by the Council's insurer	293,013	275,609	(17,404)	17,404
<b>Sub-total</b>		<b>328,402</b>	<b>302,310</b>	<b>(26,092)</b>	<b>26,092</b>
<b>People and Development</b>					
Corporate Training	To help support future corporate training requirements.	30,937	22,949	(7,989)	7,989
<b>Sub-total</b>		<b>30,937</b>	<b>22,949</b>	<b>(7,989)</b>	<b>7,989</b>
<b>Corporate</b>					
Climate Change	To carry forward the unspent climate change budget following the appointment of the Climate Change Officer	72,000	7,626	(64,374)	9,374
Combined Authority	One-off budget item rolled forward to fund any expenditure in 2023/24	23,450	0	(23,450)	23,450
<b>Sub-total</b>		<b>95,450</b>	<b>7,626</b>	<b>(87,824)</b>	<b>32,824</b>
<b>Totals</b>		<b>1,022,614</b>	<b>592,212</b>	<b>(430,402)</b>	<b>367,571</b>



**Externally Funded Covid-19 Grant Schemes to be Carried Forward to 2023/24**

<u>Service Unit / Task</u>	<u>Details</u>	<u>2022/23 Budget</u>	<u>2022/23 Forecast Outturn</u>	<u>2022/23 (Under) / Over Spend</u>	<u>Amount to be Approved</u>
		£	£	£	£
<b><u>Policy and Engagement</u></b>					
Covid Recovery Plan	This budget is now needed to support the cost of living and food security plan. Specifically the development of the Down Town Hub in Chart Walk (affordable food, school uniform and advice centre)	171,381	157,511	(13,870)	13,870
<b>Sub-total</b>		<b>171,381</b>	<b>157,511</b>	<b>(13,870)</b>	<b>13,870</b>
<b><u>Corporate</u></b>					
Contain Outbreak Management Funds	To continue to provide support to residents through the Community Hub	210,311	99,535	(110,776)	110,549
Community Testing	Community Testing	14,212	0	(14,212)	14,212
<b>Sub-total</b>		<b>224,523</b>	<b>99,535</b>	<b>(124,988)</b>	<b>124,761</b>
	<b>Totals</b>	<b>395,904</b>	<b>257,046</b>	<b>(138,858)</b>	<b>138,631</b>

**Externally Funded Grant Schemes to be Carried Forward to 2023/24**

<u>Service Unit / Task</u>	<u>Details</u>	<u>2022/23 Budget</u>	<u>2022/23 Forecast Outturn</u>	<u>2022/23 (Under) / Over Spend</u>	<u>Amount to be Approved</u>
		£	£	£	£
<b>Policy &amp; Engagement</b>					
Performance & Policy	Household Support Fund balance of payments to be made 23/24	1,345,566	1,335,365	(10,201)	10,201
Cyber Resilience	Unspent grant rolled forward into 2023/24	74,043	67,854	(6,189)	6,189
Primary Engineer	To use the underspend on the Primary Engineer grant to provide additional funding for the Down Town Project	27,500	15,830	(11,670)	11,670
<b>Sub-total</b>		<b>1,447,109</b>	<b>1,419,049</b>	<b>(28,060)</b>	<b>28,060</b>
<b>Economy &amp; Growth</b>					
Planning Policy Team	Biodiversity Net Gain Grant	36,854	3,452	(33,402)	33,402
Shared Prosperity Fund	Utilise Grant in 2023/24, approved by funding provider	361,453	319,140	(42,313)	42,313
Business Support	Community Recovery Fund monies to be spent in 2023/24	13,243	2,940	(10,303)	10,303
HAZ Burnley Cultural Programme	Utilise Grant in 2023/24, approved by funding provider	57,351	36,447	(20,904)	20,904
<b>Sub-total</b>		<b>468,901</b>	<b>361,979</b>	<b>(106,922)</b>	<b>106,922</b>
<b>Corporate</b>					
Kickstart	DWP Kickstart funding for future training	5,100	0	(5,100)	5,100
<b>Sub-total</b>		<b>5,100</b>	<b>0</b>	<b>(5,100)</b>	<b>5,100</b>
<b>Totals</b>		<b>1,921,110</b>	<b>1,781,027</b>	<b>(140,083)</b>	<b>140,082</b>

**Request for Prior Year Carry Forwards to be Carried Forward to 2023/24**

Service Unit / Task	Details	2022/23 Budget £	2022/23 Forecast Outturn £	2022/23 (Under) / Over Spend £	Amount to be Approved £
<b>Streetscene</b>					
Car Parking	Structural assessment of pioneer culvert	86,115	60,691	(25,424)	25,000
<b>Sub-total</b>		<b>86,115</b>	<b>60,691</b>	<b>(25,424)</b>	<b>25,000</b>
	<b>Totals</b>	<b>86,115</b>	<b>60,691</b>	<b>(25,424)</b>	<b>25,000</b>

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**REPORT TO EXECUTIVE**



<b>DATE</b>	<b>12<sup>th</sup> July 2023</b>
<b>PORTFOLIO</b>	<b>Resources &amp; Performance Management</b>
<b>REPORT AUTHOR</b>	<b>Craig Finn</b>
<b>TEL NO</b>	<b>01282 475811</b>
<b>EMAIL</b>	<b>CFinn@burnley.gov.uk</b>

**2022/23 Final Capital Outturn Position**

**PURPOSE**

1. To report on the performance of the 2022/23 capital investment programme and present the financing of capital expenditure incurred during 2022/23.
2. To seek approval of a revised 2023/24 capital budget after incorporating net carry forward commitments (slippage) from 2022/23.

**RECOMMENDATION**

3. That the Executive Members are requested to recommend that Full Council approve:
  - a) The final position on capital spending and financing of £21.810m for 2022/23 as shown in Appendices 1 & 2, which equates to 92% of the final resources position.
  - b) The revised capital budget for 2023/24 totalling £40.426m as outlined in Appendix 3, (including net carry forward of £1.925m).

**REASONS FOR RECOMMENDATION**

4. To conclude the capital budget monitoring process for 2022/23 and report the final outturn position as outlined in the Council’s Statement of Accounts for 2022/23.
5. To increase the 2023/24 Council capital programme for amounts carried forward from 2022/23 and other budget adjustments as shown in Appendix 3.

## SUMMARY OF KEY POINTS

### 6. **Capital Outturn Position**

#### Budget Changes and Expenditure Outturn Position:

After incorporating all the recommendations approved throughout the financial year, the original capital budget of £37.805m (approved at Full Council on 23 February 2022) was revised to a final position of £20.226m per the cycle 3 capital monitoring report presented to the Executive on the 13 February 2023.

Appendix 1 shows the final resources and outturn position. Additional resources have been utilised in financing the outturn expenditure position totalling £3.591m split between:

- £2.938m of brought-forward funding from 2023/24:
  - utilising in advance, resources originally approved within the 2023/24 capital programme at Full Council on 13 February 2023 (“reverse slippage”), or
  - re-phasing those sums previously reprofiled into future years as part of the in-year monitoring process but where final 2022/23 spend has exceeded forecasts at Q3. This has been due to better than expected progress on major capital schemes and the need to pre-order materials in advance.
- £0.653m of other resources ‘in hand’ to fund additional expenditure, principally the application of Better Care Grant funding.

Available capital resources to fund expenditure totalled £23.817m. The final Capital expenditure outturn totalled £21.810m, equating to approximately 92% of the revised capital investment programme for 2022/23.

Appendix 2 lists the financing elements of each scheme within the 2022/23 capital programme spend, totalling £21.810m.

7.

#### Carry Forward Requests (slippage)

Members are asked to note that a net £2.006m has been recommended to be carried forward into 2023/24. The following schemes account for the majority of the total slippage requested:

**Padiham Townscape Heritage Initiative (THI) (£518k)**

**Sandygate Halls (Commercial Units & Car Parking) (£191k)**

**Burnley Pendle Growth Programme (£300k)**

**Building Infrastructure Works (£502k)**

Further details can be seen in Appendix 1.

8.

### **Revised Capital Budget for 2023/24**

Members are asked to approve a revised capital budget for 2023/24 after incorporating the adjustments identified within this outturn report.

Appendix 3 details the 2023/24 capital programme incorporating the carry forward requests. This results in a revised capital programme totalling £40.426m.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

9. As shown in the body of the report and appendices.

## **POLICY IMPLICATIONS**

10. The provisional outturn position will be reflected in the draft Statement of Accounts which will show the spending by the Council in pursuit of declared objectives in that financial year and the reserves and balances available for future spending. Following a temporary extension to the deadline for production of the draft financial statements for the two-year period 2020/21 and 2021/22 to 31st July each year, there has been a reversion to 31st May 2023 for production of the draft 2022/23 accounts. The Council's draft 2022/23 Statement of Accounts is available for inspection on the website.

The deadline for publishing audited local authority accounts is 30th September 2023. This deadline is expected to remain for at least six years, up to and including completion of 2027/28 accounts.

The draft Statement of Accounts will be subject to audit by the Council's external auditors, Grant Thornton UK LLP. There may be minor adjustments to the figures included within the provisional outturn as a result of the audit. The Accounts will be reported to the Audit and Standards Committee.

## **DETAILS OF CONSULTATION**

11. None.

## **BACKGROUND PAPERS**

12. None.

## **FURTHER INFORMATION**

**PLEASE CONTACT:**

**Craig Finn – Principal Accountant**

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## Final Capital Outturn Position for 2022/23

## APPENDIX 1

Scheme Name	Final Budget Position Approved by Executive	Additional Resources Utilised at Year End		Resources no longer required / available	Final Resources Position At Year End	Expenditure Outturn Position	Expenditure Outturn to Final Resources Position as at Year End	Slippage Requested
		Additional Financing made available at Year End	"Reverse Slippage" Budgets utilised from 2023/24					

### GREEN SPACES AND AMENITIES

Brun Valley Forest Park	22,787				22,787	9,217	40%	13,570
Play Area Improvement Programme	206,800		18,787		225,587	174,538	77%	51,049
Memorial Park Improvements	50,000				50,000	2,900	6%	47,100
Worsthorne Recreation Ground Improvements	50,245				50,245	3,250	6%	46,995
Vehicle and Machinery Replacement	175,186				175,186	172,426	98%	2,760
Changing Places (Towneley Hall)	43,469				43,469	-	0%	43,469
Thompson Park Restoration Project	24,918				24,918	22,152	89%	2,766
Stoops Wheeled Sport	925				925	750	81%	175
Playing Pitch Improvements	20,000				20,000	11,522	58%	8,478
Extension of Burnley Cemetery	25,000				25,000	-	0%	25,000
Refill Fountains	5,000				5,000	-	0%	5,000
Towneley Hall Building Works	650,000				650,000	585,329	90%	64,671
Scott Park HLF	25,000				25,000	-	0%	25,000
	<b>1,299,330</b>	-	<b>18,787</b>	-	<b>1,318,117</b>	<b>982,085</b>	<b>75%</b>	<b>336,032</b>

### STREETSCENE

Alleygate Programme	26,872				26,872	26,552	99%	320
River Training Walls	84,698				84,698	7,440	9%	77,258
Electric Vehicle Rapid Charge Points	189,270				189,270	153,363	81%	35,907
Safer Streets	22,457	405			22,862	22,862	100%	0
	<b>323,297</b>	<b>405</b>	-	-	<b>323,702</b>	<b>210,217</b>	<b>65%</b>	<b>113,485</b>

### ECONOMY AND GROWTH

Padiham Townscape Heritage Initiative	600,079				600,079	82,149	14%	517,930
Pioneer Place	8,731,048		635,817		9,366,865	9,366,865	100%	-
Lower St James Street Historic Action Zone	481,207		83,496		564,703	564,703	100%	-
Finsley Wharf & Canal Towpath Improvements	34,000				34,000	34,000	100%	-
Vision Park	24,506				24,506	-	0%	24,506
Levelling Up Fund	3,500,100		2,193,298		5,693,398	5,693,398	100%	-
Sandygate Halls (Commercial Units & Car Parking)	190,588				190,588	-	0%	190,588
Burnley-Pendle Growth Programme	300,000				300,000	-	0%	300,000
	<b>13,861,528</b>	-	<b>2,912,611</b>	-	<b>16,774,139</b>	<b>15,741,116</b>	<b>94%</b>	<b>1,033,024</b>

### FINANCE

Building Infrastructure Works	1,144,083	80,821	-		1,224,904	722,929	59%	501,975
Carbon Reduction Measures	-	-	6,262		6,262	6,262	100%	0
IT Upgrades	7,000				7,000	3,650	52%	3,350
Charter Walk Refurbishment	10,243				10,243	-	0%	10,243
	<b>1,161,326</b>	<b>80,821</b>	<b>6,262</b>	-	<b>1,248,409</b>	<b>732,841</b>	<b>59%</b>	<b>515,568</b>

### LEISURE

Leisure Centre Improvements	49,297	-	-	-	49,297	41,230	84%	8,067
	<b>49,297</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>49,297</b>	<b>41,230</b>	<b>84%</b>	<b>8,067</b>

### HOUSING AND DEVELOPMENT CONTROL

Emergency Repairs	270,000	27,258			297,258	297,258	100%	-
Better Care Grant	2,000,000	30,703			2,030,703	2,030,703	100%	-
Energy Efficiency	40,000	12,386			52,386	52,386	100%	-
Empty Homes Programme	1,221,158	498,590			1,719,748	1,719,748	100%	-
Rough Sleeping Accommodation Programme (RSAP)	-	2,799			2,799	2,799	100%	-
	<b>3,531,158</b>	<b>571,736</b>	-	-	<b>4,102,894</b>	<b>4,102,895</b>	<b>100%</b>	<b>-</b>

<b>Final Capital Outturn Position for 2022/23</b>	<b>20,225,936</b>	<b>652,962</b>	<b>2,937,660</b>	<b>-</b>	<b>23,816,558</b>	<b>21,810,383</b>	<b>92%</b>	<b>2,006,176</b>
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CAPITAL 2022/23 - FINAL SPEND POSITION

Ledger Code	Scheme Name	Final Spend Position £	Prudential Borrowing £	Revenue Contributions / Reserves £	Better Care Grant £	Historic England Fund £	Heritage Lottery Fund £	Lancashire Enterprise Partnership £	LCC £	ERDF £	Football Foundation £	Arts Council £	Sport England £	Home Office £	Homes England £	Levelling Up Fund £	The Office for Zero Emission Vehicles £	Capital Receipts £	Vacant Property Initiative Receipts £	S106 Payments / 3rd Party Contributions £	Shared Prosperity Fund £	Total Financed Position £	
<b>SERVICE UNIT: GREEN SPACES AND AMENITIES</b>																							
	Brun Valley Forest Park	9,216.66																		9,216.66		9,216.66	
	Play Area Improvement Programme	174,538.21																71,491.24		84,260.40		18,786.57	174,538.21
	Memorial Park Improvements	2,900.00																		2,900.00			2,900.00
	Worsthorne Recreation Ground Improvements	3,250.00		470.00							2,780.00												3,250.00
	Vehicle and Machinery Replacement	172,426.05		172,426.05																			172,426.05
	Changing Places (Towneley Hall)																						
	Thompson Park Restoration Project	22,152.25					22,152.25																22,152.25
	Stoops Wheeled Sport	750.00											750.00										750.00
	Playing Pitch Improvements	11,522.46																		11,522.46			11,522.46
	Extension of Burnley Cemetery																						
	Refill Fountains																						
	Towneley Hall Building Works	585,328.95	285,774.95									299,554.00											585,328.95
	Scott Park HLF																						
	<b>982,084.58</b>	<b>285,774.95</b>	<b>172,896.05</b>			<b>22,152.25</b>					<b>2,780.00</b>	<b>299,554.00</b>	<b>750.00</b>					<b>71,491.24</b>		<b>107,899.52</b>	<b>18,786.57</b>	<b>982,084.58</b>	
<b>SERVICE UNIT: STREETSCENE</b>																							
	Alleygate Programme	26,552.17																					26,552.17
	River Training Walls	7,440.00																					7,440.00
	Electric Vehicle Rapid Charge Points	153,363.25																104,452.50		48,910.75			153,363.25
	Safer Streets	22,861.59		404.59										22,457.00									22,861.59
	<b>210,217.01</b>		<b>404.59</b>											<b>22,457.00</b>				<b>104,452.50</b>		<b>82,902.92</b>			<b>210,217.01</b>
<b>SERVICE UNIT: ECONOMY AND GROWTH</b>																							
	Padiham Townscape Heritage Initiative	82,149.41					41,743.06												970.65	39,435.70			82,149.41
	Pioneer Place	9,366,864.95	4,309,567.09	1,241,051.48				816,246.38	3,000,000.00														9,366,864.95
	NW Burnley Growth Corridor - Phase 2																						
	Lower St James Street Historic Action Zone	564,702.93		14,856.14		493,159.79															56,687.00		564,702.93
	Finsley Wharf & Canal Towpath Improvements	34,000.00		34,000.00																			34,000.00
	Vision Park																						
	Town Centre & Weavers Triangle Project Work																						
	Levelling Up Fund	5,693,398.24														5,693,398.24							5,693,398.24
	Andygate Halls (Commercial Units & Car Parking)																						
	Burnley-Pendle Growth Programme																						
	Former Open Market & Former Cinema Block																						
	<b>15,741,115.53</b>	<b>4,309,567.09</b>	<b>1,289,907.62</b>		<b>493,159.79</b>	<b>41,743.06</b>	<b>816,246.38</b>	<b>3,000,000.00</b>							<b>5,693,398.24</b>			<b>970.65</b>	<b>39,435.70</b>	<b>56,687.00</b>			<b>15,741,115.53</b>
<b>SERVICE UNIT: FINANCE AND PROPERTY</b>																							
	Leisure Centre Improvements	41,229.67																		41,229.67			41,229.67
	Building Infrastructure Works	722,929.33	381,374.50	47,402.14															274,695.69		19,457.00		722,929.33
	Carbon Reduction Measures	6,261.83		6,261.83																			6,261.83
	Upgrades	3,650.00																	3,650.00				3,650.00
	Charter Walk Refurbishment																						
	Acquisition of Charter Walk																						
	<b>774,070.83</b>	<b>387,636.33</b>	<b>47,402.14</b>																<b>319,575.36</b>		<b>19,457.00</b>		<b>774,070.83</b>
<b>SERVICE UNIT: HOUSING AND DEVELOPMENT CONTROL</b>																							
	Emergency Repairs	297,258.24			297,258.24																		297,258.24
	Better Care Grant	2,030,703.06			2,030,703.06																		2,030,703.06
	Energy Efficiency	52,386.00			52,386.00																		52,386.00
	Empty Homes Programme	1,719,748.36													231,931.00					1,487,817.36			1,719,748.36
	Rough Sleeping Accommodation Programme (RSAP)	2,799.15		2,799.15																			2,799.15
	<b>4,102,894.81</b>		<b>2,799.15</b>	<b>2,380,347.30</b>											<b>231,931.00</b>					<b>1,487,817.36</b>			<b>4,102,894.81</b>
<b>Total Revised Budget</b>		<b>21,810,382.76</b>	<b>4,982,978.37</b>	<b>1,513,409.55</b>	<b>2,380,347.30</b>	<b>493,159.79</b>	<b>63,895.31</b>	<b>816,246.38</b>	<b>3,000,000.00</b>		<b>2,780.00</b>	<b>299,554.00</b>	<b>750.00</b>	<b>22,457.00</b>	<b>231,931.00</b>	<b>5,693,398.24</b>	<b>104,452.50</b>	<b>474,940.17</b>	<b>1,527,253.06</b>	<b>184,043.52</b>	<b>18,786.57</b>		<b>21,810,382.76</b>

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## 2023/24 CAPITAL BUDGET

## APPENDIX 3

Service Unit	Scheme Name	Original Budget £	Reprofiled from 2022/23 £	Reverse Slippage £	Revised Budget £
Green Spaces & Amenities	Play Area Improvement Programme	90,000	51,048	- 18,787	122,262
Green Spaces & Amenities	Vehicle and Machinery Replacement	165,000	2,760		167,760
Green Spaces & Amenities	Playing Pitch Improvements	298,300	8,478		306,778
Green Spaces & Amenities	Wheeled Sports Area	250,000			250,000
Green Spaces & Amenities	Towneley Hall Works	2,130,491	64,671		2,195,162
Green Spaces & Amenities	Play Zones - NEW	165,000			165,000
Green Spaces & Amenities	Thompson Park Restoration - NEW	82,000	2,766		84,766
Green Spaces & Amenities	Crematorium Improvements	132,000			132,000
Green Spaces & Amenities	Memorial Park Improvements	96,042	47,100		143,142
Green Spaces & Amenities	Worsthorne Rec Grd Improvements		46,995		46,995
Green Spaces & Amenities	Stoops Wheeled Sports		175		175
Green Spaces & Amenities	Extension of Burnley Cemetery		25,000		25,000
Green Spaces & Amenities	Refill Fountains		5,000		5,000
Green Spaces & Amenities	Scott Park HLF		25,000		25,000
Green Spaces & Amenities	Changing Places (Towneley Hall)		43,469		43,469
Green Spaces & Amenities	Brun Valley Forest Park		13,570		13,570
Streetscene	River Training Walls	60,000	77,258		137,258
Streetscene	Alleygate Programme	25,000	320		25,320
Streetscene	Electric Vehicle Charging Points		35,907		35,907

Economy & Growth	Lower St James Street Historic Action Zone	1,177,737		- 83,496	1,094,241
Economy & Growth	Levelling Up Fund	19,511,226		- 2,193,298	17,317,928
Economy & Growth	Town Centre & Weavers Triangle Project Work	169,492			169,492
Economy & Growth	Padiham Townscape Heritage	110,000	517,930		627,930
Economy & Growth	Pioneer Place	10,412,902		- 635,817	9,777,085
Economy & Growth	Former Open Market & Former Cinema Block	57,738			57,738
Economy & Growth	Burnley-Pendle Growth Programme		300,000		300,000
Economy & Growth	Vision Park		24,506		24,506
Economy & Growth	Sandygate Halls (Commercial Units & Car Parking)		190,588		190,588
Finance & Property	IT Upgrades	12,000	3,350		15,350
Finance & Property	Burnley Leisure Improvements	307,450	8,067		315,517
Finance & Property	Building Infrastructure Works	1,018,989	501,975		1,520,964
Finance & Property	Carbon Reduction Measures	286,220		- 6,262	279,958
Finance & Property	Audio & Visual Upgrade to Facilitate On-Line Meetings	100,000			100,000
Finance & Property	Charter Walk Refurbishment	1,169,628	10,243		1,179,871
Housing & Development	Emergency Repairs	180,000			180,000
Housing & Development	Better Care Grant	2,000,000			2,000,000
Housing & Development	Energy Efficiency	50,000			50,000
Housing & Development	Empty Homes Programme	1,300,000			1,300,000
	<b>TOTAL OF ALL SCHEMES</b>	<b>41,357,215</b>	<b>2,006,176</b>	<b>(2,937,659)</b>	<b>40,425,732</b>

## REPORT TO EXECUTIVE



<b>DATE</b>	<b>12<sup>th</sup> July 2023</b>
<b>PORTFOLIO</b>	<b>Resources and Performance Management</b>
<b>REPORT AUTHOR</b>	<b>Craig Finn</b>
<b>TEL NO</b>	<b>01282 477172</b>
<b>EMAIL</b>	<b>CFinn@burnley.gov.uk</b>

## Annual Treasury Management Report Review of 2022/23 Activity

### PURPOSE

1. To inform members of the Council's treasury management activity during 2022/23.

### RECOMMENDATION

2. That the Executive recommends that Full Council note the annual treasury management activity for the year ended 31 March 2023.

### REASONS FOR RECOMMENDATION

3. To comply with the regulations issued under the Local Government Act 2003 to produce an annual treasury management report containing a review of activities and the actual prudential and treasury indicators for 2022/23. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code). Performance against the approved prudential and treasury indicators are shown in Appendix 1.

During 2022/23 the minimum reporting requirements were that Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Full Council, 23<sup>rd</sup> February 2022)
- a mid-year treasury update report (Full Council, 7<sup>th</sup> December 2022)
- an annual review following the end of the year describing the activity compared to the strategy (this report).

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore important,

as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Scrutiny Committee before they were reported to Full Council. Member training on treasury management issues was undertaken during the year on 25<sup>th</sup> November 2022 in order to support Members' scrutiny role.

## **SUMMARY OF KEY POINTS**

### **4. The Economy and Interest Rates (Provided by Link Asset Services)**

#### **UK. Economy.**

Against a backdrop of stubborn inflationary pressures, the easing of Covid restrictions in most developed economies, the Russian invasion of Ukraine, and a range of different UK Government policies, UK interest rates have been volatile right across the curve, from Bank Rate through to 50-year gilt yields, for all of 2022/23.

Market commentators' misplaced optimism around inflation has been the root cause of the rout in the bond markets with, for example, UK, EZ and US 10-year yields all rising by over 200bps in 2022. Elevated inflation but extra-ordinarily tight labour markets are a conundrum facing central banks, making it an issue of fine judgment as to how far monetary policy (i.e., control of Bank Rate and/or quantitative easing measures) needs to tighten.

Q2 of 2022 saw UK GDP deliver growth of +0.1% q/q, but this was quickly reversed in the third quarter, albeit some of the fall in GDP can be placed at the foot of the extra Bank Holiday in the wake of the Queen's passing. Q4 GDP was positive at 0.1% q/q. Most recently, January saw a 0.3% m/m increase in GDP as the number of strikes reduced compared to December. In addition, the resilience in activity at the end of 2022 was, in part, due to a 1.3% q/q rise in real household disposable incomes. A big part of that reflected the £5.7bn payments received by households from the government under the Energy Bills Support Scheme.

Nevertheless, CPI inflation picked up to what should be a peak reading of 11.1% in October, although hopes for significant falls from this level will very much rest on the movements in the gas and electricity markets, as well as the supply-side factors impacting food prices. On balance, most commentators expect the CPI measure of inflation to drop back towards 4% by the end of 2023. As of February 2023, CPI was 10.4%.

The UK unemployment rate fell through 2022 to a 48-year low of 3.6%, and this despite a net migration increase of c500k. The fact remains, however, that with many economic participants registered as long-term sick, the UK labour force shrunk by c500k in the year to June. Without an increase in the labour force participation rate, it is hard to see how the UK economy will be able to grow its way to prosperity, and with average wage increases running at over 6% the MPC will be concerned that wage inflation will prove just as sticky as major supply-side shocks to food (up 18.3% y/y in February 2023) and energy that have endured since Russia's invasion of Ukraine on 22<sup>nd</sup> February 2022.



Bank Rate increased steadily throughout 2022/23, starting at 0.75% and finishing at 4.25%.

In the interim, following a Conservative Party leadership contest, Liz Truss became Prime Minister for a short period that ran through September and October 2022. Put simply, the markets did not like the unfunded tax-cutting and heavy spending policies put forward by her Chancellor, Kwasi Kwarteng, and their reign lasted barely seven weeks before being replaced by Prime Minister Rishi Sunak and Chancellor Jeremy Hunt. Their Autumn Statement of the 17th of November gave rise to a net £55bn fiscal tightening, although much of the “heavy lifting” has been left for the next Parliament to deliver. However, the markets liked what they heard, and UK gilt yields have reversed the increases seen under the previous tenants of No10/11 Downing Street, although they remain elevated in line with developed economies generally.

As noted above, GDP has been tepid throughout 2022/23, although the most recent composite Purchasing Manager Indices for the UK, US, EZ and China have all surprised to the upside, registering survey scores just above 50 (below suggests economies are contracting, and above suggests expansion). Whether that means a shallow recession, or worse, will be avoided is still unclear. Ultimately, the MPC will want to see material evidence of a reduction in inflationary pressures and a loosening in labour markets. Realistically, that is an unlikely outcome without unemployment rising and wage settlements falling from their current levels. At present, the bigger rise in employment kept the ILO unemployment rate unchanged at 3.7% in January. Also, while the number of job vacancies fell for the ninth consecutive month in February, they remained around 40% above pre-pandemic levels.

Link’s economic analysts, Capital Economics, expect real GDP to contract by around 0.2% q/q in Q1 2023/24 and forecast a recession this year involving a 1.0% peak-to-trough fall in real GDP.

The £ has remained resilient of late, recovering from a record low of \$1.035, on the Monday following the Truss government’s “fiscal event”, to \$1.23. Notwithstanding the £’s better run of late, 2023 is likely to see a housing correction of some magnitude as fixed-rate mortgages have moved above 4.5% and affordability has been squeezed despite proposed Stamp Duty cuts remaining in place.

As for equity markets, the FTSE 100 started 2023 strongly, rising to a record high of 8,014 on 20th February, as resilient data and falling inflation boosted earnings. But global equities fell sharply after concerns over the health of the global banking system emerged early in March. The fall in the FTSE 100 was bigger than the drop in the US S&P 500. Indeed, at around 7,600 now, the FTSE is 5.2% below its record high on 20th February, while the S&P 500 is only 1.9% lower over the same period. That’s despite UK banks having been less exposed and equity prices in the UK’s financial sector not falling as far. It may be due to the smaller decline in UK interest rate expectations and bond yields, which raise the discounted value of future earnings, compared to the US.

Investment returns picked up throughout the course of 2022/23 as central banks, including the Bank of England, realised that inflationary pressures were not transitory, and that tighter monetary policy was called for.

### **UK. Interest Rates.**

Bank Rate in April 2022 was 0.75%, then moved up in stepped increases of either 0.25% or 0.5%, reaching 4.25% by the end of the financial year, with the potential for a further one or two increases in 2023/24.

The sea-change in investment rates meant local authorities were faced with the challenge of pro-active investment of surplus cash for the first time in over a decade, and this emphasised the need for a detailed working knowledge of cashflow projections so that the appropriate balance between maintaining cash for liquidity purposes, and “laddering” deposits on a rolling basis to lock in the increase in investment rates as duration was extended, became an on-going feature of the investment landscape.

With bond markets selling off, equity valuations struggling to make progress and, latterly, property funds enduring a wretched Q4 2022, the more traditional investment options, such as specified investments (simple to understand, and less than a year in duration) became more actively used.

Meantime, through the autumn, and then in March 2023, the Bank of England maintained various monetary policy easing measures as required to ensure specific markets, the banking system and the economy had appropriate levels of liquidity at times of stress.

## 5. **The Strategy for 2022/23**

### 5.1 **Investment Strategy and control of interest rate risk**

The expectation for interest rates within the approved treasury management strategy for 2022/23 was that Bank Rate would peak at 0.75%. This was subsequently revised by Link to 5.0% and reported to Members as part of the Mid-Year Report in November 2022. At that time the forecast for interest receivable on surplus balances was estimated at £350k. As part of the Q3 revenue budget monitoring cycle reported in February 2023, the approved Capital programme was revised downwards by c£18.5m, re-profiling the anticipated timing of Capital spend, giving rise to additional surplus cash balances available for investment. The final outturn position for interest receivable being £658k.

As noted in Link’s commentary, the Council’s strategy was one of pursuing specified investments on a more pro-active basis, given a rising interest rate environment, having due regard to preservation of principal sums and for Security, Liquidity and then Yield (‘SLY’) in compliance with the Prudential Code and CIPFA Treasury Management Code of Practice.

While the Council has taken a more pro-active yet cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions. This should provide some resilience in support of the Council’s approved list of counterparties for investment of deposits, noting that the approved list is maintained under review throughout the year. However, such regulatory changes and a requirement for financial institutions to retain liquid sums themselves to manage market volatility, can reduce the returns on offer for ‘ultra-short’ deposits e.g., the Council’s ‘sweep’ account balances.

To date, investment balances have been managed through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates, known as ‘cost of carry’,

but as the Council maintains an under-borrowed position (see 5.2 Borrowing Strategy), this position remains under review.

## 5.2 **Borrowing Strategy and control of interest rate risk**

During 2022/23, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were very low in the first half of the year, although continued to rise in the second half of the year.

The policy of avoiding new borrowing by running down spare cash balances has previously been adopted and has served well over the last few years. However, this will be kept under review. Whilst this strategy aims to avoid incurring high borrowing costs, the Council may find itself in a position to borrow to finance (deferred) capital expenditure in the future.

Forecast capital expenditure was reprofiled at Q3 of 2022/23 into future years, with associated additional borrowing also deferred. In the current climate of high PWLB borrowing rates, to control risk around interest rates, surplus cash will be invested in liquid and/or short-term deposits to ensure cash can be accessed as capital and other commitments fall due. Given the regulatory impact on short-dated deposits as outlined above, the impact on the budgeted interest receivable from deposits will also be monitored and reported regularly through the established budget monitoring cycle.

## 6. **The Borrowing Requirement and Debt**

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR). The table below shows the Council's CFR for 2022/23. The closing CFR for 2022/23 represents net Capital expenditure not financed from other sources eg Capital Receipts, grants or reserves.

**Table 1: Capital Financing Requirement (CFR) as at 31<sup>st</sup> March 2023**

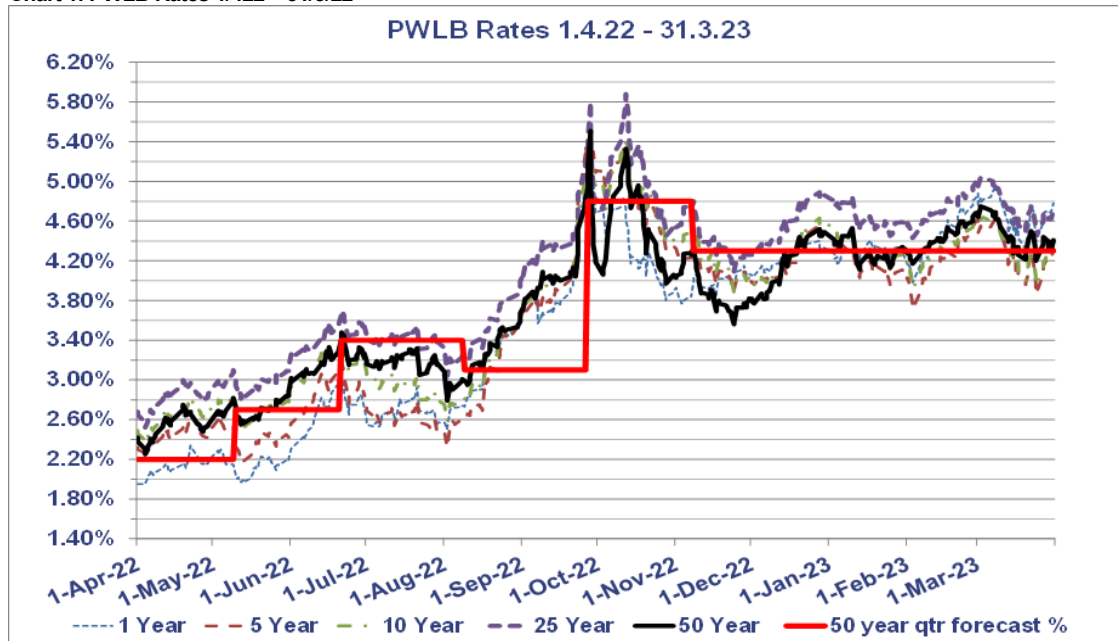
<b>£m</b>	<b>31 March 2022 Actual</b>	<b>31 March 2023 Budget</b>	<b>31 March 2023 Outturn</b>
CFR General Fund	63.9	76.7	67.1

## 7. **Borrowing Rates in 2022/23**

PWLB rates are based on gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields.

Consequently, the rising Bank Rate throughout 2022/23 has seen an increase in PWLB rates on offer for long-term borrowing.

Chart 1: PWLB Rates 1/4/22 – 31/3/22



8. **Borrowing Outturn for 2022/23**

**Borrowing** – No new borrowing was taken in 2022/23. The Council’s average rate of interest for borrowed sums as at 31 March 2023 was 2.59%.

**Rescheduling** – No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

**Repayments** – The following PWLB loan repayments were made during the year, as scheduled:

Table 2: PWLB Loan Repayments Made 22/23

Date of Loan	Interest Rate	Duration (Years)	Principal	Balance o/s at 1/4/22	Repaid in Year	Balance o/s at 31/3/23	Type
14/07/97	7.13%	26	£1.0m	£0.04m	£0.04m	nil	Maturity*
24/09/97	6.75%	26	£1.0m	£0.04m	£0.04m	nil	Maturity*
22/10/00	5.13%	23.5	£1.0m	£1.0m	£1.0m	nil	Maturity
14/10/21	2.15%	30	£18.0m	£18.0m	£0.4m	£17.6m	Annuity
10/02/22	2.22%	30	£4.7m	£4.7m	£0.1m	£4.6m	Annuity

\* Original loan re-profiled in 1999/2000

9. **Investment Rates in 2022/23**

The Council operates a ‘sweep’ deposit account with its bank, HSBC, which had paid an underlying interest rate of 0.09% below Bank Rate. This rate was very much in the wake of falling Bank Rate and avoidance of the ‘sweep’ account falling into negative territory and the bank rewarding its clients for credit balances. More recently, as Bank

Rate has increased, HSBC (and other financial institutions) have revised their offers. At the time of this report, the HSBC ‘sweep’ account currently pays a fixed 1.37% on credit balances, some 3.13% below current Bank Rate 4.50%).

There was an average daily total of £13.1m being invested within the HSBC “sweep” deposit account in 2022/23. This represents a fall in the average daily total when compared to 2021/22 (£18.7m) when a large amount of government funding was made available for distribution to business during the pandemic. This is considered a return to more ‘traditional’ levels for the Council’s “sweep” account but also recognition of more activity in market investments for temporary placement of surplus balances given the change in interest rate policy of HSBC (see below).

### **Investment Outturn for 2022/23**

10. **Investment Policy** – the Council’s investment policy is governed by DLUHC investment guidance, which has been implemented in the annual investment strategy approved by Full Council on 23<sup>rd</sup> February 2022. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data. This guidance is enhanced by advice from Link Asset Services.

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

**Investments held by the Council** - the Council maintained a daily average balance of £10.7m of internally managed funds during 2022/23. These investments earned an average rate of return of 2.46%. The annual equivalent benchmark return being 2.23%.

There was a total of 15 market investments made during the financial year, totalling £52m. The table below shows the amount deposited, and the rate of return against the market benchmark.

**Table 3: Temporary Market Investments 22/23**

<b>Counterparties</b>	<b>Date of Investment</b>	<b>Investment Made £m</b>	<b>Return</b>	<b>Benchmark*</b>
Standard Chartered – Sustainable (1 month)	19/4/22	4.0	0.71%	1.39%
Lloyds Bank Corporate Markets (3 months)	17/5/22	4.0	1.13%	1.70%
Standard Chartered – Sustainable (3 months)	19/5/22	4.0	1.21%	1.70%
Lloyds Bank Corporate Markets (3 months)	17/8/22	4.0	2.12%	1.70%
Standard Chartered – Sustainable (2 months)	19/8/22	4.0	1.94%	1.70%
Goldman Sachs (6 months)	8/9/22	2.0	3.22%	2.12%
Goldman Sachs (3 months)	29/9/22	2.0	3.47%	1.70%
Standard Chartered – Sustainable (1 month)	19/10/22	4.0	2.52%	2.41%
Lloyds Bank Corporate Markets (3 months)	17/11/22	4.0	3.62%	2.72%
Standard Chartered – Sustainable (1 month)	18/11/22	4.0	2.90%	2.41%

Standard Chartered – Sustainable (1 month)	19/12/22	4.0	3.25%	2.41%
Standard Chartered – Sustainable (2 months)	19/01/23	4.0	3.80%	2.56%
Lloyds Bank Corporate Markets (3 months)	17/02/23	4.0	4.10%	2.72%
Goldman Sachs (3 months)	22/02/23	2.0	4.025%	2.72%
Goldman Sachs (3 months)	08/03/23	2.0	4.11%	2.72%

- Benchmark: Qtr Ended SONIA Average returns for Term deposits

All investments were for less than one year.

The table below shows the maximum amount invested with any of the counterparties at any one time during the period April 2022 to the end of March 2023 against the maximum limits approved in the 2022/23 Treasury Management Strategy.

**Table 4: Maximum Investment per Counterparty 22/23**

Counterparties	Maximum Limits £m	Highest level of Investment 2022/23 (£m)
HSBC	50.0	22.3
Standard Chartered Sustainable	4.0	4.0
Goldman Sachs	4.0	2.0
Santander UK plc	4.0	4.0
Lloyds Bank Corporate Markets	4.0	4.0
Burnley College	4.0	2.0

#### **Interest payable on External Borrowing / Interest Receivable on Investments**

11. The total PWLB interest payable on external borrowing for 2022/23 was £1,584,354.06 compared to the revised annual budget of £1,841,185, most notably as a result of slippage on the 2022/23 Capital Investment Programme and deferred borrowing.

The total interest receivable on temporary investments in 2022/23 amounted to £658k compared to the revised annual budget of £210k (excluding dividend income). The increase in interest income received was due to a continued rise in the underlying bank rate throughout the year, which was reflected in the rates on offer from the markets for the Council's deposits.

#### **Property Fund Investments, & dividends received**

12. The Council continues to invest £2m in property funds with CCLA and Hermes. Dividends receivable amounted to £68,502 compared to an approved annual budget of £60,000.

The aim of the Property Fund investments is to provide high levels of income and long-term capital appreciation. As at 31 March 2023, valuations of both property funds were below the initial levels of investment (CCLA £0.883m, Hermes £0.897m respectively) owing to challenging and volatile economic conditions throughout the year impacting the (commercial) property market.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

13. None arising as a direct result of this report.

**POLICY IMPLICATIONS**

14. All transactions are in accordance with the Council's approved Treasury Policy Statement

**DETAILS OF CONSULTATION**

15. None

**BACKGROUND PAPERS**

16. None.

**FURTHER INFORMATION  
PLEASE CONTACT:**

**Craig Finn  
Principal Accountant**

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**Prudential & Treasury Indicators for 2022/23**

<b>Prudential Indicator</b>	<b>2022/23 Original £' 000</b>	<b>2022/23 Actual £' 000</b>
Capital Expenditure	37,791	21,810
In year borrowing requirement	15,861	4,983
Authorised Limit for external debt	95,346	92,810
Operational Boundary for external debt	86,678	84,373
Investments (Actual as at 31st March)	-	15,833
Net Borrowing (Actual as at 31st March)	-	59,510
Capital Financing Requirement (CFR)	78,798	67,128
Ratio of financing costs to net revenue stream	20.5%	12.0%
Limit of fixed interest rates based on net debt	100%	100%
Limit of variable interest rates based on net debt	25%	25%
Principal invested > 365 days	-	-

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<b>Maturity Structure of fixed rate borrowing during 2022/23</b>	<b>1st Apr 2022 Actual Debt in £m</b>	<b>31st Mar 2023 Actual Debt in £m</b>	<b>31st Mar 2023 Actual Debt as a %</b>	<b>2022/23 Original Limits set as % ranges</b>
Under 12 months	1.6	3.4	6%	0% - 20%
12 months to 2 years	3.4	2.6	4%	0% - 20%
2 years to 5 years	3.8	2.9	5%	0% - 25%
5 years to 10 years	4.2	3.2	5%	0% - 30%
10 years and above	48.1	47.4	80%	0% - 90%
<b>Total</b>	<b>61.1</b>	<b>59.5</b>	<b>100%</b>	

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## Senior Management Structure

### REPORT TO EXECUTIVE & FULL COUNCIL



<b>DATE</b>	<b>19/07/2023</b>
<b>PORTFOLIO</b>	<b>Leader</b>
<b>REPORT AUTHOR</b>	<b>Vicky White</b>
<b>TEL NO</b>	<b>01282 477124</b>
<b>EMAIL</b>	<b>vwhite@burnley.gov.uk</b>

#### PURPOSE

1. To consider proposals to review the Council’s Senior Management Structure.

#### RECOMMENDATION

2. That the Executive recommend to Full Council to (from 11<sup>th</sup> August 2023):
  - (a) Endorse this report and the updated Management Structure as set out in the Appendix;
  - (b) Redesignate the Strategic Head of Economy & Growth (RR1002) to Director of Economy and Development and transfer the management of the Head of Housing & Development Control to this post;
  - (c) Redesignate the Head of Finance & Property Services (AS0007) to Director of Resources and transfer the management of the People & Development service to this post;
  - (d) Note the inclusion of the Head of Housing & Development Control to the Chief Executive’s Management Team;
  - (e) Redesignate the role of Monitoring Officer to the Head of Legal & Democratic Services; and
  - (f) Delegate authority to the Monitoring Officer to make any consequential amendments to the constitution (Part 3 – Scheme of Delegation & Part 7 – Management Structure) to give effect to this decision.

#### REASONS FOR RECOMMENDATION

3. The Head of Paid Service is to ensure that the authority’s functions are properly co-ordinated as well as organising staff and appointing appropriate management.
4. Following recent senior personnel changes, the Senior Management Structure has been reviewed by the Chief Executive/Head of Paid Service (Designate) to ensure that the structure remains up to date and can continue to deliver on the Council’s priorities which include the re-procurement/extension of the council’s two strategic partnerships, strategic

delivery of the climate change agenda and improving the quality of the Borough's housing supply and stock.

## **SUMMARY OF KEY POINTS**

5. The Head of Paid Service is to (inter alia) ensure that the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.
6. Members will be aware that the Appointments Panel has recently appointed Rob Dobson to the post of Chief Operating Officer following a nationally advertised recruitment process. The Chief Executive (Designate) has proposed to revise responsibilities within the Senior Management Team to ensure that it reflects current priorities following the successful recruitment of the COO.
7. The Chief Executive's Management Team currently comprises of the Chief Executive, Chief Operating Officer, Head of Finance & Property Services and the Strategic Head of Economy & Growth.

### **8. Director of Economy and Development**

It is proposed that the Strategic Head of Economy & Growth is redesignated as the Director of Economy and Development to recognise the strategic importance of the role in attracting business and investment into the Borough. It is also proposed to amend the person specification for this role to require that the postholder is a Member of the RTPI.

It is also proposed that the Head of Housing and Development Control should report directly to the Director of Economy and Development to ensure closer collaboration between planning policy and development control as well as driving the climate change strategy more strategically across the Borough. The alignment of the planning policy and development control units is common across the majority of councils across the country.

Whilst the salary level for the post will not be changed, it is recognised that the post should be appropriately titled to reflect the responsibilities associated with the role.

Moving responsibility for Housing and Development Control from the COO to the Director of Economy and Development will also allow the COO to focus on the re-procurement/extension of the council's two key strategic partnerships which is an immediate priority.

### **9. Director of Resources**

To reflect the key importance of the management of the council's finances and resources across the organisation it is proposed that the Head of Finance & Property Services be redesignated as Director of Resources.

Whilst the salary level for the post will not be changed, it is recognised that the post should be appropriately titled to reflect the responsibilities associated with the role.

The People and Development Team currently report directly to the Chief Operating Officer. It is proposed that the Strategic HR Manager reports to the Director of Resources.

10. An assessment of the impact of the above changes has been carried out and it has been concluded that there be no change to the salary levels for the above Director posts.

#### **11. Head of Housing & Development Control**

Members will be aware of the importance of housing standards and climate change across the Borough. In view of the heightened importance of housing standards and climate change, the CEX (Designate) believes that there should be further visibility of these issues at the Chief Executive's Management Team. It is therefore proposed that the postholder becomes part of the Chief Executive's Management Team to provide greater oversight for these strategic priorities.

#### **12. Monitoring Officer**

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 as amended by paragraph 24 of Schedule 5 Local Government Act 2000. The role of the Monitoring Officer is outlined in Section 5k of the Council's constitution.

13. The Council's current Monitoring Officer is Lukman Patel who commences in the role of Chief Executive (Head of Paid Service) on 11 August 2023. It is therefore necessary to appoint a senior officer to act in the role of Monitoring Officer with effect from this date. The Council is therefore asked to approve the redesignation of the Monitoring Officer role to the Head of Legal & Democratic Services.

#### **14. Head of Policy & Engagement**

As a result of Rob Dobson's recent appointment to the Chief Operating Officer role the above position will be vacant. The Chief Executive (Designate) is considering options and if there needs to be a further restructure as a result this, it will be reported to Members. There will be interim internal arrangements put in place to cover the key areas of the role.

15. Members will be aware that whilst there has been a significant increase in assets and projects in recent years which the Council is responsible for there has been no corresponding increase in management capacity. Whilst no additional management capacity is proposed at present, the Chief Executive (Designate) shall keep management capacity under review in line with his statutory role.

### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

16. An assessment of the impact of the above changes has been carried out and it has been concluded that there shall be no change to the salary levels for the redesignation of the two Heads of Service to Directors.

## **POLICY IMPLICATIONS**

17. The appointment of an effective senior management structure is an essential requirement if the Council is to achieve the outcomes set out in the Council's Strategic Plan and continue the momentum driving the Borough forward

## **DETAILS OF CONSULTATION**

18. Leader of the Council  
Member Structures Working Group  
Executive Members  
Current Management Team and COO (Designate)

## **BACKGROUND PAPERS**

19. None

## **FURTHER INFORMATION**

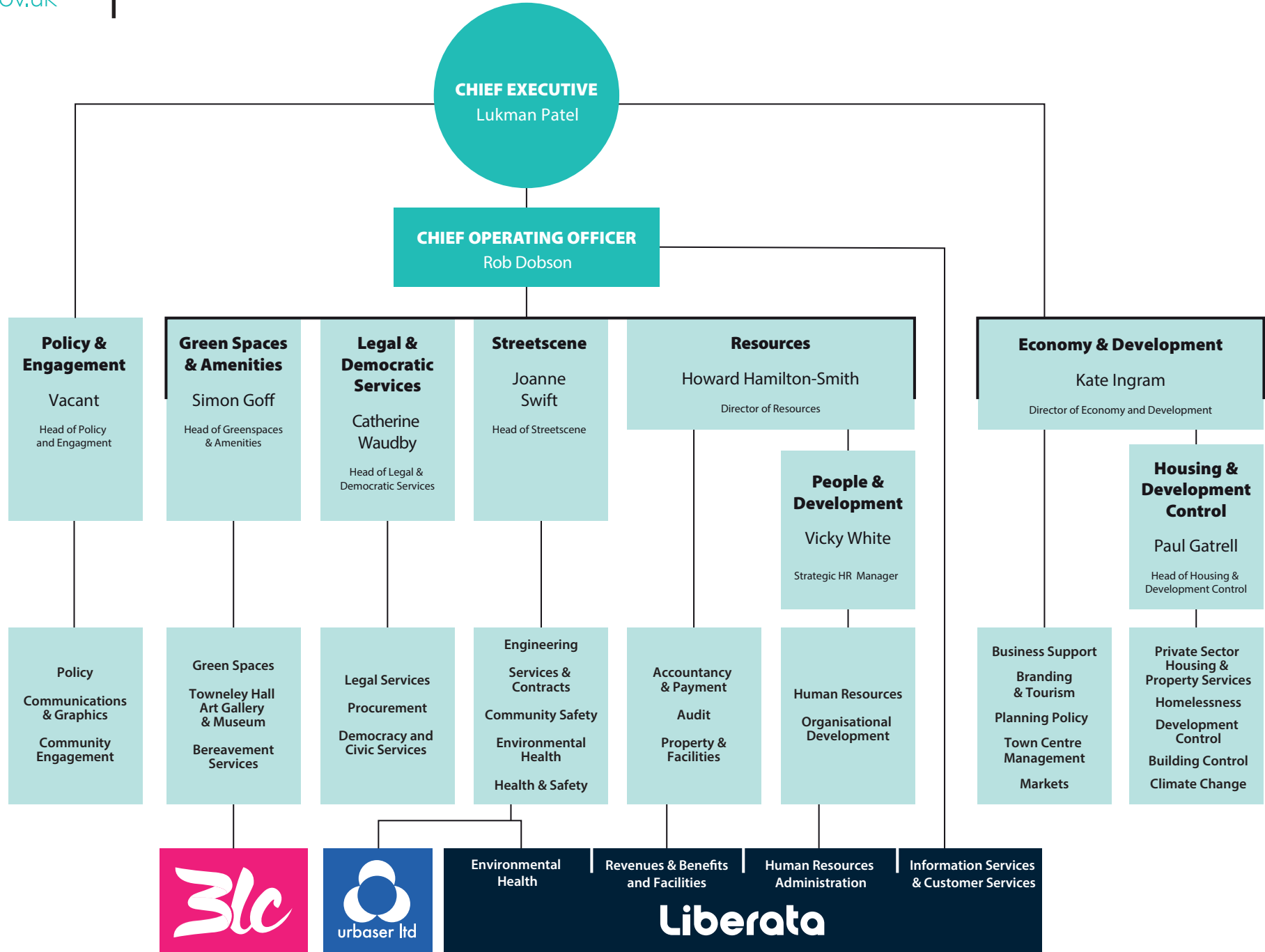
**PLEASE CONTACT:**

**Vicky White, Strategic HR Manager  
01282 477124**

**ALSO:**

**Lukman Patel, Chief Executive (Designate)  
01282 477140**

# Management Team Structure - Proposal



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