

# EXECUTIVE

Wednesday, 17th January, 2018  
6.30 pm





# EXECUTIVE

## BURNLEY TOWN HALL

**Wednesday, 17th January, 2018 at 6.30 pm**

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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 Governance, Law & Regulation by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website [www.burnley.gov.uk/meetings](http://www.burnley.gov.uk/meetings).

## **AGENDA**

### **1) *Apologies***

To receive any apologies for absence

### **2) *Minutes***

To approve as a correct record the Minutes of the meeting held on 19<sup>th</sup> December 2017.

5 - 6

### **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) *Local Development Scheme***

7 - 34

To consider a revised Local Development Scheme (LDS) setting out the programme for the remaining stages of the preparation of the Burnley Local Plan.

**MEMBERSHIP OF COMMITTEE**

Councillor Mark Townsend (Chair)  
Councillor John Harbour (Vice-Chair)  
Councillor Sue Graham

Councillor Lian Pate  
Councillor Mohammed Ishtiaq

**PUBLISHED**

Tuesday, 9 January 2018

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## EXECUTIVE

### BURNLEY TOWN HALL

Tuesday, 19th December, 2017 at 6.30 pm

#### PRESENT

#### MEMBERS

Councillors M Townsend (Chair), J Harbour (Vice-Chair), S Graham, L Pate and M Ishtiaq

#### OFFICERS

|                |                           |
|----------------|---------------------------|
| Mick Cartledge | – Chief Executive         |
| Lukman Patel   | – Chief Operating Officer |
| Asad Mushtaq   | – Head of Finance         |
| Eric Dickinson | – Democracy Officer       |

#### 49. Minutes of Last Meeting

To approve the Minutes of the last meeting held on the 14<sup>th</sup> November 2017.

#### 50. Making it In Burnley - The Aspiration Strategy

**Purpose** To seek Executive approval of the *Making it in Burnley* Aspiration strategy.

**Reason for Decision** The Council has a long standing commitment to help raise aspiration and attainment. The strategy summarises the reasons for this, sets out the Council's current actions, and also puts forward a number of proposals for future investment in the period up to 2020

**Decision**

- (1) That the *Making it in Burnley* Aspiration strategy be approved;
- (2) That it be recommended to Full Council to use up to £20,000 from reserves to help fund the growth of the Children's University Burnley Campus;and
- (3) That it be recommended to Full Council that the Council's draft revenue budget for 2018/19 includes an increase to meet an anticipated shortfall in external funding for the Children's Partnership

Co-ordinator post.

## **51. Exclusion of the Public**

|          |   |
|----------|---|
| Purpose  | To consider when it may be relevant to exclude the public from the meeting, and clarify the order of the agenda   |
| Reason   | Minute Number 52 contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).   |
| Decision | That the public be excluded from the meeting before discussion takes place on the item relating to Minute 52 since in view of the nature of the business to be transacted, if the public were present there would be a disclosure to them of exempt information |

## **52. Council Lease of Lockyer Avenue Playing Fields**

|                     |  |
|---------------------|--|
| Purpose             | To approve the Council taking a lease of Lockyer Playing Fields from Lancashire County Council and the granting of an under-lease to local junior football club/s for the provision of community sports pitches.   |
| Reason for Decision | To secure additional land for recreation purposes and the provision of sports pitches for use by the community.  |
| Decision            | That taking of the lease and subsequent underletting for community use on be approved on the outline terms set out in the report, and the Chief Operating Officer be authorised to complete the legal formalities. |

## Local Development Scheme

### REPORT TO THE EXECUTIVE



|                      |  |
|----------------------|--|
| <b>DATE</b>          | <b>17/01/2018</b>                            |
| <b>PORTFOLIO</b>     | <b>Regeneration and Economic Development</b> |
| <b>REPORT AUTHOR</b> | <b>Kate Ingram/Elizabeth Murphy</b>          |
| <b>TEL NO</b>        | <b>7271/7286</b>                             |
| <b>EMAIL</b>         | <b>kingram@burnley.gov.uk</b>                |

#### PURPOSE

1. The purpose of this report is to seek Executive’s approval of a revised Local Development Scheme and to establish a budget for the preparation of a new separate Development Plan Document (DPD).

#### RECOMMENDATION

2. That the Executive approve the revised Local Development Scheme attached in Appendix 1.
3. That the Executive recommend to Full Council approval of a budget of £30,000 as set out in paragraph 11 to cover the additional costs of the new DPD.

#### REASONS FOR RECOMMENDATION

4. Councils are required by legislation to prepare and maintain a Local Development Scheme (LDS) setting out the DPDs that the Council intends to prepare, their scope and the timetable for their production.
5. The Council’s current LDS was adopted in July 2017 and needs revising to reflect the need for the Council to prepare a separate Gypsy and Traveller Site Allocations Development Plan Document (DPD).

#### SUMMARY OF KEY POINTS

6. Councils are required to prepare and maintain an LDS setting out the DPDs they intend to prepare, their scope and the timetable for their production. The DPDs together make up the Council’s ‘Local Plan’. The LDS 2017 proposed a single DPD, ‘Burnley’s Local Plan’ which would set out the vision, objectives, policies and land use allocations to provide the statutory planning framework for the Borough to 2032.
7. DPDs must be prepared as specified in the LDS and this is one of the ‘legal compliance tests’ undertaken by the Inspector in examining a plan. He or she will normally assess this before going on to test ‘soundness’.
8. The Burnley’s Local Plan DPD was submitted to the Secretary of State on 20<sup>th</sup> July 2017.

Local Plan Examination hearings took place between 5<sup>th</sup> November and 6<sup>th</sup> December 2017. Following the hearings session on Matter 8 Gypsy and Traveller Needs and Site Allocations, the Inspector has written to the Council raising concerns about the suitability and deliverability of the proposed allocation of a Gypsy and Traveller site at Oswald Street (Policy HS7: Site GT1). In his letter, the Inspector concludes that the proposed site allocation is not justified, effective or consistent with national policy and would recommend the site removal from the Local Plan DPD.

9. In his letter the Inspector goes on to offer the Council two alternative courses of action. The first to identify an alternative site within the current plan, but acknowledges that this would result in a significant delay to the current examination process and adoption of the Local Plan. The alternative would be for the Council to commit to producing a separate Gypsy and Traveller DPD to address this issue, through a revision to its LDS. This would enable the Examination of the submitted Local Plan to proceed.
10. Although the Council does not entirely agree with the Inspector's views of the Oswald Street site, his views are accepted and it is important that the examination of the Local Plan continues. Therefore, the revised LDS attached proposes the production of a separate Gypsy and Traveller Site Allocations DPD. The implication being that the Borough's Local Plan will consist of two not one DPDs.

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

11. In preparing the new DPD, the Council may need to reassess the current need for Gypsy, Traveller and Travelling Showpeople's accommodation which will require external consultants to be appointed. There will also be the costs of a separate examination and further consultation, Sustainability Appraisal and Habitats Regulations Assessment. The estimated cost, including the Inspector's fee, is anticipated to be around £30,000 over the financial years 2018/19 and 2019/20. The budget will be met from 2017/18 regeneration service underspends where available, which will be transferred into the Local Plan reserve for use in those years. Any shortfall will be met from the existing balance in the Local Plan reserve.

#### **POLICY IMPLICATIONS**

12. There are serious policy implications of not following the proposed course of action. It is clear that the Inspector will be unable to find the Submitted Local Plan sound with the current site included and finding an alternative site(s) for inclusion in the current Plan and necessary consultation on reasonable alternatives would result in a significant delay to its examination with no guarantee that it would ultimately be successfully concluded. This delay would mean that the Council would remain without an up-to-date Local Plan to effectively plan for and manage development. Significant delays to the current Examination process could risk further aspects of the submitted plan requiring further work.
13. Pending the adoption of the Gypsy and Traveller Site Allocations DPD, the Council will have an acknowledged lack of allocated sites to meet the currently identified needs of Gypsies and Travellers and this would be a material consideration in the consideration of any 'windfall' planning applications for Gypsy and Traveller accommodation.



**DETAILS OF CONSULTATION**

14. None

**BACKGROUND PAPERS**

15. None

**FURTHER INFORMATION**

**PLEASE CONTACT: Kate Ingram. Ext 7271**

**ALSO: Elizabeth Murphy. Ext 7286**

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# Local Development Scheme (LDS)

2018 - 2021

January 2018

Draft for Executive Approval - January 2018

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## 1. Introduction

- 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). This sets out the programme for the production of planning documents that will form Burnley's new Local Plan. The LDS identifies the documents that make up current planning policy, progress on creating new planning policy documents and sets out the programme and resources required to produce new Local Plan in a timely and efficient manner.
- 1.2 This is the eleventh revision to the LDS by Burnley Borough Council. The initial scheme, approved in 2005, covered the period 2004–2007. This revision of the LDS supersedes all previous versions. It sets out a work programme for planning policy over the three-year period 2018-2021, and will be reviewed on a regular basis to ensure that it is up to date. It replaces the LDS adopted in July 2017, updating the timetable and list of documents set out therein.

## 2. Planning Policy Context

- 2.1 The National Planning Policy Framework (NPPF) together with a number of other documents, including the Planning Policy for Traveller Sites and ministerial statements, set out the government's planning policies for England and how they are expected to be applied. Launched on 27th March 2012, the NPPF replaced policy previously contained in planning policy statements (PPSs) and planning policy guidance notes (PPGs). Local plans must be consistent with national policy.
- 2.2 On 6 March 2014, the government also launched new online national Planning Practice Guidance (NPPG) which replaced most of the remaining technical and practice guidance which underpinned the previous PPGs and PPSs and the NPPF. Although the NPPG represents guidance not policy, the government and plan inspectors expect councils to follow this guidance unless they can explain why their particular local circumstances have led them to adopt a different approach.
- 2.3 The 2004 Act requires Local Planning Authorities to produce a portfolio of planning documents to deliver their spatial planning strategy. This portfolio includes two types of planning document – Development Plan Documents and Supplementary Planning Documents.

### Development Plan Documents (DPDs)

- 2.4 These set out policies and proposals and can allocate land. They have statutory 'development plan' status. They are used to determine the acceptability of planning proposals. They must be subject to community involvement and Sustainability

Appraisal/Strategic Environmental Assessment and are independently examined by a Planning Inspector appointed by the Secretary of State.

### **Supplementary Planning Documents (SPDs)**

- 2.5 Supplementary Planning Documents (SPDs) do not have statutory development plan status but will be a material consideration in considering 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.

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

- 2.6 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. Burnley Borough Council's initial SCI was adopted in 2007 and guided the production of Area Action Plans. An updated SCI was formally adopted in July 2015.

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

- 2.7 The 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.

### **Neighbourhood Plans**

- 2.8 The Localism Act introduced new rights and powers allowing the community to help shape future development in their area by coming together to prepare Neighbourhood Development Plans.
- 2.9 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. The Parish Council can now start the formal process of preparing a Neighbourhood Plan.

## **3. Current Planning Policy**

### **Burnley Development Plan**

- 3.1 Burnley Council is currently developing a new Development Plan – the Burnley Local Plan which is currently at Examination Stage. Until the new Local Plan is adopted the Development Plan for Burnley comprises of the following documents:

- “Saved” policies of the Burnley Local Plan Second Review 2001–2016, adopted in 2006
- Joint Minerals and Waste Local Plan Core Strategy (Feb 2009) and Site Allocations and Development Plan Policies (September 2013)

3.2 These documents together with the SPD’s listed in Appendix 2 provide the local basis for decision making on planning applications in the borough.

### **Burnley Local Plan Second Review 2001-2016**

3.3 The Burnley Local Plan Second Review, adopted in April 2006 contains borough wide and site specific policies on general development issues, economy, housing and neighbourhoods, the built and natural environment, community facilities, transport, and Burnley and Padiham Town Centres. It also allocates sites for housing and employment development.

3.4 Under the provisions of the 2004 Act, the Council requested that the Secretary of State consider making a direction to save all the policies of the local plan beyond the date they were automatically saved i.e. April 2009. The Secretary of State agreed to the Council’s request and the policies have been saved indefinitely and remain in force, insofar as they are consistent with the NPPF, until they are replaced by policies in the new local plan. A reproduction of the direction and list of the Saved Local Plan Policies can be found in Appendix 1.

### **Adopted Supplementary Planning Documents**

3.5 SPDs do not form part of the Development Plan. However, to the extent that they are consistent with the NPPF, they will remain in force until such time that the policy with which they are associated is replaced or deleted. At that time, any planning guidance to be retained will need to be revised as necessary and consulted upon in accordance with the provisions set out in the Regulations and the Council’s Statement of Community Involvement (SCI). Appendix 2 provides details of the current SPDs and older style SPGs.

## **4. Creating a New Local Plan – Process**

### **Background**

4.1 The first LDS approved by Burnley Council set out a plan to produce a Core Strategy DPD, Development Management Policies DPD and 5 Area Action Plans. The 2004 Act required Local Planning Authorities to prepare a Core Strategy with which other Development Plan Documents and Supplementary Planning Documents had to be in conformity. This is no longer the case and it is now possible to produce a single planning document incorporating strategic policies along with site allocations and development management policies. The Area Action Plan documents were to have

provided a detailed planning framework for the regeneration of three neighbourhoods in the borough and the Town Centre. The proposed submission versions of these plans were published for comment in November/December 2010 but work on them ceased before their formal submission to the Secretary of State.

- 4.2 The LDS 2012–2015 proposed to move to the production a single development plan document, Burnley’s **Local Plan**. This would not only set out strategic planning policies but would identify site specific allocations and detailed development management policies.
- 4.3 The Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012, set out the process for preparing a Local Plan. The NPPF sets out national policy on plan-making (paragraphs 150-185 inclusive) and what plans should contain, the key evidence base requirements and the ‘tests of soundness’. The NPPG contains more detailed guidance on plan and evidence base preparation.

#### **Sustainability Appraisal and Strategic Environmental Assessment**

- 4.4 The 2004 Act requires Development Plan Documents to be subject to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) to ensure that they reflect principles of sustainable development and comply with both UK and European law. The Scoping Report for the Appraisals sets out the process by which the policies and proposals in the Local Plan are to be appraised to ensure that they contribute to the aims of achieving sustainable development. Three statutory bodies – Natural England, Historic England and the Environment Agency (the ‘SEA bodies’) – must be consulted to ensure consensus on the scope of the SEA. As part of preparing the new Local Plan, a Sustainability Appraisal and Strategic Environmental Assessment has been produced and has been subject to consultation.

#### **Plan Preparation & Progress**

- 4.5 The Council’s SCI sets out the plan making process and consultation arrangements for policy documents. For the new Burnley Local Plan the stages involved and progress to date are summarised below.

### **5. New Local Plan**

#### **Progress**

- 5.1 Based on advice from the Department of Communities and Local Government (DCLG), Burnley Borough Council had delayed work on preparing a Core Strategy as it had only recently adopted a revised old style Local Plan in 2006. As work on the Core Strategy was still at a preliminary stage when the NPPF was issued in 2012, it was decided not



- to produce a suite of Development Plan Documents but to switch to the production a single Local Plan DPD.
- 5.2 Significant progress was made in preparing the Local Plan during 2013/14, including the development of the evidence base and the preparation and consultation on a first 'Issues and Options' document from 17 Feb to 31 March 2014 and further 'Issues and Options Additional Sites Consultation' from 26 August to 7 October 2014.
  - 5.3 Throughout 2015 and early 2016 work continued on analysing the consultation comments received, supplementing and refreshing the evidence base, considering the major changes introduced and proposed to national policy and preparing the Preferred Options draft.
  - 5.4 The Preferred Options draft of the Local Plan was issued for consultation in July 2016 for a 6 week period. A large number of responses were received from members of the public, organisations and statutory bodies relating to all aspects of the Preferred Options, including the evidence base. Following on from these comments it was considered appropriate to commission updated evidence to support the plan, particularly in relation to traffic modelling (in partnership with Lancashire County Council and Highways England), a Strategic Flood Risk Assessment (SFRA) Level 1 and 2. The additional work required resulted in the Local Plan Proposed Submission Document being delayed.
  - 5.5 The Local Plan Proposed Submission Document was approved for public consultation by both the Executive and Full Council in March 2017 with consultation commencing in April 2017. This was for a 6 week and three day period ending on 26 May 2017.
  - 5.6 The Council submitted the Local Plan to the Secretary of State for independent Examination on 20 July 2017. Examination Hearings took place between the 5 November and 6 December 2017. The table in Appendix 3 sets out the progress and further details of the anticipated Adoption.
  - 5.7 During the Local Plan Examination, the Inspector has 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 is proposed to remove this site from the plan and to address the issue in a separate Gypsy and Traveller Site Allocations DPD.
  - 5.8 The Council's Local Plan will now therefore consist of 'Burnley's Local Plan' and a 'Gypsy and Traveller Site Allocations DPD'. The table below sets out a proposed timescale for the production of the new DPD:

| Gypsy and Traveller Site Allocations DPD - Production   |  |  |
|---|--|--|
| Stage   | Main Task  | Proposed Date  |
| <b>1. Production</b>  | <ul style="list-style-type: none"> <li>• Agree scope of the DPD</li> <li>• Up-date evidence base if required</li> <li>• Call for sites</li> <li>• Produce Preferred Options Draft DPD</li> <li>• Consult over six week period in line with Regulation 18</li> <li>• Council to consider the comments made*</li> </ul>  | <ul style="list-style-type: none"> <li>• June 2018</li> <li>• June 2018 to December 2018</li> <li>• Spring 2019</li> <li>• Start July 2019</li> </ul>            |
| <b>2. Publication</b><br><br>Publication of Proposed Submission DPD and SEA/SA Report for final representations | <ul style="list-style-type: none"> <li>• Statutory stage where a minimum of 6 weeks is provided to make 'representations' on the plan, its sustainability appraisal and supporting evidence (Regulations 19 and 20)</li> <li>• These 'representations' will be considered by the Inspector at the Examination</li> </ul>   | <ul style="list-style-type: none"> <li>• December 2019</li> </ul>  |
| <b>3. Examination</b><br><br>Submission of Plan for Independent Examination                                     | <ul style="list-style-type: none"> <li>• Main issues raised in the representations at Regulation 19/20 summarised and made publicly available</li> <li>• Plan submitted to Secretary of State for independent Examination in line with Regulation 22</li> <li>• Independent Examination (notice given 6 weeks in advance to people who have requested to appear - Regulation 24)</li> <li>• Examination likely to involve public Hearing Sessions</li> <li>• Planning Inspector issues Report</li> </ul> | <p>Submission:</p> <ul style="list-style-type: none"> <li>• April 2020</li> </ul> <p>Hearings:</p> <ul style="list-style-type: none"> <li>• July 2020</li> </ul> |
| <b>4. Main Modifications</b>  | <ul style="list-style-type: none"> <li>• Optional Stage - if the Council agrees, the Inspector can propose changes or 'main modifications' to the DPD (including to add 'omission sites', i.e. additional sites put forward by objectors to the DPD) to avoid it being found 'unsound'</li> <li>• Inspector considers representations on main modifications</li> <li>• The hearings may be re-opened</li> </ul>  |  |
| <b>7. Adoption</b>  | <ul style="list-style-type: none"> <li>• Plan adopted by the Council if agreed as 'sound' by Inspector (Regulation 26)</li> </ul>  | <p>Anticipated –</p> <ul style="list-style-type: none"> <li>• October 2020</li> </ul>  |

## 6. Proposed SPDs

- 6.1 A small number of SPDs are currently proposed to support the policies in the new Local Plan and to replace some existing SPDs/Gs when the policies in the saved Local Plan that these support are themselves replaced.
- 6.2 Appendix 2 sets out details of the current SPDs and older style SPGs in place and the proposed new SPDs. Further SPD's will be prepared as necessary and as resources permit.

## 7. Evidence Base

- 7.1 It is essential that DPD's are based on a sound evidence base and this is vital in demonstrating the soundness of the plan at Examination. The evidence base also informs the Sustainability Appraisal.
- 7.2 Local planning authorities must also demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts and work together with neighbouring authorities to meet development requirements which cannot wholly be met within their own areas. As such, and to help comply with its requirements under the Duty to Cooperate, wherever possible, Burnley Council has sought to produce a joint evidence base with one or more neighbouring authorities. A Duty to Cooperate report was produced to inform the Local Plan Proposed Submission Document consultation.
- 7.3 A list of the key and most recent evidence base documents which support the Local Plan DPD is set out in Appendix 4.

## 8. Local Plan Programme, Resources and Management

### Revised Timetable

- 8.1 The previous 2017-2020 edition of the LDS set out a revised timetable and key milestones for the production of the Local Plan. There has been a slight slippage in the programme due to the Hearings being held one month later than anticipated. A new timetable for the production of a Gypsy and Traveller Site Allocations DPD has been set out.

### Staff Resources

- 8.2 The Planning Policy team currently consists of c4.5 FTE posts; a reduction from the level set out in the 2017 LDS:

Planning Policy Manager  
Principal Planner

Principal Planner – Design and Heritage (part-time)  
 Senior Planner – (vacant - currently on maternity leave until 24 Sep 2018)  
 Senior Planner (part-time and temporary until end Feb 2018)  
 GIS and Planning Assistant (part time) (post currently vacant).

- 8.3 As well as the production of the Development Plan, officers also provide support to development control with advice and the provision of evidence at appeal and planning policy advice to other Council departments. A significant amount of time of the part time post of Principal Planner – Design and Heritage is committed to development control, enforcement and supporting the implementation of key heritage initiatives.
- 8.4 Burnley Council see the Development Plan as a key corporate document and its development has support from staff across other service areas including Green Spaces, Regeneration and Economic Development and the Communication and Engagement Team.

#### Financial Resources

- 8.5 There is a dedicated budget for the Local Plan to cover the costs of commissioning external work, consultation and publication. This budget is a ring-fenced reserve specifically for this purpose..

#### Risk Assessment

- 8.6 The planning policy team have project management procedures in place to ensure that the development plan is delivered 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:

**Table: Potential Risks to the Programme**

| Risk  | Impact   | Mitigation Measures  |
|---|--|--|
| Insufficient budget                         | High – potential impact on slippage, ability to produce the Local Plan                           | Development Plan budget is ring fenced for the life of the programme   |
| Programme slippage due to political process | High – potential to delay plans, seek change in direction  | Agreement of the Local Development Scheme<br>Involving Members fully in the process  |
| Unforeseen additional work                  | Medium – staff work diverted to other work streams such as appeals or major regeneration schemes | As part of team work programming, management of other work demands to ensure adherence to the LDS<br>Work on the Development Plan should, where possible, be given priority over other competing demands |

| Risk  | Impact  | Mitigation Measures   |
|---|---|---|
| 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 and anticipate new changes   |
| Unfilled vacancies/staff turnover                   | High – potential loss of knowledge and programme slippage                                 | Employ temporary staff/consultants<br>Provide satisfying work, a supportive environment and opportunities for personal development<br>Joint working with other authorities  |
| Volume of representations                           | Medium - Risk of programme slippage   | Early and continuous engagement in the process<br>Review IT and handling protocols  |
| Capacity of other agencies to engage in the process | Medium - Risk of programme slippage or potential failure to comply with Duty to Cooperate | Early consultation with key stakeholders to inform interested parties of the proposed programme and the potential impact on their own strategies and programmes<br>Meet Duty to Cooperate requirements  |
| Delays in examination process/legal challenge       | Medium - Lack of an up to date development plan   | Ensure Plan is produced in accordance with the Duty to Cooperate, legal and procedural requirements<br>Well-documented and robust stakeholder and community engagement and evidence gathering<br>Following best practice and PINS advice<br>Ensure appropriate delegation arrangements during the Examination |
| ‘Soundness’ of DPDs                                 | High  | Robust evidence gathering<br>Ensure appropriately qualified and experienced staff in place  |

## 9. Conclusion

- 9.1 The Local Development Scheme is a public statement that identifies the work to be undertaken in Burnley in order to produce a local plan for the borough. It has been prepared in line with national policy and legislative requirements.
- 9.2 This scheme outlines details of, and timetable for, the production of DPDs and supporting SPDs. It provides valuable information to the community and other stakeholders about the Local Plan Programme.

## 10. Contacts

For further please see the Council’s website at:

[www.burnley.gov.uk/residents/planning/planning-policies](http://www.burnley.gov.uk/residents/planning/planning-policies) or contact:

Policy & Environment Team  
19 Parker Lane  
Burnley  
BB11 2BY

Tel: 01282 425011 Email: [localplan@burnley.gov.uk](mailto:localplan@burnley.gov.uk)

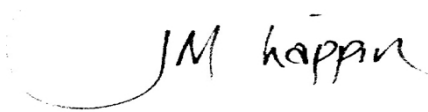
APPENDIX 1: Burnley Local Plan - Saved Policies

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND  
COMPULSORY PURCHASE ACT 2004**

**POLICIES CONTAINED IN BURNLEY LOCAL PLAN SECOND REVIEW  
(ADOPTED APRIL 2006)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the  
Secretary of State

A handwritten signature in black ink, appearing to read 'JM Lappin', with a large, sweeping flourish underneath.

Jo Lappin  
Deputy Regional Director, Housing, Planning and Transport  
Government Office for the North West  
1 April 2009

**SCHEDULE**

**POLICIES CONTAINED IN BURNLEY LOCAL PLAN SECOND REVIEW  
(ADOPTED APRIL 2006)**

**CHAPTER 4 – GENERAL POLICIES**

- GP 1 – Development within the Urban Boundary
- GP 2 – Development in Rural Areas
- GP 3 – Design and Quality
- GP 4 – Mixed Use Development
- GP 5 – Access for All
- GP 6 – Landscaping and Incidental Open Space
- GP 7 – New Development and the Control of Pollution
- GP 8 – Energy Conservation and Efficiency
- GP 9 – Security and Planning Out Crime
- GP 10 – Developer Contributions

**CHAPTER 5 – ECONOMY AND WORK**

- EW 1 - Land for Business (B1) and General Industrial (B2) and Warehousing (B8) Development
- EW 2 – Major Retail Development outside Burnley and Padiham Town Centres
- EW 3 – New Leisure, Tourist, Arts and Cultural Development outside Town Centres
- EW 4 – Expansion and Improvement of Existing Businesses
- EW 5 – Development and Improvement of Major Industrial Estates
- EW 6 – Economic Improvement Areas
- EW 7 – Redevelopment of Existing Employment Land and Premises for Non-Employment Uses
- EW 8 – Control of Hazardous Substances
- EW 9 – Small Businesses, Working from Home, and Community Enterprises in Residential Areas
- EW 10 – Development and Training Provision
- EW 11 – Rural Diversification and Conversion of Rural Buildings for Employment Uses

**CHAPTER 6 – HOUSING AND LOCAL NEIGHBOURHOODS**

- H 1 – Land for New Housing Development
- H 2 – The Sequential Release of Further Housing Land for Development
- H 3 – Quality and Design in New Housing Development
- H 4 – Providing a Choice of Housing in New Development
- H 5 – Local Housing Needs
- H 6 – Housing Density
- H 7 – Open Space in New Housing Development
- H 8 – Environmental Improvements in Existing Residential Areas
- H 9 - Regenerating Urban Areas and Neighbourhoods
- H 10 – Housing for Large Families
- H 11 -Living over Shops and Other Commercial Premises and Housing and Training Projects



- H 12 – Non-Residential Uses in Residential Areas
- H 13 – Extensions and Conversions of Existing Single Dwellings
- H 14 – Gardens and Backland Development
- H 15 – Conversion and Re-use for Flats and Bedsits
- H 16 – Gypsy and Traveller Sites

## **CHAPTER 7 – ENVIRONMENT**

### **Natural Environment**

- E 1 – Nature Conservation - Internationally and Nationally Important Sites
- E 2 – Nature Conservation – County Biological and Geological Heritage Sites and Local Nature Reserves
- E 3 – Wildlife Links and Corridors
- E 4 – Protection of other Features of Ecological Value
- E 5 – Species Protection
- E 6 - Trees, Hedgerows and Woodlands
- E 7 – Water Bodies and Water Courses
- E 8 – Development and Flood Risk
- E 9 – Ground water Resources

### **Built Environment**

- E 10 – Alterations, Extensions, Changes of Use and Development Affecting Listed Buildings
- E 11 – Demolition of Listed Buildings
- E 12 – Development in, or adjacent to, Conservation Areas
- E 13 – Demolition in Conservation Areas
- E 14 – The Designation and Amendment of Conservation Areas
- E 15 – Locally Important Buildings, Features and Artefacts
- E 16 – Areas of Traditional Construction
- E 17 – Historic Parks and Gardens
- E 18 – Scheduled Ancient Monuments
- E 19 – Development and Archaeological Remains
- E 20 – Views
- E 21 – Gateways and Throughroutes
- E 22 – Public Art
- E 23 – Telecommunications
- E 24 – Advertisements
- E 25 – Shop Fronts

### **Open Land**

- E 26 – Development in the Green Belt
- E 27 – Landscape Character and Local Distinctiveness in Rural Areas and Green Belt
- E 28 – Protecting Agricultural Land and Businesses
- E 29 – New Agricultural Development
- E 30 – Agricultural Worker's Dwellings
- E 31 – Wind Farms
- E 32 – Development of Other Renewable Energy Facilities in Rural Areas

## **Environmental Protection**

E 33 - Vacant and Untidy Land

E 34 – Derelict and Contaminated Land and Derelict Buildings

E 35 – Sites Generation Landfill Gas

## **CHAPTER 8 – COMMUNITY FACILITIES**

CF 1 – Protection, Enhancement and Replacement of Playing Pitches

CF 2 – Intensification of Use of Existing Sports and Recreation Provision

CF 3 – Protection of Existing Public Parks, Informal Recreation Areas, Major Open Areas, Play Areas and Other Areas of Open Space

CF 4 – Allotments and Community Gardens

CF 5 – Major Sports Facilities

CF 6 – Provision of Small Indoor Sports Facilities

CF 7 – Outdoor Recreation and Rural Areas

CF 8 - Equestrian Development

CF 9 - Golf Related Development

CF 10 – Specialist Pursuits and Noise Generating Sports

CF 11 – District and Local Centres

CF 12 – Local and Village Shops

CF 13 – Restaurants, Cafes, Public Houses and Hot Food Takeaways

CF 14 – Provision, Retention and Enhancement of Community Facilities

CF 15 – Burnley General Hospital

CF 16 – Loss of Community Health Facilities

CF 17 – Provision of Educational Facilities

CF 18 – Youth Shelters

CF 19 – Graveyards and Burial Places

CF 20 – Caravans and Camping Sites

CF 21 – Travelling Show People

## **CHAPTER 9 – Transport and Movement**

TM 1 – Location of Major Traffic Generating Uses

TM 2 – Transport Assessments (TAs)

TM 3 – Travel Plans (TPs)

TM 4 – Transport Hierarchy within Development Proposals

TM 5 – Footpaths and Walking within the Urban Boundary

TM 6 – Walking and Horse Riding in the Countryside

TM 7 – Cycling Network

TM 8 – Quality Bus Routes

TM 9 – Rail and Railway Stations

TM 10 – East Lancashire Rapid Transit

TM 11 – Traffic Management in Burnley Town Centre

TM 12 - Movement of Freight

TM 13 – Former Padiham Rail Line

TM 14 – Taxis and Taxi Booking Offices

TM 15 – Car Parking Standards

TM 16 – Management of Public and Private On- and Off-Street Car Parking

TM 17 – Management of Retail and Leisure Car Parking in Town Centres

## **CHAPTER 10 – BURNLEY TOWN CENTRE**

BTC 1 – Main Shopping Area of Burnley Town Centre

BTC 2 – Secondary Shopping Areas in Burnley Town Centre

BTC 3 – Retail Development within Burnley Town Centre outside the Main and Secondary Shopping Areas

BTC 4 – Office, Business, Civic and Cultural Quarter of Burnley Town Centre

BTC 5 – Leisure and Tourism Development in Burnley Town Centre

BTC 6 – The Weavers’ Triangle

BTC 7 – Kingsway/Bank Parade

BTC 8 – Movement in Burnley Town Centre

BTC 9 – Gateways and Throughroutes

BTC 10 – Upper Floors in Burnley Town Centre

BTC 11 – Existing Industrial Uses in Burnley Town Centre

BTC 12 – Canal and Riverside Development in Burnley Town Centre

BTC 13 - Open Spaces in Burnley Town Centre

BTC 14 – Provision of Open Spaces in Major Development Proposals

## **CHAPTER 11 - PADIHAM TOWN CENTRE**

PTC 1 – Central Area of Padiham

PTC 2 – Burnley Road Area of Padiham Town Centre

PTC 3 – Church Street/Burnley Road

PTC 4 – Movement To and Through Padiham Town Centre

PTC 5 – Padiham Market

PTC 6 – Gateways and Throughroutes

PTC 7 – Riverside Development in Padiham Town Centre

PTC 8 – Open Spaces in Padiham Town Centre

## APPENDIX 2: Supplementary Planning Documents

### Supplementary Planning Guidance SPG

Several Supplementary Planning Guidance documents were adopted before the 2004 Act came into force. These are listed in Table (i) together with the ‘saved’ Local Plan policies to which they relate.

| Table (i): Existing Supplementary Planning Guidance |   |
|---|---|
| Document Title                                      | Linked to ‘saved’ Local Plan Policy (ies) |
| Children’s Day Nurseries                            | Policies GP1 and CF14                     |
| Dormer Extensions                                   | Policies GP3, E10 and E16                 |
| Shop Front Security Shutters                        | Policy E25                                |

### Supplementary Planning Documents SPD

Six Supplementary Planning Documents have been adopted under the 2004 Act:

| Table (ii): Existing Supplementary Planning Documents       |                  |
|---|------------------|
| Document Title  | Date of Adoption |
| Design Guidelines for Burnley Wood SPD                      | July 2006        |
| Design Guidelines for Daneshouse, Stoneyholme, Duke Bar SPD | July 2006        |
| Design Guidelines for South West Burnley SPD                | July 2006        |
| South West Burnley Development Brief                        | January 2010     |
| Public Realm Strategy for Burnley Town Centre               | September 2011   |
| Public Realm Strategy for the Weavers’ Triangle SPD         | September 2011   |

### Proposed Supplementary Planning Documents SPD

| Table (iii): Proposed Supplementary Planning Documents |   |                              |
|--|---|------------------------------|
| Document Title   | Who to Produce?   | Anticipated Date of Adoption |
| Contributions SPD                                      | BBC Planning Policy Team  | 2019                         |
| Shopfront and Advertisement Design SPD                 | BBC Planning Policy Team  | 2019                         |
| Residential Extensions SPD                             | BBC Planning Policy and Development Control Teams   | 2019                         |
| Air Quality Guidance SPD                               | BBC Planning Policy Team supported by the Environmental Health Team and alongside other Lancashire Authorities (informed by the work of Lancaster City Council) | 2019                         |

## APPENDIX 3: Burnley’s Local Plan: Progress and Timetable

| Stage  | Main Task  | Progress   |
|--|--|--|
| 1. Pre-production  | <ul style="list-style-type: none"> <li>Collect evidence and establish wider policy framework</li> <li>Consultation on the Scope of the SA/SEA</li> </ul>   |  |
| 2. Involvement<br>Informal and early engagement<br><br><b>Issues and Options</b>                                     | <ul style="list-style-type: none"> <li>Informal consultation of the issues and some possible options for the Local Plan</li> </ul>   | Initial Issues and Options consultation: <ul style="list-style-type: none"> <li>17 Feb to 31 March 2014</li> </ul> Additional Sites: <ul style="list-style-type: none"> <li>26 August to 7 October 2014</li> </ul>         |
| 3. Consultation<br><br><b>Preferred Options</b>  | <ul style="list-style-type: none"> <li>Consult over six week period in line with Regulation 18</li> <li>Council to consider the comments made*</li> </ul>  | Preferred Options consultation: <ul style="list-style-type: none"> <li>15 July to 26 August 2016</li> </ul>  |
| 4. <b>Publication</b><br><br>Publication of Proposed Submission Document and SEA/SA Report for final representations | <ul style="list-style-type: none"> <li>Statutory stage where a minimum of 6 weeks is provided to make ‘representations’ on the plan, its sustainability appraisal and supporting evidence (Regulations 19 and 20)</li> <li>These ‘representations’ will be considered by the Inspector at the Examination</li> </ul>   | Proposed Submission Document consultation: <ul style="list-style-type: none"> <li>12 April to 26 May 2017</li> </ul>   |
| 5. <b>Examination</b><br><br>Submission of Plan for Independent Examination  | <ul style="list-style-type: none"> <li>Main issues raised in the representations at Regulation 19/20 summarised and made publicly available</li> <li>Plan submitted to Secretary of State for independent Examination in line with Regulation 22</li> <li>Independent Examination (notice given 6 weeks in advance to people who have requested to appear - Regulation 24)</li> <li>Examination likely to involve public Hearing Sessions</li> <li>Planning Inspector issues Report</li> </ul> | Submission of Local Plan to Secretary of State for Examination: <ul style="list-style-type: none"> <li>20 July 2017</li> </ul> Examination Hearings: <ul style="list-style-type: none"> <li>5 Nov to 6 Dec 2017</li> </ul> |
| 6. <b>Main Modifications</b>   | <ul style="list-style-type: none"> <li>Optional Stage - if the Council agrees, the Inspector can propose changes or ‘main modifications’ to the plan (including to add ‘omission sites’, i.e. additional sites put</li> </ul>  | Anticipated - <ul style="list-style-type: none"> <li>Feb/Mar 2018</li> </ul>   |

|   |  |  |
|---|--|--|
|   | <p>forward by objectors to the DPD) to avoid it being found 'unsound'</p> <ul style="list-style-type: none"> <li>• Inspector considers representations on main modifications</li> <li>• The hearings may be re-opened</li> </ul> |  |
| <p><b>7. Adoption</b></p>               | <ul style="list-style-type: none"> <li>• Plan adopted by the Council if agreed as 'sound' by Inspector (Regulation 26)</li> </ul>  | <p>Anticipated -</p> <ul style="list-style-type: none"> <li>• June 2018</li> </ul> |
| <p><b>8. Monitoing &amp; Review</b></p> | <ul style="list-style-type: none"> <li>• Monitor Plan to make sure it is achieving its objectives</li> <li>• Plan may be reviewed where necessary and at least every five years.</li> </ul>                                      |  |

## APPENDIX 4: Evidence Base – Key Documents

| Study/Evidence  | Date Published/<br><i>Expected</i> | Produced by  |
|---|------------------------------------|--|
| Authority Monitoring Report   | July 2017                          | Produced by Burnley Borough Council  |
| Burnley Infrastructure Delivery Plan – Version 2  | July 2017                          | Prepared by Burnley Borough Council Planning Policy Team   |
| Local Plan Viability Assessment   | March 2017                         | Prepared by HDH Planning & Development   |
| Burnley and Pendle Strategic Housing Market Assessment  | Dec 2013                           | Produced by Nathaniel Lichfield and Partners (NLP) for Burnley and Pendle Councils                       |
| Burnley Strategic Housing Market Assessment (update)  | May 2016                           | Produced by Nathaniel Lichfield and Partners (NLP) for Burnley Borough Council                           |
| Burnley Employment Land Demand Study (ELDS) (Update)  | June 2016                          | Produced by Nathaniel Lichfield and Partners (NLP) for Burnley Borough Council                           |
| Retail, Leisure and Office Assessment of Burnley Centres                                      | 2013                               | Produced by (NLP) in February 2013   |
| Burnley and Pendle Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) | 2012                               | Completed by Salford Housing and Urban Studies Unit for Burnley and Pendle Councils in August 2012       |
| Burnley Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) Addendum   | 2016                               | Prepared by Burnley Borough Council Planning Policy Team   |
| Strategic Housing and Economic Land Availability Assessment (Update)                          | March 2017                         | Prepared by Burnley Borough Council Planning Policy Team   |
| Burnley Green Belt Review   | June 2016                          | Prepared by LUC for Burnley Borough Council  |
| Flood Risk Mapping  | 2016                               | Updated regularly by the Environment Agency  |
| Strategic Flood Risk Assessment - Level 1   | March 2017                         | Updated jointly by Burnley Council and JBA Consulting  |
| Strategic Flood Risk Assessment - Level 2   | March 2017                         | Updated jointly by Burnley Council and JBA Consulting  |
| East Lancashire Highways and Transport Masterplan   | February 2014                      | Lancashire County Council & Blackburn with Darwen Borough Council  |
| Burnley-Pendle Growth corridor (Stage 1: Data Collection and Problem Identification Report)   | July 2014                          | Jacobs for Lancashire County Council   |
| Burnley Local Plan Highway Impact Assessment Report   | January 2017                       | Prepared by Jacobs in collaboration with Burnley Council, Lancashire County Council and Highways England |
| Burnley Local Plan Highway Impact Assessment Report Addendum 1 - Mitigation                   | March 2017                         | Prepared by Jacobs in collaboration with Burnley Council, Lancashire County Council and Highways England |

## Burnley Local Development Scheme – January 2018

| Study/Evidence   | Date Published/<br><i>Expected</i> | Produced by  |
|--|------------------------------------|--|
| Burnley Green Infrastructure Strategy                                | 2013                               | Prepared by TEP consultants  |
| Green Spaces Strategy 2015   | July 2015                          | Burnley Borough Council Green Spaces and Amenities   |
| Burnley Wildlife and Habitat Survey                                  | 2007                               | Undertaken by Golder Associates  |
| Ecological Networks (Grassland and Woodland)                         | 2016                               | LERN/Lancashire County Council   |
| Ecological Assessment of Local Plan (Issues and Options) Sites       | 2015                               | LERN/Lancashire County Council for Burnley Council   |
| Ecological Assessment of Local Plan Sites – December 2016 Supplement | 2016                               | LERN/Lancashire County Council for Burnley Council   |
| Burnley Protected Species Surveys 2013, 2014 & 2017                  | 2014-2017                          | Prepared by Burnley Council Green Spaces and Amenities   |
| Ecological Appraisal: Former Heckenhurst Reservoir                   | 2017                               | Prepared by Greater Manchester Ecological Unit for Burnley Council   |
| Ecological Appraisal: Land west of Smithyfield Avenue                | 2017                               | Prepared by Greater Manchester Ecological Unit for Burnley Council   |
| Pennine Lancashire Playing Pitch Strategy 2016-2026                  | 2016                               | Prepared by KKP for Pennine Lancashire authorities   |
| Indoor Sports Facilities Review                                      | Feb 2015                           | Burnley Borough Council Planning Policy Team   |
| Burnley Play Strategy (2017-2026)                                    | <i>Expected early 2018</i>         | Draft considered by Executive Committee in July 2017 – prepared in-house by Burnley Borough Council Green Spaces and Amenities |
| Rapid Heritage Assessment (of Local Plan Sites)                      | March 2017                         | Lancashire Archaeological Advisory Service for Burnley Council   |





