

LOCAL LIST SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



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PORTFOLIO	Economy and Growth
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PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Local List Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material planning consideration to be used in the determination of relevant applications.

RECOMMENDATION

3. (1) That Executive approve the draft Local List SPD for public consultation commencing in December 2021.

(2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth be authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially change the meaning of the consultation document.

REASONS FOR RECOMMENDATION

4. To meet the Council's commitment to preparing a Local List SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS) and to seek comments in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).
5. Prior to the start of the consultation period, officer may identify areas where the document could be improved in wording and/or layout without impacting on meaning. The recommendation will provide the Strategic Head of Economy and Growth with the ability to undertake any such changes.

SUMMARY OF KEY POINTS

Local Lists

6. Local Lists are promoted by the Government (MHCLG) and Historic England and as a means of identifying and encouraging the protection of elements of the historic environment that are of local interest which do not meet the requirements for statutory designation (i.e. listed buildings) but are nevertheless an important element of the rich history of the borough and make a valuable contribution to its distinctive and valued character.
7. Local Lists encompass a wide variety of buildings, structures, monuments, sites, places, areas and landscapes. Local List entries have the status of 'non-designated heritage assets' in national and local planning policy.
8. Local Listing does not bring additional planning controls but where planning permission is required, their status is material consideration in planning decisions which affect them or their setting. Where consent is not required, encouragement is given to owners/developers to carry out work in a considered way. Local Listing has the added benefit of improving the understanding and raising the profile of local history and heritage and local distinctiveness.

Burnley's Local List

9. The Council currently has a Local List with over 400 entries. The List was compiled over 20 years ago and has not been actively maintained in recent years. The accuracy and integrity of the information and reasons for the asset's inclusion on the Local List is considered to be becoming inconsistent and unreliable in parts. In line with the NPPF and Historic England Guidance, Local Plan Policy HE1 commits the Council to working towards a full review of the current Local List.

The Draft SPD

10. The draft SPD is principally concerned with the process that will be used to review the Local List and the selection of new entries for inclusion in it. It sets out the types of entries that may be identified, the criteria for inclusion and explains how the degree of heritage significance is judged.
11. The document also provides guidance to owners and occupiers of entries on the Local List. It explains why the Local List has been created, the new criteria for inclusion, and the effects of inclusion. The guidance will also help members of the public to suggest sites for inclusion on the Local List.
12. The draft SPD delivers a consistent and accountable way of identifying entries on the Local List to the benefit of good planning and to the benefit of owners and developers wishing to fully understand the reasoning for and implications of Local Listing.
13. The Local List itself is published as a separate document which will enable it to be updated when necessary, outside of the SPD process.

14. The SPD and the process for selecting heritage assets for the Local List have been put together based on established best practice. It is intended to be a resource for Council Officers, owners, developers and any person interested in the heritage of the borough.

Procedure for Adding to or Removing Entries from The Local List

15. The draft SPD sets out the process for adding to and removing entries from the List. The process will be overseen by the Council's Policy and Environment Team. It is envisaged that there will be the future opportunity for volunteer assessors for example Parish Councils, local heritage societies and interested individuals to be trained and supervised by the Team. This will allow for a greater level of public involvement.
16. Following research and evaluation, assets considered suitable for addition to or removal from on the Local List will be taken to a Selection Review Panel for their assessment. The panel is not a decision making body, it will comprise representatives from Burnley Council (officer and members) and persons external to the Council, who have appropriate qualifications, experience, knowledge, or interest in the heritage sector such as members of local interest groups and external specialists. Invitations to sit on the Panel Members will be made by the Council's Strategic Head of Economy and Growth in consultation with the Executive Member for Economy and Growth.
17. Where the Selection Review Panel recommends addition to or deletion from the Local List, the final decision will be made by the Council.

Early Consultation

18. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document. Discussions were also held with Growth Lancashire who are leading on a Lancashire wide project, funded by the Government's Local Heritage List Campaign, to promote greater awareness, understanding and access to Local Lists. The draft SPD was refined to take into account the comments/advice received.

Strategic Environmental Assessment

19. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment through the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
20. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency. The three bodies have confirmed their agreement with the Council's conclusion on this matter and the Council made a determination on 4 July 2020 that SEA is not required.

Proposed Consultation

21. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this to period to six weeks to allow more time for interested parties to respond. Consultation to take place starting in December and will be extended by a week to seven weeks to allow for the Christmas holidays.
22. Consultation on the draft SPD will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. Hard copies of the document will also be made available at the Contact Centre and main libraries.
23. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to Executive for formal adoption in Spring 2022.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

24. The work will be completed within existing officer resources and the costs associated with consultation and production will be met within existing budgets. As such there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

25. The Local List Local List SPD will be a material consideration when considering relevant applications. Its production fulfils an existing commitment in Burnley's Local Plan and the Council's LDS.

DETAILS OF CONSULTATION

26. None.

BACKGROUND PAPERS

27. None.

FURTHER INFORMATION

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