

Local Development Scheme

REPORT TO THE EXECUTIVE



DATE	17/01/2018
PORTFOLIO	Regeneration and Economic Development
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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 20th July 2017.

Local Plan Examination hearings took place between 5th November and 6th 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

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