

Burnley's Local Plan

REPORT TO THE EXECUTIVE



DATE	19/07/2018
PORTFOLIO	Economy and Growth
REPORT AUTHOR	Kate Ingram/Elizabeth Murphy
TEL NO	01282 477271/477286
EMAIL	kingram@burnley.gov.uk; emurphy@burnley.gov.uk

PURPOSE

- The purpose of this report is to present to members the Inspector's Report on the Examination of Burnley's Local Plan (Appendix 1) and to seek the Executive's support for a recommendation to Full Council to adopt the modified Plan (Appendix 2) and associated Policies Map (Appendix 3).

RECOMMENDATION

- (1) That Full Council be recommended to adopt Burnley's Local Plan.
 - (2) That Full Council be recommended to authorise the Strategic Head of Economy and Growth to make minor editorial amendments and corrections to the Local Plan, the accompanying Policies Map and any other relevant documents prior to printing.

REASONS FOR RECOMMENDATION

- Local Authorities are effectively required by legislation to prepare a Local Plan to set the local planning framework for their district. The current Burnley Local Plan Second Review adopted in 2006 was intended to cover the period until 2016. Its policies have been 'saved' indefinitely by the Secretary of State until such time as a new plan is put in place. Whilst saved and remaining in force at present, its policies are now 'time expired' and do not fully address current or future development needs.
- Failure to have an up to date local plan in place limits the Council's ability to influence the quantum, location and quality of development in its area. The Government have made clear that they expect Council's to have an up to date local plan in place and are considering intervention for those Councils that do not have at least a plan setting out their strategic policies.
- Burnley's Local Plan was submitted to the Secretary of State on 20th July 2017. Mr Kevin Ward BA (Hons) MRTPI was appointed by the Secretary of State to conduct the Examination into the soundness and legal compliance of the Plan, including the Duty to Cooperate.

- (6) Following the Examination, the Inspector has issued his final Report. He has concluded that the Plan is legally compliant and can be made sound with the 'main modifications' recommended in his report. While the local planning authority is not legally required to adopt its Local Plan following examination, the government makes clear in its planning practice guidance that the plan "will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound."
- (7) Should the Council resolve to adopt the Plan, it can only adopt the Plan in accordance with the Inspector's recommendations.

SUMMARY OF KEY POINTS

- (8) Burnley's Local Plan covers the whole of the Borough and looks ahead to 2032. It will provide the statutory planning framework for the borough for non-minerals and waste matters. Once adopted, it will fully replace the 'saved' 2006 Local Plan.
- (9) The adopted Joint Lancashire Minerals and Waste Local Plan also forms part of the development plan for Burnley.
- (10) Full Council approved the proposed Submission Plan for public consultation and its subsequent submission to the Secretary of State at its meeting on 29th March 2017. Consultation on this document took place over a 6 week and three day period from 12th April to 26th May 2017. In response to the consultation, 368 representors raised 874 representations which were analysed and submitted alongside the Plan.
- (11) Following the submission of the Local Plan on 20th July 2017, the Examination commenced immediately and public hearings took place between 7th November and 6th December 2017. A number of those who had made representations requested to attend the hearing sessions to take part in the round table discussions with the Inspector. The sessions were all open to others to observe.

Inspector's Conclusions

Interim Conclusion

- (12) Following the hearings session on Matter 8 Gypsy and Traveller Needs and Site Allocations, the Inspector wrote to the Council on 14 December 2017 raising concerns about the suitability and deliverability of the proposed allocation of a Gypsy and Traveller site at Oswald Street (Policy HS7: Site GT1) as not being justified, effective or consistent with national policy and indicated that he was likely to recommend the its removal from the Local Plan. Given the need to identify a site in the Plan, he offered the Council two alternative courses of action, the latter of which was for the Council to commit, through a revision to its Local Development Scheme (LDS), to producing a separate Gypsy and Traveller development plan document (DPD) to address this issue.
- (13) Although the Council did not entirely agree with the Inspector's views of the Oswald Street site, his views were accepted as it was important that the Examination of the Local Plan continued. A revised LDS was approved by Executive on 17th January 2018 which proposed the production of a separate Gypsy and Traveller Site Allocations DPD (Minute 54 refers). The Borough's Local Plan would therefore consist of two DPDs.

Main Modifications Consultation

- (14) The Inspector issued a schedule of proposed main modifications on 24th January 2018. These included the deletion of the Gypsy and Traveller site at Oswald Street as discussed above and a number of other changes. At this stage of the process, no explanation was given for the other proposed main modifications.
- (15) The modifications needed to be subject to Sustainability Appraisal (incorporating and Strategic Environmental Assessment) and Habitats Regulations Assessment and the Council commissioned these assessments before inviting representations on the proposed changes and accompanying updated assessments between 9th March and 27th April 2018.
- (16) 104 representors responded making 230 separate comments. The comments were forwarded to the Inspector for his consideration and were published on the Council's website.

Final Report

- (17) The Inspector issued his final report on 9th July 2018. This confirms his view that with main modifications the Plan is sound. The main modifications proposed are in line with those issued for consultation, but the final report includes an explanation of the changes. It also confirms his view that the Local Plan complies with all relevant legal requirements and that the Council has complied with the duty to co-operate
- (18) The main modifications comprise:

- Lowering of the Employment Land Requirement under Policy SP3 from "around 90 hectares" to at "least 66 Hectares" giving a revised residual requirement to be met by site allocation of 27.87 hectares through a modified Policy EMP1 which now provides for 32.86 hectares. This would therefore give a total of 70.93 hectares over the Plan period 2012-2032.

The revised requirement is still based on the Employment Land Demand Study of 2016 (ELDS) but rather than basing the plan requirement on the mid-point between its job stabilisation scenario and the key growth sectors scenario as the Council had proposed, he has recommended the housing and employment land requirement be based on equivalent scenarios (jobs growth). He has also made an adjustment to the element of the calculation relating to replacement of losses, in part to take account of updated information provided by the Council, and he has removed the additional flexibility factor that was proposed in the ELDS.

- Removal of the two proposed Green Belt employment allocations at Shuttleworth Mead South EMP1/13 and Burnley Bridge Extension EMP1/12 and the retention of the land within the Green Belt.

In view of the reduced employment land requirement, which can now be met on sites outwith the current Green Belt, the exceptional circumstances for the release of land from the Green Belt could not be demonstrated in terms of meeting need. The Council did not seek to argue that these sites were not on land worthy of its inclusion within the Green Belt (an alternative way of demonstrating exceptional circumstances) and the Inspector

agreed.

- Deletion of the Gypsy and Traveller site at Oswald Street (Policy HS7: Site GT1).
- Removal of the specific quality clauses for greenfield sites generally (Policy SP4 3 c)) and specific requirements under Policy HS1 for the allocation greenfield sites which involved extensions to the former urban boundary.

The Inspector considers that there are other policies in the Plan which would ensure a good standard of development and avoid significant adverse impacts on the environment and local communities regardless of the nature of the site in question. He further considers that there is no justification for imposing additional restrictions and costs on proposals on greenfield sites which could undermine their delivery. Officers strongly disagree.

- Reducing the housing requirement from the annual equivalent of “around 209” to “at least 194” dwellings per annum.

Following submission of the Plan, a partial update of the 2016 Strategic Housing Market Assessment (SHMA) was commissioned to take account of the 2014-based population and household projections, the latter having been issued after the completion of the 2016 SHMA. This resulted in a revised Objectively Assessed Need (OAN) range, the upper end of which was now equivalent to 200 dwellings per annum based on the Experian ‘jobs growth scenario’ Ei, rather than scenario Gi ‘job stabilisation’ which formed the previous upper end of the previous OAN range (215 dwellings per annum). The Inspector concludes that the upper end of the updated OAN range i.e. the scenario based on the jobs growth rather than job stabilisation is “aspirational but realistic”. Applying a similar lower vacancy/second home rate to better reflect the situation in new housing (as the Council proposed in the Submitted Plan), the Inspector has settled on a new housing requirement of 3,880 net additional dwellings over the Plan period equivalent to of 194 dwellings per annum.

- Removing and amending other site allocations for employment and housing to take account of the up to date situation regarding construction, alternative proposals and likely delivery.

Sites completed or under construction as at 31 March 2017 are removed as allocations and appear instead as commitments under SP2 or SP3. In addition, the site at the Former Ridgewood High School, which is now to be redeveloped as alternative provision school, is also removed as a housing allocation. Whilst the Inspector recommends the retention of the George Street Mill site as a mixed use allocation for employment and housing as remaining suitable for such uses, given the uncertainties over its availability for these uses, its capacity is now recorded as ‘0’.

The supply figure set out in Policy SP2 (which includes all sources over the plan period), is also amended to take account of these changes, together with an increased supply figure from the re-occupation of vacant homes, and this gives an amended figure of 4,200 net additional dwellings. This is 8% over the requirement of 3,880 and the Inspector considers that this provides for a good level of flexibility. (para 118)

The Inspector considers the remaining housing site allocations (32 housing site allocations remain in total) to be necessary to ensure an adequate supply of housing land to meet the requirement and to provide a reasonable element of flexibility, and that the distribution of

sites across the Borough is appropriate and justified in light of the development strategy; having concluded that settlement hierarchy and the approach to the distribution of development across the Borough is justified by the scale of the settlements concerned, the level of services and facilities and accessibility.

- Amending the housing trajectory to reflect the up to date situation and set out a more realistic approach to delivery timescales for some sites.
- Amending the boundary of Padiham Town Centre to include the recently built Tesco superstore.
- Amending the wording of a number of 7 other policies. 38 policies remain unchanged.
- Amending the monitoring framework and the Key Diagram to reflect other main modifications.

Minor Modifications

(19) Minor modifications are changes which can be made at any time by the Council up to adoption. They are changes which do not affect the substance of the plan e.g. typographical corrections, factual updating or minor wording changes to aid understanding/clarity. Prior to submitting the Local Plan, the Council produced a schedule of minor modifications and Inspector confirmed the basis for the examination was the submitted Local Plan incorporating these minor modifications. Further minor modifications were issued as the Examination progressed and the Plan and Maps at Appendix 2 and 3 incorporate further minor modifications, particularly to the introductory Sections 1 and 2.

Adoption

(20) Once adopted, the Council is required to undertake notification and publicity in accordance with legislation. The Plan and Policies Map is to be professionally printed and made available to purchase in accordance with the agreed charges. These will also be available on the Council's website in static and interactive form.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

(21) The cost of the adoption process, notification, publicity and printing of the adopted Plan is to be met within existing budgets. Additional costs may be incurred if there is a legal challenge following adoption.

POLICY IMPLICATIONS

(22) The adopted Local Plan will become the key planning document for the Borough. It will help to guide investment, give greater certainty about the future use of land and form the basis for determining planning applications. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

(23) The Council can only adopt the Plan with the main modifications recommended by the Inspector and cannot make any main modifications of its own or reject the Inspector's.

(24) There is a 6 week period following adoption when this decision can be challenged in the High Court.

DETAILS OF CONSULTATION

(25) Extensive consultation has been carried out in the development of the Local Plan to submission stage as summarised in the [Regulation 22: Statement of Representations, July 2017](#). Consultation on the proposed main modifications has been carried out as set out in paragraph 15 above in a manner in accordance with the Council's Statement of Community Involvement.

BACKGROUND PAPERS

(26) None

FURTHER INFORMATION

PLEASE CONTACT: Kate Ingram

ALSO: Elizabeth Murphy