

# Burnley's Local Plan 2012-2032

## Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA):

## Post-Adoption Statement

2 August 2018



### 1. Introduction

---

**1.1** This statement outlines how environmental and sustainability considerations have been integrated into Burnley's Local Plan; how the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) Report has been taken into account; how the results of consultation have been taken into account; the reasons for choosing the Burnley's Local Plan 2012-2032 as adopted in the light of other reasonable alternatives; and the measures that are to be taken to monitor the significant environmental effects of the implementation of the Local Plan.

### 2. SA and SEA

---

**2.1** Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) are systematic and iterative processes that must be carried out during the preparation of a Local Plan. As recommended in national planning practice guidance, Burnley Council has undertaken these assessments through a combined process. The process and resulting Reports integrated these separate assessments, and these have been undertaken in accordance with the following requirements:

- Planning and Compulsory Purchase Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012
- EU Directive 2001/42/EC ('the SEA Directive')
- The Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regs')
- Paragraph 165 of the National Planning Policy Framework 2012

**2.2** For the purpose of this Statement, the integrated appraisal will be referred to as the Sustainability Appraisal (SA). The SA process comprises a number of stages that are designed to comply with the requirements of legislation as set out in national planning practice guidance.<sup>1</sup>

**2.3** This Statement satisfies the requirements for post adoption (Stage E) and demonstrates compliance with the requirements of Regulation 16) 4) of the SEA Regs which requires the statement to set out:

- a) how environmental considerations have been integrated into the plan or programme;
- b) how the environmental report has been taken into account;

---

<sup>1</sup><https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

- c) how opinions expressed in response to—
  - i) the invitation referred to in regulation 13(2)(d);
  - ii) action taken by the responsible authority in accordance with regulation 13(4), have been taken into account;
- d) how the results of any consultations entered into under regulation 14(4) have been taken into account;
- e) the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and
- f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme

### 3. Burnley's Local Plan 2012-2032

---

**3.1** Burnley's Local Plan covers the whole of Burnley borough for the period from 2012 to 2032. It provides the statutory planning framework for the borough for non minerals and waste matters. It replaces the 2006 Burnley Local Plan. A separate Gypsy and Traveller Site Allocations development plan document (DPD) is also proposed to supplement the Plan to meet the identified need for Gypsy and Traveller pitches.

**3.2** The Plan contains a vision, objectives and an overall strategy for development. It includes policies on both the scale of development and its overall pattern across the borough. It allocates many of the sites that are needed to accommodate new development along with areas to be protected or enhanced. It also sets out policies on how planning applications on allocated and 'windfall' sites will be judged.

**3.3** The development of the Local Plan has been ongoing since early evidence gathering in 2011-2012 which informed the development of the Plan. Numerous evidence base studies were undertaken to inform its development including housing and employment needs; land availability; retail and leisure; green infrastructure; highways impact assessment and strategic flood risk assessment. The Council has worked closely with other partners and neighbouring Councils, including through the Duty to Cooperate. Details of studies undertaken and the evidence underpinning the Local Plan are provided on the Council's website.<sup>2</sup>

**3.4** The Plan has been developed through an iterative process with comments made through public consultation being taken into consideration at each stage of its preparation:

- Consultation on a first 'Issues and Options' document took place from 17th February to 31st March 2014.
- Further consultation on a number of 'Issues and Options Additional Sites' took place from 26th August to 7th October 2014.
- A Preferred Options draft of the Local Plan was issued for consultation from 15th July to 26th August 2016.

**3.5** The Proposed Submission Local Plan was issued for statutory consultation from 12th April 26th to May 2017.

---

<sup>2</sup> <https://www.burnley.gov.uk/residents/planning/planning-policies/burnleys-emerging-local-plan/evidence-base>

**3.6** The Plan (proposed Submission Plan with minor changes) was submitted to the Secretary of State on 20th July 2017 to be examined by an independent Inspector. Examination Hearings took place between the 7th November and 6th December 2017.

**3.7** During the Local Plan Examination, 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, the Council resolved to address the issue in a separate Gypsy and Traveller Site Allocations DPD.

**3.8** The Inspector issued an outline of his proposed main modifications in January 2018 and these were subject to public consultation from 9th March to 27th April 2018. Responses made were considered by the Inspector.

**3.9** The Inspector's issued his Final Report on 9th July 2018 which concluded that the Plan was legally compliant and subject to the main modifications set out, is sound.

**3.10** The Plan was adopted by the Council on 31st July 2018.

## **4. Developing and SA'ing Burnley's Local Plan**

---

### **How have environmental considerations been integrated into the plan or programme?**

**4.1** Environmental considerations formed a key part of developing Burnley's Local Plan. A number of specialist studies including: Habitats Regulations Assessment, Strategic Flood Risk Assessment, Highways Impact Assessment, Desktop Ecological Assessment, Protected Species Surveys, Conservation Area and Heritage Appraisals, Rapid Archaeological Appraisal and Wind Energy Studies were commissioned or used to inform its development. Other environmental aspects were considered by the plan-making team in developing the policies and identifying the site allocations including through engagement with specialist colleagues within the Council and wider stakeholders. For housing and employment sites, key environmental considerations were assessed also through the Strategic Housing Land Availability Assessment (SHLAA). All the relevant studies were submitted alongside the Plan for Examination.<sup>3</sup>

**4.2** During the plan-making process, SA (incorporating SEA) has been carried out as an iterative and ongoing process to inform decision making. The SA was undertaken in accordance with government guidance.<sup>4</sup> The early SA/SEA work was undertaken by the Council. Specialist consultants were then appointed who worked closely with the plan-making team in an iterative way such that the findings and recommendations from the SA were integrated into each stage of the Plan's development with reports issued at each preparation stage. All the SA reports were available when the decisions on the version of the Plan to be issued for consultation were made.

**4.3** The formal SA process for Burnley's Local Plan began in June 2012 with the production of a draft SA Scoping Report which was prepared by LUC on behalf of Burnley Borough Council.

**4.4** Sustainability Appraisal reports were then prepared for the following iterations of the Local Plan:

---

<sup>3</sup> [Submission Document List](#)

<sup>4</sup> <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

Stage and Date	Plan Iteration	Accompanying SA Report	SA Report Date
Pre-Production	-	SA Scoping Report	July 2012
Issues and Options (2014)	Burnley's Local Plan Issues and Options	SA of the Issues and Options	February 2014
Additional Sites Consultation (2014)	Burnley's Local Plan Issues and Options: Additional Sites	SA of the Issues and Options: Additional Sites	August 2014
Preferred Options (2016)	Burnley's Local Plan Preferred Options	SA of the Preferred Options Local Plan	July 2016
Proposed Submission (2017)	Burnley's Local Plan Proposed Submission Document	SA of the Proposed Submission Local Plan <sup>5</sup>	March 2017
Submission (2017)	Burnley's Local Plan Proposed Submission Document and Schedule of Minor Modifications	-	July 2017
Main Modifications Consultation (2018)	Burnley Local Plan Proposed Main Modifications	SA Addendum Report of the Proposed Main Modifications	February 2018

**4.5** These stages are described in more detail below.

### Scoping Report

**4.6** In the Scoping Report, relevant plans/programmes were reviewed; baseline information regarding the character of the area and its likely evolution collated; and key sustainability issues identified. A 'Sustainability Appraisal framework' was developed to provide a clear way in which the sustainability impacts of implementing the plan and its proposals and reasonable alternatives could be described, analysed and compared. The Sustainability Appraisal framework set out a series of sustainability objectives and associated sub-objectives in the form of questions that were used to 'interrogate' options and draft policies during the plan-making process.

**4.7** The draft SA Scoping Report was published in June 2012 for a five week consultation period with the statutory 'SEA consultees' that existed at the time (Natural England, the Environment Agency and English Heritage (now Historic England)). Following the consultation, the comments received were addressed as appropriate and a final version of the Scoping Report was published in July 2012. Appendix 1 to the SA Report<sup>6</sup> lists the comments that were received during the consultation on the draft Scoping Report and describes how each was addressed.

### Issues and Options

**4.8** Options for strategic growth and a spatial strategy were considered early at the Issues and Options Stage during 2014 and set out alongside alternative options for residential, employment and other types of site allocations in the February 2014 Issues and Options document.

**4.9** Potential development sites had been submitted to the Council on an ongoing basis as part of the emerging Strategic Housing Land Availability Assessment (SHLAA), and others were identified by the Council. Sites over 0.4ha in size that had the potential to accommodate housing, Gypsy and Traveller pitches, employment, mixed-use or town centre development were subject to SA and the findings were presented in the non-statutory February 2014 SA Report for the Issues and Options. As well as options

<sup>5</sup> This is the formal Report is that required by the Regulations and Directive

<sup>6</sup> The SA Report refers to the Proposed Submission SA Report of March 2017

for sites for built development, a number of areas of search for potential Local Nature Reserve designations were also identified and considered in the SA.

**4.10** The site options that were subject to SA at the Issues and Options stage included:

- 24 residential site options.
- One Gypsy and Traveller site option.
- Nine employment site options.
- Three mixed-use site options.
- Four town centre site options.
- Four areas of search for Local Nature Reserves.

**4.11** A number of the site options identified in the Plan at the Issues and Options stage were not subject to SA at that time because they either had planning permission or were already in the process of being developed. Some of these options sites that had planning permission had still not been developed by the later Plan stages and so remained reasonable alternative options for allocation in the Local Plan and as such were SA's at the subsequent stage of the Plan's preparation. Those that were subsequently developed were not SA'd as they were no longer available and so were not reasonable options for allocation in the Local Plan. The later SA Report (Appendix 6) lists all the sites considered at any stage of the Plan's preparation and where relevant, summarises the reasons they were no longer considered reasonable alternatives.

**4.12** Following consultation on the Issues and Options in February 2014, a number of further site options were identified. Not all of these were ultimately judged to be reasonable alternatives. These sites were submitted to the Council by land owners, developers and members of the public during the Issues and Options consultation. The additional site options identified in this way comprised:

- 12 residential sites.
- One employment site.
- Three Gypsy and Traveller sites.

**4.13** These options were set out in the Issues and Options Additional Sites document and were subject to SA with the findings of which were presented in the August 2014 document 'Issues and Options Additional Sites Sustainability Appraisal'. That document, which did not comprise a full SA report, was published by the Council as part of the non-statutory Additional Sites consultation between August and October 2014.

## Preferred Options

**4.14** Following the Issues and Options Additional Sites consultation, a number of other reasonable site options were identified that were first analysed through the SHLAA process. In addition, there were a small number of changes to the boundaries of sites that were appraised previously. These new and revised site options were subject to SA at the Preferred Options stage.

**4.15** The Preferred Options SA Report recorded the appraisals of all the draft policy and site options and reasonable alternatives thereto. A small number of changes were made to the sub-objectives used to ensure they provided a robust and appropriate basis for SA, and the previous appraisals at earlier stages were revisited to ensure consistency.

**4.16** The Preferred Options SA Report also set out the appraisal of the alternative policy approaches that had been set out as a series of questions in the earlier Issue and Options Consultation document (where these were concluded to be reasonable alternatives) which had not been subject to SA at that time.

## Proposed Submission

**4.17** Following the production and consultation on the Preferred Options Local Plan, five new reasonable alternative site options were identified and these were subject to SA for the first time using the same methodology. Four of these were taken forward to the Proposed Submission Plan. In addition, there were a small number of changes to the boundaries of sites that were appraised previously at the Preferred Options stage and the SA appraisal matrices were updated accordingly.

**4.18** The full SA Report of March 2017<sup>7</sup> describes the process that had been undertaken in carrying out the SA of Burnley's Local Plan. It sets out the findings of the appraisal of all policies and proposals in the Proposed Submission Plan and the reasonable alternatives, highlighting any likely significant effects (both positive and negative, and taking into account the likely secondary, cumulative, synergistic, short, medium and long-term and permanent and temporary effects), making recommendations for improvements and clarifications that may help to mitigate negative effects and maximise the benefits of the plan. It also describes the reasons for selecting or rejecting certain options during the preparation of the Local Plan. All of this information is summarised in a Non-Technical Summary.

**4.19** The Council invited representations on the Proposed Submission Burnley Local Plan and the accompanying full SA Report and its Non-Technical Summary. These documents were published for consultation between 12th April and 26th May 2017.

## Submission

**4.20** On 20th July 2017, the Proposed Submission Burnley Local Plan (with minor changes) and supporting documents were submitted to the Secretary of State for independent examination by a Government appointed Planning Inspector. Submitted alongside the Plan were the SA Report of the Proposed Submission Local Plan (March 2017) and the Non-Technical Summary of that report (March 2017).

## Examination and Main Modifications

**4.21** Examination Hearings took place between 7th November and 6th December 2017.

**4.22** Following the examination hearings, the Council prepared a schedule of the Inspector's proposed main modifications and these were accompanied by an SA Report in the form of an Addendum. This SA Addendum Report considered the likely significant effects of the proposed main modifications. In addition to presenting an appraisal of the proposed main modifications, it presented an appraisal of 'the Plan as modified', thereby updating the appraisal findings presented within the SA Report.

**4.23** The Screening of the proposed Main Modifications for their significance with regard to the SA process found that the majority of modifications (10 out of 17) were not likely to lead to significant effects, either alone or in combination, and were screened-out of further appraisal.

**4.24** The seven screened-in proposed Main Modifications were appraised against the SA Objectives in narrative form considering the cumulative, secondary and synergistic effects of 'the Plan as modified', thereby updating the appraisal findings presented within the SA Report.

**4.25** The Council invited comments on Inspector's Proposed Main Modifications and SA Addendum Report between 9th March and 27th April 2018.

---

<sup>7</sup> This Report is that required by the Regulations and Directive

## Inspector's Report and Adoption

**4.26** The Inspector issued his final report on 9th July 2018. He concluded that Plan complies with all relevant legal requirements, that sustainability appraisal had been carried out and was adequate, and that with Main Modifications it is sound. He recommended the inclusion of the main modifications as had been proposed after considering the representations made in response to consultation on them and the associated SA.

### How has the environmental report been taken into account?

**4.27** The consultants undertaking the SA and preparing the SA reports worked closely with the plan-making team in an iterative way such that the emerging findings and recommendations from the SA were integrated into each stage of the Plan's development. Reports were issued at each preparation stage and these SA reports were available when the versions of the Plan to be issued for consultation were approved.

**4.28** The formal SA Report (Proposed Submission) and the SA of proposed main modifications were considered by the Inspector during the Examination.

### How have the results of any consultations been taken into account?

**4.29** There was public consultation at each key stage of the Plan's preparation, on both the Plan itself and its accompanying SA report. The Plan and the accompanying SA reports (as described above) were made available for inspection free of charge and were published on the Council's website. Copies were also available to view and discuss at 'drop in' events at each preparation stage. The responses to comments made on the SA reports were considered by the policy team and SA consultants during the Plan preparation stages. Comments were summarised and responses set out in the next iteration of the SA Report (See Appendix 1 of SA Report). As set out above these SA reports were available when the decisions on the version of the Plan to be issued for consultation were made.

**4.30** Comments on the formal SA Report (Proposed Submission) and the proposed main modifications SA Addendum were considered by the Inspector during the Examination.

**4.31** The Regulation 22 Statement of Representations summarises the consultation carried out on the Plan and responses received up to the Plan submission.<sup>8,9</sup>

### The reasons for choosing the plan or programme as adopted, in the light of other reasonable alternatives

**4.32** The SEA Regulations require assessment of the likely significant effects of implementing the plan and "reasonable alternatives" taking into account the objectives and geographical scope of the plan. The reasons for selecting alternatives should be outlined in the Report. Extant SA/SEA guidance advises that the term "reasonable alternative" should be taken to mean "realistic and relevant" i.e. deliverable and within the timescale of the plan.

**4.33** During the preparation of the Plan, the strategic options, the policy and site allocation proposals and reasonable alternatives thereto were considered and assessed through SA.

---

<sup>8</sup> [Regulation 22 Statement of Representations](#)

<sup>9</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

**4.34** The findings of the SA and the reasons for progressing or rejecting policy and site options were first set out at Preferred Options Stage and again, updated as necessary in the formal SA Report at the Proposed Submission Stage.

**4.35** Development of the Plan was an iterative process involving a number of plan drafts and consultations with the public and stakeholders. Consultation responses to the Plan helped to identify where there may be other ‘reasonable alternatives’ to the options being considered for Plan.

**4.36** As any alternatives considered for the plan need to be ‘reasonable’. Alternatives that were not reasonable did not need to be subject to appraisal. Examples of unreasonable alternatives included policy or site options that did not meet the objectives of the Plan or were not consistent with national policy and site options that were considered undeliverable.

**4.37** The SA findings were not the only factors taken into account when determining the content of the Plan. Indeed, there will often be and were an equal number of positive or negative effects identified for different options, such that it is not possible to ‘rank’ them based on sustainability performance alone in order to select an option. The SA finding should and did inform the selection of the options, along with other planning considerations and legal requirements.

**4.38** A key consideration for Burnley’s Local Plan was the need to achieve a balance between the aim to achieve regeneration and economic growth in the Borough, and the need to protect and enhance the valuable natural and historic environment. The Local Plan proposes a significant amount of housing, employment and other development across the Borough to meet the future requirements and the SA has therefore identified the potential for negative effects on many of the environmental objectives including biodiversity, cultural heritage and the landscape; although it recognises that there may also be opportunities for the new development to help deliver enhancement of biodiversity and heritage assets through creation of new green infrastructure or improving derelict sites and the historic environment. However, the Local Plan also includes a wide range of development management-style policies, aiming to protect and enhance the economic, social and environmental conditions of the Borough. These should go a long way towards mitigating the potential negative effects of the overall scale of development proposed.

## **Measures that are to be taken to monitor the significant sustainability & environmental effects of the implementation of the plan**

**4.39** The SEA Regulations require that the significant environmental effects of implementing the plan should be monitored with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.

**4.40** Recommendations for monitoring the social, environmental and economic effects of implementing Burnley’s Local Plan are presented in Chapter 5 of the SA report.

**4.41** Local Planning Authorities are required to produce Authority Monitoring Reports<sup>10</sup> on the progress of Local Plans. Government guidance on SA/SEA advises a pragmatic approach with shared monitoring for the SA/SEA and the Plan and such an approach is in line with the SEA Directive and Regulations. The Local Plan Monitoring Framework set out in Table 8 of the Adopted Plan includes a wide range of indicators that also relate to the SA Framework. It is considered that these indicators will be sufficient to identify any unforeseen adverse effects at an early stage, and provide information on the predicted effects from the SA. Monitoring of the Plan will available to view on the Councils’ website.

---

<sup>10</sup> <https://www.gov.uk/guidance/local-plans--2>