



# Local Development Scheme (LDS) 2023-2026

12 July 2023

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## **1. Introduction**

### **1.1 The Purpose and Scope of the LDS**

1.1.1 The Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires the Council to prepare a Local Development Scheme (LDS) setting out its programme for the production of the ‘development plan documents’ that make up its Local Plan. It may include reference to other relevant documents.

1.1.2 This revision of the LDS supersedes all previous versions. It sets out a programme for the three-year period 2023-2026 and will be reviewed on a regular basis to ensure that it remains up to date. It replaces the previous LDS adopted in February 2020.

### **1.2 National Planning Policy**

1.2.1 The National Planning Policy Framework (NPPF) (current version 2021) together with a number of other documents, including the Planning Policy for Traveller Sites 2015 and individual Written Ministerial Statements (WMSs), set out the government’s planning policies for England and how they are expected to be applied. In order to be found ‘sound’, local plans must be consistent with national policy.

1.2.2 National planning policy is supported by online Planning Practice Guidance which is regularly updated. Whilst not officially falling under the label of ‘national policy’ but rather ‘guidance issued by the Secretary of State’, it is still in effect viewed as such. In any case, legislation requires that in preparing a local plan the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State. (PCP Act S192A)

### **1.3 Planning Reform**

1.3.1 The government set out proposals for major reforms to the plan-making system initially in the White Paper – ‘planning for the future’ (Aug 2020) and more recently in the Levelling Up and Regeneration Bill 2022 (LURB). As these have not yet been confirmed, they are not considered in this LDS.

### **1.4 Types of Planning Document**

1.4.1 There are two types of formal planning documents – Development Plan Documents and Supplementary Planning Documents

#### **Development Plan Documents (DPDs)**

1.4.2 Development Plan Documents (DPDs) set out policies and proposals and can allocate land. They make up a Council’s Local Plan. They have statutory ‘development plan’ status and legislation requires that applications be determined in accordance with them unless material considerations indicate otherwise. In their preparation they must be subject to community involvement and Sustainability Appraisal/Strategic Environmental Assessment, and before being adopted they need to be independently examined by a Planning Inspector appointed by the Secretary of State. These have to be included in the LDS.

### Supplementary Planning Documents (SPDs)

1.4.3 Supplementary Planning Documents (SPDs) do not have statutory development plan status but are material considerations in respect of 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. They do not have to be included in the LDS.

### Statements of Community Involvement (SCI)

1.4.4 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. They do not have to be included in the LDS.

### Neighbourhood Plans

1.4.5 The 2011 Localism Act introduced new rights and powers allowing the community to help shape future development in their area by coming together to prepare a Neighbourhood Development Plan.

1.4.6 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. It is understood that the Parish Council has now commenced work on the Plan (2023).

## **2. Current Planning Policy in Burnley**

2.1.1 The current development plan for Burnley consists of:

### **2.2 Burnley's Local Plan**

2.2.1 Burnley's Local Plan 2012-2032 was adopted on 31 July 2018. This sets out strategic planning policies and identifies site specific allocations (other than those required to meet the needs of Gypsies and Travellers) together with detailed development management policies.

2.2.2 During the Examination of Burnley's Local Plan, 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, it was proposed to remove this site from the plan and to address the issue in a separate Gypsy and Traveller Site Allocations DPD. This approach was confirmed in the January 2018 LDS and the February 2020 LDS, but work on this has now been put on hold – see section 3.

2.2.3 The Council's Local Plan would therefore have consisted of 'Burnley's Local Plan' and a 'Gypsy and Traveller Site Allocations DPD'.

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

2.3.1 The current SCI was adopted in July 2015.

2.3.2 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017, provides that local planning authorities must review their SCIs every five years from the date of their adoption. The Act already required SCI's to be kept under review, but the new Regulation formalises this requirement. SCI updating can be done with or without consultation.

2.3.3 The required review was undertaken in February 2020 and the resulting LDS identified that whilst the SCI still adequately reflected the current plan-making system, resources had been reduced since 2015 and feedback on the post-2015 local plan consultation undertaken had included some criticism; and, that where resources permit, the Council always needed to look to improve plan-making consultation. It also identified that the Development Control Team had recently moved offices and were recruiting/restructuring and implementing a new planning applications software package. It concluded that the SCI would benefit from some minor updating.

2.3.4 Work on this updating had commenced in 2020 but was delayed, initially due to the Coronavirus pandemic, but later put on hold pending the outcome of the proposed planning reforms set out initially in the White Paper – 'planning for the future' (Aug 2020) and more recently in the Levelling Up and Regeneration Bill 2022 (LURB) as these would significantly alter the procedures for plan-making and consultation.

2.3.5 As a result, the Council resolved at its Executive meeting on 12 Jul 2023 that it was not sensible to proceed with an update to the SCI at the present time, but that this matter be revisited by Spring 2024.

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

2.4.1 The Authority or Annual Monitoring Report (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. The latest [AMR](#) for 2021/22 was published in December 2022.

## 2.5 Supplementary Planning Documents (SPDs)

### Current SPDs

2.5.1 A number of new SPDs have been developed to support the policies in the new Local Plan. These are material considerations in respect of relevant planning proposals. These are listed in the Table below.

2.5.2 Two older SPDs which were written to support the former Local Plan of 2006 i.e. the Public Realm Strategy for Burnley Town Centre SPD and the Public Realm Strategy for the Weavers' Triangle SPD have been retained for the time being as informal guidance. Whilst these have significantly reduced weight in planning decisions, where these remain consistent with the NPPF and a current local plan approach, they can still be regarded as material considerations and can be helpful in decision-making.

Document Title	Date of Adoption
Shopfront and Advertisement Design SPD	(Adopted June 2019)
Developer Contributions SPD	(Adopted December 2020)
Air Quality Management: Protecting Health and Addressing Climate Change SPD	(Adopted December 2020)
Houses in Multiple Occupation and Small Flats SPD	(Adopted April 2022)
Local List SPD	(Adopted April 2022)
Planning for Health SPD	(Adopted October 2022)
Residential Extensions SPD	(Adopted October 2022)
Burnley Town Centre Public Realm Strategy SPD	(September 2011)
Weavers' Triangle Public Realm Strategy SPD	(September 2011)

### Additional SPDs

2.5.3 The February 2020 LDS proposed a further SPD, the Design Guide: Addressing Quality and Climate Change SPD.

2.5.4 Preparation of this was to commence in 2020 and be led by consultants appointed by the Council. £40,000 was set aside for this work. This SPD was also put on hold in 2020 in view of indications in the government planning reforms that 'Design Codes' were to become mandatory as part of the local plan and that councils would be no longer able to prepare SPD's. Design Codes, being more prescriptive than Design Guides are likely to require additional resource. The report considered by the Council's Executive on the 12th of July 2023 (see section 3) confirmed that this document is being put on indefinite hold until matters become clearer.

## 2.6 Evidence Base

2.6.1 Local Plans should be based on robust evidence and this is essential in demonstrating the 'soundness' of a plan at Examination. Refreshed evidence can also indicate the need for a Plan review. A list of the key and most recent evidence base documents is set out in the Council's [AMR](#).

2.6.2 In preparing a Local Plan, Council's must demonstrate evidence of having effectively cooperated on strategic matters with cross-boundary impacts, including to meet development requirements which cannot wholly be met within their own areas. Wherever possible, Burnley Council has sought to produce joint evidence with one or more neighbouring authorities. A Duty to Cooperate report was produced to inform Burnley's Local Plan Proposed Submission Document consultation.

## **2.7 Minerals and Waste Local Plan**

2.7.1 Lancashire County Council is responsible for minerals and waste planning matters in Burnley and prepares a separate development plan. This currently comprises the Joint Minerals and Waste Local Plan Core Strategy (Feb 2009) and Site Allocations and Development Plan Policies (September 2013). [Local planning policy for minerals and waste - Lancashire County Council](#)

### 3. Local Plan Review

3.1.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 introduced in 2017<sup>1</sup>, provides that local planning authorities must review their plans every five years from the date of adoption. Section 17 of the Planning and Compulsory Purchase Act 2004 (PCP Act) requires them to publish their reasons if they consider that no update is necessary. Section 17 already required local plans to be kept under review and is done informally as a matter of course through the Council's AMR, but the new Regulation formalises this requirement.

3.1.2 A report was considered by the Council's Executive on the 12 July 2023 and the Committee resolved not to commence an update of Burnley's Local Plan 2012-2032 at the present time.

3.1.3 It further resolved to put on hold the production of the Gypsy and Traveller Site Allocations DPD until such time as *inter alia* the outcome of the proposed planning reforms set out in the LURB become clearer, and that this matter is revisited by spring 2024.

3.1.4 The reasons for the decisions are set out in the Committee Papers which have been published on the Council's Website [Local Plan Review - burnley.gov.uk](https://www.burnley.gov.uk/local-plan-review)

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017  
<https://www.legislation.gov.uk/uksi/2017/>



## 4. Resources and Management

### 4.1 Staff Resources

4.1.1 The Planning Policy team which sits within the Economy and Growth Unit, currently consists of 4.2 FTE posts.

- Planning Policy Manager
- Principal Planner
- Principal Planner (part-time)
- Senior Planner (part-time)
- GIS and Monitoring Officer.

4.1.2 As well as the production, review and monitoring of DPDs and SPDs, officers also provide support to development management on planning applications and appeals and provides planning policy information to the public and other Council departments. A significant proportion of the time of the post of Principal Planner (part time) is committed to supporting the implementation of heritage initiatives and buildings at risk.

4.1.3 The team receives limited but valuable support from staff across other service areas including other teams within the Economic and Growth Unit, and from other service units including Green Spaces and Amenities, Environmental Health, Housing, Policy and Engagement, and Legal and Democracy

### 4.2 Financial Resources

4.2.1 There is a dedicated budget for the Local Plan to cover the costs of the agreed work programme.

### 4.3 Risk Assessment

4.3.1 The planning policy team have project management procedures in place to ensure work is undertaken 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:

Risk	Impact	Mitigation Measures
Insufficient Budget	Low High	Dedicated budget to cover planned work; Seek to retain staff to avoid reliance on consultancy staff at additional expense
Unfilled vacancies/staff turnover	High – potential loss of knowledge and work slippage	Provide satisfying work, a supportive environment and opportunities for personal development; Employ temporary staff/consultants; Explore joint working with other authorities
Programme change due to political process or change in direction	High – potential to delay plans or introduce requirements for entirely new plans	Agreement of the Local Development Scheme; Involving Members fully in the process through briefings and training.
Unforeseen additional work	Medium – staff diverted to other work streams such as appeals or major	As part of team work-programming, management of other work demands to enable adherence to the LDS and other

	regeneration schemes, neighbourhood planning	statutory commitments e.g. Local Plan Review, AMR which would be given priority over other competing demands
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, comment on and anticipate changes

## 5. Contacts

5.1.1 For further please see the Council's website at:

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

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