



LOCAL DEVELOPMENT SCHEME

2011 - 2014

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1.0 INTRODUCTION

Background

- 1.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Scheme (LDS). This sets out the three-year rolling programme for preparation of planning documents that together will form Burnley's Local Development Framework (LDF). It sets out the key stages in the preparation of the Council's Local Development Documents as well as identifying which policies have been 'saved' and taken forward from the adopted Burnley Local Plan. The Council is committed to this timetable.
- 1.2 It also sets out what resources will be required in order to try to ensure that the work will be completed in accordance with the timetable and identifies the risks that could result in delay.
- 1.3 This is the fourth revision to the original Local Development Scheme that has been prepared by Burnley Borough Council. The initial scheme, approved by the ODPM on 22 February 2005, covered the period 2004 – 2007. Progress on the implementation of this original Local Development Scheme has been monitored and the extent to which the milestones identified have been achieved is set out in the Council's Annual Monitoring Reports.
- 1.4 The Local Development Scheme is the document that sets out what the Council is proposing to do and when, and at what stage people can expect to be involved in the planning process.

Monitoring and review

- 1.5 There has been major slippage in terms of the timetable set out in the LDS 2009 – 2012. The Annual Monitoring Report 2010 suggested a number of changes to the Local Development Scheme and the withdrawal of Housing Market Renewal funding has necessitated further revision. The impact of Government spending cuts on regeneration activity in the borough led to the decision by the Council, in February 2011, to cease work on 4 planning documents, the Area Action Plans covering Burnley Wood/Healey Wood, Daneshouse/ Duke Bar/Stoneyholme, Padiham and South West Burnley/Trinity.
- 1.6 This Local Development Scheme review sets out the three year programme for plan preparation from April 2011 to March 2014. Each year the Annual Monitoring Report will describe the progress made on the programme. The LDS itself will be reviewed and revised if this becomes necessary. Every reasonable effort will be made to produce documents in accordance with the timetable set out in the LDS. However, any slippage in this agreed timetable will be highlighted by the provision of 'real time' public information on progress. This is likely to be done by placing a note on the website (www.burnley.gov.uk) alongside the Local Development Scheme.

Overview of the Local Development Scheme

- 1.7 The Local Development Scheme comprises 3 main sections with supporting appendices. Following this Introduction, Section 2 gives a written description

of the proposed planning documents as well as identifying plans prepared under previous legislation, from which relevant policies have been 'saved' under the transitional arrangements of the 2004 Act. Section 3 sets out supporting information on the management of the Local Development Framework programme, such as the Annual Monitoring Report, Sustainability Appraisals for each document, the Council's programme for gathering information and evidence, resources and the main areas of risk in meeting the timetable. Finally, the Appendices contain a programme (GANTT) chart, a profile of each Local Development Document, a list of 'saved' Local Plan policies and a glossary.

2. LOCAL DEVELOPMENT SCHEME

Introduction

- 2.1 This section describes the documents that form the existing Development Plan. It then sets out the main Local Development Documents proposed in the scheme and explains the key milestones in the plan preparation process that will be used to assess the Council's progress.

Statement of Community Involvement

- 2.2 The 2004 Act requires each local planning authority to prepare a Statement of Community Involvement as one of its first Local Development Documents. This describes how the Council will engage the community and others in preparing the other Local Development Documents and in dealing with planning applications.
- 2.3 The Statement of Community Involvement was submitted to the Secretary of State in January 2007. Public consultation ended in March 2007 and the document was adopted by the Council on 5 September 2007.

The Current Development Plan

- 2.4 The Development Plan for Burnley currently comprises the following documents:
- **The Regional Spatial Strategy, the North West of England Plan, published in September 2008**
 - **'Saved' Policy 29, Sites for Gypsy and Traveller Families, of the Joint Lancashire Structure Plan, adopted in March 2005**
 - **'Saved' policies in the Burnley Local Plan Second Review 2001-2016, adopted April 2006**

Existing Development Plan Documents

Regional Spatial Strategy

- 2.5 The current Regional Spatial Strategy Forms part of the Development Plan for Burnley. Development Plan Documents being prepared by the Council need to be in general conformity with this at the time of submission to the Secretary of State.

2.6 The Government has signaled its intention to abolish Regional Spatial Strategies through the Localism Bill and the effect of this will be to remove the RSS as part of the Development Plan. However, this has yet to be enacted and, in the interim, it remains part of the statutory planning framework, albeit that its proposed abolition can be a material consideration in the determination of planning applications. .

'Saved' Policy 29 of the Joint Lancashire Structure Plan

2.7 Following the adoption of the Regional Spatial Strategy in 2008, the Joint Lancashire Structure Plan ceased to be part of the borough's Development Plan, with the exception of Policy 29 relating to site for Gypsy and Traveler Families. This was 'saved' beyond September 2008.

'Saved' Policies of the Burnley Local Plan Second Review

2.8 The Burnley Local Plan Second Review, adopted in April 2006, contains borough-wide and site specific policies on general development issues, economy and work, housing and local neighbourhoods, the built and natural environments, community facilities, transport and movement, Burnley town centre and Padiham town centre. It also allocates sites for specific development.

2.9 The Council requested the Secretary of State to consider making a direction to save all of the policies in the Local Plan beyond April 2009 under the provisions of the 2004 Act. The Secretary of State agreed to the Council's request and the policies that have been 'saved' are listed in Appendix 2. These will remain in force until they are replaced by new policies in adopted Development Plan Documents.

Proposed Local Development Documents.

2.10 ***Local Development Documents (LDDs)*** set out how the Council proposes to achieve its vision up to 2026. In preparing these Local Development Documents, the authority must take into account its Community Strategy. Local Development Documents may be statutory or non – statutory planning documents.

2.11 Previous Local Development Schemes provided for the preparation of a number of Local Development Documents:

- **Core Strategy DPD**
- **Site Allocations DPD**
- **General Development Management Policies DPD**
- **Burnley Town Centre Area Action Plan DPD**
- **Burnley Wood & Healey Wood Area Action Plan DPD**
- **Daneshouse, Duke Bar & Stoneyholme Area Action Plan DPD**
- **Padiham Area Action Plan DPD**
- **South West Burnley and Trinity Area Action Plan DPD**
- **Affordable Housing SPD**
- **Burnley Town Centre Public Realm Strategy SPD**
- **Weavers' Triangle Public Realm Strategy SPD**
- **Saunder Bank Development Brief SPD**
- **South West Burnley Development Brief SPD**
- **Daneshouse Development Brief SPD**
- **Burnley Wood Development Brief SPD**
- **Canalside Conservation Area Appraisal/Management Plan SPD**

Documents that will become part of the Statutory Development Plan are those identified as DPDs (***Development Plan Documents***). These will gradually replace the 'saved' policies referred to earlier.

Core Strategy DPD

- 2.12 The 2004 Act requires local planning authorities to prepare a Core Strategy that sets out the vision, objectives and spatial strategy for the borough up to 2026. It provides the spatial expression of the themes and priorities set out in the Sustainable Community Strategy, Burnley's Future. All other Development Plan Documents and Supplementary Planning Documents have to be in conformity with the Core Strategy. It is anticipated that the Core Strategy may require the inclusion of a key diagram.

Site Allocations DPD

- 2.13 This document will identify site specific allocations for particular land uses or forms of development as well as detailed boundaries for policy areas, including those parts of the borough to be protected. Together with the Core Strategy, this document will ensure that future development needs are met and the necessary infrastructure provided over the period up to 2026.

Development Management Policies DPD

- 2.14 This document will set out detailed policies to assist in the management and control of development through the determination of planning applications. Policies may include borough-wide guidance relating to all types of development, policies for specific types of development and policies covering defined areas.

Burnley Town Centre Area Action Plan DPD

- 2.15 This document was to provide the detailed planning and regeneration framework for Burnley town centre. However, this is no longer a priority and work on the 3 documents above will take precedence.

Padiham Area Action Plan DPD

- 2.16 The Padiham AAP set out the detailed planning and conservation framework for Padiham town centre and adjacent housing areas. Consultation on the pre-submission plan was undertaken in 2010 but work on the Plan has now ceased and it will not be submitted for examination. Consequently, it is not included in this revised LDS

Burnley Wood/Healey Wood, Daneshouse/Duke Bar/Stoneyholme and South West Burnley/Trinity Area Action Plan DPDs

- 2.17 These 3 documents were to have provided a detailed planning framework for the regeneration of three neighbourhoods in the borough. The pre-submission versions of these plans were published for comment in November/December 2010 but work on them ceased before formal submission to the Secretary of State. They are not therefore included in this revised LDS.

Supplementary Planning Guidance

- 2.18 Several Supplementary Planning Guidance documents were approved before the 2004 Act came into force. These are listed in Table 1 together with the 'saved' Local Plan policies to which they relate.

| Table 1: Existing Supplementary Planning Guidance | |
|---|---|
| Document Title | Linked to 'saved' Local Plan Policy (ies) |
| Landscape and Wildlife Strategy | Policies E1, E2, E4, E5 and E27 |
| Wind Turbine Power Generators | Policy E31 |
| Holiday Static and Touring Caravan Sites | Policy CF20 |
| Golf Driving Ranges | Policy CF9 |
| New Build Homes for the Elderly and Nursing Homes | Policies GP1 and CF14 |
| Garden Areas for Homes for the Elderly and Nursing Homes | Policy CF14 |
| Children's Day Nurseries | Policies GP1 and CF14 |
| Hairdressers in Houses | Policy EW9 |
| Dormer Extensions | Policies GP3, E10 and E16 |
| Aerials on Private Houses | Policies GP3 and H3 |
| Shop Front Security Shutters | Policy E25 |

Supplementary Planning Documents

2.19 Three Local Development Documents were adopted in July 2006:

- **The Design Guidelines SPD for Burnley Wood**
- **The Design Guidelines SPD for Daneshouse, Stoneyholme, Duke Bar**
- **The Design Guidelines SPD for South West Burnley**

These were the first documents to be approved as part of the Burnley Local Development Framework under the 2004 Act. The Council will give weight to these in development control decisions as they support 'saved' policies in the adopted Burnley Local Plan.

2.20 In January 2010, the Council adopted a further SPD, the South West Burnley Development Brief. This provides supplementary information and guidelines to inform the development of 4 key sites within the South West Burnley/Trinity neighbourhood.

Proposed Supplementary Planning Documents (SPDs)

2.21 Following recent changes to the Development Plan Regulations (2009), only those Local Development Documents that are Development Plan Documents have to be included in the Local Development Scheme. However, although it is no longer a requirement for Supplementary Planning Documents to be included in the LDS, it is considered appropriate to inform the public about the Council's intentions to produce new documents. Although Supplementary Planning Documents are not subject to examination, they are produced in consultation with the community and other interested parties.

2.22 At the time of writing this LDS, four Supplementary Planning Documents were under preparation:

- **Public Realm Strategy for Burnley Town Centre SPD**

- **Public Realm Strategy for the Weavers' Triangle SPD**
- **Daneshouse Development Brief SPD**
- **Burnley Wood Development Brief SPD**

There is no commitment to prepare further SPDs. However, it is possible that further SPDs may be produced over the next three years to give more detailed guidance on particular areas or topics.

Explanation of the Key Milestones for Local Development Documents

2.23 A GANTT chart setting out the timetables and key milestones for the production of each Local Development Document is included as Appendix 1. Appendix 2 is a series of profiles for each Local Development Document. This includes more information on the purpose of the document, its conformity with other plans, the arrangements for its preparation along with the timetable for producing it. The milestones are described below with the key milestones (as set out in Planning Policy Statement 12) highlighted.

| |
|---|
| <p>Sustainability Scoping and Consultation – KEY MILESTONE</p> <p>The 2004 Act requires all policies and proposals in Development Plan Documents to be subject to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) to ensure that they reflect sustainable development principles. Sustainability Appraisals are integral to the preparation process for Local Development Documents. Sustainability Appraisal is an iterative process and covers issues such as equality and diversity, health and social well-being, the economy and environmental matters.</p> <p>Local planning authorities are required to consult on the form of their Sustainability Appraisal Reports and the main product of this scoping exercise is a series of sustainability objectives that will be used to test documents in terms of the contribution they make to sustainable development</p> |
| <p>Preparation Regulation 25</p> <p>This is the stage during which the relevant evidence base is reviewed. Where necessary, further evidence is gathered or commissioned. Issues that the document will need to address are identified along with options for dealing with them. The community and other interested parties are consulted on these emerging issues and options and views expressed help the Council develop a preferred way forward</p> |
| <p>Preparation and Publication of the Submission Document – KEY MILESTONE Regulation 27</p> <p>The comments received as part of the early consultation on plans will influence the content of the final document that is submitted to the Secretary of State. The submission document will contain the option that the Council feels is most likely to achieve the objectives identified. This will be published and made available for</p> |

comment for a minimum of six weeks. This is a final opportunity for comments to be made on the 'soundness' of the document.

Consideration of Representations

This stage is not an additional consultation stage and the Council would not expect new issues to be raised as these should have been dealt with at previous stages. However, the Council will consider the representations made and determine whether to propose any further changes to the proposed document before it is formally submitted to the Secretary of State

Submission to the Secretary of State – KEY MILESTONE

Regulation 30

The document is submitted to the Secretary of State for public examination, along with a summary of comments received, and all comments made during the publication of the submission document.

Preparation for Examination Hearing

As part of the preparation for the public examination hearings, a **pre-hearing meeting** will be held. This allows the appointed independent Inspector to set out his/her role, outline procedures, discuss the timetable and consider the crucial issues to be examined in detail.

Examination Hearing

An independent Inspector will test the submission document against a number of 'soundness' criteria and have regard to any representations that have been made. The current Tests of Soundness are set out in detail in Planning Policy Statement 12 under the headings:

- ❖ Justified i.e. founded on a robust and credible evidence base, and the most appropriate strategy when considered against reasonable alternatives
- ❖ Effective i.e. deliverable, flexible and able to be monitored
- ❖ Consistent with national policy

Receipt of inspector's Report

After the examination, the Inspector will send a report to the Council setting out whether the document is 'sound'. The Inspector may support the document as submitted, or may direct changes to it. The Inspector's Report is binding on the authority.

Adoption – KEY MILESTONE

The Council must adopt the document as soon as practicable after receipt of the Inspector's Report, and make the necessary changes to the Proposals Map

3.0 SUPPORTING INFORMATION

Introduction

- 3.1 This section sets out the supporting information that is relevant to the preparation of the Local Development Framework, such as the Annual Monitoring Report, the Sustainability Appraisal, the programme for gathering relevant information and evidence, resources and the main areas of risk in terms of meeting the timetable.

Evidence Base

- 3.2 A sound evidence base is crucial to the successful preparation of the Local Development Framework. It will allow the Council to produce Local Development Documents that address difficult issues and are deliverable and will be vital in demonstrating the soundness of Development Plan Documents at the independent examination stage. The evidence base will also be important in informing the sustainability appraisal of Local Development Documents and the monitoring and review of the LDF.
- 3.3 The following Table 2 sets out the evidence base to be used for the LDF, together with an indication as to how it will be managed.

| Table 2: Existing Evidence Base – Key Documents | | |
|--|------------------|---|
| Study/Evidence | Date | Proposed Management |
| Housing Land Monitoring | 2005 - 2010 | Updated annually by Planning Service (April – March) |
| Employment Land Monitoring | Yet to be set up | To be updated annually by Planning Service (April – March) |
| Burnley Wildlife and Habitat Survey | 2007 | Undertaken by consultants |
| Landscape Capacity Study for Wind Energy Development in the South Pennines | 2010 | Undertaken by consultants |
| Renewable and Low Carbon Energy Study | 2010 | Undertaken by consultants |
| Flood Risk Areas | 2006 | Updated annually by the Environment Agency |
| Strategic Flood Risk Assessment Level 1 | 2009 | Produced in-house. Will be updated on a regular basis in consultation with the Environment Agency |
| Strategic Flood Risk Assessment Level 2 | 2009 | Produced by JBA for sites in the Area Action Plan neighbourhoods |
| Burnley and Pendle Strategic Housing Market Assessment | 2008 | Produced by consultants, Fordhams |
| Burnley and Pendle Affordable Housing Site Viability Study | March 2009 | Produced by Fordhams Updated in 2011 |
| Retail and Leisure Study of Burnley Town Centre | 2005 | Produced by Savills in October 2005 |
| Open Space Assessment | 2005 | Undertaken by PMP in 2005. Local standards agreed in 2006. |

| Table 2: Existing Evidence Base – Key Documents | | |
|---|--------------|-----------------------------|
| Study/Evidence | Date | Proposed Management |
| Daneshouse, Duke Bar, Stoneyholme Transport Study | August 2009 | Prepared by Gifford |
| Padiham Transport Study | January 2010 | Prepared by JMP Consultants |
| South West Burnley Transport Study | January 2010 | Prepared by JMP Consultants |
| Burnley Stations Feasibility Study | 2007 | Brock Carmichael |
| Padiham Retail, Office and Leisure Study | January 2010 | Prepared by GVA Grimley |
| Annual Monitoring Reports 2005 - 2010 | 2005 - 2010 | Burnley Borough Council |

3.4 It should be noted that this is not necessarily an exhaustive list. Other evidence may be published in the course of preparing the Local Development Framework. A list of evidence relevant to the LDF will be published in the Annual Monitoring Report and consideration will be given, on an annual basis, as to whether any of the evidence should be reviewed.

3.5 Planning Policy Statement 12 highlights the need for LDFs to focus on delivery and infrastructure. The LDF needs to include an Infrastructure Delivery Plan that sets out a strategy and a schedule of projects with a good prospect of being delivered. Work on this part of the evidence base is at a very early stage.

3.6 Other studies that should be completed during the period covered by the Local Development Scheme are set out in Table 3 below.

| Table 3: Proposed Future Studies | | |
|--|---------------------------|--------------------------------------|
| Study/Research | Estimated Completion Date | Proposed Management |
| Strategic Housing Land Availability Assessment | 2011 | In house and consultants (viability) |
| Review of Housing Requirement | 2012 | Consultants |
| Strategic Housing Market Assessment update | 2013 | Consultants |
| Gypsy and Traveller Accommodation Assessment | 2013 | Consultants |
| Employment Land Review | 2011 | In house and consultants (viability) |
| Review of Employment Land Requirement | 2012 | Consultants |
| Level 2 Strategic Flood Risk Assessment | 2011 | Consultants |
| Retail Office and Leisure Study of Burnley Borough | 2011 | Consultants |

| Table 3: Proposed Future Studies | | |
|---|---------------------------|---------------------|
| Study/Research | Estimated Completion Date | Proposed Management |
| Infrastructure Study | 2012 | In house |
| Open Space Assessment and Green Infrastructure Study | 2012 | Consultants |
| Biodiversity Study | 2012 | Consultants |
| Energy Assessment/Climate Change Study | 2012 | Consultants |

Annual Monitoring Report

- 3.7 The 2004 Act requires the Council to produce an Annual Monitoring Report to assess:
- actual plan progress compared to the targets and milestones for local development document preparation set out in the Local Development Scheme; and
 - the extent to which policies in the Local Development Documents are being achieved and whether these need adjusting or replacing because they are not working as intended.
- 3.8 The Council will measure progress against the Local Development Scheme on an ongoing basis and incorporate the results in the Annual Monitoring Report. This will include an assessment of whether the targets set out in the LDS are likely to be met and, if not, the reasons for this.
- 3.9 The Annual Monitoring Report will be used to decide whether there is a need to amend the Local Development Scheme and will available on the Council's web site.

Strategic Environmental Assessment and Sustainability Appraisal

- 3.10 Under the 2004 Act, Local Development Documents must be subject to a Sustainability Appraisal which incorporates the requirement of European Directive 2001/42/EC that all plans and programmes likely to have significant effects on the environment must be subject to Strategic Environmental Assessment. Such appraisal is necessary at each key stage of document preparation.
- 3.11 Sustainability Appraisal is an iterative process which is closely integrated with the overall process of preparing a Development Plan Document. Sustainability appraisals will be published alongside each local development document, and will also play an important part in demonstrating their soundness.

Appropriate Assessment

- 3.12 Under the Habitats Directive, land use plans must also be subject to Appropriate Assessment to ensure that the integrity of European sites is protected. It is anticipated that an Appropriate Assessment will be required for some documents and there will be an initial screening of documents to see if Appropriate

Assessment is required. If it is, the Appropriate Assessment will be carried out at the same time as the Sustainability Appraisal.

Resources and Management of the Process

- 3.13 The number of staff in the team that will produce the Local Development Framework has been significantly reduced over the past two years. It is assumed that the Council’s plan-making and monitoring resource will, for the foreseeable future, comprise three full-time planning officers and one graduate planning officer and that all posts will be fully occupied for the LDS period.
- 3.14 The Policy & Environment Manager will also assist in the production of the Local Development Framework and manage the programme for its preparation.
- 3.15 There is a dedicated budget for the Local Development Framework. This has been set up to cover the costs of commissioning work to ensure that the evidence base is comprehensive and up to date, sustainability appraisal and document publication, printing and examination. The production of the Local Development Framework will require the publication of several different documents for public consultation and this is likely to be very time consuming, resource intensive and costly.

Joint Working

- 3.16 It is not expected that the Council will prepare any documents under the joint working arrangements set out in Section 28 of the 2004 Act. However, where possible, evidence will be commissioned on a joint basis where there are common issues of concern and where joint funding would result in a more cost-effective and timely study. Joint working has been undertaken on the Strategic Housing Market Assessment, Landscape Capacity Study and Renewable and Low Carbon Energy Study.

Risk Assessment

- 3.17 It is difficult to foresee all potential risks that may affect the programme. However, the main areas of perceived risk in terms of meeting the targets in the Local Development Scheme are set out in the following table along with some suggested mitigation measures:

| Table 4: Potential Risks to the Programme | | |
|--|--|---|
| Risk | Problem | Mitigation Measures |
| Uncertainties and policy changes arising from the abolition of RSS | The Government has indicated that it intends to abolish Regional Strategies through the Localism Bill. This abolition is likely to mean that the Core Strategy will have to cover a wider range of policy matters to ensure that there is no gap. | An assessment of potential policy gaps has already been undertaken along with the identification of further work that will need to be undertaken in the absence of RSS. In the meantime, the current RSS and its evidence base are being used to inform the Core Strategy. However, there remains a high risk that |

Table 4: Potential Risks to the Programme

| Risk | Problem | Mitigation Measures |
|--|---|---|
| Insufficient budget | <p>There are significant additional requirements on local authorities in terms of consultation, monitoring, sustainability appraisal and evidence gathering. Some of this was previously undertaken in house but, following staff reductions, will now need to be commissioned. This together with the need to undertake an Infrastructure Delivery Plan has to be factored into the requirements to produce the LDF. In the past, Planning Delivery Grant has supplemented the budget for Local Development Document preparation but this funding stream no longer exists</p> | <p>this could result in delays to the programme</p> <p>The availability of financial resources will ultimately determine how many documents can be prepared in the future. With continued pressure on local authority resources, it is difficult to identify mitigation measures that would reduce the risk that there will be insufficient financial resources to progress the LDS.</p> <p>This is a high risk that is largely outside the Council's control and that could result in delays to the programme</p> |
| Programme slippage due to production problems or political process | <p>There is potential for the document production or the political process to delay progress on the Local Development Framework. It will be more difficult to mitigate the effects of a change in political control.</p> | <p>This may be reduced by the preparation and agreement of the Local Development Scheme, and by building in sufficient slack in the timetable to allow for slippage in the timetable for document production. Loss of internet connection is an ongoing issue because of the heavy reliance on using the Limehouse site but allowing flexibility in terms of home working may help mitigate this. Consideration should also being given to the establishment of a Local Development Framework steering group to ensure that Members are fully involved in the process.</p> <p>Previous experience indicates that there is a high risk that either production problems or the political process can lead to delays</p> |
| Unforeseen additional work | <p>In the past, the team's work has been diverted from plan-making by other, unforeseen work</p> | <p>As part of team work programming, there is a need for careful management of other work demands to ensure adherence to the Local Development</p> |

Table 4: Potential Risks to the Programme

| Risk | Problem | Mitigation Measures |
|--|---|--|
| | <p>pressures e.g. involvement in regeneration projects, planning inquiries, responses to new government policies.</p> | <p>Scheme.</p> <p>Wherever possible, work on the LDF should be given priority over other competing demands, otherwise progress on the LDF will be slow</p> <p>However, there is a high risk that unprogrammed additional work could result in lack of progress</p> |
| <p>Changes to the planning system</p> | <p>The introduction of an additional tier of development plans is currently being considered by the government in the form of Neighbourhood Plans. These will be prepared by local groups and local authorities will be obliged to assist such groups with advice and support.</p> | <p>The timetable for producing Neighbourhood Plans is outside the control of the Council and cannot be built into work programmes.</p> <p>It is therefore very difficult to mitigate against the risk that Neighbourhood Plan support will impact on the LDF timetable other than to ensure that as much information as possible is readily available to the groups that are preparing Neighbourhood Plans.</p> <p>Although it is difficult to assess the number of Neighbourhood Plans that may be prepared in the borough in the next three years, there is a high risk that the production of such a Plan will cause delay to LDF production</p> |
| <p>Unfilled vacancies/staff turnover</p> | <p>This will have a significant impact on the LDS. Recruiting and training replacement staff ties up officer time. Milestones will not be met</p> | <p>With the exception of planned retirement, it is not possible to predict when and where this might happen.</p> <p>Whilst this has been a problem in the past, cuts to local authority funding and the number of planner posts is likely to reduce staff turnover and, should a post become vacant, there is a greater likelihood that it will be filled.</p> <p>There is a medium risk that this could result in delays to the programme</p> |
| <p>Volume of representations</p> | <p>This is unpredictable and could delay the process</p> | <p>It is hoped that early and continuous engagement will help to minimise the number of representations that the Council has to deal with although it has to be recognised that effective community engagement can lead to a higher level of responses</p> <p>There is a medium risk that an</p> |

Table 4: Potential Risks to the Programme

| Risk | Problem | Mitigation Measures |
|--|---|---|
| | | <p>unanticipated level of responses could result in delays to the programme.</p> |
| <p>Capacity of other agencies to engage in the process</p> | <p>The capacity of other organisations is largely outside the Council’s control. Joint working within the Council and with other local authorities can result in delays because of different decision making structures, the capacity of partners to undertake work and the relative priority afforded to it</p> | <p>Preparation of the Local Development Scheme and early consultation with key stakeholders will help to inform interested parties of the proposed programme and the potential impact on their own strategies and programmes.</p> <p>There is a medium risk that some stakeholders will not be able to commit the resources needed to supply the information required to develop policies and proposals. In these circumstances, progress may be delayed</p> |
| <p>Delays in examination process/legal challenge</p> | <p>This is unavoidable in the plan-making process.</p> | <p>This should be minimised by ensuring that Development Plan Documents are ‘sound’, and founded on a comprehensive evidence base and well-documented stakeholder and community engagement.</p> <p>Previous experience suggests that there is a medium risk that there could be a legal challenge to Development Plan Documents</p> |
| <p>‘Soundness of DPDs’</p> | <p>The introduction of the ‘Tests of Soundness’ was a major change in the way that plans are assessed. In the past, a number of DPDs have been found ‘unsound’ or been withdrawn</p> | <p>The risk of producing ‘unsound’ documents will be reduced by working closely with the Planning Inspectorate early in the plan preparation process. The authority will continue to use the PAS Self–Assessment Toolkit and, where possible, a ‘critical friend’ to assess DPDs at each stage. In the past, the Council has taken advantage of the Planning Inspectorate’s ‘frontloading’ project</p> <p>It is considered that the risk of being found unsound can be reduced to low</p> |

4.0 CONCLUSION

- 4.1 The Local Development Scheme is a public statement that identifies the work that will be undertaken in Burnley in order to produce a Local Development Framework for the Borough. It has been prepared in line with Government policy.
- 4.2 This Scheme outlines the details of, and timetable for, the production of Local Development Documents over a three - year period. It provides valuable information to the community and other stakeholders about the Local Development Framework programme. In relation to the Development Plan Documents to be prepared, any slippage in this agreed timetable will be highlighted by the provision of 'real time' public information on progress. This is likely to be done by placing a note on the website alongside the Local Development Scheme.

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Appendices

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