

Developer Contributions Supplementary Planning Document (SPD)

Consultation Statement under Regulation 12 (a)

Introduction

Burnley Council has prepared a draft Developer Contributions Supplementary Planning Document (SPD) for consultation.

The SPD will supplement the policies of the Burnley's Local Plan 2012-2032 which was adopted on 31 July 2018.

SPDs elaborate upon the policy and proposals in Local Plans but do not have their formal statutory 'development plan' status. They are, however, material considerations in the consideration of relevant development proposals.

This statement is the Consultation Statement for the draft SPD as required by **Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.**¹

The draft SPD

Policy IC4 of the Local Plan sets out the policy for seeking planning contributions and the SPD is intended to provide information on how this Policy and other policies requiring affordable housing or specific infrastructure including Policy IC5 will be interpreted and applied.

The SPD covers contributions towards:

- Infrastructure;
- Affordable Housing; and
- Other matters.

The SPD also takes account of recent changes to legislation and national policy including the key change which means that contributions from any number of schemes may once again be 'pooled' towards the cost of a piece of infrastructure, subject still to each satisfying the relevant legal and policy tests.

Early Consultation

During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document e.g. open spaces.

Lancashire County Council Schools Planning Team were also contacted and invited to meet to discuss the emerging document and some information and views were obtained but effective engagement was difficult. The County Council will of course be formally consulted on the draft SPD. It is understood that the County Council is to review its own non-statutory policy on developer contributions "Infrastructure and Planning" to take into account legislative and national policy changes and will no doubt will consult the borough council on a revised draft in due course.

¹ <http://www.legislation.gov.uk/ukxi/2012/767/part/5/made>

Informal discussion about the emerging SPD has also taken place with the East Lancashire Clinic Commissioning Group (CCG).

The emerging document was refined taking into account the comments/advice received.

Formal Consultation

The Council's Executive at its meeting on the 10 December 2019 resolved that the draft SPD be issued for statutory consultation under Regulation 12 (b).

This consultation is to commence on Friday 17 January 2020 for a eight week period until to Friday 13 March 2020. Whilst a 4 weeks period is required the regulations, the Council has committed to a six weeks period in its adopted Statement of Community Involvement (SCI) and for this SPD this has been further extended to 8 weeks due to the complexity of the document.

Strategic Environmental Assessment (SEA)

SPDs can require Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment ('the SEA Directive') and under UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').

The Council carried out a screening exercise in order to establish whether the SPD requires a Strategic Environmental Assessment (SEA). The Council prepared an initial assessment/preliminary determination on 22 October for four SPDs proposed in its LDS. It found that it is unlikely that significant effects on the environment will arise as a result of any of the SPDs and as such that that Strategic Environmental Assessment is not required.

The Council consulted with the three statutory consultees required for this purpose (Historic England, Natural England and the Environment Agency) who confirmed their agreement with the Council's conclusion.

Economy and Growth

10 January 2020