



The Planning Inspectorate

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# **Report to Blackburn with Darwen Borough Council**

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 26 October 2015**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF**

**BLACKBURN WITH DARWEN SITE ALLOCATIONS AND DEVELOPMENT  
MANAGEMENT POLICIES LOCAL PLAN PART 2**

Document submitted for examination on 18 July 2014

Examination Hearings held between 2 and 11 December 2014

File Ref: PINS/M2372/429/1

## Abbreviations Used in this Report

AA	Appropriate Assessment
BwD	Blackburn with Darwen
Core Strategy	The Blackburn with Darwen Core Strategy, adopted 2011
dpa	dwellings per annum
DPD	Development Plan Document
DtC	Duty to Co-operate
ECZ	Ecological Consultation Zone
ELR	Employment Land Review
GTAA	Gypsy and Traveller Accommodation Assessment
Ha	Hectares
HAM	Housing Allocations Methodology
HLS	Housing Land Supply
HLSPP	Housing Land Supply Position Paper
HMA	Housing Market Area
LDS	Local Development Scheme
LPP2	Site Allocations and Development Management Policies Local Plan Part 2
MM	Main Modification
OAN	Objectively assessed need
OAHN	Objectively assessed housing need
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PUA	Principal Urban Area
PPG	National Planning Practice Guidance
PROW	Public Rights of Way
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SI	Statutory Instrument
SPD	Supplementary Planning Document
SuDS	Sustainable Drainage Schemes

## **Non-Technical Summary**

This Report concludes that the Site Allocations and Development Management Policies Local Plan Part 2 provides an appropriate basis for the planning of the Borough, providing a number of main modifications are made to the Plan. Blackburn with Darwen Borough Council has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted.

Main Modifications were proposed by the Council and I recommend them having considered the representations from other parties, and where necessary I have altered the wording or added consequential modifications.

The Main Modifications can be summarised as follows:

- To clarify the nature of inappropriate development in the Green Belt;
- To clarify the need for Sustainable Drainage solutions;
- To clarify the nature and importance of Ecological Networks;
- To revise the strategic approach to housing land supply figures to reflect the Core Strategy and incorporate revised assumptions for housing supply;
- To revise housing allocations and introduce new allocations;
- To revise anticipated housing delivery rates in accordance with timescales and new evidence on deliverability;
- To clarify the use of national space standards;
- To revise policies to reflect the inclusion of travelling showpeople;
- To clarify the contribution of Development Opportunity Sites;
- To respond to national requirements for wind energy development; and
- To incorporate appendices to detail superseded policies, a timetable for delivery of Supplementary Planning Documents and a Monitoring Framework.

## Introduction

1. This Report contains my assessment of the Blackburn with Darwen (BwD) Site Allocation and Development Management Policies Local Plan Part 2 (LPP2) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) (PCPA). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework), paragraph 182, makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft Plan (July 2014), albeit some minor amendments were put forward by the Council as part of their submissions to this Examination<sup>1</sup>. This Plan differs from the document published for consultation in January 2014, as a number of changes were made in part responding to that consultation<sup>2</sup>. However, I am satisfied that these changes were largely editorial or to address consistency and did not alter the nature of the policies or the approach in the Plan.
3. Following the examination Hearings, the Council set out minor modifications, which do not materially affect the policies within the Plan, and, in this case, have indicated their intention to alter some of the names of allocated sites, as set out in a letter dated 16 October 2015. These matters are not before me and I do not refer further to them.
4. My Report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the Report (MM). In accordance with section 20(7C) of the PCPA, the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. These main modifications are set out in a separate Appendix to this Report. The main modifications that are necessary for soundness predominantly relate to matters that were discussed at the Examination Hearings. Following these discussions, the Council prepared a schedule of proposed main modifications. I carried out an initial review of the specific issues relating to housing, and set out matters to be considered further in an interim letter. Following this, a revised schedule was produced, which also included one further main modification related to a revision to a Statutory Instrument<sup>3</sup> issued after the Hearings (**MM59**).
5. This schedule, accompanied by revisions to the Housing Land Supply Statement, Housing Allocations Methodology, and updated versions of the Sustainability Appraisal, Habitats Regulation Assessment and the Ecological Assessment, was subject to public consultation for a period of six weeks from the 18 May 2015.

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<sup>1</sup> Examination Document EL3-011

<sup>2</sup> Examination Documents 5.37

<sup>3</sup> SI 2015 No 597 – The Town and Country Planning (Use Classes)(Amendment)(England) Order 2015

6. I have taken account of the consultation responses in coming to my conclusions in this Report.
7. In addition to this, the Government have issued a number of recent Written Ministerial Statements (WMS). These include one dated 25 March 2015<sup>4</sup>, which introduced new national technical standards, and a further one dated 18 June 2015<sup>5</sup> and entitled Local Planning. This set out new considerations to be applied to proposed wind energy development. The Council was consulted on the implications of the WMS to relevant policies in the Plan.
8. As a result of these matters, I have made some amendments to the detailed wording of the proposed main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the main modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary, I have highlighted these amendments in the Report.

## **Assessment of Duty to Co-operate**

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. It is a requirement that the Council engages constructively, actively and on an on-going basis with the County Council, neighbouring local authorities and a range of other organisations, including Highways England, the Environment Agency and Natural England in the preparation of development plan documents, amongst other matters. I consider that the prescribed bodies<sup>6</sup> have been properly consulted during the development of the Plan.
10. The Council's Statement of Compliance with the Duty to Cooperate, July 2014<sup>7</sup>, sets out their engagement with identified bodies on cross-boundary issues. It recognises the Borough as operating within the economic area of Pennine Lancashire, but sharing a Housing Market Area (HMA) with Hyndburn Borough Council, as well as adjoining a number of other districts.
11. The Statement refers to a number of joint governance structures extending across the wider Lancashire area and I am satisfied that the Council has taken an active and involved role in these, and that outputs of this joint working have been considered in the preparation of the LPP2.
12. In the run up to the Hearings, there were two matters of concern. These involved the engagement with neighbouring authorities on housing matters and, with Hyndburn Borough Council specifically, on the matter of the Whitebirk strategic employment site.
13. With regard to housing, subject to main modifications addressed later in this Report, the Council are now seeking to deliver a housing requirement target as

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<sup>4</sup> Planning update March 2015 – The Rt Hon Eric Pickles MP

<sup>5</sup> Written Ministerial statement regarding onshore wind turbine development. HCWS42 – Greg Clarke Secretary of State for Communities and Local Government

<sup>6</sup> As set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>7</sup> 1.05

set out, and found sound, in the Core Strategy. Later evidence<sup>8</sup> would suggest that this represents a figure in excess of the Objectively Assessed Housing Need (OAHN), and is reflective of a transformational agenda to drive economic growth alongside regeneration and restructuring of the housing market. The Council has carried out a partial review of its Green Belt and is promoting the release of some Green Belt land as well as urban extensions.

14. In such circumstances, I consider it paramount that all potential alternative options for the delivery of this housing requirement are considered. To that end, the Strategic Housing Market Assessment (SHMA) 2014, completed jointly with Hyndburn Council, addressed the relationship between these two Councils, while further statements indicated other authorities had confirmed they were unable to support BwD with housing delivery. The Council's Supplementary Note<sup>9</sup> confirms that the other six neighbouring authorities are unable to accommodate any of the housing requirement for BwD.
15. Turning to the Whitebirk strategic employment site, the LPP2 sets out a number of employment land allocations, which contribute to an overall target of 66 hectares (Ha). To achieve this, the Council are additionally relying on approximately 40% of the Whitebirk site, which is located in the neighbouring Hyndburn Council area. Hyndburn confirmed that they had no objection to the identification of 12.8 Ha (38%) of the site being apportioned to BwD.
16. In light of these findings, I conclude that the Duty to Cooperate has been met.

## Consultation

17. Section 20(5)(a) of the 2004 Act requires that I consider whether the Council has complied with their Statement of Community Involvement (SCI), as set out in section 19(3). In addition, Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) states that local planning authorities must take into account any representation made to them during the preparation of a local plan.
18. The Council's SCI<sup>10</sup> is dated August 2006. This set out the approaches the Council should take to engagement and consultation during production of their local plan documents. A later note, dated 2014<sup>11</sup>, deals with changes to the legislation and regulations and the effect that that had on the consultation during preparation of the LPP2. Although the stages of plan development have changed from that laid out in the SCI, as reflected in the 2014 note, the principle methods of engagement remain relevant. For community involvement, these are set out in Figure 2, and include newsletters, the Council website, workshops, questionnaires and focus groups.
19. The Council produced an Issues and Options paper following a call for sites and internal and external workshops in 2011. Consultation took place during

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<sup>8</sup> The Strategic Housing Market Assessment and Housing Needs Study – Nathaniel Lichfield and Partners July 2014

<sup>9</sup> Examination document E44.016

<sup>10</sup> 4.04a

<sup>11</sup> 4.04b

summer 2012, which included drop-in sessions and exhibitions. Area based consultation events took place in early 2013 on specific site allocations, with further events addressing the draft development management policies in Summer 2013. Where necessary, it has been shown that the Council included Parish Councils and residents in neighbouring districts, such as Ribble Valley, in their consultations. These events and consultations informed the publication version of the LPP2 in January 2014, which had a formal 6-week consultation period. Following review, the Plan was submitted for examination in July 2014. I am satisfied that this complies in principle with the Council's Local Development Scheme (LDS), the SCI and its 2014 note.

20. Nonetheless, challenges were raised regarding the level of engagement related to a number of specific sites. These were principally that this had not been effective or sufficiently pro-active, particularly for those sites that were not originally included in the Issues and Options paper. Such sites identified included the allocations at Ellerslie House and Ramsgreave Drive and the Development Opportunity sites, identified for residential use, at Long Clough and on land between Gib Lane and Heys Lane. An additional site at East Darwen, known locally as Bailey's Field, had been identified as an allocated housing site, albeit objectors considered that the Council's engagement during the preparation of this Plan had been too complicated and unresponsive to their concerns.
21. Although reference was made to an over-reliance on the Council's newsletter, "The Shuttle", for publicity on the consultation stages, I am satisfied that this was but one of the approaches set out in the SCI. The website provision and the exhibition and consultation events, among other approaches, were also appropriate methods of engagement.
22. The progress of a plan from the initial call for sites to the final adopted plan is an iterative one. That the Council has responded to consultations in favour of including additional sites, despite some local opposition, is not a failing; the question is whether they have responded to such inclusions in accordance with their stated consultation aims set out in the SCI.
23. The sites identified above were included in the publication version of the Plan and there have been opportunities for engagement with regard to these sites since then, including direct engagement in this examination. However, local residents would have had the opportunity to raise concerns at either ward solution meetings, held from July to September 2011, at the consultation events of July 2012 or the leaflet drop and events relating to potential housing site consultations from February to May 2013. However, I appreciate that not all residents who feel they may be adversely affected would have been aware of or included within these events.
24. Further concerns have been raised following the proposed alteration of the LPP2 under main modifications. These include the sites recommended by the Council to be allocated for housing development, which were originally identified as safeguarded sites for development beyond the plan period. I appreciate that the process allows only a period of six weeks for comments to be made on such changes. However, the principle of inclusion of the sites and their suitability for housing was set out in the evidence base, notably the

Green Belt Study, and their inclusion as housing sites was promoted and discussed at the Hearings.

25. There is no requirement for the Council to consult with every person who may be affected by proposals in the Local Plan. The commitments in the SCI as regards publicising details of the Plan as well as providing the opportunity for consultation have been addressed. Furthermore, it would appear there was community involvement through informing ward members, albeit I recognise some confusion regarding the Gib Lane/Heys Lane site.
26. That the Council has continued with the inclusion of a site in the Plan despite opposition from some local residents does not suggest that the consultation process was lacking or that it was, in effect, a 'fait accompli'. It is reasonable for the Council to assess all relevant information and take a strategic decision.
27. I do not underestimate the concerns that the identification or the later introduction of a site may engender in local residents. However, on the evidence before me the Council has complied with its stated approach in their SCI and are therefore in accord with the Regulations on this matter.

## **Assessment of Soundness**

### **Preamble**

28. Blackburn with Darwen Borough comprises two relatively compact urban centres, with much of the Borough being open countryside, a significant proportion of which comprises parts of the West Pennine Moors along with approximately 56 square kilometres of Green Belt. The Borough is bisected by the M65 motorway, which also divides the two towns.
29. The physical structure of the towns was principally defined by their growth during the industrial periods of the 18<sup>th</sup> and 19<sup>th</sup> centuries. A legacy of large mills and a predominance of terraced housing remain, and the economy of BwD has suffered from the gradual decline in manufacturing. There is a diverse population, but one that has a high proportion aged 0-19 and an increasingly ageing population above 65. There has been significant competition for development from the larger towns and cities elsewhere in Lancashire.
30. Within this context, the Council produced their Core Strategy, which was adopted in 2011. This set out a vision to raise the quality of the housing stock and develop a growing economy with a higher-wage, higher-skills base while continuing to recognise and protect its high quality environment. The Core Strategy promoted a targeted growth strategy with economic growth linked to increased numbers and improved quality of housing, responding not only to demographic, but also economic change.
31. The LPP2 sets out specific policies to support this transformational agenda and identifies strategic housing, employment and development opportunity sites. In this context, it is positively prepared while acknowledging the very significant constraints in the area. To this end, the Council commissioned a Green Belt study as well as landscape and ecological assessments, alongside



studies on employment land, housing viability and implementation and infrastructure delivery. Specific policies are included which address flexibility to support and encourage delivery.

32. The LPP2 initially identified 41 sites: 12 employment, 18 housing and 11 development opportunity sites; 5 Green Belt sites were also safeguarded as land for development beyond the plan period. The principal area of debate during the examination surrounded the provision of housing in the Borough. Not only were there challenges that the delivery of housing, as initially set out in the LPP2, was unachievable in light of the economic circumstances, the state of the housing market and the past record of delivery, but also challenges that the Council were not promoting a sufficient supply to meet the needs for five years, or for the full period of the Plan to 2026.
33. Shortly before the start of the Hearings, the Council altered their overall housing requirement to reflect that found sound in their Core Strategy. While this increased the overall requirement slightly, the concerns set out by respondents remained regarding the quantum and expected delivery, but now also encompassed questions about the legality of adopting the Core Strategy requirements without incorporating the phasing set out in the same policy.
34. I shared some of these concerns and set them out in an Interim Letter to the Council dated 30 January 2015, which acknowledged the close alignment of identified sites in the Strategic Housing Land Availability Assessment (SHLAA) and the housing requirement. The Council themselves agreed in the Hearings that this was 'extremely tight'. The Council responded positively to the matters set out in that Letter and this resulted in a number of proposed revisions to the Plan, which form a major part of the Main Modifications recommended in this Report.
35. The Council has undertaken Sustainability Appraisals (SA) at the various stages of plan preparation. These documents set out the purpose, methodology and baseline information used in assessing the Council's strategic approach and objectives and the different options and allocations that have been considered.
36. The SA informing the Submission Plan is set out in a report of June 2014<sup>12</sup>. A revised version was submitted to the Hearings, as a result of the need to update references to Development Opportunity Sites that were not previously included. I am satisfied that this did not fundamentally change the planned approach.
37. A further update to the SA accompanied the main modifications and was dated April 2015<sup>13</sup>. In this, the Council has assessed the effect of the proposed changes, including the alterations to the allocations and revised housing delivery.
38. The SA has been criticised for not having a compatibility matrix and not developing issues associated with uncertain ecological effects sufficiently in relation to deliverability of some allocations. The Council has highlighted that

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<sup>12</sup> 1.03a

<sup>13</sup> EL6.004a and b

a compatibility matrix is not a requirement of the Strategic Environmental Appraisal Directive, nor was it a requirement when the methodology was agreed with statutory bodies. Uncertain effects on biodiversity have been identified, but these have been reflected in the key considerations and the requirement for surveys and necessary mitigation and this is supported by policies within the LPP2. Recommendations are made for measures to mitigate negative effects or enhance the positive effects, and these matters have been followed through into monitoring requirements for the Plan. In such circumstances, I am satisfied that the SA process is sound and has been undertaken consistently during the plan preparation process and examination stages, with adequate consideration of reasonable alternative options.

39. Screening reports required for the purposes of a Habitats Regulations Assessment (HRA) were carried out in November 2013<sup>14</sup>, which confirmed that there would be no likely significant adverse effects on European Sites as a result of the LPP2. This screening was updated as a result of the proposed modifications<sup>15</sup>. I am therefore satisfied that for the purposes of the HRA and SA the work carried out for the LPP2 has been adequate.

### **Main Issues**

40. Taking account of all the representations, written evidence and the discussions that took place at the examination Hearings I have identified five main issues upon which the soundness of the Plan depends. My appraisal and recommendations are focused on addressing whether the Plan is sound, I do not address every objection that has been submitted, but consider whether the document has been positively prepared; is founded on a proportionate but robust evidence base; whether the most appropriate strategy is being put forward; whether the proposals are deliverable; and whether the Plan is consistent with national policy.

### **Issue 1**

#### **Is the overall basis for the allocation of housing and employment sites sound, having regard to the relationship with the Core Strategy, the National Planning Policy Framework and the evidence base?**

41. The Core Strategy, adopted in 2011, set out a strategic approach targeting action on six key themes. The LPP2 provides specific allocations and development management policies to promote delivery of a targeted growth strategy in the Borough, which also aligns with those six themes, including sites for commercial development and housing. Although there is no longer a hierarchy of plans, Regulation 8(4) requires that local plans are 'consistent' with the adopted development plan.

### **Housing**

42. To this end, a number of criticisms were raised regarding the submitted LPP2 in relation to housing. These included concerns regarding the decision to use alternative housing targets and phasing approaches to that set out in the Core Strategy. The figures promoted were derived from a revised joint SHMA,

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<sup>14</sup> 1.03b

<sup>15</sup> EL6.005

carried out in 2014 with Hyndburn Council. However, prior to the Hearings, the Council submitted a statement that referred to their LDS and s19 of the PCPA, as well as High Court decisions in Solihull<sup>16</sup> and Wokingham<sup>17</sup>, and revised the position in the LPP2 to reflect the housing requirement of the Core Strategy which is 9,365 dwellings. I am satisfied that incorporation of this figure is consistent with the development plan approach found sound in the Core Strategy. There were representations regarding the Core Strategy figure, which considered that the Council aspirations for housing were too high in light of past delivery rates and economic decline in the area. However, the LPP2 acknowledges that it seeks to encourage growth and promote regeneration. It sets out a programme for growth, both economically and in housing, and I consider that it has been positively prepared. The SHMA addressed a wide range of growth scenarios, and essentially supported the housing requirement originally set out in the Core Strategy and now reflected in the LPP2.

43. After the Hearings, the Government published revised household projections for England<sup>18</sup>. As these were only basic household projections, lacking detail of age and household type, it was not appropriate to rerun the demographic scenarios, modelled as part of the SHMA. Furthermore, the Core Strategy requirement, now taken forward into the LPP2, is a growth based requirement, drawing on employment land and jobs growth forecasts. I am satisfied that these revised figures do not materially affect the housing requirement, and that the approach presented in the LPP2 is sound.
44. However, notwithstanding the revision in the LPP2 to the Core Strategy requirement figure, the Council initially maintained an alternative phasing proposal and considered that the LPP2 identified sufficient sites to provide a flexible and robust approach to meeting the overall requirement, as well as the Framework's expectation regarding a five-year housing land supply (HLS). Matters relating to this, which, in addition to phasing, included the incorporation of housing shortfall, considerations of the components of the housing supply, housing delivery rates and the imposition of a buffer were challenged by a number of respondents, and formed the subject of my Interim Findings, dated 30 January 2015.
45. In response to this, the Council confirmed that they would incorporate the Core Strategy phasing, utilise the 'Liverpool' approach to the shortfall and apply the 20% buffer to the shortfall, and, in addressing their projected supply, assume a 10% lapse rate and reduce the anticipated delivery rate on allocated sites from 40 dwellings per annum (dpa) to 35 dpa. Furthermore, revisions were made to the allocations.
46. In line with my Interim Findings, I consider that an approach to phasing reflecting that found sound in the Core Strategy, would be appropriate. Therefore, the proposed modifications (**MM5**) and (**MM6**) are justified and necessary to make the LPP2 sound.
47. As a consequence, the evidence base was revised, including the Housing Land Supply Position Paper (HLSPP) and the Housing Allocations Methodology

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<sup>16</sup> Gallagher Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)

<sup>17</sup> Gladman Developments Limited v Wokingham Borough Council [2014] EWHC 2320 (Admin)

<sup>18</sup> 2012-based Household Projections 2012-2037 – released 27 February 2015

(HAM). Under these circumstances, and incorporating additional allocated sites, the Council now demonstrate a HLS of 5.13 years.

48. The Council's proposal to now deliver the shortfall over the whole Plan period utilising the 'Liverpool' method would be a sound approach in this Borough. I accept that national guidance does tend towards the use of the 'Sedgefield' method, where the backlog is delivered within the first five years, but the structural issues facing the housing market here lead me to conclude that there would be a risk of failure and undermining of the LPP2 ambitions to achieve regeneration of the urban areas, without compromising edge of town and Green Belt land, if such an approach was used. The application of the 20% buffer to the shortfall is also a sound approach.
49. Turning to supply, the Council has now set out what I consider to be a suitable approach as regards lapse rates and deliverability. I accept that there may be concerns over whether even 35 dpa is achievable, but, within the first five years, a large part of the delivery will be on sites that are of significant scale and likely to involve a number of developers. While there is not a significant evidence base within BwD to justify historic delivery rates of this nature, I am satisfied that these can be achievable, and the Plan-led supply is sound in this regard.
50. Included within the revisions the Council has made since the Hearings, has been an increase in the anticipated housing delivery within the five year period from some of the allocated sites, albeit incorporating the reduced 35 dpa figure. I am satisfied that this represents increased certainty as a result of either the submission of a planning application, the grant of a permission or of further detailed discussions on master planning and delivery.
51. Specific concerns have been set out in response to the main modifications regarding the likely availability and subsequent deliverability of housing on allocated sites and anticipated other sources of supply in the five-year period. These generally referred to the lack of confirmed developer involvement as indication that the sites should not be considered as deliverable. For others, the suggestion was that although planning applications have been made there are questions over viability; hence the sites should be removed from the proposed five-year supply.
52. Forecasting deliverability and yields from sites is not an exact science, indeed that some sites will progress faster and some slower is a likely outcome. Therefore, in terms of the soundness of the Plan, the Council need to demonstrate that they can identify sufficient housing land to meet the assessed requirements. I have set out above that their approach is ambitious and the supply forecasts are relatively tight, nonetheless this does not mean that the Plan should be considered unsound.
53. The Framework requires that for sites to be considered deliverable they should be available now, suitable for development now and achievable, in particular that they are viable. A significant number of the allocated sites are in Council ownership and the Council has set out clear commitments, both within this Plan and the supporting evidence, to promote development within a flexible approach that would allow for constraints on viability to be addressed. Furthermore, a number of the sites referred to are subject to Masterplans and

some have planning permissions, or advanced applications in place. Overall, I am satisfied that the Council has demonstrated that the sites they rely on in their five-year HLS calculations are deliverable at this time.

54. Specific concerns were also raised by respondents as regards the incorporation of the reoccupation of long-term empty homes and windfall sites within the supply assumptions. Furthermore, in their revision to the five year HLS calculations, the Council has introduced an additional element of long term empty property completions brought back into use.
55. In the Council's preferred Scenario H of the SHMA, vacancy rates, albeit related to both second homes and empty properties, were set at 5.9% and held constant over the forecast period. Holding the rate constant means that these properties, estimated at 3,600 dwellings in April 2014, would, if returned to use, be for newly formed households, which are currently excluded from the household figures.
56. The Council has submitted evidence confirming a strategy<sup>19</sup>, to include funding, to bring empty homes back into use, and have set out a total of 130 dwellings over the 5 year period. This would accord with the aims of national policy set out in the Framework<sup>20</sup>. In addition to this, recent monitoring has identified 152 dwellings that have been brought back into use in the period 2013-2014. I am satisfied that there is no double accounting and the assumption of an additional 130 over the 5 year period is sound.
57. Turning to windfalls, the Council's strategic assessment sets out a delivery of 120 dpa, but assumes a start point for delivery being 2016/17. This small site allowance is based on past trends, albeit the past five years have shown delivery below this level. The SHLAA identifies sites that would provide in excess of this total over the plan period. The Framework<sup>21</sup> acknowledges the inclusion of windfalls in a five year HLS, subject to compelling evidence that such sites have been consistently available and will continue to provide a reliable supply.
58. The HLSP sets out completions data from 2002 to 2013. The average figure is 136 units per annum, although a number of respondents have drawn attention to the lower delivery rates since 2009. The LPP2 addresses housing delivery to 2026 and taking a long term view is an appropriate approach, and, in light of the improving economic situation generally and the positive measures set out in the Plan to encourage housing within the urban areas, it is not unreasonable to consider that future trends will show delivery rates approaching this long term average. While this element of the supply will need careful monitoring, the proposed supply is based on historic delivery rates, has been assessed through the SHLAA and is considered sound.
59. The Core Strategy identified that the Borough has significantly lower percentages of larger homes than the national average<sup>22</sup>. The lack of accommodation for higher wage earners was considered to impact on the economy of the area, but this has been specifically addressed in the LPP2.

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<sup>19</sup> 5.38 Empty Homes Update and 4.12 Housing Implementation Strategy

<sup>20</sup> Framework Paragraph 51

<sup>21</sup> Framework Paragraph 48

<sup>22</sup> Core Strategy Paragraphs 8.22

While some respondents were concerned that there was a focus on high value homes on greenfield and Green Belt sites, the HLSPP clearly identifies the spread of housing. This indicates approximately 25% of new housing is to be delivered on sites outside of the current urban boundaries, albeit a high proportion of this housing would be in urban extensions. An assessment of the proposed allocations indicates a proportional split between Blackburn and Darwen.

60. Historically, development in the Borough has led to a high percentage of terraced properties. The SHMA identifies this as some 45% of the dwelling stock, as opposed to a national average of 24.5%. The Plan seeks to rebalance the housing market, and yet there are clear objectives to support the significant need for affordable dwellings.
61. Taking all of these matters into account, I am satisfied that the LPP2 supports the Council's strategic approach to housing that is not only transformational, in terms of specifically seeking to provide a wider mix of housing, but is also focussed on urban led regeneration, while accepting the need for edge of town and Green Belt allocations. I am satisfied that this approach will currently meet the Framework's requirement for demonstrating a five-year HLS, subject to the incorporation of the further main modifications set out in this Report, and will contribute to the delivery of the Council's Core Strategy.

#### *Gypsy and Traveller Provision*

62. The Core Strategy<sup>23</sup> identified that the issue of need and the provision for gypsies and travellers would be addressed through the LPP2. A sub regional Gypsy and Traveller Accommodation Assessment (GTAA) was carried out across Lancashire in 2007. A partial review, focussed on BwD, was completed in 2013 to inform the LPP2. This identified engagement with the traveller community to establish future requirements, which were then set against current provision to address the five-year supply needs for the Borough. I am satisfied that this has been carried out in accordance with national policy as set out in the Planning Policy for Traveller Sites<sup>24</sup>.
63. However, a number of revisions need to be made to Policy 20 to ensure that the needs of the entire travelling community are properly represented. Thus the following modifications are recommended: (**MM39, MM40, MM41, MM42, MM43, MM44 and MM45**).

#### ***Employment***

64. The Core Strategy set out a figure of up to 105.5 Ha<sup>25</sup> of employment land, although it explicitly left the setting of a precise figure to the LPP2 to take account of the future work in Pennine Lancashire. To that end, the Council commissioned the Employment Land Review (ELR) 2013<sup>26</sup>, on the basis of which they promoted an approach to employment land requirements and a range of employment land allocations.

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<sup>23</sup> Core Strategy Policy CS10

<sup>24</sup> March 2012

<sup>25</sup> Core Strategy Policy CS3

<sup>26</sup> 5.14

65. The ELR set out a number of key issues including the change in the sector requirements noting that employment needs in BwD must respond to the loss of large-scale, low-value manufacturing and the rise in service sector employment and higher-value, more intensive manufacturing. It further noted the need to address, or at least be aware of, the risks associated with the past reliance on public sector employment.
66. It set out six scenarios ranging between 43 and 75 Ha of employment land. The Council's preferred approach was for historic land take-up plus a buffer (Scenario 2, equivalent to 66Ha), which was considered to offer opportunities for growth and flexibility. The historic take-up rates were also informed by the trend of expansion or relocation of existing businesses into more suitable premises, and consequently the need to understand the net requirement, with some employment land being lost to housing.
67. The ELR also concluded that it was not possible to obtain a reliable forecast of jobs growth, or to reliably translate job growth forecasts into B1, B2 or B8 jobs and from that into floorspace and land requirements.
68. The reliance on historic take-up rather than jobs growth to assess requirements was challenged. It was suggested by respondents that Scenario 4 could have been promoted using the evidence base, or alternatively that Scenario 6 gave a better, but still flawed, indication of likely requirements, although even that was considered to be over-estimated due to the approach taken to the average land lost to housing. A lower level of between 30 and 40 Ha was suggested as being more appropriate.
69. Two matters need to be examined; firstly, whether the historic take-up rates can be considered as robust evidence for future requirements, and secondly, whether a jobs growth approach can be considered more robust or a more appropriate approach. Respondents have argued that both the employment land lost to housing<sup>27</sup> and the employment land take-up<sup>28</sup> have single-year figures which would appear to dominate delivery, in 2011/12 and 2007/8 respectively. With regard to land lost to housing, some 13 Ha have been converted since 2005. A supplementary note requested at the Hearings<sup>29</sup> identified approximately 41.8 Ha of existing employment land that was likely to comply with Core Strategy Policy CS4, a policy permissive of the loss of employment land in certain circumstances<sup>30</sup>. The average conversion since 2005, projected over the plan period, results in a forecast of approximately 24.75 Ha to be lost to housing. There is clearly sufficient land to justify this figure, and while the past conversions have been somewhat sporadic, I consider that this represents a reasonable estimate.
70. Turning to employment land take-up, some 32 Ha of new employment land has been created in the Borough since 2005. The rates represent net completions through both times of economic growth and recession, and the Council have taken an average of 4 Ha per annum. It was argued that with almost half of the employment land completions occurring in 2007/8 this

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<sup>27</sup> 5.15 - Employment Land Review Figure 7

<sup>28</sup> 5.15 - Employment Land Review Figure 2

<sup>29</sup> EL4.011 - Evidence to Support Forecast Loss of 24.75 hectares of Employment Land over the Plan Period

<sup>30</sup> 5.07 Strategic Housing Land Availability Assessment (Update 2014) (SHLAA)

approach of considering an average is significantly skewed. More detailed assessment of the relevant completions during this period confirms that they were associated with a number of developments across several employment areas, and not a 'one-off' development. In light of this, and the spread of figures covering a reasonable period of an economic cycle, I consider that the use of an average figure is a reasonable approach. To this the Council has added a 10% buffer or growth factor, which, in light of the Plan's active promotion of economic growth, would appear reasonable, providing flexibility and choice alongside sufficient capacity to respond to future employment land requirements.

71. The Council has promoted the ELR, Option 2, to support this approach, identifying that it addresses the move towards service sector employment while ensuring sufficient sites remain available for manufacturing, the movement of existing businesses and the effect of policy.
72. Over a period of 8 years the Borough saw completions of approximately 55 Ha of employment land of which some 22 Ha represented re-use of existing employment land. While I find it a relatively simplistic approach, projecting this forward under a plan for growth, it is not unreasonable to consider delivery of 66 Ha of land, and to plan for allocations totalling 43.5Ha, with the remainder coming from development opportunity sites, Whitebirk and smaller employment sites.
73. However, respondents argued that this is not a robust approach and results in too high a figure, unsupported by their independent review which used labour demand. It was suggested that jobs growth, taking the Greater Manchester Model, could be 4,000 of which only about 40% would represent B1, B2 and B8 uses likely to result in land requirements, and that this was a mismatch against 66 Ha.
74. The Council, in the ELR, dismissed this approach, identifying several gaps in the data, the unreliability of employment densities and the difficulty of translating SIC<sup>31</sup> sectors into employment use classes. While this approach may be more sophisticated, this does not necessarily translate into it being more robust. The Core Strategy initially referred to a requirement in excess of 100 ha, the lower estimates promoted by respondents would be 30-40 Ha. Past performance, during a period of acknowledged decline, and in the absence of the positive policies to be promoted through the Plan, delivered in excess of 30 Ha over an 8 year period. The Development Market Study<sup>32</sup> identified a lack of suitable employment sites in the medium to long term and the Council has set out further evidence<sup>33</sup> of significant demand; other respondents have also argued that the LPP2 does not identify sufficient employment land to meet the emerging needs.
75. Blackburn with Darwen sits at the gateway of the M65 corridor, which the Lancashire Strategic Economic Plan<sup>34</sup> notes as supporting 80% of East Lancashire's jobs. The Borough must plan to provide sufficient land to support

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<sup>31</sup> Standard Industrial Classification

<sup>32</sup> 5.20 Development Market Study 2012

<sup>33</sup> Employment Land Enquiries at February 2015 – Table 5 EL6.012

<sup>34</sup> 3.04



its ambitious targeted growth agenda, and while I have found their preferred approach to be somewhat simplistic, nonetheless it is robust, in that it plans for growth at levels reflective of past performance but inclusive of growth and flexibility. It sets out a range of sites, a number of which are well located to the M65 and which are the 'prestige sites'.

76. On balance, and in light of my overall conclusions on housing land, I consider that the Council's approach to strategic employment land requirements is robust and identifies sufficient land to respond to their targeted growth strategy. In this regard, the Plan is sound.

### **Conclusion**

77. The LPP2, taken as a whole, contains a comprehensive and robust approach to the delivery of housing and employment land across the Borough. It has been positively prepared and supports the delivery of the transformational growth agenda set out in the CS, which remains ambitious. As a result, I considered that specific monitoring requirements to carefully assess the delivery of such measures were necessary. As submitted, the LPP2 had no monitoring framework, but relied on that associated with relevant chapters in the Core Strategy.
78. This omission has now been corrected through modification (**MM53**) **Appendix 3**, in light of which I find the LPP2, in this regard, to be soundly based.

## **Issue 2**

### **Is the approach to the Green Belt sound?**

#### ***Exceptional Circumstances***

79. As set out above, the Core Strategy and the LPP2 are committed to delivery of 9,365 homes over the plan period. The strategic approach to the distribution of this housing focusses predominantly on the two main centres in the Borough. However, as acknowledged in Core Strategy Policy CS1, there was likely to be a need to consider urban extensions and potentially some Green Belt release.
80. The Framework clearly sets out that Green Belt boundaries, once established, should only be altered in exceptional circumstances through the preparation or review of the Local Plan<sup>35</sup>. The Council commissioned a Green Belt Review<sup>36</sup> and addressed the matter of whether it was appropriate to release land for housing in their Green Belt Position Paper<sup>37</sup>.
81. That the Council's objectively assessed need indicates a requirement to consider land outside of the urban centres and within the Green Belt, is not in itself sufficient to be considered as the exceptional circumstances justifying the release of land from the established Green Belt. However, in this case, the Council has set out the scale of under delivery of housing, the viability pressure on delivery within the urban centres, at least in the initial years of the Plan, and the need to rebalance the housing market to support the economic aspirations of the Borough.
82. Furthermore, the Green Belt Study reviewed only the inner boundaries of the Green Belt with a view to ensuring that any releases represented the most sustainable sites with the closest relationship to existing development. The Study was not informed by either a call for sites or a specific housing need target, but instead was focused solely on the performance of identified parcels of land against the statutory purposes of the Green Belt, in particular Purposes 1<sup>38</sup>, 2<sup>39</sup> and 4<sup>40</sup>. Its aim was to identify land whose removal would not affect the integrity and long-term permanence of the Green Belt.
83. Thus the Council has set out not just the need for housing, but the acuteness of that need and the constraints on other land, and have objectively considered the impacts that the release of such land would have. In these circumstances, I am satisfied that their approach properly reflects the exceptional circumstances necessary for Green Belt release, accords with the Framework and is sound.
84. I have considered the criticisms that were raised as regards the Study, in particular to the approach on 'containment', and I deal with the safeguarded sites and the specific allocations below.

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<sup>35</sup> Framework paragraph 83

<sup>36</sup> 5.11- Green Belt Study and 5.12 – Green Belt Study Technical Annexes

<sup>37</sup> 5.13 – Green Belt Position Paper

<sup>38</sup> To check the unrestricted sprawl of large built-up areas

<sup>39</sup> To prevent neighbouring towns merging into one another

<sup>40</sup> To preserve the setting and special character of historic towns

### ***Green Belt Policy***

85. In order to ensure that the LPP2 is consistent with the Framework and national guidance on development within the Green Belt, it is necessary that there is some modification to the text of Policy 3, in particular to ensure that exceptions to inappropriate development are correctly referred to: **(MM1)**.

### ***Safeguarded Sites***

86. The Green Belt Study identified a number of plots of land suitable to provide for the Borough's needs in the longer term, beyond the end of the current plan period. These were sites where the effect on the Green Belt was identified as limited, but the sites themselves were considered, at that time, less suitable for allocation in light of either landownership issues or their strategic policy fit.
87. There was discussion at the Hearings concerning the overall provision of housing land and whether there should be a trigger for review of the safeguarded sites should delivery not reach expected levels. However, following the Hearings, the Council revised their position and further information addressed the availability of some of these sites. Accordingly, in order to support the Council's revised approach to housing and their five-year housing land supply, a modification is recommended that takes these sites out of Policy 4 and includes them as housing allocations under Policy 16 **(MM2)**.
88. There were proposals from respondents that other parts of the Green Belt were suitable for release and should be identified either as safeguarded sites or as allocations. Each of these sites were included either alone or as part of a larger plot in the Green Belt Study. I am satisfied that a consistent methodology was adopted within the Study, and the Council has identified their preferred sites for allocation and for safeguarding. In light of my overall conclusions regarding the Plan, I can see no reason to consider that these sites need be additionally removed from the Green Belt. Thus, the Council's decision to retain sites to the west of Whinney Lane, Meins Road and Preston Old Road is considered sound. The land surrounding Westholme School was argued to be appropriate for removal from the Green Belt, or for inclusion within the larger Preston New Road safeguarded site, 4/2. However, while the site has some development associated with the school, its removal from the Green Belt, and the potential for its subsequent further development, would represent a significant encroachment into the countryside and enlargement of the built-up area. That the Council has not chosen to remove it from the Green Belt does not render the Plan unsound.

### **Issue 3**

#### **Are the allocated employment, housing and development opportunity sites justified and deliverable within the plan period?**

##### ***Employment Allocations***

89. The LPP2 sets out an overall requirement of 66 Ha of employment land, of which 43.5 Ha is to come from the allocated sites (Policy 13). Of these, a number have been identified as 'Prestige' Sites, referred to as being large sites, attractive to developers and located close to the M65 junctions. The remaining employment land requirement is to be delivered from the Whitebirk Site, in Hyndburn District, smaller sites in existing designated Primary and Secondary Employment Areas (Policies 14 and 15 respectively) and on mixed-use development opportunity sites (Policy 28).

##### *Policy 13/6*

90. Policy 13 identifies allocations to meet the employment land requirement for development in Use Class B1, B2 and B8. It was noted at the Hearings that one of the allocations, 13/6 Evolution Park, has received permission for a health service facility. While this is outside of the stated use classes, and would not contribute towards the identified employment land requirement, the Council argued that it represented an employment use and was in accordance with Policy 14, which allows some flexibility, where it would not prejudice the maintenance of an overall balance of uses within the Primary Employment Areas.
91. The LPP2 identifies key sectors for growth in BwD, which includes the health sector. However, were the permission to be built out this would represent the loss of this land for the employment uses that Policy 13 seeks to support and Policy 14 seeks to protect. At 3.6 Ha, this would not in itself make the Plan unsound, and there is already a small buffer included within the assessed requirement. Nonetheless, careful monitoring of employment land take up would be required to ensure that the aim of providing a portfolio of development land to complement growth in the area is met.

##### *Policy 13/8*

92. The LPP2 identifies the Haslingden Road site as a high-quality, prominent and accessible site close to the M65 and the established Shadsworth Business Park. The site is in two parcels separated by a sports centre. The site has an extant outline planning permission for business use. The Council, following assessment of sites in the 2012 Development Market Study, identified this as one of the Prestige Sites in the area. These were the sites that generally scored highest in that assessment, and which addressed indicators of the site's viability and attractiveness to the market, albeit Haslingden Road was, at that time, one of the lowest ranked of the Prestige Sites.
93. Notwithstanding this, evidence was submitted by the owner that sought to show the site as not attractive to the market. This included a considerable period of unsuccessful marketing and a review of the structural issues regarding the slope of the land, the presence of underground services and the relationship to neighbouring residential properties.

94. The Council maintain that this is a Prestige Site. Of these, they now identify that with one such site not currently available and three sold for imminent occupation, only two remain, this site and Plot C at Shadsworth Business Park, which the Council themselves are actively marketing and now report has been sold subject to completion. In this context, the Council has re-appraised the site in terms of development viability, the up-to-date condition of the site and the emerging policy situation. The site was assessed as the second highest scoring of all of the allocations. On completion of the Shadsworth Road Business Park, it will be the highest scoring available site in the Borough<sup>41</sup>.
95. The two parts of this site represent open, gently sloping areas with good access to the motorway network and evidence of ongoing improvements to this access. While there is housing immediately to the north, the main parts of the sites open onto Haslingden Road, which has a predominantly commercial character with the large fuel filling station and the Shadsworth Business Park to the east.
96. While I do not doubt that there have been genuine efforts to market this site, there are no clear structural differences between it and the other sites in the Shadsworth and other business parks in the area that have continued to develop and are reported by the Council to be subject to considerable interest now<sup>42</sup>. The respondent's detailed marketing information dates from 2007 to 2014 when the site was held in a Joint Venture, and this, combined with the depressed market conditions through this period may have been contributors to the failure of the interest shown to follow through to completion.
97. However, although I accept that the Framework seeks to avoid the allocation of sites where there is no reasonable prospect of development<sup>43</sup>, I consider that this circumstance cannot currently be ascribed to this site. I am satisfied that the LPP2 sets out a robust but flexible approach to employment land, and that it is currently necessary to identify sites, such as this, to be allocated to allow for growth. There is no reason for me to recommend removal of this site, nor, in light of my overall findings on housing land, to recommend its alternative use for housing. The continued identification of this site as employment land and thus Policy 13/8, is soundly based in this regard.

#### *Conclusion on Employment Allocations*

98. In light of my findings on the soundness of the overall strategic approach to employment land and housing land requirements, I have no requirement to consider the alteration of other employment land allocations, or existing identified Primary Employment Land, as set out under Policy 14, whether to housing or any other use. This includes allocations under Policies 13/11 and 13/12 and the existing sites off Roman Road and Riversway Drive, which I consider to be suitable for employment uses.

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<sup>41</sup> EL6.012

<sup>42</sup> EL6.012

<sup>43</sup> Framework - Paragraph 22.

## ***Housing Policy and Allocations***

99. The LPP2 initially set out 18 allocated sites for housing, representing a total of 3,340 units. These were identified as representing key strategic sites to meet the housing requirement. A minimum size threshold of 50 units applied and the allocations were promoted as representing key growth or regeneration sites, or sites with associated infrastructure requirements or which met a specific need in the area.
100. The revisions to the housing requirement and supply, set out above, have also led to proposed main modifications resulting in the removal of one allocated site, but the inclusion of two additional sites. One of these is an enlargement of an existing allocation. The LPP2, as proposed to be modified, would still therefore include 18 sites, but this now represents a total of 3,605 units. Consequently, in order to make the Plan consistent with the housing requirement and the five year HLS, as required by the Framework, main modifications are required to Policy 16 to reflect these changes along with some revisions to the anticipated delivery from the sites (**MM7**).
101. Each allocation identified in Policy 16 is dealt with through an individual element of the policy, 16/1 to 16/18, addressing expected yields, contribution to the five year supply and key considerations to be addressed. To ensure that each reflects the Council's projected five-year HLS, the original policy elements need to be modified to alter the dates to 2019 (**MM8, MM9, MM11, MM12, MM13, MM14, MM15, MM16, MM17, MM18, MM19, MM24, MM26, MM27, MM28, MM32, MM35, MM36**).
102. A considerable proportion of the responses to the LPP2 related to site specific matters with these policy elements. A number of these issues form part of each site's individual key considerations and will be addressed as part of any future planning application. I have dealt only with those matters that raised issues relating to the soundness of the Plan.

### *16/1 Parsonage Road*

103. This is a site located to the edge of the north-eastern part of the Blackburn urban area. Concerns regarding surface water flooding and the requirement for a primary school are addressed in the key considerations. Planning permission has been granted for 85 units on this site, and development has commenced. In response, the Council has anticipated a slightly larger expected delivery within the five-year period, contributing to their revised supply calculations.
104. Subject to modifications on this matter, this element of the policy is sound (**MM8**).

### *16/2 Ramsgreave Drive*

105. Located to the north of the urban area of Blackburn, this site was identified following the Green Belt Study. It is a large site in two parts separated by Barker Lane/Lammack Road. Much of the site to the east is currently occupied by the local rugby club.
106. Key considerations for this allocation include the need for a Masterplan;

relocation of the rugby club; retention of public rights of way (PROW); assessment of the ecological value of the site; surface water flood risks; and access onto the A6119. These address many of the matters raised by respondents.

107. Representatives of the Rugby Club attended the Hearings and confirmed their involvement in development of this site. They indicated relatively advanced preparations for relocation, which they anticipated could be complete for the 2017/18 season.
108. Representations were made from landowners that the site did not need to be considered jointly, or to have a Masterplan in place prior to progressing planning permission, as this would lead to delays. I accept that issues relating purely to coordinated or even combined highway access onto the A6119 would not need such a comprehensive approach but, there are other key elements that would. Most notable among these is the need to establish a robust Green Belt boundary and transition between the new urban extent and the countryside to the north.
109. It was clear at the Hearings that there is already good engagement between landowners and commitments were made by the Council to support the process and ensure that it would not result in delays. In such circumstances, I consider a Masterplan approach across such a large site is necessary and the allocation is sound in this regard.
110. Finally, the key considerations sought the retention of land for the provision of a primary school. I noted the presence of a nearby primary school opposite the existing crossroad junction, and while there is no question that additional housing here would place pressure on educational infrastructure that would need to be addressed, it is not clear that this would need provision of a second school on the site. Consequently, a main modification is required that this is addressed at a later stage and land made available only where shown to be required (**MM10**).
111. I do not underestimate the concerns raised by the local residents. This would be a large scheme and would alter the area, changing the outlook for many of the residents along Ramsgreave Drive, Barker Lane and Lammack Road. However, as set out above, there is a convincing case that housing is needed in the Borough. A revision is required to ensure that the policy reflects the Council anticipated increase in housing delivery alongside the revised five-year housing supply period (**MM9**), and subject to this, I am satisfied that this element of the policy is sound.

*16/3 Roe Lee*

112. To the northeast of the urban area of Blackburn, the site is divided into undeveloped land to the north, in the ownership of the Council, and two mill sites in commercial use and three parcels of land in private ownership to the south. The key considerations include the need for a Masterplan, which I consider would be necessary in this case to ensure a comprehensive development utilising new and existing accesses onto the site and addressing the currently disparate nature of the two parts of the site. Other considerations include flood risk; access; relationship to the railway; and

infrastructure contributions. In addition to market housing delivery on this site, the Council has identified the need for an extra-care facility to be built on the Council owned part of the site. This extra care facility is anticipated to deliver 115 units in 2018-19. Other schemes of a similar type have been procured and delivered within this time frame elsewhere within the Borough. This is an important part of the overall delivery programme for the first five years and careful monitoring of progress is necessary to ensure delivery.

113. The Council are the landowner of the northern part of the site, and while I acknowledge the need for a Masterplan, there is no reason why the market housing delivery on the site cannot be phased, allowing for later regeneration of the developed area to the south and delivery on the northern part, subject to access provision. A revision is required to ensure that the policy reflects the increased delivery associated with the extra care facility and the Council's revised five-year housing supply period (**MM11**), subject to this, I consider this element of the policy to be sound.

#### *16/4 Griffin*

114. This is an allocation made up of a number of sites where former development has been cleared. There is a Supplementary Planning Document (SPD) in place addressing development and key considerations include the need to address flood risk, contamination and relationship to the nearby industrial units.

115. Concerns were raised over the deliverability of the site, especially as the SPD was produced in 2011 but no work has been started. The Council confirmed that the SPD was to assist in procuring the site, and while there were still some negotiations needed to fully assemble the site, they were confident of delivery commencing in 2016/17. I consider this element of the policy to be sound.

#### *16/6 Alaska Street*

116. The Council has provided revised figures for this site based on latest evidence. Accordingly a main modification is required to address both the overall delivery and the delivery within five years, responding to the reduced figure of 35 dpa (**MM14**).

#### *16/7 Haslingden Road*

117. This is a large site adjacent to the Fishmoor Reservoir and enclosed by the hospital and existing residential development. This is a Council owned site.

118. Concerns were raised regarding lapwing and golden plover migratory habitat. There is a need to establish appropriate mitigation responding to the cumulative demands for land surrounding the reservoir sites, and there is a key consideration specifically highlighting the need to consider ecological implications.

119. Furthermore, in response to concerns over capacity to deliver the site, I see no reason that the Council, in line with their commitments to focus on delivery of their own sites, should not progress this site in accordance with their proposed supply. Accordingly, this element of the policy is sound.



*16/8 Blackamoor Road*

120. A large undeveloped site to the south of Fishmoor Reservoir, the allocation includes requirements for the provision of land to support road improvements to the Roman Road - Blackamoor Road junction. Issues regarding ecological implications are similar to site 16/7, and are similarly addressed in the key considerations.
121. There is a need for the Council to expedite delivery on this site, but I am satisfied that the road junction improvements do not need to be delivered before housing on the site, albeit the crossroads is identified as an Air Quality Management Area and road improvements are needed. When delivered, the increased capacity will improve the junction here, and while I appreciate there are concerns regarding the wider road network, this is not relevant to the soundness of the proposed allocation.
122. A main modification is required to address both the overall delivery and the delivery within five years, responding to the reduced figure of 35 dpa (**MM16**). Subject to this I consider this element of the policy is sound.

*16/9 Land west of Gib Lane*

123. This is a large strategic site on the south-western edge of Blackburn, currently open fields and woodland sloping up to Horden Rake and Broken Stones Road. Three separate elements reflecting landownership make up the majority of the site. At the Hearings, the representatives of the landowners and developers involved confirmed that considerable work had been carried out with regard to a Masterplan for the site, in accordance with the key development considerations set out in the LPP2. These have included highway assessments, which themselves have taken account of a further nearby allocation, 16/10.
124. There was considerable concern from local residents and organisations supporting protection of the countryside here. This is a large site and would be prominent in a number of views from the northwest and from the west on the approach toward Blackburn. It would represent a considerable change. However, I have dealt with the need for housing earlier in this Report and the Council have adopted a robust methodology to identify necessary urban extensions and Green Belt release to meet that need. The Masterplanning process allows for many of the matters of concern to be addressed, including the need for a robust landscape assessment. While I do not discount the very significant concerns regarding the loss of this greenfield site to housing, I am satisfied that the Council has properly considered the implications and the allocation of the site is necessary to meet the strategic aims set out in the Core Strategy and now the LPP2.
125. The site would support a very significant delivery of housing. Although the LPP2 initially set out an estimated delivery of 440 within the plan period, the Council has indicated that this would now be 621. Landowners confirmed that house building is likely to continue beyond the plan period. This is reflected in the modification proposed (**MM17**).
126. The Council note that progress within the three parts of the site is such that of these, 366 are now expected to be delivered within the five-year period. The

Gib Lane Masterplan has been adopted, planning permission has been granted for an initial phase of 145 units and a planning application has been submitted for another phase of the development for 79 units. While this is an ambitious delivery of housing for this site, the adoption of the Masterplan and the confirmed involvement of developers with a planning permission and a planning application under consideration would support that the site has a realistic prospect of the housing being delivered. It is an important site in terms of the overall contribution to the five-year HLS and careful monitoring is required to ensure delivery matches the expectations.

127. Subject to a modification to reflect the revised delivery of housing (**MM17**), I am satisfied that this element of the policy is sound.

*16/10 Land to the east of Heys Lane*

128. This is a large urban extension site to the south of Blackburn. Local concerns regarding traffic and landscape impacts are picked up in the key development considerations set out in the policy. Matters relating to the viability of Tockholes School, arising from expansion or new development of education facilities to support housing here, are not considered material, as any additional infrastructure should only be to meet the needs arising from the development.

129. There was strong support from landowners' representatives at the Hearings confirming the development of a Masterplan and agreement between the five main landowners. Landscape capacity, transport and flood risk studies were reported to have been carried out and there was support for the Council's estimated delivery. With multiple developers anticipated, delivery rates in excess of 40dpa were predicted, with no limiting enabling development or onerous infrastructure requirements identified and sufficient viability to address potential contributions.

130. Nonetheless, the Council has considered delivery rates in accordance with the agreed reduction to 35dpa. Subject to a modification addressing this (**MM18**), I am satisfied that this element of the policy is sound.

*16/11 Johnson Road*

131. An industrial site located away from the two principal urban centres, the Council has accepted that there would not be housing delivered from this site in the five-year period, and a main modification is proposed to address this, acknowledging that development may progress beyond the plan period also (**MM19**). Subject to full assessment of the relationship with the surrounding Green Belt and nearby Biological Heritage Site, addressed in the key development considerations, I consider this element of the policy to be sound.

*16/12 Former Darwen Moorland High School / Land at Holden Fold*

132. In response to the need to find additional land to meet the housing requirement, the Council has suggested that this site could be linked to the adjacent safeguarded site (4/3 Chapels) to form a larger single allocation.

133. The site has been assessed in the Green Belt Study and as a combined site would provide not only regeneration of the former school but a logical urban

extension. Accordingly, the proposal is to change the name of the allocation to Land at Holden Fold (**MM20**) and to identify a new development area, housing delivery, new site plan and a new set of key development considerations (**MM21, MM22, MM23, MM24, MM25**). I recommend these main modifications in the interests of effectiveness.

134. I note the concerns raised during consultation on this proposed modification, including those that the increased scale of the allocation would impact on local traffic and wildlife. This has been recognised in the revised evidence base, notably the Housing Allocations Methodology<sup>44</sup>, and reflected in the key development considerations for this larger site. Ecological assessment of the site prior to development would be necessary as the site lies within an Ecological Consultation Zone (ECZ). However, I have limited evidence to suggest that this would prevent the delivery of housing on the site, although suitable mitigation would need to be secured. The site has been considered in an addendum<sup>45</sup> to the initial Ecological Assessment of Housing Sites submitted in support of the LPP2<sup>46</sup>. There is clear support from landowners for development of the additional land in the short term.
135. Initially no housing was identified for delivery from the school site within the five-year period. However, the Council has confirmed that they have received permission from the Secretary of State to dispose of the site. Accordingly, I am satisfied that this element of the policy would support the Council's strategic housing aims and is sound.

*16/13 Robin Bank / Shorey Bank, Darwen*

136. This is a previously developed site set within the urban area of Darwen. Although originally identified for 150 houses, a planning application had been made for 119 units. The Council has confirmed that permission has been granted for the extra care scheme including 85 apartments and 34 bungalows. This should be reflected in the allocation for accuracy (**MM26**).
137. The site sits above the River Darwen and I note the concern of respondents as regards potential impacts on the local habitats, a Biological Heritage Site and the run-off into the river. I am also conscious that the planning application process was running concurrently with the Local Plan Examination. These matters were clearly set out in the key development considerations, and it is the responsibility of the Council to ensure that they are fully addressed in any application process.

138. I am satisfied that the site represents a suitable site for housing and that the allocation properly addressed the need to consider the ecological impacts of any scheme. Accordingly, I consider this element of the policy is sound.

*16/14 East Darwen*

139. This is a large site to the eastern side of Darwen, which is also referred to as Ellison Fold or Bailey's Field. It lies adjacent to residential development but opens out to open countryside to the east. Part of the site is identified as

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<sup>44</sup> EL6.008

<sup>45</sup> EL6.009

<sup>46</sup> 5.23 a and b

being necessary to support development of the East Darwen Link Road / Darwen East Distributor Corridor.

140. Very considerable levels of concern were raised regarding the development of this site, which appears to be regarded as a public open space by many local residents, and I have taken into account the 'Protect Bailey's Field Petition', which was endorsed by the local MP. Much evidence was presented regarding the use of the land and footpaths reported to cross it, although it was accepted that many of these were not formally adopted or recorded as PROWs. Furthermore, it was confirmed at the Hearings that the land had been safeguarded under a previous plan for housing and most is in private ownership, with a small part of the area to the south being in Council ownership.
141. I appreciate the concern of local residents who would appear to have had access to this land. It was suggested that I could consider removing the land from housing allocations and allocating it as open space or similar. However, my role is to consider the soundness of the allocations promoted by the Council. In this case, there is a process that could have been followed to seek to identify this site as a Town or Village Green or to have sought adoption of footpaths as PROWs. Furthermore, I had clear evidence presented at the Hearings identifying the landowner's commitment to development of the land and ongoing work to complete a Masterplan to aid delivery. The Council also reports active developer interest.
142. I appreciate also that there are challenges in developing this site due to its sloping topography and historic mining features. Nonetheless, this is insufficient to suggest that its allocation is unsound. Key development considerations are set out in the policy to address matters including geo-technical studies, maintenance of footpath links and the relationship with the open countryside and Green Belt.
143. Accordingly, subject to a main modification to address both the overall delivery and the delivery within five years, responding to the reduced figure of 35 dpa (**MM27**), I consider this element of the policy is sound.

*16/15 Pole Lane*

144. The landowner confirmed planning permission was in place for 133 units and investment had been made in bringing the site forward for housing. Subject to a main modification to address the delivery within five years (**MM28**), I consider this element of the policy is sound.

### *16/16 Ellerslie House / Pole Lane South*

145. Ellerslie House was originally identified as an allocation to deliver 50 units. Having visited the site and considered submissions, I raised concerns regarding the deliverability of this site. The Council confirmed that it was no longer to be considered as an allocation, but was to be considered within the housing supply under the 'small sites allowance' and identified as a Development Opportunity Site, 28/12.
146. The proposal is to replace this site with another of the sites originally proposed to be safeguarded for future housing delivery, Pole Lane South (4/5). Throughout the examination process those with interests in the land have identified this site as suitable for housing and indicated their commitment to bring it forward at the earliest opportunity; this was reconfirmed in their response to the main modification consultation. This has been recognised by the Council, who consider that it represents an acceptable addition to the housing allocations and to deliverable sites for the five-year HLS.
147. Considerable concerns have been raised in response to the proposed main modifications regarding the traffic implications, which I address below, pressure on local infrastructure and the effect on wildlife across this site. This is an urban extension site; it has been identified as suitable for housing, but still lies within an ECZ as defined by Lancashire County Council. This would mean that potential impacts and proposed mitigation would need to be fully considered prior to the development of housing on the site, but there is limited evidence before me that would substantially question the deliverability of the site. The site has been considered in an addendum<sup>47</sup> to the initial Ecological Assessment of Housing Sites submitted in support of the LPP2<sup>48</sup>. As noted above, landowners have confirmed that the site is available and suitable for delivery of housing in the short term.
148. Accordingly, main modifications are required to rename the allocation, identify the site, set out the scale and level of housing expected and to identify relevant key development characteristics for this site (**MM29, MM30, MM31, MM32, MM33, MM34**). Subject to these, I am satisfied that this element of the policy would be sound.

### *16/17 Kirkham's Farm*

149. This site is an urban extension to the southern edge of Darwen. It is adjacent to the Green Belt and adjoins the West Pennine Moors. While I note the concerns of local residents regarding traffic impacts, the Council identified that a Local Highway Network Study<sup>49</sup> had informed the allocations, and that there were no in-principle concerns regarding highway issues from statutory bodies.
150. I appreciate that in combination with allocations 16/14, 16/15 and 16/16 there would be a considerable increase in housing identified in the east and south eastern part of Darwen. The promotion of an alternative link road between this part of Darwen and the M65 corridor and Blackburn is at the heart of

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<sup>47</sup> EL6.009

<sup>48</sup> 5.23 a and b

<sup>49</sup> 5.01 – Local Highway Study Dec 2013

transport planning in the area<sup>50</sup>. I note that each of these allocations responds to this in either the provision of land or as a key development consideration, including the need for contributions to support its delivery.

151. I note there is developer interest and a planning application has been submitted for the development of 110 units. Subject to a main modification to address both the overall delivery and the delivery within five years, responding to the reduced figure of 35 dpa (**MM35**), I consider this element of the policy is sound.

*16/18 Springside Works, Belmont*

152. This site is a former paper mill located in a valley lying within the Green Belt and West Pennine Moors and remote from the two main settlements. There are potential issues relating to the ecological value of the site itself and surrounding sites, but it was reported that an application had been approved at committee subject to a legal agreement.

153. A main modification to address both the overall delivery and the delivery within five years, responding to the reduced figure of 35 dpa (**MM36**) is necessary, otherwise, I consider this element of the policy is sound.

**Development Opportunity Sites**

154. These sites are key sites identified by the Council, but which, often because of their town centre locations, are considered to be suitable for a range of uses where the Council considers it appropriate to retain flexibility. They also include sites where there may be questions over land assembly, or specific matters that may restrict their development at present. Nonetheless, these are sites that will contribute to the Council's overall targets for housing and employment land and a main modification is recommended to provide this clarity (**MM46**).

155. I note some respondents considered that these sites were not clearly referenced or were included at only a late stage in the plan process. I accept that there was a potential risk that inclusion of these sites in a policy separate from the principal housing and employment allocations may have been perceived as giving them less prominence as development sites. However, the sites were included in supporting evidence and were within the publication version of the LPP2, although, this matter has, in part, led to my suggested modification to explicitly associate development of these sites with the delivery of housing and employment in the Borough. Nonetheless, I conclude that the sites were appropriately included in the process of plan preparation, consultation and publication.

156. As set out above, Eilerslie House is not now considered a site delivering over 50 units and not therefore suitable for allocation. Considerable concerns were raised regarding access, flood risk and the scale of this site. These are matters that can be addressed during any planning application process and the site is suitable as a Development Opportunity site, as defined in the Plan. Accordingly, I recommend the following main modification (**MM47**).

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<sup>50</sup> 5.03 Darwen East Distributor Corridor Feasibility Study Dec 2013

## Issue 4 – Development Management Policies

### *Environment*

157. The LPP2 acknowledges the importance of the relationship between development and the environment, addressing matters including climate change, flood risk, environmental assets and biodiversity throughout the Plan.

158. In light of national policy on the requirement for sustainable drainage systems (SuDS), a revision to Policy 9 is necessary to ensure such systems are provided when required (**MM3**).

159. Policy 9 also addresses habitats and species and for clarity a main modification is also required to ensure that this matter covers ecological networks (**MM4**). Subject to these, I am satisfied that this policy is sound.

160. Similarly ecological networks need to be acknowledged as a key part of green infrastructure, which is addressed in Policy 40. Modification is needed to the title of that policy (**MM51**) and to make clear what the definition of ecological networks is (**MM52**).

161. Policy 38 identifies key elements of Green Infrastructure in the Borough, which are shown on the Policies Map. There are inherent issues with how to define 'key' infrastructure, and whether smaller sites, whose cumulative loss may result in considerable harm, are suitably protected. In addition to the evidence base available to decision makers arising from the Open Space Audit and Assessment<sup>51</sup>, I am satisfied that if Policy 38 is properly read in conjunction with Policies 9 and 40, these policies taken together provide a suitable framework for the protection of green infrastructure.

162. I note concerns that the Policy Map itself does not set out all designated sites and ecological networks. I appreciate that having such information on a single map with other constraints may be attractive, but the Plan is not unsound without such features, especially where proposed designations await formal definition there is a need to respond to changes in the nationally designated features.

### *Housing*

163. The LPP2 sets out under Policy 18 that all residential development should conform to the Council's adopted standards with respect to internal and outdoor space. The WMS, dated 25 March 2015<sup>52</sup> introduced, among other matters, a new approach for the setting of technical standards for new housing. Appreciating that such a review was imminent, an approach was suggested at the Hearings whereby the Plan acknowledged the potential for adoption of national standards.

164. Now these have been confirmed, it is clear that they should be applied across the country and there is no need to specifically refer to them in policy. Private outdoor space standards do not form part of this national approach. The optional new technical standards, which include internal space standards, can

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<sup>51</sup> 5.19 a and b

<sup>52</sup> Planning Update March 2015 – The Rt Hon Eric Pickles MP

be referenced in a Local Plan, but only if supported by evidence that clearly shows need and that their impact on viability has been considered. This has not happened in this instance.

165. Although the Council has suggested main modifications along the lines of the discussion at the Hearings, in light of the clear statement of the Government and the requirements of the Planning Practice Guidance (PPG), my recommendation is that reference to internal standards is now not made within this Plan. The Council can consider their approach in any future review taking account of need and viability. However, to refer to the requirement to conform to any housing standards that the Council may want to adopt at this stage, even with a reference in the accompanying text to the national approach, would not be sound. In the interim, the mandatory standards in the Building Regulations would apply. I therefore recommend the following main modifications (**MM37, MM38**), which differ from the Council's proposed modifications.
166. Further concerns were expressed regarding the continued inclusion in the Monitoring Framework of standards, such as the Code for Sustainable Homes, which the Government's approach now makes clear have been phased out. These metrics may become increasingly irrelevant, but they are standards that were set out within the Core Strategy and therefore form part of the development plan. I therefore see no reason why changes to such detail would be necessary in order to make the Plan sound.

### *Retail*

167. The LPP2 sets out a range of policies to manage town centre uses and development within defined shopping frontages as well as small-scale shopping provision, specifically in relation to local convenience shops. In this way, it recognises the importance of town centres and sets out a sequential approach to retail provision. Although I note concerns over the use of indicative maximum unit sizes for main town centre uses, Policy 29 explicitly states that assessment evidence should not be limited to the indicative maxima set out. The Retail Capacity Study<sup>53</sup> supports the sizes based on local circumstances and addresses proportional impacts on town centre viability and vitality. This accords with the Framework<sup>54</sup> in this regard, and I consider the policy is sound.
168. Similarly, there are floor space thresholds in Policy 32, based on responses to stakeholder engagement and set out in the Employment and Retail Position Paper, 2014<sup>55</sup>. There is some certainty provided by the use of these thresholds, albeit I am satisfied that there is sufficient flexibility to ensure each application is dealt with on its own merits.
169. Policy 30 seeks to address and safeguard town centres from the effects of specific uses, including amusement arcades. In addition to the necessary main modification to respond to the new Statutory Instrument (**MM59**), for clarity, further definition of 'sensitive land uses' is required, and I recommend the following main modification to address this (**MM48**).

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<sup>53</sup> 5.16 a and b

<sup>54</sup> National Planning Policy Framework Paragraph 26

<sup>55</sup> 5.15



### *Renewable Energy*

170. The LPP2 sets out two policies which establish criteria-based requirements for renewable energy schemes, including wind turbines. Policy 36 is a generally permissive policy, but criterion (3) requires modification to ensure clarity that it applies only to small-scale schemes (**MM49**).
171. The WMS entitled 'Local Planning', released in June 2015, sets out new requirements for Local Plans in relation to wind energy development, and revised the PPG. Two principal requirements are addressed: that any proposed development site lies within an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and that it can be demonstrated that the planning impacts identified by the affected local communities have been fully addressed and therefore the proposal has their backing.
172. In such circumstances, a criteria based policy, such as Policy 37, must reflect these additional requirements for the Plan to be sound. I propose the following modifications: specifically setting out in the accompanying text, that suitable areas for wind energy will be identified in a future Development Plan Document (DPD) review (**MM60**); and adding the national requirements to the criteria list within Policy 37 itself (**MM61**). Thus, the policy would now support any future part of the development plan, including Neighbourhood Plans, that identified suitable areas and, in the interim period, that wind energy proposals would be considered in light of the WMS.
173. As these changes clearly respond to a revised national position, I consider that there is no need to consult on these proposed changes, nor is it necessary to carry out a further review of the SA.
174. A further main modification is necessary to Policy 37 to ensure that it fully addresses the potential issue of air traffic service interference (**MM50**). Subject to this I am satisfied that this policy is sound.

## Issue 5 – Infrastructure, Transport, Monitoring and Supplementary Planning Documents

175. I am mindful of the concerns of respondents that the ambitious growth promoted in this Plan would put significant pressure on infrastructure and services. I have noted that for the allocated sites such pressures have been reflected in the key planning considerations. Furthermore, the Plan makes provision for appropriate developer contributions, subject to compliance with policy, while taking into account the viability of any scheme overall<sup>56</sup>.
176. The LPP2 is supported by an Infrastructure & Delivery Plan<sup>57</sup>, which has identified where there would be a need for additional infrastructure to support growth. These findings have been reflected in the key development considerations of each allocation, via the provision of, or contributions to such infrastructure, where relevant. Strategic transport infrastructure is addressed in Policy 45 and 46, and I am satisfied that this has been informed by suitable studies, including the Local Highways Study<sup>58</sup>, the M65 Transport Implications Study<sup>59</sup> and the Darwen East Distributor Corridor Feasibility Assessment<sup>60</sup>. These policies are consistent with the Local Transport Plan<sup>61</sup>.
177. The LPP2 sets out an ambitious transformational agenda, which will need to be carefully monitored to ensure progress is maintained and any review, if necessary, implemented in a timely way. Thus, I have recommended a modification to incorporate a Monitoring Framework (**MM53**) as an appendix to the Plan (**Appendix 3**). This modification proposed two other appendices, a table of superseded policies, necessary to ensure the Plan accords with regulations<sup>62</sup> (**Appendix 1**), and a programme for delivery of SPDs (**Appendix 2**). The LPP2 sets out the need for supporting information for a number of policies to be provided as SPDs. These form an integral part to the delivery of the objectives of the LPP2 and it is necessary that they are brought forward in a timely manner.

### Other Matters

178. To respond to identified inaccuracies and to reflect the revised allocations, the Policy Plans need to be updated. The following modifications were put forward by the Council to address these matters (**MM54, MM55, MM56, MM57** and **MM58**), and on this basis the Plan would be effective.

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<sup>56</sup> Policy 12

<sup>57</sup> 5.22

<sup>58</sup> 5.01

<sup>59</sup> 5.02 a and b

<sup>60</sup> 5.03

<sup>61</sup> 4.05

<sup>62</sup> Regulation 8(5) The Town and Country (Local Planning) (England) Regulations 2012

## Assessment of Legal Compliance

179. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The LPP2 is identified within the approved LDS December 2013. Its content and submission date are generally in accordance with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in August 2006 and updated in January 2014 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (November 2013, updated April 2015) sets out that there would be no likely significant effect on any internationally designated site and AA is not necessary.
National Policy	The Local Plan complies with national policy, except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The LPP2 complies with the Act and the Regulations.

### Recommendations

180. The Plan has a number of deficiencies in relation to soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

181. The Council has requested that I recommend main modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in Appendix 1, the LPP2 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Mike Robins*

INSPECTOR

**This Report is accompanied by the Appendix containing the Main Modifications.**