

Appendix B - Appropriation of Land and Disposal of Open Space of Land at Lomond Gardens and Land off Old Gates Drive, Blackburn

Numbered Objection	Summary of Objection	Response
1	Access point for the new development of Old Gates Drive, Blackburn	<p>McDermott Homes considered various access points for its proposed new development. Following an options appraisal, the access point onto the new development will be from Lomond Gardens, Blackburn.</p> <p>The proposed development can be viewed on the Council’s Planning Portal under Planning Application reference 10/21/0277</p>
2	Loss of open space, to accommodate the proposed development of the access road from Old Gates Drive	<p>The proposed development scheme indicates that the site access will comprise an area of open space/green infrastructure to the southern boundary that will include/retain high quality landscaping to give an attractive entrance into the new development.</p> <p>As required by local planning policies, the development will also provide a financial contribution towards the provision of new and/or improvements to the quality/accessibility of existing Green Infrastructure/Public Open Space within Blackburn.</p> <p>Access from Lomond Gardens will mitigate any loss of open space at Old Gates Drive, which was previously being considered as an access point.</p>
3	Road Safety to residents, delivery, and service vehicles and accidents	<p>Issues of road safety raised were based on the access point being off Old Gates Drive and the existing narrow bends at the junction of the open space causing road traffic incidents. Regardless of the development access point all Highways matters will be fully considered as part of the planning application process.</p>
4	Increased Public and/or Construction Traffic / Congestion	<p>All construction traffic will access the development site from Green Lane and use the temporary road in situ. This mitigates residents’ concerns relating to construction traffic. The Planning application process will consider all highways and construction traffic matters.</p>
5	Developer Working Hours	<p>All developments must adhere to requirements set out in the national planning policies framework. The working hours for construction work will be considered as part of the planning application process.</p>

6	Parking – double parking on road near Old Gates Drive creates issues for drivers to navigate	Risk mitigated as the access point will now be of Lomond Gardens. The planning application process will be fully consideration to all highways matters.
7	Sub Station prone to flooding	A drainage strategy has been prepared and a flood risk assessment carried out for the site that adequately mitigates flood risk both on and off the site.
8	Flooding	A drainage strategy has been prepared and a flood risk assessment carried out for the site that adequately mitigates flood risk both on and off the site.
9	Privacy/ trees/ shrubs/ bushes home to wildlife	An ecological appraisal has been carried out on the land that included a desktop study and an extended Phase 1 habitat Survey. This confirmed that none of the habitats within the site are of significant interest nor representative of semi-natural habitat. Therefore, the development can provide an opportunity to secure ecological enhancement for the site.
10	Perceived Infrastructure Costs to create road through Nook Lane	The access point from Lomond Gardens will reduce infrastructure costs.
11	Pollution - Air, noise	Air pollution, noise from construction and increased traffic will be considered as part of the planning application process.
12	Old Peoples Home/ Emergency Services	The planning application process will give full consideration to all highways matters including the site access point and any effects of potential increased traffic may have on access for emergency services, service vehicles, staff, residents and relatives visiting Old Gates Nursing Home.
13	Public Right of Way (PROW)	It is intended for the PROW to remain insitu. PROW runs along the western and southern perimeter of the site. The PROW continues in a southerly direction along the edge of the St Bede's RC High School playing fields, from where it can be accessed. The PROW can also be accessed from the west via Solway Avenue.

14	Lack of Info: Planning	All planning applications can be accessed via the Council's website. Local residents are consulted as part of the planning application process, which provides an opportunity for interested parties to view the development scheme and supporting documents and provide any comments to the case officer for consideration.
15	Land ownership & Covenants	<p>The developer will only develop on land that is within Council ownership, which is confirmed by the Land Registry Titles and will comply with the covenants set within the titles.</p> <p>To date notice has been given on two separate occasions under Section 122 of the Local Government Act 1972 that the Council intends to appropriate the land at Lomond Garden and land at Old Gates Drive for planning purposes. This will enable new housing to be developed on site and enable the Council to override third party rights and easements pursuant to Section 203 of the Housing and Planning Act 2016.</p>
16	Objections to duration of Notice Period	<p>The Council acknowledges that the planning application reference number 11/06/2019 only made reference to Lomond Gardens and that the notices displayed in April 2020 also included Old Gates Drive.</p> <p>In light of the objections received, the Council postponed the process until the developer had confirmed the access point for the development, which has since been identified as Lomond Gardens.</p>
17	Notices (Display)	The Council proceeded with the statutory requirements for Appropriation of Land and Disposal of Open Space by way of issuing site and press notices for land at Old Gates Drive on 9th, 16th and 23rd April 2020 and also on 25th March 2021 and 1st April 2021. The notices were displayed as reasonably practicable as possible. Notices were issued electronically to those that had requested them.
Objection Number	Objector	
1	1,2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60	
2	7, 8, 10, 18, 19, 21, 29, 41, 44, 45, 53, 56, 57, 58, 60	
3	1,2, 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 25, 27, 29, 31, 32, 33, 36, 37, 49, 50, 51, 52, 56, 57	

4	1,2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 44, 45, 46, 51, 52, 53, 56, 57, 59	
5	11, 12	
6	3, 21, 27, 36, 37, 51	
7	4, 7, 8, 11, 12	
8	15, 21, 30, 41, 59	
9	24	
10	18, 19, 38, 39	
11	18, 19, 31, 32, 33, 51, 58	
12	4, 33, 36, 37, 44, 45	
13	4, 11, 12, 15, 18, 19	
14	7, 8, 21, 59	
15	38, 42	
16	11, 12, 41, 53	
17	9, 10, 41, 53	