



The Planning Inspectorate

Report to Blackburn with Darwen Borough Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Blackburn with Darwen Local Plan 2021- 2037

The Plan was submitted for examination on 5 August 2022

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Contents

Abbreviations used in this report	3
Non-Technical Summary	4
Introduction	5
Context of the Plan.....	6
Public Sector Equality Duty	7
Assessment of Duty to Co-operate.....	7
Assessment of Other Aspects of Legal Compliance	8
Assessment of Soundness.....	11
Issue 1 – Balanced Growth Strategy and Spatial Approach.....	11
Issue 2 – Strategy for Employment Growth and Development	13
Issue 3 – Housing Provision and Requirement	14
Issue 4 – Green Belt.....	16
Issue 5 – Housing Allocations	20
Issue 6 – Housing Supply.....	31
Issue 7 – Employment and Mixed-Use Allocations	35
Issue 8 – Core Policies - People	45
Issue 9 – Core Policies - Place	50
Issue 10 – Core Policies - Economy.....	55
Issue 11 – Development Management Policies.....	57
Issue 12 – Implementation and Monitoring Framework.....	71
Other Soundness Matters.....	71
Overall Conclusion and Recommendation	71
Schedule of Main Modifications.....	Appendix

Abbreviations used in this report.

BNG	Biodiversity Net Gain
CIF	Climate Impact Framework
CP	Core Policy
dpa	dwellings per annum
DtC	Duty to Cooperate
EIA	Environmental Impact Assessment
ELR	Employment Land Review
EOA	Environmental Opportunity Area
The Framework	National Planning Policy Framework
GTAA	Gypsy and Traveller Accommodation Assessment
HENA	Housing and Economic Needs Assessment
HMO	House in Multiple Occupation
HRA	Habitats Regulations Assessment
KDC	Key Development Consideration
LDS	Local Development Scheme
lpd	litres per person per day
MM	Main Modification
NDSS	Nationally Described Space Standards
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RUFC	Rugby Union Football Club
SA	Sustainability Appraisal
SCB	Self and Custom Build
SCI	Statement of Community Involvement
SHELAA	Strategic Housing Economic Land Availability Assessment
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest

Non-Technical Summary

This report concludes that the Blackburn with Darwen Local Plan 2021-2037 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Blackburn with Darwen Borough Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. In some cases, we have amended their detailed wording and added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Changes to Policy CP1 to prioritise and maximise the use of brownfield land.
- Changes to CP2 to ensure consistency with the Framework in respect to development in the countryside.
- Amendments to Policy CP4 to provide clarity that the Plan will deliver at least 7,152 net new homes during the Plan period and what action the Council will take if the supply of homes does not keep pace with the annual requirement.
- Consolidation of policy relating to affordable housing into Policy CP4 from Policy DM5.
- Changes to Policy CP4 to ensure the policy approach to the provision of self-build and custom build homes is effective and to clarify the requirement for Gypsy and Traveller accommodation over the Plan period.
- Deletion of Site Policy H217.
- Changes to Policy CP5 for effectiveness to explain the policy expectations in relation to the Council's Climate Impact Framework (CIF).
- Redrafting of Policies CP6 and DM15 regarding the Natural Environment and Biodiversity to take account of the requirements of the Environment Act.
- Clarification of Primary and Secondary Employment sites in Policies DM30 and DM31.
- Amendments to the Key Development Considerations (KDCs) to a number of site allocations to achieve sustainable development.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Blackburn with Darwen Local Plan 2021-2037 in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework (the Framework) makes it clear that in order 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 planning authority has submitted what it considers to be a sound and legally compliant plan. The Blackburn with Darwen Local Plan 2021-2037 Regulation 19 Publication Local Plan, submitted in August 2022, is the basis for our examination. It is the same document as was published for consultation in January 2022.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM001**, **MM002** etc, and are set out in full in the Appendix.
4. Following the examination hearing, the Council prepared a schedule of proposed MMs and, where necessary, carried out SA and HRA of them. The MM schedule was subject to public consultation for six weeks between the end of August and beginning of October 2023. We have taken account of the consultation responses in coming to our conclusions in this report and, in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the

submission Policies Map comprises the set of plans identified as Blackburn with Darwen Local Plan 2021-2037 Regulation 19 Publication Policies Map as set out in SD3 a) - e).

6. The Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.
7. These further changes to the Policies Map were published for consultation alongside the MMs in the Schedule of proposed changes to the Submission Policies Map.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the Schedule of proposed changes to the Submission Policies Map.
9. Appendix E of the Plan provides information about the Policies Map and sets out that the online version is the definitive reference map. This is because some mapping layers may alter over time and render a print version out of date. **MM137** sets this out clearly for effectiveness. The Appendix also provides guidance about policy constraints and lists five constraints that are not shown on the Policies Map as they may be subject to regular alterations. These are to be provided in a separate planning constraint map which should be viewed alongside the Policies Map. For effectiveness, **MM138** adds a further six constraints not shown on the Policies Map including flood zones, Water Catchment Land, Biological Heritage Sites, District Wildlife Sites, Environmental Opportunity Areas and heritage assets.

Context of the Plan

10. The Blackburn with Darwen Local Plan is proposed to replace the Local Plan Part 1: Core Strategy adopted January 2011 and the Local Plan Part 2: Site Allocations and Development Management Policies adopted 2015. The new Plan will constitute the full development plan for the Borough.
11. Blackburn with Darwen is a key geographical and cultural gateway to Pennine Lancashire. The Borough is characterised by relatively compact urban areas to create a hierarchy of settlements with almost 40% of the surrounding land being designated as Green Belt. The Borough has a range of environmental assets including two Sites of Special Scientific Interest (SSSIs), many Biological

Heritage Sites, several Local Wildlife Sites and four Local Nature Reserves. The Borough's landscape setting, falling between the Lancashire Valleys and the Southern Pennines National Character Areas, is one of its assets adding character and bringing environmental and economic benefits. The Borough declared a climate emergency in 2019 and has set a goal to be carbon neutral by 2030.

Public Sector Equality Duty

12. Throughout the examination we have had due regard to the aims expressed in S149(1) of the Equality Act 2010. Amongst other things, this sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
13. The Plan contains specific policies to provide for Gypsies and Travellers, accessible environments for people with disabilities, accessible and adaptable dwellings for older people, sustainable design and community and leisure facilities. These policies should directly benefit people with these protected characteristics.
14. The Council prepared an Equality Impact Assessment for the Publication Plan (BwD003). Subject to the recommended MMs, there is no compelling evidence that the Plan as a whole, would bear disproportionately or negatively on people who share protected characteristics, neither does it reflect the potential for discrimination. The opportunity to foster greater equality and positive impacts for protected groups has been sought and incorporated within policies where appropriate.

Assessment of Duty to Co-operate

15. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. The Council's Duty to Cooperate (DtC) Statement (BwD010b) identifies the strategic cross boundary issues which are relevant to Blackburn with Darwen and which have been the subject of engagement with neighbouring authorities and prescribed bodies. These issues include the provision of housing and economic development, retail and town centre proposals, the natural environment, transport, Gypsy and Traveller provision and infrastructure.
17. The DtC Statement provides details of the constructive, active and ongoing process of engagement. Appendix A sets out a record of engagement and demonstrates a clear pattern of joint working in order to consider the important issues relevant to the Plan. It also demonstrates that clear arrangements are in

place for joint working with adjoining authorities such as County wide Officer Groups and Forums covering issues including, amongst other things, Climate Change and Local Transport.

18. As a result of the close links with Hyndburn Borough Council, with a shared Housing Market Area and Functional Economic Market Area, a number of jointly prepared evidence documents have been produced. These include the Housing and Economic Needs Assessment, Gypsy and Traveller Accommodation Assessment and the Playing Pitch and Outdoor Sport Facilities Strategy and Assessment Report. The Council has also worked collaboratively with infrastructure providers to inform infrastructure planning for the Borough.
19. A series of Statements of Common Ground have been prepared with a number of adjoining authorities and statutory bodies including Hyndburn Borough Council, Chorley Borough Council, Bolton Metropolitan Borough Council, Lancashire County Council, National Highways, Blackburn with Darwen Clinical Commissioning Group and United Utilities.
20. It is clear that the Council has engaged actively and constructively with a wide range of organisations and bodies on a number of cross boundary issues. This joint working has resulted in positive outcomes shaping the preparation of the Plan and is reflected in the policies and proposals it includes. Discussion has taken place with neighbouring authorities on development needs. Whilst adjoining authorities are at different stages in preparing their own local plans, no requests have been received to meet their unmet housing or employment land needs in the Borough.
21. Given the above, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

22. Section 19(1) of the 2004 Act requires development plan documents to be prepared in accordance with the Local Development Scheme (LDS). The Local Plan preparation commenced in 2018 with consultation on Issues and Options in February 2019 and consultation at Regulation 18 stage in January 2021. The Publication draft was consulted on in January 2022 with submission for examination taking place just one month later than anticipated in August 2022.
23. We are satisfied that the Plan has been prepared in accordance with the Council's LDS.

Consultation

24. Development plans must be prepared in accordance with the statutory requirements for consultation, which are set out in the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations).
25. The Council's Regulation 22 Consultation Statement confirms that at each stage, public consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement. (SCI) (SD9). Involvement in the plan making process was promoted through direct mailing, through the sending of emails and letters to those on the consultation database. All consultation materials were made available online at Regulation 18 and 19 stages, with a video to summarise the Local Plan. In addition, digital display boards were used throughout the Borough, exhibition boards put up in the market, articles put in the local press and social media used. At Regulation 19 stage, consultation drop in events were held as well as Planning Aid workshops and youth engagement events. These steps exceeded the SCI requirements.
26. The Covid restrictions impacted on the consultation of the Regulation 18 stage in January/February 2021. It was not possible to have documents on display at the Town Hall and libraries, and public events could not take place. In an attempt to inform all residents in the Borough, the Council carried out a leaflet and letter drop to all 70,000 households and commercial properties. Some residents did not receive this correspondence, or it arrived too late to take part in the consultation. The Council took steps to chase this up with Royal Mail (BwD0049) when they became aware of the issue. Whilst this situation was unfortunate, this was not the only method used to engage with residents as outlined above.
27. Consultation responses were accepted by email, letter and through the Council's online form. Some members of the community found the online system difficult to use and some questions were hard to understand when planning jargon was used such as legal compliance or soundness tests. We recognise that this may have been problematic for some, however, other forms of response were available and accepted by the Council.
28. Overall, we conclude that consultation on the Plan was carried out in compliance with the Council's adopted SCI and met the consultation requirements of the Regulations.

Sustainability Appraisal

29. The Council carried out a sustainability appraisal (SA) of the Plan. It formed part of the plan making process, culminating in a report of the findings of the

appraisal on the submission Plan. The report was published along with the Plan and other submission documents under Regulation 19. A subsequent addendum to the SA was published which assessed the implications of the MMs on sustainability objectives.

30. The SA assessed the Plan against a range of economic, social and environmental objectives, as well as assessing reasonable alternatives for both housing and employment growth. The appraisal was used to inform plan-making and the preferred strategy for the Plan.
31. Overall, we are satisfied that the Council's SA work is fit for purpose and provides a sufficiently robust assessment, proportionate to the work needed for the preparation of the Local Plan.

Habitats Regulation Assessment

32. In line with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), a Habitats Regulation Assessment (HRA) (SD5) accompanies the Blackburn with Darwen Local Plan 2021-2037. The HRA identified seven relevant European Sites, including Special Areas of Conservation, Special Protection Areas and Ramsar Sites, which could potentially be affected by the Plan.
33. The HRA report concluded that none of the policies in the Plan were likely to result in adverse effects on the integrity of European Sites. This was due to a lack of impact pathways and suitably worded policies that aim to protect the environment and promote the sustainable and managed use of natural resources. The HRA also found that none of the specific allocations would be likely to result in adverse effects to the integrity of European sites. Accordingly, an Appropriate Assessment has not been necessary. Natural England have reviewed the HRA and had no comments to make.
34. We conclude that the potential likely significant effects of proposals in the Plan have been appropriately considered through the HRA and that the Plan is legally compliant with respect to the Habitat Regulations.

Other Legal Requirements

35. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the plan area. The Local Plan sets out 12 Strategic Objectives to assist the delivery of the Plan Vision. The objectives are centred on three themes, People, Place and Economy. The Strategic Core Policies (CPs) of the Plan, Policies CP1 – CP12, provide the main strategic policy framework for the Borough to deliver sustainable development. The strategic policies ensure new housing and employment growth are

accompanied by supporting infrastructure and environmental improvements. Taken as a whole, the Plan meets the statutory requirement set out in the Regulations.

36. Section 19(1A) of the 2004 Act requires that development plan documents must, taken as a whole, include policies designed to ensure that the development and use of land in the Council's area contribute to the mitigation of, and adaptation to, climate change. Policies CP5, DM12, DM13, DM14, DM15, DM16 and DM17 achieve this in the Plan. They include requirements relating to clean and green energy, flooding, environmental opportunity areas, biodiversity, green and blue infrastructure and trees and woodland.
37. We therefore conclude that the Plan, taken as a whole, includes policies designed to ensure that the development and use of land in Blackburn with Darwen contributes to the mitigation of, and adaptation to, climate change.

Conclusions of Legal Compliance

38. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

39. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing, we have identified 12 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the balanced growth strategy and spatial approach are positively prepared, justified and effective and will enable the delivery of sustainable development in accordance with national planning policy.

40. The Local Plan adopts a 'balanced growth strategy' to replace the current Local Plan's core strategic focus on 'targeted growth'. The Strategy is broken down in three ways: the quantum of development, the distribution of development and the overall approach to development. This is set out in Policy CP1 (A Balanced Growth Strategy).
41. In terms of the quantum of development, the Plan matches housing growth to planned economic growth to ensure that the housing needs of the labour market

are met locally and the historic levels of net out migration are stemmed. In relation to the distribution of growth, a balanced distribution is promoted to ensure that settlements receive levels of growth that are broadly proportionate to their existing size and role. Finally, in terms of the overall approach, the Plan seeks to ensure that development proposals consider their impact on people, place and the economy and therefore achieve net gains in social, environmental and economic objectives of the Plan, to achieve sustainable development. We consider this to be a positively prepared and justified approach.

42. To ensure that Policy CP1 is consistent with paragraphs 119-121 of the Framework and effective, **MM003** is necessary to promote the effective use of land, prioritising and maximising the use of suitable brownfield land and supporting land remediation.
43. The balanced growth strategy is based on six key ideas. These include the Blackburn Growth Axis, the Darwen Town Centre Investment Plan, North East Blackburn Strategic Housing Site (H195), South East Blackburn Strategic Employment Site (E179), Blackburn Town Centre Major Development Sites and the Infrastructure Delivery Plan. These are supported by the spatial approach in Policy CP2 (The Spatial Approach).
44. Policy CP2 sets out how the balanced distribution of growth set out in Policy CP1 ii) will take place. It establishes clear roles for the two main settlements of Blackburn and Darwen.
45. The Policy sets out that the majority of new development will be in the urban areas of Blackburn and Darwen. In Blackburn, the Strategic Housing Site and Strategic Employment Site will accommodate most of the Borough's strategic development needs. Additional growth sites and infrastructure improvements will support the Growth Axis. This is an economic framework of strategic and local development sites and opportunities. They link the M65 and key growth corridors, including the Samlesbury Enterprise Zone, BAE Systems, and the recently established National Cyber Force HQ, close to the north western edge of the Borough, to Blackburn Town Centre. In Darwen, growth will provide for general development needs of an appropriate scale including housing, mixed use, employment and educational development supporting the Darwen Town Investment Plan.
46. Policy CP2 also sets out the strategic approach to development in the Rural Villages, Countryside Area, Green Belt and Safeguarded Land designations. In relation to countryside areas, the policy is not entirely consistent with paragraph 80 of the Framework which permits residential development in the countryside to secure the reuse of heritage assets and redundant buildings and the subdivision of existing residential buildings. **MM004** amends the policy accordingly. **MM005** is necessary for effectiveness to explain, in the supporting text, how major redevelopment proposals in the countryside will be assessed.

Conclusion

47. Subject to the MMs identified above, the 'balanced growth' strategy and spatial approach of the Plan is positively prepared, justified and effective and will enable the delivery of sustainable development in accordance with national policy.

Issue 2 – Whether the Plan sets out a positively prepared strategy for employment growth and development which is justified, effective and consistent with national policy and whether the employment land requirement in the Plan is soundly based.

Employment land requirement and supply

48. Regional and local economic strategies seek to improve the Borough's economic prosperity by promoting its economic strengths, increasing skills, attracting investment and improving infrastructure. Access to good quality employment land of the right size and in the right location is seen as an important element in achieving those economic aims as well as social aims such as reducing inequality and improving social mobility. We are satisfied that the Plan supports delivery of these economic strategies by setting out a clear economic vision which encourages sustainable economic growth in accordance with national planning policy.
49. The employment land requirement is based on the employment growth scenario set out in the Housing and Economic Needs Assessment (HENA) 2018 (E31), updated in 2021 (E32). This draws on economic strategies, planned investment and local market knowledge to provide an alternative forecast to a baseline projection. It identifies a need for at least 46.4ha of new employment land over the Plan period. The employment growth scenario represents a more optimistic forecast in relation to jobs growth than the baseline projection. However, based as it is on local knowledge and conditions, underpinned by data on past completion rates, we are satisfied that it represents a justified approach to forecasting employment land requirements over the Plan period.
50. Employment land supply is set out in the Employment Land Review 2019 (ELR) (E21), as updated by the Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA) (E69). This identifies a realistic supply of 47.04ha of employment land. In quantitative terms, employment land supply and demand are nearly in parity over the Plan period. However, we accept that there is a need for a buffer to ensure market choice and flexibility and replace the loss of existing employment land to other uses which historically has been in the region of 1.7 hectares per annum. Having regard to the need for flexibility, the Council has calculated a need for some 34.3ha of additional employment land over the course of the Plan period. We consider this to be reasonable and to justify the

release of additional land to meet employment needs. **MM019** and **MM020** are required to clarify this point in order that Policy CP10 is effective.

51. There is also a strong qualitative argument for employment land that meets modern industrial and distribution business needs. Those needs require sites that are large enough to allow co-location with other businesses, have large floorplates and, crucially, good access from the motorway. Employment land with these characteristics is lacking in the supply of employment land identified in the ELR (E21) and SHELAA (E69). It is these factors that, in particular, support the release of further employment land and has led the Council to seek a strategic employment site (E179) that meets those requirements as part of the economic strategy in the Plan.
52. To achieve that strategy, the strategic employment site needs to not only be a reasonable size but also be located in a position with good access from the motorway. Within the Borough, such potential sites are limited. Reasonable alternative sites to E179: Junction 5 Strategy Employment Site have been assessed in the Strategic Employment Site Planning Case (E64a), including Blackamoor Road North and North East Blackburn. For the reasons set out in the evidence, neither of these or the other sites that have been assessed would achieve the objectives of size and location required by the strategic employment site. We therefore consider that the inclusion of site allocation E179 as a strategic employment site is justified and would be effective in delivering an important element of the economic strategy of the Plan.
53. Notwithstanding recent economic uncertainties caused by Brexit and Covid, the Employment Topic Paper (BwD011) and supporting documents demonstrate that there has been a good uptake of new employment land located close to the motorway and at a rate that supports the forecast in the updated HENA (E32). Such growth provides us with confidence that the employment strategy adopted in the Plan is likely to be achieved.

Conclusion

54. Subject to the MMs above, we conclude that the Plan sets out a positively prepared strategy for employment growth and development which is justified, effective and consistent with national policy and is soundly based.

Issue 3 – Whether the Plan has been positively prepared and is justified and consistent with national planning policy in relation to the overall housing provision and the housing requirement.

55. The minimum housing need figure for Blackburn with Darwen, calculated using the standard method, is 153 dwellings per annum (dpa). Planning Practice Guidance (PPG) for Housing and Economic Needs Assessments, provides that where a strategic policy-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately

reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.¹ The PPG is clear that the standard method is a minimum number and recognises there may be circumstances where planning for a higher need than the standard method may be appropriate. These include growth strategies that are likely to be deliverable, strategic infrastructure improvements or where an authority agrees to take on unmet need for a neighbouring authority.

56. In the case of Blackburn with Darwen, there are no significant infrastructure projects planned in the Borough that would boost the demand for housing. Furthermore, the unmet need from neighbouring authorities does not form part of the housing requirement. However, the implications of growth strategies in the area are significant, such as the Pennine Lancashire Housing Zone and the Pennine Lancashire Growth and Prosperity Plan 2016-2032 (BwD006). Together these strategies seek to accelerate economic growth and housing development in Pennine Lancashire and support the delivery of 30,000 homes in the region. The Pennine Lancashire Growth and Prosperity Plan 2016-2032 promotes eight strategic sites in Blackburn with Darwen providing 3,115 homes. The Lancashire Enterprise Partnership Strategic Economic Plan (BwD005) also identifies priorities and programmes which have the ability to attract funding streams contributing to economic growth. These strategies support the need for the Council to consider a higher level of housing provision.
57. The PPG also notes that where previous levels of housing delivery are significantly greater than the standard method, this should be taken into account when considering a higher level of need. This is the case in Blackburn with Darwen. The Borough has achieved an average of 432 dpa in the four years 2018/19 to 2021/22, nearly three times more than the requirement calculated under the standard method. It is notable that this period included the Covid pandemic when delivery rates were likely to have been lower.
58. The HENA update (E32) considers the economically active population growth and the required supply of labour to support the economic growth forecast in the Borough. The assessment uses an economic housing need model which considers demographic growth projections, migration, economic activity rates, double jobbing, unemployment levels and commuting patterns, to provide an estimate of the housing need. The analysis concludes there would be a need to provide up to 447 net additional dwellings per annum, i.e. at least 7,152 dwellings over the Plan period.
59. We consider that the approach taken to calculate economic led housing need is appropriate and robust and justifies an increase to the standard method calculation. Having regard to the delivery rates outlined above, we are confident

¹ Paragraph: 015 Reference ID: 2a-015-20190220

that the level of housing being planned is achievable. The Plan is consistent with paragraphs 60-61 of the Framework which seek to boost significantly the supply of housing and ensure that Local Plans make sufficient provision to meet local housing need.

60. Policy CP4 sets out the amount of housing the Plan will seek to deliver per annum. In the interests of effectiveness and clarity, **MM008 and MM009** are necessary to state what this equates to over the Plan period in the policy and in the supporting text.

Conclusion

61. Subject to the MMs set out above, the Plan has been positively prepared and is justified and consistent with national planning policy in relation to the overall housing provision and the housing requirement.

Issue 4 –Whether exceptional circumstances exist at a strategic level to justify the release of Green Belt for employment purposes. Is the Plan’s approach towards the Green Belt effective and consistent with national policy?

Exceptional Circumstances

62. The Green Belt covers nearly 40% of the Borough, mainly comprising land to the south and west of Blackburn and to the east and west of Darwen.
63. The Local Plan proposes one housing site in the Green Belt, Springside Works in Belmont (H080). This site is previously developed and its redevelopment for housing would comply with paragraph 149 g) of the Framework. It is not proposed to be released from the Green Belt and no other Green Belt release is required to provide housing over the Plan period.
64. In terms of employment land, one employment site, the Junction 5 Strategic Employment site (E179), is proposed for Green Belt release.
65. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Once established, the Framework in paragraph 83 states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of a Local Plan.
66. The Council has undertaken a comprehensive assessment of potential employment sites within the urban area to understand its capacity to

accommodate development needs. Sites were identified through the SHELAA (E69), the ELR (E21), the Call for Sites, the brownfield land register and Local Plan consultations.

67. The assessment of sites involved a screening process ruling out those that were unsuitable due to a range of factors such as being located in an area recognised for conservation or environmental importance, poor connection to the urban area, flood risk, size and availability. This produced a shortlist of potential sites for detailed appraisal assessing environmental factors, accessibility, infrastructure provision and policy constraints. Site selection has also been informed by the SA and the need to locate development in sustainable locations in accordance with 'balanced growth'.
68. The assessment has sought to maximise the use of brownfield land. It has also tried to optimise the density of development. The assessment work has been robust, and the Council's approach has been consistent with paragraph 141 of the Framework.
69. The HENA update (E32) concludes a need for 46.4 hectares of additional land for employment uses. However, the SHELAA (E69) and the trajectory of sites in the Employment Topic Paper (BwD011) demonstrate that there is insufficient deliverable/developable non-Green Belt employment land in terms of both quantity and quality to meet the identified need in the Borough.
70. The release of Green Belt for employment uses would allow the Council to meet its economic growth aspirations. It would align with the overall spatial strategy for the Borough and ensure the balanced growth strategy can be implemented, contributing to a sustainable pattern of development in the Borough.
71. In the absence of reasonable alternatives and having regard to the benefits of economic growth for the Borough, we are satisfied that exceptional circumstances exist at the strategic level to justify the release of land from the Green Belt to deliver identified employment needs.
72. An assessment of the Green Belt Review and exceptional circumstances for the release of site E179 are dealt with in Issue 7.

Other changes to the Green Belt boundary

73. Several other minor changes to the Green Belt boundary are proposed to improve the alignment of digitised data and address inaccuracies with previous mapping at a lower scale.
74. As submitted, the Council had proposed to revise the Green Belt boundary and also urban/village boundaries. However, it came to light that some of the

inconsistencies were more significant than first thought. Amendments to urban and village boundaries are not justified by the evidence as no exceptional circumstances have been demonstrated. Revisions to the Borough boundary are minor and justified. In the interests of effectiveness, **MM005** makes the necessary changes to the supporting text to Policy CP5, to explain the minor boundary changes proposed. As all the proposed changes were the subject of consultation at Regulation 18 and 19 stages, consequential revisions to the submitted Policies Map will also be required.

75. We acknowledge that the 2013 Green Belt Study, which informed the current Local Plan, identified a number of sites which made a limited contribution to the Green Belt and had development potential, though not all were released for development at that time, for example Meins Road, Blackburn. In the 2019 Green Belt Study (E22), Meins Road was considered to result in low/moderate harm to the Green Belt if released. Whilst the site may have potential to be removed from the Green Belt, it is not necessary as there are sufficient non-Green Belt sites to provide the required housing land for the Plan period. The fact that the Green Belt boundary has not been revised in this location does not make the Plan unsound.

Safeguarded Land

76. The Local Plan proposes two areas of safeguarded land. Policy CP2 vi) of the Plan explains these sites will not be granted planning permission for permanent development during the Plan period unless a Local Plan review has commenced and proposes the development or other specific circumstances are justified.
77. Land south of Whalley Road, Brownhill forms part of a wider area of safeguarded land, the majority of which has been allocated in this Plan for the Strategic Housing Site (H195). It was removed from the Green Belt and allocated as safeguarded land in the previous Plan, at which point exceptional circumstances would have been demonstrated. As this land is not required to be released for development in this Plan, it is to remain as safeguarded. We consider this to be justified as the site has the potential to consolidate sustainable growth in this part of the Borough with the Strategic Housing Site immediately to the north west and an existing housing commitment to the south west.
78. The second area of land proposed to be safeguarded lies to the south of School Lane, Guide. It adjoins the Junction 5 Blackburn Strategic Employment site (E179) and is currently within the Green Belt. We address the issue of whether there are exceptional circumstances for the release of land from the Green Belt, including land to be safeguarded beyond the Plan period, to support the strategic employment allocation under issue 7.

79. The Plan also proposes to change the designation of an area of safeguarded land off Preston New Road/Wyfordby Avenue, Blackburn and re-designate it as Countryside Area under Policy CP2. The site was assessed as a reasonable alternative to the Strategic Housing Site (H195) in the SA. However, it was concluded that the allocated strategic site was a more appropriate option, given its strong links with employment opportunities and good access to public transport.
80. The reasons why this site was safeguarded are important to consider. The current Local Plan Part 2 adopted in 2015 planned for a much higher housing requirement than this Plan (720 dpa). The Council wished to ensure its housing requirement could be achieved within the Plan period and beyond so sought to release a significant amount of land from the Green Belt. The current Plan proposes a much lower housing requirement (447 dpa) and therefore, with the exception of land south of Whalley Road site which we have discussed above, the Council considers it unnecessary to safeguard land in this location for development beyond the Plan period. Based on the evidence before us, we consider this to be a sound approach.
81. Given the above, the question is whether the site should be returned to the Green Belt or whether it should be designated as Countryside Area. Paragraph 140 of the Framework is clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully justified and evidenced. This is not the case here. Exceptional circumstances were demonstrated to take the site out of the Green Belt. It is therefore difficult to justify exceptional circumstances for the site to revert back to Green Belt.
82. The landscape character of the Preston New Road site along with two other sites was appraised in 2014 (BwD050) to support the adopted Local Plan Part 2. Whilst the site was viewed as being very attractive and of high quality, it was released from the Green Belt as it was considered to have some capacity to accommodate small-scale low-density housing.
83. In light of the site's high landscape sensitivity, the Council considers it to be an appropriate strategy to designate the site as Countryside Area. This appears contradictory to the landscape appraisal and the recognition that the site is suitable for development. However, as outlined above, it is unnecessary to safeguard land to meet future housing needs. We therefore consider it is justified to designate the site as Countryside Area in this Plan.

Conclusion

84. In summary, in the absence of capacity within the urban area and reasonable alternatives and having regard to the benefits of economic growth for the Borough, we are satisfied that exceptional circumstances exist at the strategic level to justify the release of land from the Green Belt for employment purposes

The Plan's approach towards the Green Belt is effective and consistent with national policy.

Issue 5 – Whether the proposed housing allocations are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.

Site selection

85. The methodology used by the Council to assess the suitability, availability and achievability of individual sites is set out in the Site Assessment Methodology (E61). This exercise involved three stages: site identification, site screening and detailed appraisal. The detailed appraisal considered environmental factors, accessibility factors, infrastructure such as highways access and capacity as well as other policy constraints such as coal/mineral workings, landfill gas, minerals and waste safeguarding areas.
86. The outcomes of this assessment identified the sites considered to be the most suitable for allocation in the Plan. The site assessment framework is integrated into the SA to help inform site selection. The assessment criteria are comprehensive and ensure a consistent objective analysis of site suitability. Identified constraints and mitigation measures were considered through the SA and the site selection process. We consider this approach to be robust and justified.

Housing Growth Site Allocations

All Allocations

87. Modifications to Policy CP12: Infrastructure and Delivery (**MM024**) remove Table 3 which outlines the minimum planning contributions that a new development would be expected to provide. Such details are to be put in a separate Developer Contributions and Affordable Housing Supplementary Planning Document (SPD). This means that further consequential modifications to remove reference to Table 3 are necessary for effectiveness in all of the site allocations policies with the exception of the North East Blackburn Strategic Site (H195). This is achieved by **MM079, MM080, MM082, MM088, MM090, MM092, MM094, MM095, MM098 and MM101**.
88. As proposed to be modified and consulted on in the MM consultation, the above MMs also referred to the Developer Contributions and Affordable Housing SPD. We have removed this text from the above MMs in the Schedule attached to this report, to give the appropriate weight to this document.

89. In relation to the requirements for open space provision, a KDC included in a number of allocation policies sets out the type of open space required and a sum of money in lieu of on-site provision. In the interest of effectiveness and flexibility, reference to a fixed contribution should be removed as any figure could become out of date during the Plan period and may not cover the actual costs of provision. Accordingly, a modification is required to this KDC in a number of site allocations and is provided by **MM079, MM080, MM082, MM084, MM092, MM095, MM097** and **MM103**.
90. Several of the allocations require archaeological assessment before development commences. In the interest of effectiveness, the Archaeology KDC needs to be amended to delete reference to some level of archaeological mitigation 'in all likelihood being required' to state it 'may' be required. (**MM082, MM084, MM086, MM092** and **MM101**).

Policy H009: Blackburn Golf Course Practice Ground

91. This site of just over 3 hectares in size is allocated for approximately 73 residential units. Access to the site is proposed from Clarence Park. However, there is a ransom strip at the access point in the control of the adjacent landowner. Dialogue to resolve this matter is ongoing. Whilst this may take some time to resolve, we are satisfied that all parties are willing to work together to overcome this issue. The development is anticipated to deliver in 2026-2031 ensuring adequate time for this matter to be resolved. The site is being marketed and the site promoter has had initial discussions with housebuilders. It is a suitable location for residential development and there is a realistic prospect of it being delivered at the point envisaged. The site is therefore considered to be developable.
92. In the interest of effectiveness, **MM079** is required to add to the flooding/water management KDC to ensure applicants engage with United Utilities to agree an appropriate drainage strategy for the site taking account of all potential sources of flooding. The same MM adds an additional KDC requiring dialogue with United Utilities due to the presence of utilities infrastructure on the site, also for effectiveness.

Policy H029: Fishmoor Drive Site 4, Blackburn

93. This former social housing site, now cleared, is in Council ownership and forms Phase 2 of the redevelopment of the Fishmoor area of Blackburn. The housebuilder completing dwellings on Phase 1 is committed to bringing dwellings forward on this site as well. The site is a suitable location for housing with a reasonable prospect that the site will deliver housing from 2026.
94. **MM080** is necessary for effectiveness to clarify that dialogue is required with United Utilities, as they have land interests and infrastructure in the site, and to

amend the reference to Local Wildlife sites, which are now termed District Wildlife sites.

Policy H039: Haslingden Road (Fishmoor Reservoir), Blackburn

95. Since the submission of the Local Plan, this site has gained planning permission for a total of 310 dwellings, comprising full planning permission for 160 dwellings and 50 key worker apartments and outline planning permission for a further 100 apartments. **MM081** updates the key site information accordingly and revises the anticipated delivery to 90 units in 2021-2026 and 220 units in 2026-2031. A commencement on site is anticipated early in 2024. The site is available and there is clear evidence that it will deliver in the next five years.
96. As United Utilities have infrastructure and land interests within and adjacent to the site, **MM082** is necessary for effectiveness. For the same reason, and due to the proximity of Fishmoor Reservoir, the MM ensures that the development should have no impact on water quality/water supply.

Policy H042: Land at Bank Hey, Blackburn

97. This site, in multiple ownership, has been secured and is being brought forward by a volume housebuilder. A planning application has been submitted with a commencement on site anticipated in 2024/25. It is necessary to update the key site information as the overall number of dwellings has been reduced from 650 to 600 with delivery slightly pushed back, with fewer dwellings anticipated in the five-year supply and beyond the Plan period. **MM083** makes the necessary changes for effectiveness.
98. In 2020 the Council adopted a masterplan for the site to inform its development (E5). The masterplan identified a number of suitable access points as well as several junction improvements that would be necessary to facilitate the development. A West Blackburn Transport Assessment (BwD017) undertaken in 2019 appraised the cumulative impact on the local highways network arising from several developments in the western part of Blackburn, including this site. One of the recommendations was for the delivery of the Bog Height / Ashwood Avenue Link Road to overcome the over capacity at the junction of Bog Height Road and the A666 Bolton Road. It is understood that there is a ransom strip at the end of Ashwood Avenue, however we are advised that positive discussions are ongoing with the landowner.
99. This Link Road has been designed by the Council and is anticipated to be completed in 2026/27. The Transport Assessment accompanying the masterplan envisages that 455 units can be delivered before the Link Road is required. Therefore, if the Link Road is delayed there should be no significant implications for the delivery of this site. The site is available with no physical

constraints that cannot be overcome by mitigation. There is clear evidence that housing completions will begin in the next five years.

100. As a result of United Utilities land interests within the site, not just infrastructure, and to ensure an appropriate drainage strategy and connection to the public sewer, early dialogue will be required with the company. **MM084** achieves the above amendments for effectiveness.

Policy H044-46: Land at Holden Fold, Darwen

101. The Council is the principal landowner of this site and has been working with other landowners to bring the site forward. A tender process has been completed with a preferred developer identified. A planning application has been submitted. **MM085** updates the key site information to reflect a reduction in total capacity from 397 to 367 units within the Plan period and an amended delivery trajectory. The site was identified as comprising three land parcels in the SHELAA: H044-46. **MM085** amends this in the Plan to H044 for consistency with other policies and to avoid confusion.
102. In February 2021 the Council adopted a masterplan for the site to guide its development (E30). The KDCs in the Plan reflect the mitigation measures identified to address issues of biodiversity, contamination, landscape impact, flooding and drainage, heritage and archaeology. The highway improvements identified in the masterplan for the Moor Lane access are to be delivered by the Council. The site is suitable for housing and viable with clear evidence it will be delivered in five years.
103. **MM086** amends the third KDC relating to Utilities Infrastructure so that it is clear that United Utilities have both infrastructure and land interests within the site. It also amends KDC3 relating to Landscape Character to name the adjacent woodland, Polyphemus Woods, and correctly state that it is not an Ancient Woodland. These modifications ensure the policy is clear and effective.

Policy H068: Queen's Park, Blackburn

104. This allocation involves two separate, closely related sites owned by the Council and is allocated for market housing including self-build plots. Planning permission has been granted for 13 two bed bungalows for the plot on Borrowdale Avenue to be delivered by a Registered Provider. The second plot, for 8 custom and self-build homes is being progressed by the Council with Brownfield Land Release Funding. Now that planning permission has been granted on one site, **MM087** is necessary to amend the amount of development from 20 to 21 dwellings, update the anticipated delivery information and the planning history for effectiveness.

105. The allocation is suitable and available, and the development is viable with clear evidence both plots will be delivered within five years. In line with the modification to Policy CP4 – Housing Development (**MM008**), an additional KDC is included in **MM088** to ensure a design code is prepared to ensure a consistent and cohesive approach to the self-build units. This ensures consistency and effectiveness.

Policy H072: Roe Lee Mills, Blackburn

106. This site is allocated for residential development in the current Local Plan Part 2. The allocation is brought forward into this Plan. The site has a temporary planning permission for car sales for a period of 2 years. The landowner has confirmed the intention to bring a scheme forward for 26 dwellings in 2023/24. In the housing trajectory it was anticipated that the site would contribute towards the first 5 years of supply in the Plan, 2021/2026. In light of the anticipated timeframe for the site coming forward, for effectiveness **MM089** pushes the site's delivery back to 2026-2031. Based on the evidence, the site is suitable for housing and is developable with a realistic prospect of delivery as envisaged.

107. There is a weaving shed to the south of the site which is a non-designated heritage asset. A Heritage Impact Assessment prepared for the site concludes that there would be no harm to this building because of the site development. For effectiveness, **MM090** removes KDC6 relating to Heritage assets as an assessment of the impact on the building's significance has already been undertaken.

Policy H080: Springside Works, Belmont

108. This former paper mill and industrial site is located in the Green Belt near the village of Belmont. Planning permission to remediate and restore the 'new tip' part of the site was granted in 2017 and is being implemented. There is an expired planning permission for 110 dwellings on the site, but a new application has been submitted for 116 units. The site is to be brought forward by a volume housebuilder with delivery anticipated to commence in 2024/25. **MM091** amends the key site information for effectiveness, to reflect the slightly increased number of units proposed in the planning application and amend the delivery figures accordingly.

109. As the site is previously developed land located in the Green Belt, it is not proposed to be released from the Green Belt. Its redevelopment for housing would in principle comply with paragraph 149 g) of the Framework, providing that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. KDC1 in the policy makes it clear that in this regard the development must comply with relevant planning policy. We are satisfied that this is achievable. A reduction in built volume on the site is highly

likely, as the large industrial buildings are proposed to be replaced by 2/3 storey housing.

110. The site lies near a reservoir flood zone and part of the site is within Flood Zone 3b, an area with the highest risk of flooding. The Strategic Flood Risk Assessment (E67) accompanying the Plan concludes that flood risk associated with the site should be manageable through careful consideration of design and layout. The policy is ineffective as it does not adequately address these issues, in particular the presence of utilities infrastructure along the access road, the impact on United Utilities land interests, the operational reservoir and the site's location close to a reservoir flood zone. **MM092** amends the policy to include these matters for clarity and effectiveness.
111. The site is also in close proximity to the West Pennine Moors SSSI. The potential impact of the development through recreational disturbance should be considered at an early stage of project planning. **MM092** also adds this requirement to the policy for effectiveness.
112. The site is available for housing, and there are no physical constraints that cannot be resolved. The site is therefore deliverable / developable.

Policy H094: Land at Scotland Bank Terrace, Blackburn

113. This site is allocated for 30 dwellings with delivery in 2026-2031. The site promotor and a national housebuilder are bringing the site forward for development. Pre-application discussions have taken place with a view to an application being submitted in late 2023. In light of this, **MM093** is necessary to revise the capacity of the site from 30 to 41 dwellings for effectiveness. The site is suitable for housing, the viability has been tested through the Plan Viability Study (E55) and there are no insurmountable constraints. The site is therefore considered to be developable.

Policy H181: Land at Marsh House Lane, Darwen

114. This allocation for 140 dwellings comprises land either side of Marsh House Lane. Land immediately to the north forms an existing housing allocation in the adopted Plan, which itself lies to the west of an existing housing development. The site can be described as forming part of the eastern expansion of Darwen.
115. The site is available and there are no insurmountable constraints to the development coming forward. The varied topography of the site and existing trees, woodland and hedges can be addressed through site layout and design. The site is being promoted by the landowner and has reasonable access to local services and facilities. There is a reasonable prospect it can be viably developed when envisaged, commencing in the period 2026-2031.

116. For effectiveness, the need for the development to address the presence of United Utilities infrastructure within the site should be stated in the policy (**MM095**). The site lies adjacent to an identified Environmental Opportunity Area (EOA) for woodland planting. The respective KDC is unclear as to what would be expected from the development. In order to be effective, **MM095** addresses this by explaining that the site would be expected to contribute towards woodland improvements to the adjacent EOA.

Policy H195: North East Blackburn Strategic Housing Site

117. This strategic site of just over 97 hectares has the capacity to accommodate around 1,500 dwellings. The majority of the site forms safeguarded land in the Local Plan Part 2 and in line with national and local plan policy, is being brought forward for development beyond that plan period, through the new Plan.

118. The site is in multiple ownership with the Council owning approximately half of the land area. A Memorandum of Understanding (BwD033) has been signed by all parties to provide for the costs of bringing the site forward. There are therefore no land ownership constraints.

119. A Development Framework for the site was prepared in December 2020 (E46) as well as other technical documents. This evidence analyses the site, identifies constraints, provides an outline development framework, considers site delivery and the need for infrastructure to support it. This work will provide the foundation for the preparation of a masterplan, design code and infrastructure and delivery strategy, required by KDC1 in the policy. It will ensure a comprehensive coordinated development. The masterplan is to be prepared by the Council and it is anticipated that a start on it will be made in October 2023 with completion in early 2025 following consultation with all stakeholders and the local community. Discussions have been held with Homes England regarding potential support options including help with the masterplan, technical work and achievement of planning consent.

120. Upper Mickle Hey Farmhouse and attached buildings, Eddy Holes Stable and Shippons to Eddy Holes, as well as Myles Wife Hey, are all located outside of, (but inset or within close proximity to) the site boundary and are listed buildings. There are also a number of non-designated heritage assets in close proximity to the site. A Heritage Impact Assessment was prepared for the allocation which identified a number of mitigation measures. In raising concerns about the impact of the development on heritage assets, Historic England requested an addendum Impact Assessment be undertaken. This confirmed that the development would result in less than substantial harm to the heritage assets and suggested a series of further, more specific mitigation measures.

121. The Council and Historic England have agreed a Statement of Common Ground which includes the agreed revised mitigation measures. **MM097** amends the

heritage KDC to require two no development zones around Upper Mickle Hey Farm and Eddy Holes, additional landscaping to the south of Eddy Holes and the reintroduction/reinforcement of the historic route that runs east-west across the site as an integral part of the proposed public open space provision. This ensures the policy is justified and effective in regard to heritage matters.

122. A range of utilities infrastructure, easements and rights of way are present within the site. **MM097** is necessary for effectiveness to ensure that utility infrastructure is protected and maintained, and that early dialogue takes place with United Utilities prior to the preparation of the masterplan.
123. In terms of public water supply, Eddy Holes Service Reservoir lies outside of, (but inset within) the site boundary. Early discussion with United Utilities should take place and measures taken to ensure that the reservoir and access road are protected during the construction process and during the lifetime of the development. **MM097** adds these requirements to the public water supply KDC for effectiveness.
124. With regard to Brownhill Drive A6119, the Borough wide transport studies (E42a and E42b) included an assessment of the highway implications of the proposed housing development. Two highway schemes are identified. Firstly the North East Blackburn Link Road, a new distributor road through the site, and secondly upgrades to the A6119 Brownhill Drive/Whalley Old Road junction. Both of these schemes are included in the Council's Infrastructure Delivery Plan to be funded by section 106 contributions and delivered by the Council.
125. The Development Framework for the site includes an access and movement strategy. This confirms the intention to provide segregated pedestrian and cycle routes as well as public transport through the site. Overall, we are satisfied, based on the evidence before us, that a safe and suitable access can be achieved, and mitigation measures will alleviate any highway capacity and safety issues.
126. A site-specific viability appraisal has been prepared for the site. Taking account of construction and infrastructure costs, the development is anticipated to be viable. In recognition of the timeline for a site of this size to come forward and deliver houses, for effectiveness **MM096** amends the key site information to push delivery back, reducing the number of homes to be delivered in the Plan period from 750 to 690 dwellings, and increasing the number of homes anticipated beyond the Plan period to 810 dwellings.
127. Additional KDCs are required to Policy H195 to achieve a well-planned sustainable development. In relation to ecology, the potential ecological impacts of the development should be assessed. The Preliminary Ecological Appraisal (E47) for the site identifies areas of habitat importance and ecological

constraints as well as mitigation measures which should be considered in the design and to achieve biodiversity net gain. As the southern part of the site falls within a Coal Authority High Risk Area, a Coal Mining Risk Assessment would be required. **MM097** adds two further KDCs to ensure the policy is justified and effective.

128. The Clinical Commissioning Group (CCG) in their Statement of Common Ground (SD15) with the Council, provided details of health care requirements generated by the North East Blackburn Strategic Housing site. The short-term solution would be to expand existing health facilities with the potential for a new primary health care facility on site to meet longer term needs. There is still some uncertainty whether this facility would be required and in what form. To provide flexibility, there is a need for it to be kept under review as the masterplan is prepared and the site progresses. The position is reflected in a new KDC for effectiveness (**MM097**).
129. There is also the potential for a local centre within the site which could incorporate the above health facility. This should be in a central location and be accessible. Again, **MM097** adds a new KDC to address this to ensure the policy is effective.
130. In summary, the North East Blackburn Strategic Housing site forms a suitable location for development and identified constraints can be overcome through the masterplan and high quality design. The scheme is viable and can contribute to housing supply throughout the Plan period and beyond. It is deliverable and developable.

Policy H198: Land at Former Longshaw HOP, Crosby Road, Blackburn

131. This Council owned site is allocated for 18 residential units and is to be brought forward using Brownfield Land Release funding. The Council is in discussion with a partner Registered Provider to construct homes for affordable rent. The site is viable and deliverable.
132. **MM098** adds a new KDC to highlight the need for early dialogue with United Utilities due to the presence of utilities infrastructure within the site in order for the policy to be effective.

Policy H217: Land at Silas' Church, Preston New Road, Blackburn

133. This small site is allocated for 10 dwellings. The church is a Grade II* listed building. A Heritage Impact Assessment has been prepared which concludes that the development of 10 dwellings would cause harm to the significance of the heritage asset. It is recommended that a much smaller scheme be brought forward, in the region of 2 dwellings.

134. There has been limited progress in the development of the site and no evidence to indicate that at the current time the site is viable and deliverable. Furthermore, the Local Plan has adopted a threshold of 5 dwellings or more and does not allocate sites of this size. Should the site come forward for development it would be considered to be a windfall site. We therefore consider it is justified that the site be deleted from the plan (**MM099**) and the housing trajectory. A corresponding change to the Policies Map would also be required.

Policy H222: Land at Blackburn RUFC, Ramsgreave Drive, Blackburn

135. This site of just over a hectare in size is allocated for 23 dwellings. In 2017 the Council adopted the North Blackburn Masterplan to provide a comprehensive development framework for this site as well as adjoining land. It was recognised that the delivery of North Blackburn would likely be phased over several years in response to local market conditions. Some sites have been completed; others are under construction.
136. The development of the site involves the loss of a playing pitch currently used as the rugby club's practice ground. The policy requires that a replacement pitch be provided prior to the commencement of development or that subject to agreement, improvements be made to the existing main pitch. The anticipated timescale for delivery should be amended to provide time for this policy requirement to be met.
137. The allocated site is being promoted for development by the landowner. Developers are actively being sought with a preferred bidder to be identified. The site is a suitable location for housing, there is a realistic prospect of delivery and therefore the site can be considered to be developable.
138. Considering the above, **MM100** amends the key site information to push anticipated delivery back to 2026-2031. **MM101** adds the requirement for early dialogue with United Utilities to secure an appropriate drainage strategy for the site and also adds a new KDC to require that any ecological impacts must be considered as part of any planning application. In addition, the MM deletes reference to the site's proximity to a known Roman road which is not relevant. These modifications ensure the policy is justified and effective.

Policy H224: Land off Bog Height Road, Blackburn

139. This site allocated for 75 dwellings forms an existing residential allocation in the Local Plan Part 2. It lies immediately adjacent to the Bank Hey Housing Growth Allocation (H042) for which a masterplan has been prepared and adopted (E5). Whilst the masterplan does not include this site, it is justified in the interests of consistency and good design, that its development should be brought forward in line with these principles.

140. Access to the site is proposed from a new link road connecting Bog Height Road to Ashwood Avenue. The Council is committed to the delivery of the link road and envisages completion in 2026/27. Should the road be delayed, there should be no impact on the delivery of this site as there are a number of other access options that could be explored in advance of the link road completion. **MM103** makes this clear in the policy for effectiveness. In recognition of the issues to be resolved, **MM102** revises the key site information pushing the delivery of the majority of the site to 2026-2031.
141. The site promoter has confirmed the commitment to bring the site forward for development early in the Plan period. It is a suitable site for housing and there are no insurmountable constraints to its development. The site is therefore deliverable/developable.
142. The policy wording is ineffective for a number of reasons. Firstly, it does not require a development to consider and mitigate any potential ecological impacts. Secondly, it should be highlighted that early dialogue with United Utilities is necessary due to the presence of their infrastructure and land interests in the site. Finally, as the site is located adjacent to the West Pennine Moors, the development should be designed to minimise any impacts on landscape character, ecology and recreational value of this area. Important on-site landscape features should also be retained. **MM103** makes the necessary revisions for effectiveness.

Gypsy and Traveller Growth Site Allocations

143. There is an identified need for Gypsy and Traveller pitches in the Borough over the Plan period. We discuss this in detail in Issue 8. The following two sites are allocated to meet the need in the first five years of the Plan.

Policy GT213: George Street West, Blackburn

144. This site owned by the Council is allocated to provide 5 pitches for Gypsies and Travellers. It forms an existing Household Waste Recycling Centre which is to be vacated following the development of a new facility in Darwen designed to serve the Borough as a whole. This new facility features in the Infrastructure Delivery Plan, has been designed and the Council is committed to bringing it forward in the next 2-3 years. Given the above, this site is considered to be deliverable.
145. **MM129** is necessary for effectiveness to add a new KDC requiring development to retain and protect the existing trees on the site and the stone wall frontage to ensure a high-quality sustainable design. We have added a further MM to the Schedule of MMs in the Appendix to amend the anticipated delivery of the site to 2024/25 in recognition of the delay in the relocation of the Household Waste Recycling Centre (**MM129a**).

Policy GT215: Land adjacent Intack Bus Depot, Blackburn

146. This former bus depot site owned by the Council is to provide 5 transit pitches for Gypsies and Travellers. **MM130** amends the key site information to update the anticipated delivery date from 2022/23 to 2023/24.
147. An Outline Feasibility Report (E24) has been prepared to consider the opportunities and constraints of the site and to demonstrate its viability and deliverability.
148. We accept that the site could also be appropriate for residential use as many of the considerations for the suitability of a transit site are similar, for example access to local services and facilities, being located in an area of low flood risk and providing a satisfactory level of amenity for occupants. However, the allocation of the site for a transit site rather than for residential development does not make the Plan unsound. We are satisfied that the allocation is reasonable and justified.

Conclusion

149. In summary, we conclude that the proposed housing allocations are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.

Issue 6 – Whether the Plan identifies a sufficient supply of sites to ensure that the identified need for additional homes in the Borough will be met and whether a five-year supply of deliverable housing sites will be identified on adoption.

Housing Supply

150. The total housing requirement over the Plan period is 7,152 dwellings. The updated supply position as stated in the Council's updated housing trajectory figures (BwD056) shows a projected supply of 7,508 dwellings. It therefore exceeds the housing requirement by 356 dwellings and provides a 5% buffer. In this regard, the Plan is consistent with paragraphs 60 and 66 of the Framework which seek to boost significantly the supply of housing and ensure that local plans meet the identified housing need.
151. The supply comprises commitments that have not commenced, commitments that have started, Local Plan allocations, windfalls and reoccupied long term empty properties.

152. In relation to sites with planning permission, the Council has applied a lapse rate of 15% to recognise that not all permissions will be implemented. In addition, a lapse rate of 5% is applied to committed sites under construction to take account of the possibility that sites may stall. This forms a robust approach which ensures that the overall supply figure is reasonable and justified.
153. In terms of windfalls, the Housing Topic Paper (BwD012) illustrates that windfall delivery rates from small sites under 5 units in the last five years, 2017/18 to 2021/22, have demonstrated an average of around 68 dpa. These include sites in existing residential use (e.g. redevelopment or conversion), other urban land, former offices, agricultural conversions and other ('sui generis') land uses. These uses are likely to continue as future sources of supply. Furthermore, new permitted development rights, which came into force on the 1 August 2021, allow for changes of use from the new use Class E (Commercial, business and services) to C3 residential. Such proposals further contribute to the supply of windfall sites.
154. The Housing Trajectory rounds up the average windfall figure to 70 dpa from 2024/25, excluding the first three years of the Plan period to avoid double counting. An allowance of 10 units is included for large sites over 10 dwellings. This is justified in light of the large number of windfall completions achieved in the Borough over the period 2017-2022 detailed in EL7.A42. A figure of 10 units is deducted to take account of demolitions which is in line with the numbers achieved over the last five years.
155. We are satisfied that, in line with paragraph 71 of the Framework, this analysis provides compelling evidence that windfalls will provide a reliable source of supply and make a significant contribution to meeting housing needs.
156. Long term empty properties that have been brought back into use also form part of the supply. The Council has, in recent years, invested in bringing empty properties back into use across the Borough. It is difficult to estimate the number of long-term empty homes that will be reoccupied, due to various factors including funding. The Council anticipates a slight reduction over time, with the housing trajectory including a figure of 20 dwellings in 2023/24, 29 in 2024/25, 28 in 2025/26 and 27 in 2026/27. Based on the evidence, the inclusion of long-term empty properties in the housing supply is reasonable and justified.
157. In assessing deliverability, the Council has adopted a prudent approach, assuming a maximum delivery rate of 25-30 dwellings per year on large scale sites. An uplift is applied in relation to affordable housing schemes and where more than one volume housebuilder is involved. Where available, estimates from developers, landowners and site promoters are also used. The Council has provided completion rates for major housing sites in the Borough (BwD032) which provides local data supporting the Council's build rate assumptions. We

are satisfied that the Council has adopted a robust and justified approach to delivery rates which seeks to ensure that, where possible, sites are supported by clear evidence that completions will begin when anticipated.

158. Some sites will also continue providing new housing beyond the Plan period. This is due to their strategic size and infrastructure requirements. These include Land at Bank Hey (H042), with 233 dwellings beyond the Plan period out of an allocation of 650 dwellings, Land at Holden Fold (H044), with 6 dwellings beyond the Plan period out of an allocation of 367, and the North East Blackburn Strategic Housing Site (H195) with 810 dwellings anticipated to be delivered after the Plan period out of a total of 1,500 dwellings to be delivered across the site.
159. The Framework in paragraph 68 seeks a supply of specific deliverable sites for years 1-5 of the Plan period and specific developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15 of the Plan. We shall deal with the supply for the first 5 years of the Plan below. Expected delivery for years 6-10 and 11-15 is provided in the Council's Revised Housing Trajectory which includes site-specific details.
160. The housing trajectory is based on reasonable evidence and assumptions and identifies a sufficient supply of housing to meet the minimum housing requirement consistent with national policy. We are therefore satisfied that there is a supply of specific, developable sites for years 6-10 and 11-15 as required by paragraph 68 of the Framework.
161. The Housing Topic Paper update (BwD012) sets out that around 17% of homes are identified to be provided on sites of less than a hectare in size. This exceeds the 10% requirement in paragraph 69 of the Framework.
162. The Council has committed to closely monitor the housing supply position through its annual monitoring process. If the supply of new homes does not keep pace with the minimum annual requirement over three consecutive monitoring periods and the housing trajectory over the full Plan period, the Council have committed to produce a housing delivery action plan to help assist delivery or will commence a review of the Plan. For effectiveness and to ensure the Plan is positively prepared, this is set out in **MM009**. We are satisfied that should sites fail to come forward or are delayed, with the 5% buffer and effective monitoring, the Plan provides adequate flexibility and contingency.
163. For effectiveness, modifications to the housing trajectory are required to reflect the most up-to-date housing supply position, clarify the components of housing land supply and set out the expected rates of delivery from the strategic sites. This is achieved by **MM134**.

Five Year Housing Land Supply

164. Paragraph 74 of the Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.
165. The Council are looking to confirm the 5-year housing land supply through the Local Plan examination process. This allows the supply to be fixed from the date of the Plan's adoption for the appropriate period set out in national policy. In these circumstances, Planning Practice Guidance sets out the requirement for a minimum 10% buffer to be added to the housing requirement to account for any fluctuations in the market during that year. Paragraph 75 of the Framework states that the delivery of sites in the five-year supply should be produced through engagement with developers and others having an impact on delivery. The Council has complied with this requirement.
166. Monitoring evidence shows that housing delivery in Blackburn with Darwen for the five years between 2017/18 and 2022/23 has exceeded the housing requirement. Therefore, for the purposes of the Framework, there has been no persistent under delivery of housing.
167. The total housing requirement, including the 10% buffer, for the 5-year period 2023-2028 is 2,459 dwellings. The anticipated housing supply over the same period is 3,425 dwellings. This equates to a 7-year supply.
168. Around 1,536 dwellings in the 5-year supply are from sites under construction with 880 dwellings from commitments not yet started, 624 from site allocations, 280 from windfalls and 105 from reoccupied long term empty properties. It is notable that just under half of the 5-year supply comes from sites under construction which provides reassurance that the anticipated supply will be achieved.
169. With regard to the deliverability of sites without planning permission in the 5-year supply, the majority of which form allocations in the Plan, the Council has engaged with the respective site promoters to request estimates on predicted start dates, build rates and deliverability. Details of the responses are provided in Appendix D to the Housing Topic Paper (BwD012). A Memorandum of Understanding has been prepared and signed by all the landowners who have an interest in the North East Blackburn Strategic Housing site (H195) (BwD033). This confirms the commitment of landowners to bringing the site forward.
170. The above evidence, together with the lapse rates applied which we have outlined above, provides confidence that the sites in the five-year supply will

deliver as anticipated and a five-year supply of deliverable sites will be available on the adoption of the Plan.

Conclusion

171. Subject to the MMs we have described, the Plan identifies a sufficient supply of sites to ensure that the identified need for additional homes in the Borough will be met and that a five-year supply of deliverable housing sites will be available on the adoption of the Plan.

Issue 7 – Whether the proposed employment and mixed use allocations are justified, positively prepared in meeting the Borough's needs, effective in terms of deliverability over the Plan period and consistent with national planning policy in enabling sustainable development.

Employment Growth Site Allocation Policies

Policy E047: Hollins Grove Mill, Darwen

172. This is the site of a former mill, now cleared, lying within the built-up area of Darwen. Permission was granted in March 2022 for the erection of 2 industrial warehouse buildings on the northern part of the site. In order to be effective, the capacity of the site consequently needs revising, which is achieved in **MM104**. A private developer has an option agreement on the remainder of the site.

173. Because of the proximity of a wastewater treatment plant and industrial uses, for effectiveness, it is necessary to undertake noise as well as odour impact assessments prior to further development taking place on the site. It is also necessary for foul and surface water drainage to be considered at an early stage. The additional requirements are inserted in the policy by **MM105**.

Policy E145: Issa Way North, Blackburn

174. The site is owned by the Council and lies within the built-up area of Blackburn. Access would be gained from the recently built Issa Way link road. The site lies below a reservoir and therefore early dialogue with United Utilities is required. A small part of the site lies within Flood Zone 3, which is to be omitted from the developable part of the site. Anticipated delivery of development on the site has changed from 5 to 2 years; for clarity and effectiveness the policy is updated by **MM106**.

Policy E149: Carl Fogarty Way, Blackburn

175. The policy encompasses 5 separate plots whose development potential has been unlocked by completion of Carl Fogarty Way as a new distributor road. Plots 1, 4 and 6 have planning permission. Options are being considered for the remaining plots. For clarity and effectiveness, the amount of development potential specified in the policy and anticipated delivery requires updating, which is achieved by **MM107**. For the avoidance of doubt, there is no plot 5, as land formerly labelled as such is being used as public allotments, which are intended to remain.

176. For effectiveness it is also necessary to amend the policy to make it clear that United Utilities infrastructure and/or drainage area applies to plots 1, 2 and 3, and that surface water will need to be discharged in accordance with Policy DM13. For clarity and consistency with the Framework, it is also necessary to reference the setting of the Grade II listed Imperial Mill lying to the north of the canal. These changes are made by **MM108**.

Policy E158: Balle Street Mill, Darwen

177. The site is previously developed land in the built-up area, now cleared and available for development. Planning permission has recently been granted for employment uses, and construction is expected shortly. In the interests of effectiveness, **MM109** is needed to require further dialogue with United Utilities due to the presence of drainage infrastructure on the site.

Policy E167: Evolution Park (Medipark), Blackburn Hospital

178. The site lies within the built-up area adjacent to the Royal Blackburn Teaching Hospital. The site is owned by the Council, who has been working with the East Lancashire Hospitals Trust to develop a business park based around medical training and associated uses. The Trust is currently developing a proposal for an educational building on part of the site. The proposed site capacity is in addition to this concept building, and in the interests of effectiveness, it is necessary to clarify this point through **MM110**, as well as updates to the site capacity and anticipated delivery.

179. A small part of the site lies within Flood Zone 3, which is to be omitted from the developable area of the site. The presence of drainage infrastructure on the site, and a potential risk to foul drainage, requires additional supporting text, as contained in **MM111**, for effectiveness.

Policy E168: Plot C, Shadsworth Business Park, Blackburn

180. This site lies within the built-up area, in an established business park. It is already allocated for employment use in the Local Plan Part 2 and remains suitable for such a use. The potential for ground contamination and the need for

remediation is recognised in KDC3. The Council has sold the site to a local business for expansion. Permission has been granted for development, which has now commenced. For clarity and effectiveness, an update to the anticipated delivery date is necessary, through **MM112**.

Policy E172: Chapels Park South, Darwen

181. The land lies within the built-up area of Darwen and has been acquired by the Council and a local firm as a joint venture partnership. Town Deal funding is to be used to underground the electricity supply currently bisecting the site, making it commercially viable. Manufacturing firms adjoin the site and land to the north (outside the site) is proposed to be used for a new household waste recycling centre.
182. For effectiveness, updates to the developable site area and anticipated delivery are necessary and are achieved through **MM113**. Further modification through **MM114** is required to ensure developers agree an appropriate drainage strategy and are alert to the presence of drainage infrastructure on the site, also for effectiveness.

Policy E179: Junction 5 Strategic Employment Site

183. The site comprises 2 parcels of land: Parcel 1 of 19ha to be accessed from the Haslingden Road; and Parcel 3 of 2.8ha to be accessed from School Lane. A third parcel of land (Parcel 2) of 16.2ha lies in between Parcels 1 and 3. It does not form part of the site allocation and is proposed to be safeguarded with potential for future employment use beyond the Plan period.
184. The purpose of the site is to provide employment land for industrial and warehousing uses in accordance with the economic strategy of the Plan. As submitted, the policy refers only to B class uses. Subsequent changes to the Use Classes Order, with the introduction of Use Class E subsuming some but not all the B class uses, means that the expected uses for the site need to be redefined to identify B2 (general industrial) and B8 (storage and distribution) as the primary intended uses for effectiveness. This is achieved by **MM115**. Supporting ancillary uses will be considered on a case-by-case basis.
185. The updated HENA (E32) forecasts a need for broadly equal amounts of industrial and warehousing land over the Plan period. As industrial employment is more valuable in terms of its economic and social benefits, the Council wishes to ensure that at least 50% of floorspace on the site would be general industrial. Some degree of flexibility is desirable between the parcels, subject to the overall proportions being met on the site as a whole. **MM116** introduces a new KDC to clarify this point for effectiveness.

186. An option has been taken out on Parcel 1 by a developer of employment sites, and Parcel 3 is owned by the Council. There are therefore no ownership constraints on the land being brought forward during the Plan period. The site is identified in Policy CP8 as one of the strategic sites requiring a masterplan. Because of the split nature of the parcels of land within it, the first KDC requires modifying to make it clear that the requirement for masterplanning applies to each of the parcels, which will each need their own masterplan. **MM116** makes the necessary change for effectiveness.
187. Both site parcels and the safeguarded land are to be removed from the Green Belt. The strategic case for removal of land from the Green Belt is examined under Issue 4. There we conclude that there are exceptional circumstances at the strategic level to justify the release of land from the Green Belt to deliver identified employment needs.
188. Within the Borough, there are limited opportunities to meet the qualitative requirements for a strategic employment site, as summarised in the commentary on Issue 2. The Council undertook an assessment of reasonable alternative sites in its Strategic Employment Site Planning Case (E64a). Following an assessment process, two other sites in addition to E179 were considered in more detail (Blackamoor Road North and North East Blackburn). For the reasons set out in the planning case, neither of these alternative sites meet all of the requirements sought for a strategic employment site.
189. It is also proposed to release an area of land from the Green Belt that is not required to meet forecast employment needs over the Plan period but is to be safeguarded for possible future employment use beyond that period. Paragraph 143 of the Framework advises that where necessary, areas of safeguarded land should be identified between the urban area and the Green Belt to meet longer-term development needs stretching well beyond the Plan period. Given that the economic strategy of the Council is one of promoting economic growth, it is sensible to safeguard land for that purpose. Safeguarding such land would also avoid the need to alter Green Belt boundaries again at the end of the Plan period. The safeguarded land is well related to the two parcels contained in E179.
190. The site and safeguarded land do contribute to some of the purposes of the Green Belt, in particular helping to check the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment. They also contribute moderately to preventing neighbouring settlements merging into one another, although in this case we consider that sufficient land would remain between the site and Belthorn to maintain a sense of separation. The site and safeguarded land play a lesser role in assisting in urban regeneration, and do not contribute to preserving the setting and special character of historic towns.

191. The harm so caused to the purposes of the Green Belt identified above has to be weighed against the conclusion that there are exceptional circumstances at a strategic level to justify the release of Green Belt for employment use; and also the lack of reasonable alternative sites that would meet the size and locational requirements needed. Having regard to these factors, we consider that exceptional circumstances do exist for the release of Green Belt on E179 and the safeguarded land.
192. The revised Green Belt boundaries would follow physical features on the ground. These consist of field boundaries defined either by stone walls, hedging or access tracks and clearly delineate the boundaries of the site. Potential compensatory improvements to the environmental quality of the site and accessibility to remaining Green Belt land have been explored in Employment Site Potential Compensatory Improvements to the Green Belt 2021 (E65), and Green Belt Compensatory Measures (BwD041). These or other suitable enhancements form a requirement of KDC3 of the policy.
193. In landscape terms the site is relatively open and it will be necessary for a comprehensive landscaping and planting scheme to be included in development proposals for both parcels of land. The design and landscaping of new development will need to take into account the topography of the site, ensure adequate land around the perimeter of both parcels for planting, and maintain the setting of buildings at Blackhill Farm and along Haslingden Road and School Lane. We consider a greater emphasis on landscape mitigation is required in the policy for effectiveness. **MM116** introduces such a change by revising KDC9.
194. The design and landscaping of the two parcels also needs to address the safeguarded land in between, not only while it remains safeguarded, but also in the longer term to enable it to be functionally and visually linked to both adjacent parcels. It is necessary to ensure that this point is considered as an integral part of the site development. **MM116** adds an additional KDC13 for clarity and effectiveness.
195. The Council has assessed the highway safety and transport impacts of the site in a number of documents, including the Local Plan Transport Study (baseline and mitigation) (E41, E42a and E42b), the South East Blackburn Transport Strategy (E90), and the M65 Junction 5 Strategic Employment Site Transport Study (E66). The Council has consulted throughout the preparation of the Plan with National Highways and Lancashire County Council, who raise no objection to the highway safety or transport implications of the site allocation. Based on the evidence, we consider that there is no reason in principle why the two parcels cannot be accessed safely from Haslingden Road and School Lane respectively.
196. In the interests of highway safety, it is necessary that the site accesses are constructed prior to development of the respective parcels. It is also necessary

to ensure that in due course, the safeguarded land can be accessed from Parcel 1 without hindrance. **MM116** makes changes to KDC12 in the interests of effectiveness to address these points.

197. It is recognised that improvements will need to be made to M65 Junction 5 to improve its capacity, not only for the proposed strategic employment site but also to accommodate forecast demand on the motorway network. During the course of the examination, the Council was able to confirm that it has secured Levelling Up Funding for such improvements. This provides us with confidence that the necessary works are likely to be achievable within the Plan period. It is necessary to link occupation of the site to completion of these highway works. That link is included in **MM116** by an addition to KDC12 for effectiveness. We have considered whether development on the site should not be permitted to take place before the Junction 5 improvements are complete. In our view that would be an excessive restriction, as the demand on the junction arising from the site would be generated mainly when it was operational.
198. Means of transport to the site other than by the motor car is at present limited. It will therefore be necessary to ensure improvements to bus services, cycling and walking routes are carried out to improve accessibility to both site parcels. The Strategic Employment Site Transport Study (E66) sets out a range of enhancements that could apply, including extending bus services to the site parcels, adding bus shelters and upgrading a pedestrian crossing, widening footpaths for pedestrian and cycle use. A requirement for future occupiers to provide travel plans could also be used to restrict car-borne traffic and encourage more sustainable methods of transport. These matters would all be subject to planning obligations, informed by the masterplans, under KDCs 1 and 4 of the policy.
199. The site can be reached by a high-level footbridge over the motorway. Although access to the site is not solely reliant on the footbridge, further consideration needs to be given to its use and enhancement as a means of accessing Parcel 1. For effectiveness, **MM116** introduces a new KDC14 to the policy to address this point.
200. The Plan Viability Study (E55) provides evidence of the general viability of development sites within the Plan, including that at E179. Contributions, either financial or in kind, towards infrastructure or public services arising from demand generated by individual schemes will be sought in accordance with Policy CP12.
201. Development of the site will be required to demonstrate ecological sensitivity and provide biodiversity net gain in accordance with Policies CP6 (The Natural Environment) and DM15 (Biodiversity). The Ecological Assessment (E20a) undertaken for the purposes of SA, identifies the potential for priority species and species with European protection on the site but does not otherwise record the land as having particular ecological significance. We are satisfied that in

principle, and subject to suitable site-specific assessments at the planning stage, there is no ecological reason to prevent development on the site.

202. There are no plans to widen the B6232 Grane Road to the east of the site identified as necessary in the M65 Junction 5 Strategic Employment Site Transport Study (E66), and therefore it is unlikely to be required solely as a result of the development of this site. Were alterations to Grane Road to be proposed in the future, they would be subject to assessment at that time, including any ecological impact on peatland.
203. Various utilities are present on the site, including drainage infrastructure and high voltage electricity cables carried on pylons. Recognition of these utility assets, in particular the need to ensure adequate safety clearances are maintained, is necessary for effectiveness of the policy. **MM116** introduces additional text to KDCs 5 and 6 to address these points.
204. A Preliminary Risk Assessment (E63) has been carried out to identify any known risks to developing the site. The assessment addresses matters relating to former mining activity, landfill and disposal of nuclear waste in a former mine shaft at Bye Pit, to the east of the site in the early 1950s. It concludes that there is sufficient information on the potential contaminative status of the site to establish that employment development could be carried out safely. More detailed assessment would be carried out at the application stage to identify any localised contamination that required mitigation, as required by KDC6 of the policy.

Mixed Use Growth Site Allocation Policies

Policy MU008: Issa Way South, Blackburn

205. This site lies on the southern side of the Issa Way link road, opposite the allocated site E145 Issa Way North, in the built-up area. As a mixed-use allocation, the policy allows for either residential, employment or a mix of the two uses. The Council anticipates a capacity of 56 dwellings and 8,000sqm of employment on this site. Estimates of that capacity and its anticipated delivery have changed since submission, and **MM117** is required to provide an update for clarity and effectiveness.
206. Modifications to Policy CP12 (**MM024**) remove the minimum planning contributions that a new development would be expected to provide. Consequential modifications to the first KDC of the policy as set out in **MM118** are necessary to address these changes for effectiveness.
207. The site contains an attenuation basin that forms part of the surface water drainage system on this and adjoining land. The need to retain the basin and to recognise that the site contains land within the ownership of United Utilities are necessary additions to the policy. **MM118** provides the necessary changes.

Policy MU091: Former East Lancashire Coachbuilders Site, Whalley New Road, Blackburn

208. The site is previously developed land in the built-up area within an area of mixed-use character. Changes to the site capacity estimate since submission now suggest that the site has a capacity of some 4,000sqm of employment/commercial/community uses, and a later anticipated delivery period of 2029/30. Permission has been granted for a commercial scheme although development had not commenced at the time of the examination hearing. For clarity and effectiveness, **MM119** is necessary to update the capacity and delivery key site information.

209. The north-western boundary of the site lies adjacent to the River Blakewater. In addition to riparian responsibilities the bank of the river lies within Flood Zone 3 and should therefore be omitted from the developable area. Any development would also have to take account of the proximity of an adjacent wastewater pumping station within the ownership of United Utilities, and the potential difficulties of achieving adequate foul and surface water drainage on the site. Recognition of these matters as additions to the supporting text of the policy is necessary for effectiveness. **MM120** provides the necessary changes.

Policy MU096: Site of former Larkhill Health Centre, Barbara Castle Way, Blackburn

210. This site within the built-up area and close to Blackburn town centre is previously developed land, now cleared. It is allocated for residential or employment/commercial/community development, or a mix of any of those uses. The previous health centre has been relocated, and there is no policy requirement for a replacement community or health use on the site.

211. Anticipated delivery of the site has been delayed from 2025/26 to 2032/33. For effectiveness, the key site information therefore needs updating. **MM121** makes the necessary revision.

Policy MU197: Whinney Heights, Haslingden Road, Blackburn

212. This Council owned site lies close to the Royal Blackburn Teaching Hospital and adjacent to a small cluster of commercial uses around the junction of Haslingden Road with Old Bank Lane. It has potential for a mix of residential and commercial uses enhancing the local centre as well as providing new dwellings. The anticipated delivery date has changed from 2025/26 to 2030/31. **MM122** is needed for effectiveness in updating the key site information.

213. A public sewer runs through the site. Early discussion will therefore be necessary between the developer and United Utilities to ensure that this constraint is taken into account. For effectiveness, an additional KDC covering this point is added by **MM123**.

Policy MU210: Former Thwaites Site, Starkie Street, Blackburn

214. The site is previously developed land (formerly a brewery) in Blackburn town centre. It has now been cleared and is available for redevelopment. It lies in a highly sustainable location with good access by public transport. The land is owned in a joint venture partnership by the Council and a developer with the objective of redevelopment of this and the adjacent site MU211 as a comprehensive regeneration scheme for the town centre.
215. The Blackburn Town Centre East Development Framework (E6a) envisages the relocation of the Morrisons superstore to the former brewery site, with the current store site being redeveloped for residential and the multi-storey car park acquired for public use. In the event of that scheme not proceeding, the site would be suitable for a range of town centre activities, including residential, commercial and community uses. Both alternative proposals are compatible with the town centre strategy adopted by the Plan.
216. The site capacity and anticipated delivery date need updating having regard to the current position on site development. These changes are made by **MM124** for effectiveness. Policy CP8 requires masterplans for both MU210 and MU211.
217. Blackburn town centre is identified as an area with potential for a heat network development. This potential has not been developed in any detail and remains an aspiration rather than an expectation. To avoid unnecessary delay or expense to development of this site and MU211, which is important for the vitality and viability of the town centre, **MM125** and **MM127** introduce a degree of flexibility on this matter in the respective policies for clarity and effectiveness.
218. As submitted, vehicular access to the site was to be from Penny Street. There are other potential access points from other streets around the site, not just for vehicles but also for pedestrians and cyclists. To allow for flexibility in the design and access to the site, **MM125** introduces changes to allow other access points to be used, in discussion with the Council's Highways Team, for effectiveness.

Policy MU211: Former Markets Site, Penny Street, Blackburn

219. The site is previously developed land in Blackburn town centre. It was formerly used as a market, which is now housed on the lower floor of the adjacent shopping centre. The site is currently being used as a surface car park. In conjunction with MU210, the land forms part of a joint venture partnership between the Council and a developer and its redevelopment will form part of a comprehensive regeneration scheme for the town centre.
220. The relocation of the current car park use is dependent on relocation of the Morrisons superstore and the repurposing of its multi-storey car park for public use. If that scheme does not proceed, further consideration will need to be given to the use of the site as part of the wider Blackburn Town Centre East

Development Framework (E6a) or by a masterplan, as required by Policy CP8. We are satisfied that the policy is sufficiently flexibly worded to allow for alternative town centre uses on the site while remaining part of a comprehensive scheme for the wider Town Centre East Investment Area. Updates to the amount of development and anticipated delivery are necessary for effectiveness and are included in **MM126**.

221. Significant drainage infrastructure and the culverted watercourse of the River Blakewater runs through the site. These place significant constraints in how the site may be developed. The culverted watercourse also raises the issue of flood risk and how that can be addressed. Early engagement with United Utilities and the Environment Agency will be necessary to ensure these aspects are taken into account in the development of the site. Appropriate modifications to the supporting text of the policy are introduced by **MM127** for effectiveness.

Policy MU220: Land north and south of Wood Street, Livesey Fold (Orchard Mill), Darwen

222. This site is currently occupied for commercial purposes but is anticipated to be vacated shortly, with the occupier relocating to another site. It is adjacent to Darwen town centre and Duckworth Street district centre, with residential streets to the west. The site has potential for commercial or residential use, or a mix of the two.
223. The Level 2 Strategic Flood Risk Assessment (E68) identifies the potential for fluvial, groundwater and surface water flood risks on the site. United Utilities has also identified the need to agree a drainage strategy. These are likely to place constraints on the site and may constrain site capacity. It is therefore important that they are addressed at an early stage in the design. Changes to the supporting text are necessary for effectiveness and are incorporated in **MM128**.

Conclusion

224. In summary, we conclude that the process of selecting the employment and mixed-use site allocations was robust, and subject to the recommended MMs, the allocations are justified, effective and capable of being developed over the plan period.

Issue 8 – Whether the Core Policies of the Plan for People are justified and effective having regard to national planning policy and local context.

Core Policy 3 (CP3): Health and Well-being

225. Policy CP3 seeks to influence new development in ways that improve the physical and mental health and well-being of all those living in, working in or visiting the Borough. Policy CP3 operates in combination with other strategic policies (for example CP4 Housing, CP5 Climate Change and CP8 Securing High Quality and Inclusive Design) in promoting healthy and safe communities. In this respect it is consistent with national planning policy as set out in Chapter 8 of the Framework and local strategies, such as the Eat Well Move More Strategy 2022-2025 (E19) and Joint Health and Wellbeing Strategy 2018-2021 (E10).
226. An additional criterion to the policy is required for effectiveness to explicitly recognise the needs of the Borough's ageing population and their health and well-being needs. This is achieved through **MM006**.
227. The Council intends to use Health Impact Assessments to aid consideration of the effect of development on health. This is a procedural requirement rather than a policy. There is also no good justification for linking Health Impact Assessment only with development requiring Environmental Impact Assessment (EIA). Consequently, **MM006** is necessary to delete the reference to EIA development in the policy, and **MM007** is necessary to provide guidance on when Health Impact Assessments may be required, by reference to a screening toolkit that is included in the Planning for Health Supplementary Planning Document.
228. The supporting text to the policy references a number of accreditation schemes which could be used to demonstrate how the design of new development takes into account impacts on health and well-being. The mandatory use of these schemes would run counter to the Government's approach of rationalising many differing standards into a simpler set of optional technical housing standards, now incorporated in the Planning Practice Guidance. It is therefore necessary for effectiveness to clarify that the use of these accreditation schemes is encouraged rather than mandatory, except where specified in other policies. **MM007** achieves this aim.

Core Policy 4 (CP4): Housing Development

229. Policy CP4 considers the delivery of housing of all types. The first section of the policy sets out the housing requirement for the Plan period and considers location and delivery. We have discussed this in detail in Issue 3. We address the other sections of the policy below.

Affordable Housing Needs

230. The second section of Policy CP4 addresses affordable housing needs. The 2018 HENA (E31) assesses the requirements in the Borough over the Plan period using the methodology set out in the PPG and indicates a need for the delivery of 108 homes per annum. The need for 108 affordable homes per year

is not stated in the Plan. **MM009** adds this to the supporting text for effectiveness.

231. The policy requires that in developments of 10 or more dwellings at least 20% of homes delivered would be expected to be affordable units, based on an assumed tenure split of 50% affordable rent, 25% shared ownership and 25% First Homes. This figure has been tested in the Plan Viability Study (E55). This document concludes that for greenfield sites providing more than 15 dwellings, schemes are likely to be viable. However, for smaller schemes, it may be difficult to achieve policy compliance except in the higher value locations.
232. Older brownfield sites close to the town centre would also be unlikely to be viable except in the higher value areas. However, the Council has provided evidence of a number of brownfield sites that have been able to provide some level of affordable housing. Such opportunities should be maximised. In all likelihood, negotiations on a site-by-site basis would be required. This is recognised in the policy.
233. Given the above, we conclude that the requirement in Policy CP4 strikes an appropriate balance between meeting needs and ensuring that the housing allocations are viable and deliverable. The policy is a reasonable, justified and appropriate response to the evidence prepared to inform the Plan.
234. As submitted, the Plan included two policies relating to the delivery of affordable housing. Policy CP4 sets out the requirement for affordable housing and Policy DM5 provides further guidance on how viability will be considered and the type of affordable housing to be delivered. In the interests of effectiveness, it would be better for the Plan to provide one single policy. **MM030, MM031 and MM032**, delete the affordable housing elements of Policy DM5 and its associated supporting text and **MM008 and MM009** adds these to Policy CP4.
235. The requirement in Policy CP4 to provide 'at least' 20% affordable homes, suggests that schemes would be expected to provide a higher amount. **MM008** removes this phrase for effectiveness and adds a new part to the policy to explain that schemes providing more than the policy requirement will be supported subject to demand in the local area. The modification also requires schemes to have regard to the Council's Developer Contributions and Affordable Housing SPD for clarity and effectiveness.

Self and Custom Build Housing

236. The third part of Policy CP4 relates to self and custom build (SCB) housing. The Self Build and Custom Housebuilding Act 2015 requires Councils to keep a register of those seeking a SCB home. The Council's Update on SCB housing (EL7.A14) states there are 36 persons registered, whilst Table 1 of that update

confirms the numbers of persons registered in each annual base date. In accordance with national planning policy, a Council has three years in which to grant permission to an equivalent number of plots as there are persons on the register for that base period.

237. There is no set approach to calculating future demand. PPG advises that Councils should use demand data from their Register supported by other secondary data sources. Assessing the Register, an average of 4.5 new persons have been added to the Register each year since 2015/16. Rounding this figure up to 5 persons, equates to a need for 15 plots to achieve a rolling 3-year supply. An alternative calculation based on the National Custom and Self Build Association's data, suggests a need for 11 dwellings per 100,000 population in Blackburn with Darwen. This would equate to a demand for 18 plots over the Plan period, approximately 1-2 plots per year and between 3-6 plots to achieve a rolling 3-year supply.
238. Having regard to historic trends in demand and delivery, the actual need is likely to be somewhere between the two approaches and is likely to be similar to the current demand of around 5 persons requiring a plot each year. We recognise that other data sources may suggest higher demand figures in the Borough. However, based on the evidence before us, we are satisfied that the Council's assessment is sufficiently robust.
239. The Update Paper demonstrates that since 2019/20 the Council have been meeting and, in fact, exceeding their supply requirement. This is in the main met through windfall development. Having regard to the historic windfall levels in the Borough, it is highly likely that the need will continue to be met in this way.
240. The Local Plan does not prescribe a minimum number of SCB units to be delivered. This provides flexibility to respond to the fluctuations in the number of persons on the Register. We consider this general approach to be justified. To contribute positively to future needs, the Plan allocates eight SCB plots in Policy H068: Queens Park. We are satisfied that the Plan adequately provides for the likely SCB needs in the Borough over the Plan period.
241. The Levelling Up and Regeneration Act intends to bring forward legislation to amend the Self Build and Custom Housebuilding Act 2015. These proposed changes clarify that only land granted planning permission explicitly for self and custom build homes would qualify towards the Council's statutory duty to meet demand for SCB homes in their area. Once the necessary secondary legislation is passed, this may have implications for single dwelling windfall permissions which are counted towards the supply. It is therefore important that the Council continues to monitor both the supply and the demand on the Register. **MM009** makes this clear in the supporting text to the policy for effectiveness.

242. **MM008** amends part 5 of the policy and **M009** revises the supporting text, to make the Council's approach to supporting SCB housing clear in the Plan and to ensure the policy is effective. This includes a requirement for a design code for development proposing multiple SCB plots. It also sets out that where SCB plots are not taken up, evidence of marketing to establish a lack of demand would be required before plots can be developed for market housing. We have amended the wording of **MM009** in the schedule of MMs in the Appendix after the MM consultation to require a holistic site wide approach to the design and delivery of on-site infrastructure e.g. water and wastewater, in the interest of effectiveness.

Housing for Older and Vulnerable People.

243. The fourth part of Policy CP4 concerns the provision of Housing for Older and Vulnerable People.

244. The HENA 2018 (E31) demonstrates that Blackburn is expected to see a notable increase in older persons with the total number of persons over 65 expected to increase by 30% between 2016 and 2036. This is slightly higher than that projected for the region and nationally. There is also a higher level of disability compared to the national average and, with an increasing aging population, the number of people with disabilities is likely to increase. The report goes on to estimate a total need of around 1,700 units of housing for older people and around 400 dwellings for wheelchair users in the period to 2036. Making provision for older and vulnerable persons in the Plan is therefore justified.

245. As drafted, Part 6 of Policy CP4 requires residential developments of 10 dwellings or more to provide at least 20% of homes appropriate to accommodate the needs of older and vulnerable people. Further detailed guidance is provided in Policy DM03 which results in some duplication and ambiguity.

246. Policy CP4 is a Core Policy so it is appropriate and justified that it provides a strategic policy position with Policy DM03 providing more detail of the Council's expectations in this regard. **MM008** amends and simplifies Policy CP4, so that it requires new development to contribute towards the needs of older and vulnerable persons accommodation in line with Policy DM03. **MM009** revises the supporting text to the policy accordingly for effectiveness.

Gypsy and Traveller pitch requirement, location and delivery

247. The Council, working jointly with Hyndburn Borough Council, undertook a Gypsy and Traveller Accommodation Assessment ('GTAA') (E23) in 2019. The purpose of the report was to understand current and future accommodation needs. It was carried out in accordance with the Planning Policy for Traveller

Sites ('PPTS') and used desk-based research, stakeholder interviews and engagement with members of the travelling community.

248. The GTAA considered the needs of those meeting the planning definition of Gypsies and Travellers set out in the PPTS, households for whom their status could not be determined as they could not be interviewed (unknown households) and those who do not meet the PPTS definition. Having regard to the Smith case², as the GTAA included an assessment of the needs of Travellers not meeting the planning definition, we are satisfied that the GTAA has adequately assessed the needs of all Gypsies and Travellers in the Borough regardless of their status.
249. The Assessment concluded that over the period of its assessment 2018-2037, there is a cultural need³ for 42 permanent pitches and a PPTS need of 17 permanent pitches and 5 transit pitches. With the Plan covering the period 2021-2037, and since there have been no additional pitches provided during that period, the Plan period need is assumed to be the same. An explanation of the terms cultural need and PPTS need should be set out in the Plan for clarity and effectiveness. This is achieved by **MM010**.
250. The PPTS requires local planning authorities to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. There is an identified need of 6 pitches over the first five years of the Plan. The Plan allocates GT213, George Street West to contribute towards this need with an indicative capacity of 5 pitches. A further site at Branch Road, Blackburn has been recently developed providing a further 5 pitches. The site does not have the benefit of planning permission; however, the Council is working with the landowner to secure the submission of a planning application. It is notable that the GTAA⁴ would have counted the Branch Road site as an 'unauthorised site which could offset permanent pitch need by becoming regularised' and would have counted it as part of the supply. It is therefore reasonable and justified to include this site as part of the five-year supply.
251. The remaining PPTS need over the Plan period would be met through windfall pitch developments that come forward in the urban area. Such proposals would be assessed against Policy DM04. The Council has provided evidence of windfall Gypsy and Traveller sites that have been granted planning permission in the urban area since 2006. This provides some confidence that further sites will come forward over the Plan period to meet the identified need. The Council will need to monitor the situation over the Plan period to ensure that the policy is

² Smith v SSLUHC & Ors [2022] EWCA 31 October 2022

³ ie unknown need and those not meeting the PPTS definition

⁴ GTAA 2019 (E23) Page 57 paragraph 7.33

being successful in meeting the Borough's needs. **MM009** adds to the supporting text to set out this commitment for effectiveness.

252. The Plan meets the need for 5 transit pitches on GT215, land adjacent Intack Bus Depot, Blackburn. The GTAA identified no need for plots for Travelling Showpeople.

253. Further modifications are required to the policy for effectiveness and to ensure that the policy is justified. They include the identification of the need over the Plan period, removal of reference to the allocation of sites and further text to ensure that the loss of allocated sites, not just existing pitches, to other development will only be supported with appropriate evidence (**MM008**). **MM009** provides consequential changes to the supporting text, setting out the need over the Plan period, the allocation of sites and the Plan's approach to meeting need, also for effectiveness.

Conclusion

254. Subject to the MMs set out above, we conclude that the Core Policies of the Plan for People are justified and effective having regard to national planning policy and local context.

Issue 9 – Whether the Core Policies of the Plan for Place are justified and effective having regard to national planning policy and local context.

Core Policy 5 (CP5): Climate Change

255. The Council declared a climate emergency in 2019 and has set a goal to be carbon neutral by 2030. The Council's Climate Emergency Action Plan 2021 (BwD021) seeks to achieve a reduction in carbon emissions and Policy CP5 forms a mechanism through which a contribution can be made to these carbon neutral ambitions. The Framework in paragraph 153, requires plans to take a proactive approach to mitigating and adapting to climate change and support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. In principle, Policy CP5 is consistent with this national policy.

256. As submitted however, the policy is not positively prepared, justified or effective. It requires developers to use the Council's Climate Impacts Framework (CIF) to inform what would be expected from a new development, to identify opportunities for enhancement and demonstrate climate change resilience and adaptation. It was discussed at the hearing that the CIF was still under development, though a demonstration version was made available to the examination. It is unclear to decision makers, developers and the local

community what the CIF requires, whether additional supporting technical work would be necessary to accompany a planning application, whether the policy would apply to all developments and how it would be used in the determination of planning applications.

257. **MM011** addresses these issues by redrafting the policy and the supporting text so that the expectations for development proposals are clear and the policy is effective. The modification sets out that all new residential development, and commercial proposals over 1,000 square metres, would be required to evidence that they have considered climate mitigation and adaptation. The CIF assessment tool would be a validation requirement for these application types. The online CIF assessment tool will comprise a series of questions that relate to the climate emergency based policies in the Plan. The Tool will be accompanied by a CIF SPD which will explain the link to the Plans policies and provide supporting guidance on design.
258. The Council's revised Local Development Scheme (EL7.A24) confirms the commitment to commence the preparation of the CIF SPD in the Autumn of 2023 with adoption in early 2024. The SPD was approved for consultation by the Executive Board on 12 October 2023.

Core Policy 6 (CP6): The Natural Environment

259. This core policy seeks to conserve and enhance biodiversity, geodiversity and landscape features. It is complemented by Policy DM15: Biodiversity which provides more detailed guidance to ensure that new development can help address the ecological crisis, restore eco-systems and achieve environmental net gain.
260. Since the submission of the Plan, there has been new guidance on the requirements of the Environment Act which has led the Council to review Policies CP6 and DM15. The Council's suggested revisions to these policies were considered at the hearing. These changes remove duplication between the two policies and ensure that Policy CP6 contains the strategic core policy relating to the natural environment, including that relating to biodiversity net gain (BNG) and ecological networks. Policy DM15 is amended to focus on designated habitat sites. Policy DM15 is discussed later in the report.
261. The Council commissioned a Climate Change and Natural Capital Study (E11) to look at the potential contribution of the Local Plan to the Council's goal of achieving net zero carbon status by 2030 and to assess policy requirements of the Environment Act. This has informed Policy CP6 and ensures it is justified.
262. **MM012** incorporates the changes put forward by the Council and other modifications required to ensure the policy and supporting text is justified and

effective. In summary, the modification clarifies how a BNG of at least 10% should be evidenced and delivered. It also ensures that developments are designed to facilitate new and enhanced habitats and create links between habitats and open spaces. It also sets out that locally defined ecological sites identified in the Local Nature Recovery Strategy, when established, will be the primary focus of off-site net gain delivery networks. The modification also ensures that the policy is consistent with the Framework footnote 58 in relation to the development of agricultural land.

263. Part 6 of the policy requires major developments to seek to achieve the Building with Nature Design Award. As drafted the policy is ineffective in explaining what this award entails, when it should be sought and how the Council will consider it as part of the determination of a planning application. **MM012** amends the policy and supporting text to address these issues.

264. We have amended the wording of this modification in the Schedule of MMs in the Appendix after the MM consultation for effectiveness, to make it clear in the supporting text that evidence and justification will be required to support the purchase of statutory biodiversity credits in preference to on-site or off-site provision in the local area.

Core Policy 7 (CP7): The Historic Environment

265. Policy CP7 sets out a strategy for safeguarding and enhancing the Borough's historic assets, identifying in broad terms the key architectural and historic elements that contribute towards its identity and distinctiveness. This approach is consistent with paragraph 190 of the Framework, which requires the Plan to have a positive strategy for the conservation and enjoyment of the historic environment. It also has the support of Historic England. Policy CP7 provides a framework to the more detailed policy requirements set out in Policy DM26: Heritage Assets.

266. As submitted, part of the policy identified a series of management and procedural intentions relating to heritage matters. While laudable, these are not policy objectives and are therefore not justified as part of the policy itself. Consequently, they have been deleted from the policy and moved to the supporting text as part of **MM013** and **MM014**.

267. Paragraph 192 of the Framework expects local planning authorities to maintain or have access to a historic environment record. For the Borough, those records are held by Lancashire County Council. For effectiveness, reference to those historic environment records have been made in the key supporting documents section of the policy under **MM013**, and associated clarification added to the supporting text through **MM014**.

Core Policy 8 (CP8): Securing High Quality and Inclusive Design

268. Policy CP8 provides strategic support for a high standard of design being an integral feature of all development. It sets expectations for design in accordance with the National Design Guide, and when masterplans and design codes will be required. It is complemented by Policy DM27: Design in New Developments, which provides further detailed requirements.
269. The Council already has a number of local design documents, including Blackburn and Darwen character studies, and Borough wide and residential design guides, which it intends to retain and update as necessary. This approach accords with paragraphs 127-128 of the Framework, which promotes the preparation and use of design guides or codes consistent with the National Design Guide and National Model Design Code that reflect local character and design preferences. For effectiveness, **MM015** is necessary to make explicit reference to local design guidance in the policy and as key supporting documents.
270. The requirement for masterplans applies to strategic scale developments. As submitted, the policy does not adequately define what might constitute such a development. Amendments to Part 2 of the policy, as set out in **MM015**, are therefore required to identify site allocations H195, E179, MU210 and MU211 as being strategic scale development for which masterplans will be required for effectiveness.
271. Part 3 of the policy requires any development considered to have a significant impact on local townscape or landscape to complete a design review at an early stage in its design. For effectiveness, it is necessary to provide further clarification as to which sites this may apply. **MM016** amends the supporting text to address this point.

Core Policy 9 (CP9): Transport and Accessibility

272. The potential impacts of planned growth on strategic transport networks have been the subject of a number of studies, including the Local Plan Transport Study: Assessment and Mitigation Report (E42a) and Southeast Blackburn Transport Study (E90). Further focused studies have also been undertaken where particular issues are forecast to arise, for example the M65 Junction 5 Strategic Employment Site Transport Study (E66) and M65 Junction 6 and 7 Study (E88). Where necessary the studies have identified mitigation schemes, which are incorporated into the list of highway works in the Infrastructure Delivery Plan. Modelling of those mitigation schemes indicates that a combination of highways measures and sustainable transport measures will be sufficient to mitigate the impacts of planned growth to an acceptable degree.

273. Policy CP9 sets out the approach the Council will adopt in managing the transport implications of development. It requires new development to be located to minimise the need to travel and be easily accessed by public transport, walking and cycling. New development that is likely to generate significant traffic is required to provide a travel plan setting out how car borne traffic can be minimised, and to identify, and where necessary mitigate, adverse effects on the transport network. This approach is consistent with Chapter 9 of the Framework in promoting sustainable transport.
274. As submitted, Part 3 of the policy referred to an intention of the Council to prepare a Travel Plan SPD. Although this would be helpful to developers, it is not a policy requirement and should therefore be deleted for effectiveness. **MM017** makes the necessary modification.
275. Within the overall approach to minimising the need to travel, the Council recognises that in exceptional circumstances some forms of development may be appropriate even where poorly accessible, for example the conversion of buildings in the countryside. For effectiveness of the policy, it is necessary to clarify when such exceptional circumstances may apply. The additional supporting text in **MM018** provides this clarification.
276. During the course of the Examination, the Council has decided it would expand the purpose of the SPD to include not only guidance on travel plans, but also parking standards and local cycling and walking infrastructure plans. For clarity and effectiveness, the expanded Sustainable Transport and Movement SPD needs to be added to the list of key supporting documents and its purpose explained in the supporting text. It is also necessary to identify the link between sustainable transport and the Council's Climate Impact Framework. These changes are contained in **MM017** and **MM018**.

Conclusion

277. Subject to the MMs set out above, we conclude that the Place policies of the Plan are justified and effective having regard to national planning policy and local context.

Issue 10 – Whether the Core Policies of the Plan for the Economy are justified and effective having regard to national planning policy and local context.

Core Policy 10 (CP10): The Economy and Skills

278. In accordance with the economic strategy adopted by the Plan, this policy sets out the requirement for at least 46.4ha of new employment land over the Plan

period, the allocation of land for employment and mixed uses, and the safeguarding of existing employment areas and educational establishments. Those requirements underpin delivery of the economic strategy and related social aims and are consistent with national policy in the Framework for building a strong, competitive economy. Paragraph 81 of the Framework puts significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The policy would help to achieve that aim.

279. The updated HENA (E32) identifies a greater need for a buffer in employment land supply to cater for flexibility in the market and to replace employment land lost to other uses. While the policy sets out a requirement to safeguard existing employment areas, particularly those that meet modern business needs, it is prudent to anticipate some loss of existing employment sites where they are poorly located or where alternative uses may not be controlled by the Council, for example under permitted development rights. Changes to the policy necessary to clarify these points are contained in **MM019**.
280. Also arising from updated employment land supply figures is the need to update the supporting text to the policy in respect to the amount of new employment floorspace and the proportion of that which is a buffer. **MM020** makes the necessary changes for effectiveness.

Core Policy 11 (CP11): Town Centres and Commercial Development

281. The Plan identifies a hierarchy of centres in the Borough: Blackburn Town Centre (Tier 1), Darwen Town Centre (Tier 2), District Centres (Tier 3) and Local Centres (Tier 4). Policy CP11 sets out the types of town centre uses that are appropriate in each tier and which would enhance their vitality and viability. The policy allows for a range of uses in identified centres, including residential and education, and provides flexibility in situations where a sequential test is applicable.
282. The Council has demonstrated commitment to town centre development and renewal through initiatives such as the Blackburn Town Centre East Development Framework (E6a), Darwen Town Investment Plan, and support for the Business Innovation District. We are satisfied that Policy CP11 is consistent with paragraph 86 of the Framework and takes a positive approach to town centre growth, management and adaptation.
283. There is an incorrect policy reference in Part 3 of the policy. **MM021** corrects this reference to DM35 for accuracy and effectiveness.

Core Policy 12 (CP12): Infrastructure and Delivery

284. The Council recognises that planned growth will put additional pressure on existing physical, social and green infrastructure. It has not adopted a Community Infrastructure Levy but instead intends to identify and negotiate infrastructure requirements on a case-by-case basis, secured by legal agreements, obligations or conditions.
285. Policy CP12 requires development proposals to contribute towards infrastructure based on the need to mitigate their respective impacts and sets out, in broad terms, the categories of infrastructure that would be considered. It takes account of such liabilities in ensuring that the overall level of contribution allows developments to remain viable, subject to essential infrastructure being secured. Where a development cannot meet its infrastructure mitigation costs, the onus will be on the developer to provide viability evidence.
286. The policy sets out a requirement for minimum contributions that sites are expected to provide, with details of those contributions assigned to primary, secondary and tertiary sites. As submitted, we are concerned that the requirement for minimum contributions, indicative though they may be, conflicts with the overall approach to negotiating infrastructure contributions and the need to maintain viability. Furthermore, there is a lack of clarity of the viability assessment typologies, these not having been defined spatially.
287. To ensure the approach to seeking infrastructure contributions is justified and effective, the requirement for minimum contributions should be deleted, as should related footnotes and supporting text, including Table 3 (indicative minimum planning contributions). This is achieved through **MM022**, **MM023** and **MM024**. It is open to the Council to include guidance to developers on indicative contributions in a Planning Contributions and Affordable Housing SPD, but that would be subject to negotiation, including development viability, on the case-by-case approach adopted by Policy CP12.
288. Part 6 of the policy refers to developers negotiating a reduction in 'standards'. As these are not defined, a change in terminology to 'policy requirements' is required for effectiveness. **MM022** makes the necessary change.

Conclusion

289. Subject to the MMs set out above, we conclude that the Economy policies of the Plan are justified and effective having regard to national planning policy and local context.

Issue 11 – Whether the development management policies of the Plan are justified, effective and consistent with national planning policy.

People – Policies DM 1-11

DM Policy 2 (DM2): Protecting Living and Working Environments.

290. This policy seeks to manage new development so that it does not have a direct impact on people's lives, for example through noise, dust, privacy, air quality or crime. **MM025** is necessary for effectiveness to make it clear that development identified as being located in Coal Authority High Risk Areas should submit a Coal Mining Risk Assessment. The MM also makes reference to the Council's Residential Amenity Planning Advisory Note as a key supporting document and **MM026** adds this to the supporting text for effectiveness.

DM Policy 3 (DM3): Housing Mix, Standards and Densities

291. Policy DM3 seeks to widen the choice of housing in the Borough, requires new dwellings to comply with the nationally described space standards (NDSS) and higher water efficiency standards, sets requirements for accessible and adaptable homes, and minimum density standards.
292. The Council's Housing Standards Topic Paper (SD14) provides analysis of the dwellings currently being built in the Borough. This concludes that, overall, around 60% of dwellings fall below the minimum standard with the greatest shortfall across the 3 and 4 bed properties. Blackburn with Darwen have existing Local Housing Space Standards adopted in June 2012, which apply to new dwellings and Houses in Multiple Occupation (HMOs). As the standards were published prior to the NDSS, there is some variance; however, they are broadly comparable. Despite these standards being in place there are still a high number of properties failing to meet the minimum standards. This provides justification for the policy requirement of meeting national standards. This has been viability tested in the Plan Viability Study.
293. Policy DM3 also requires a higher water efficiency standard, equivalent to 110 litres/person/day (lpd). All new homes have to meet the mandatory national standard set out in the Building Regulations (125 lpd). The PPG states that local authorities can set out policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 lpd where there is evidence of local need and where the viability of development is not compromised by its application.
294. It is recognised that Blackburn with Darwen is not an area subject to water stress. Nevertheless, the Council's Housing Standards Topic Paper (SD14) sets

out that nationally and regionally, greater water efficiency is being encouraged. The delivery of the Water Framework Directive objectives in the region is set out in River Basin Management Plans for the North West River Basins. This includes action on water efficiency. Furthermore, in 2022 the Environment Agency published a National Framework for meeting future water needs setting out the case for making ambitious demand saving.

295. Whilst United Utilities do not include higher water efficiency standards in their current Water Resource Management Plan 2019-2045, they produced a Drought Plan in 2022 which encourages water efficiency through domestic metering and behavioural change. The company has given support to Policy DM3, which would assist to make more efficient use of water resources. Given the above, we consider this Policy is justified. The cost of securing water efficient fittings to target 110 lpd is minimal and has been taken into account in the Plan Viability Study (E55).
296. As discussed earlier in this report, Policy DM3 provides detail on the implementation of Strategic Policy CP4 Housing Development. Due to duplication and ambiguity between the two policies, particularly with regard to housing for older and vulnerable people, **MM027** amends DM3, and **MM028** adds to the supporting text, so that it is clear that CP4 provides a strategic policy position and DM3 sets out the Council's expectations in this regard. This ensures the policies are effective.
297. Policy DM3 in part 3 requires that in schemes of 10 dwellings or more, 20% should be built to accommodate the needs of older and vulnerable people unless specific site conditions make this impractical or unviable. The nature of this provision is to be determined on a site-by-site basis depending on demand in an area and may include bungalow provision or accessible and adaptable homes in line with Part M4(2) of the Building Regulations. Part 4 of the policy requires 5% of new homes in schemes of 10 or more dwellings to be adaptable in accordance with Part 4 M(3a) of the Building Regulations. These requirements are justified by the increasing older population and level of those with a disability in the Borough set out in the HENA (E31).
298. The Plan Viability Study (E55) has tested these requirements assuming an additional cost allowance for such provision. It concludes that schemes would be viable. The Study does not test a specialist older persons' homes typology as none is proposed in the Plan. There is, however, flexibility built into the policy to take account of viability in respect of such schemes.
299. In the interests of effectiveness **MM027** is necessary to require Design and Access Statements to be submitted to set out which of the relevant standards required by Policy DM3 are met through development and to explain that the policy applies to all new dwellings as well as conversions and subdivisions.

DM Policy 4 (DM4): Assessing Planning Applications for Gypsy, Traveller and Travelling Showpeople Sites

300. This policy sets out detailed criteria against which to assess planning applications for Gypsy, Traveller and Travelling Showpeople Sites. It is consistent with the approach to Gypsy and Traveller sites in the PPTS and will be used to assess planning applications coming forward within the Borough. To ensure clarity and effectiveness, and ensure such sites are sustainable, the policy criteria should require reasonable proximity to public transport accessibility. **MM029** achieves the required amendment for effectiveness.

DM Policy 5 (DM5): Affordable Housing and Rural Exception Sites.

301. As already discussed in relation to Policy CP4, it is appropriate for affordable housing policy requirements to be in one policy of the plan i.e. Policy CP4. Accordingly, **MM30, MM31 and MM32** are required to remove references to affordable housing from Policy DM5 and its supporting text for effectiveness. Policy DM5 therefore solely relates to rural exception sites.

DM Policy 6 (DM6): Houses in Multiple Occupation (HMOs)

302. The growth of HMOs in Blackburn has been significant over the last decade. The Council's Article 4 (HMO) Justification Paper (E82) suggests that in 2011 there were around 129 HMOs concentrated in seven wards in the inner urban area. In 2022 this had increased to around 390. These areas have high incidences of anti-social behaviour, high deprivation, low house prices and high numbers of vacant properties. This brings amenity issues with families discouraged from living in these areas, impacting negatively on achieving a balanced community and resulting in poor quality housing damaging local character.

303. In 2012 the Council introduced an Article 4 Direction for these seven wards to remove permitted development rights for the conversion of residential properties to HMOs. The Council are looking to extend this across other parts of the Borough.

304. Against this context, Policy DM6 is justified to seek to restrict the provision of new HMOs including hostel accommodation. The policy also proposes to impose occupancy conditions on planning applications for other uses to prevent them being converted to HMOs in the future. So that the supporting text is effective in outlining the policy approach, **MM033** is required.

DM Policy 7 (DM7): Conversion of Buildings in the Countryside

305. This policy permits the conversion of buildings in the countryside subject to a range of criteria. For effectiveness, **MM034** removes part 2 of the policy, which

refers to keeping the Council's Conversion of Buildings in the Countryside SPD up to date. This is already referred to in the supporting text and gives the appropriate weight to this policy document.

DM Policy 8 (DM8): Replacement Dwellings in the Countryside

306. This policy ensures that replacement dwellings in the countryside are appropriate to the rural area in terms of siting, materials and design and have no significantly greater impact on the countryside than the dwelling being replaced. **MM035** makes it clear how a proposal would be assessed in terms of landscape character areas and adds reference to relevant key policy links and key policy documents for effectiveness.
307. Part 2 of the policy seeks to remove permitted development rights in appropriate cases. The policy however is ineffective as to how this would be considered and in what circumstances such rights may be removed. **MM036** adds to the supporting text for effectiveness to set out the Council's approach.

DM Policy 9 (DM9): Rural Workers' Dwellings in the Countryside

308. This policy sets out criteria for considering planning applications for new rural workers' dwellings in the countryside. However, the policy lacks consistency with paragraph 80a) of the Framework as dwellings both within the landholding and nearby may be appropriate to ensure effective operation of the enterprise. **MM037** makes the necessary amendments to the policy wording to be consistent with national policy.

Place - Policies DM 12- 29

DM Policy 12 (DM12): Clean and Green Energy

309. This policy aims to encourage enhanced emissions reduction in new development, complementing Core Policy CP5. It assists to address the Council's goal of achieving net zero carbon by 2030. In order to make the policy effective and ensure that the energy hierarchy is considered in design, **MM038** is necessary. It requires the submission of an Energy Statement or the use of the Council's CIF, to set out how a proposal has considered reducing energy demand, supplying energy efficiently and using low carbon or renewable energy.
310. Part 3 of the policy requires commercial developments over 2,500sqm to achieve BREEAM Good standard. Further explanation of the Council's expectations of planning applications and an explanation of the energy hierarchy is provided by **MM039** for effectiveness.

311. The Plan Viability Study (E55) has assessed the cost of achieving BREEAM Good standard in commercial developments. Development on a speculative basis is generally unviable in the Borough. Requiring higher standards of BREEAM would therefore be unviable in some cases but not in others. The Plan recognises these potential difficulties and CP12 permits development to provide evidence of financial viability where it is considered that standards cannot be achieved on viability grounds. The policy therefore achieves an appropriate balance between supporting the delivery of net zero and maintaining scheme viability.
312. As drafted, Part 5 of the policy, which concerns wind energy development is ineffective as it does not give consideration to the repowering and life extension of renewable sites and does not require the restoration of non-operational renewable energy sites. **MM038** makes the necessary revisions. It also adds further key policy links and key supporting documents for effectiveness.
313. In September 2023, after the hearing the Government revised national planning policy on onshore wind development. Suitable locations can be identified in a number of ways including through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In addition, the revised Framework provides local authorities with more flexibility to address the planning impacts of onshore wind projects identified by local communities. So that Policy DM12 is consistent with this revision, we have amended the supporting text and added a footnote through the addition of **MM039a** in the Schedule of MMs in the Appendix.

DM Policy 13 (DM13): Flooding/SuDS

314. This policy sets out the steps necessary when considering development on land liable to flood from any source. Unless a site is allocated in the Plan (in which case it will have already been subject to a strategic flood risk assessment), this comprises a sequential test and, where necessary, an exception test. For clarity and effectiveness, the first two paragraphs in the policy need to be switched so that their requirements follow the hierarchy of tests set out above. **MM040** provides the necessary change. Subject to this, the approach taken by the policy is consistent with the national policy on planning and flood risk in the Framework.
315. Where appropriate, applications need to be supported by a site-specific flood risk assessment. Such assessments are expected to apply climate change allowances in accordance with the PPG. **MM041** provides a footnote to the policy to that effect for clarity and effectiveness.
316. The policy also promotes the use of sustainable drainage systems as the preferred means of disposing of surface water. This is consistent with paragraphs 167 and 169 of the Framework and helps relieve pressure on

surface or combined sewerage systems as well as often having benefits for biodiversity. For effectiveness, it needs to be clarified that Part 6 relates to surface water rather than foul drainage. **MM040** makes the necessary change.

DM Policy 14 (DM14): Environmental Opportunity Areas

317. The Council's Climate Change and Natural Capital Study (E11) reviews the natural capital assets and ecosystems in the Borough to identify areas where there is the potential to enhance habitats, facilitate carbon management and mitigate flood risk. This has assisted in identifying Environmental Opportunity Areas (EOAs). Such areas form a key part in the development of nature recovery networks and biodiversity net gain in the Borough.

318. Policy DM14 seeks to ensure that development proposals protect, enhance and maintain the natural capital of the EOAs identified on the Policies Map. **MM042** is necessary for effectiveness, to make it clear that consultation with relevant agencies such as Natural England and the local wildlife trust will be expected in the development of the Environmental Opportunity Areas and in relation to any proposed off setting schemes.

DM Policy 15 (DM15): Biodiversity

319. We have already outlined in relation to Policy CP6 that since the submission of the Plan, there has been new guidance on the requirements of the Environment Act which has led the Council to review Policies CP6 and DM15. The Council's suggested revisions to these policies were considered at the hearing. These changes remove duplication between the two policies to ensure that Policy DM15 focusses on designated habitat sites and Policy CP6 provides the strategic policy for the natural environment.

320. **MM043** sets out the required changes to the policy and the supporting text to ensure consistency with the Framework and for effectiveness. These remove reference to the proposed Nature Recovery Strategy which the Council is still progressing as well as Nature Recovery Networks. It also emphasises the importance of biodiversity resources being protected and requires development to be designed to protect and enhance existing habitats and ecological networks. In addition, the MM adds the requirement that development should minimise any potential disturbance to species and habitats such as through lighting, air pollution or noise.

DM Policy 16 (DM16): Green and Blue Infrastructure

321. This policy requires all development to be designed to make a positive contribution to green and blue infrastructure. As drafted, it is unclear what is expected in the provision of features in the built fabric to support and enhance

key local species. For effectiveness, **MM044** sets out examples such as nest and bat boxes.

DM Policy 17 (DM17): Trees and Woodland

322. Policy DM17 aims to ensure that where new development is proposed, existing trees, hedgerows and other shrub masses of value should be protected unless their loss is unavoidable. Where trees have to be removed the policy seeks their replacement on a 3:1 basis. This level of replacement planting is recommended by the Woodland Trust. Compensatory tree planting helps to support the Council's strategic objectives to tackle the climate emergency. The Council's Climate Emergency Action Plan seeks to increase tree cover in the Borough. The policy requirement also assists developments to meet their obligations for biodiversity net gain. It is therefore justified.
323. The Local Plan Viability Study (E55) makes generic allowances for tree planting. This is because the level of replacement planting will differ on a site-by-site basis. There may be viability issues with individual developments. Policy CP12 provides general guidance for the negotiation of a reduced provision on a case-by-case basis.
324. To achieve consistency with Policy CP12 of the Plan and to be effective, **MM045** is required to set out that replacement trees will be required unless viability evidence demonstrates this is not achievable. The same MM, for effectiveness, removes the reference to the Framework and sets out what it actually states in relation to development resulting in the loss or deterioration of irreplaceable habitats.
325. The Council intends to prepare a Tree and Woodland Strategy to inform and guide tree planting in the Borough. This is unnecessary and inappropriate to be stated in the policy itself. **MM045** removes this wording and **MM046** adds it to the supporting text for effectiveness, along with references to other strategies relevant to woodland and forestry.

DM Policy 18 (DM18): Public Open Space in New Developments

326. This policy sets out a requirement for additional or improved public open space as part of new development. Such a requirement is not necessarily applicable to all residential development, and for effectiveness **MM047** makes that clear in Part 1 of the policy.
327. The Council intends to use its Open Space Audit (E53) to identify which areas are deficient in public open space, and of what type. Further details, including standards for provision of open space, will be included in a Developer Contributions & Affordable Housing SPD and Residential Design Guide SPD.

Although it is intended to base these requirements on 'Fields In Trust' principles, they will be free-standing documents applicable to the Borough. For that reason, references to thresholds for certain types of play space provision would be more appropriately contained in the SPDs and should be deleted from the supporting text. **MM048** makes that change for consistency and effectiveness.

DM Policy 19 (DM19): Development of Open Spaces

328. This policy is intended to resist the loss of existing designated open space unless specific criteria are met. These criteria relate to the open space being surplus to requirements, being replaced by new provision of an equivalent or better quality, or for alternative sports or recreational use whose public benefit would clearly outweigh the loss of the open space. To clarify that the policy applies to designated open space, as identified on the Policies Map, an amendment to Part 1 is required for effectiveness. **MM049** sets out this change.

DM Policy 20 (DM20): Playing Fields, Indoor and Outdoor Sports Facilities

329. This policy seeks to protect existing indoor and outdoor sports facilities unless specific criteria are met (similar to those in DM19), and also to support the provision of new facilities. A third objective is to ensure that major residential developments contribute towards new or improved sports facilities in proportion to the demand arising from them.

330. As drafted, the policy refers to the primary uses for sport. For most facilities, particularly those used for outdoor sport, ancillary facilities such as changing rooms and pavilions are also important to support the sporting activities. Supporting text to the policy needs revising to clarify that such ancillary facilities are protected under the terms of the policy. **MM050** makes this change for effectiveness.

331. The Council has published a Built (Sports) Facility Strategy (E7) to provide evidence of the need for built sports facilities. Additions and amendments to the criteria and footnotes used to support the provision of new sports facilities are required in light of this evidence for effectiveness. **MM051** and **MM052** make the necessary changes, which include new facilities being readily accessible, to maximise their usage including community use, of an appropriate scale, and meeting a deficiency in provision in the relevant area. Consequential changes to the supporting text are made by **MM053** to provide further guidance on the revised criteria for effectiveness. The new text includes reference to Sport England tools for calculating demand for new sports facilities and the investment required to deliver them. The proposed wording makes clear that these tools are for guidance only, with Policy CP12 remaining the Plan's policy on the requirement for infrastructure funding.

332. **MM131**, **MM132** and **MM133** add definitions of the terms LAP (Local Area for Play), LEAP (Locally Equipped Area for Play) and NEAP (Neighbourhood Equipped Area for Play) to the Plan Glossary in the interests of effectiveness.

DM Policy 21 (DM21): Local Green Space

333. This policy protects land identified on the Policies Map as Local Green Space. The designation is in addition to other open space or recreational designations and arises from national policy in paragraph 101 of the Framework where the designation of such land through local plans allows communities to identify and protect green spaces that are of particular importance to them. The wording of the policy is consistent with the Framework.
334. Through preparation of the Local Plan, two sites have been put forward by their respective communities as being demonstrably special to them: Whitehall Road, Blackburn and Kingsley Close, Blackburn. Both are areas of informal open space that have been used as, or were intended to be used as, incidental amenity space by those living near them. Both areas have been designated as Assets of Community Value as contributing to the social wellbeing and/or cultural, recreational or sporting interests of the local community.
335. The owner of the land at Kingsley Close opposes its designation as Local Green Space. However, during the course of the examination, an appeal decision upheld an enforcement notice (with modification) requiring cessation of the use of the land as private enclosed land and to allow unrestricted access by members of the public. This decision confirms the lawful use of the land as public open space.
336. Assessing the land at Kingsley Close against the criteria in paragraph 102 of the Framework, we are satisfied that it is in reasonably close proximity to the community it serves, that being primarily the residents of Kingsley Close; it is demonstrably special to that local community for its recreational value as evidenced by the representations made during the preparation of the Local Plan; and is local in character and is not an extensive tract of land. Having regard to those matters, we conclude that designation of the land as Local Green Space is justified.

DM Policy 22 (DM22): The Borough's Landscapes

337. This policy seeks to protect key features of landscapes throughout the Borough and make best use of them in promoting leisure and tourism where compatible with their protection.
338. The Lancashire Landscape Character Assessment (E36) and Landscape Strategy (E1) define different character areas in the Borough and provide a basis for the assessment of individual development schemes. Further

supporting text is necessary to link the requirements of the policy with these character assessments, which remain the most up-to-date evidence on landscape in the Borough. For sites that are particularly sensitive in landscape terms, a Landscape and Visual Impact Assessment should be undertaken, which again needs to be made clear in the supporting text to the policy. **MM054** introduces the necessary additional wording for clarity and effectiveness.

DM Policy 24 (DM24): Outdoor Advertisements

339. Advertisement applications are determined solely in relation to their effect on visual amenity and public safety. The policy provides guidance in respect of both criteria. As drafted, references to 'specific' considerations are confusing and should be deleted. A further Part should also be added to provide guidance on digital/LED displays that are becoming more common. The necessary changes are included in **MM055** for effectiveness.

DM Policy 25 (DM25): Telecommunications

340. This policy sets out criteria for assessing new telecommunications equipment where that requires planning permission. It is consistent with the Framework in supporting high quality communications. For effectiveness, **MM056** and **MM057** add to the supporting text and footnote to clarify that health concerns should not be a determining issue where a proposal meets guidelines for public exposure to microwave radiation, consistent with paragraph 118 of the Framework.

DM Policy 26 (DM26): Heritage Assets

341. This policy aims to protect, conserve and enhance the Borough's heritage assets. While generally consistent with the approach taken in the Framework to conserving and enhancing the historic environment, as drafted there are some phrases that are not entirely in line with national policy. **MM058** introduces amended wording to Parts 2 and 3 to correct these sections for consistency and effectiveness.

342. Part 6 sets out a requirement for proportional supporting information to be included with any proposal that affects a heritage asset. This is consistent with paragraph 194 of the Framework. **MM058** adds to this part to ensure that, as a minimum, the relevant historic environment record and heritage guidance is included, for effectiveness.

343. Part 7 sets out a list of possible information and assessments that might accompany a proposal. While helpful in terms of advice to prospective applicants, this list amounts to guidance rather than policy and is better included as supporting text rather than as a part of the policy. For effectiveness, **MM058** therefore deletes the list from the policy and **MM059** adds it to the supporting text.

DM Policy 27 (DM27): Design in New Developments

344. This policy sets out the design requirements expected of new development in the Borough. It is consistent with the National Design Guide and National Model Design Code and supports the strategic direction placed on design in Policy CP8: Securing High Quality and Inclusive Design.

345. As with Policy CP8, for effectiveness, it is necessary to make explicit reference to local design guidance as key supporting evidence to inform and guide new development. **MM060** provides these references in the policy and **MM061** includes a related reference in the supporting text.

DM Policy 28 (DM28): Development Affecting Watercourses, Bodies and Catchment Land

346. This policy relates to development adjacent to a watercourse or other body. It sets out criteria for consideration in appropriate circumstances, including the need to avoid flood risk, maintain the integrity of watercourses, contribute to informal recreation and ecology, and be used to enhance development.

347. Two changes are necessary to provide additional clarification and for effectiveness. **MM062** amends Part 1 to define the functional floodplain and make it consistent with the Framework. It also adds an additional Part 7 for the protection of groundwater resources from pollution and to safeguard water supplies.

DM Policy 29 (DM29): Transport and Accessibility

348. This policy sets out an expectation for new development to be accessible by a range of transport options other than just the car. It supports the strategic approach to sustainable transport set out in Policy CP9: Transport and Accessibility.

349. The Council intends to publish a Local Cycling and Walking Infrastructure Plan, to provide a framework for improvements to cycle and pedestrian routes in the Borough, and to provide guidance on standards for cycling and walking infrastructure in new development. It is necessary to link this and the assessment tool in Healthy Streets to the policy. **MM063** does this for Part 1 criterion v of the policy and **MM064** makes an associated addition to the supporting text, both for effectiveness.

Economy - Policies DM 30-39

DM Policy 30 (DM30): Primary Employment Areas

350. Employment areas are divided into primary, secondary and other areas. Primary employment areas are those which are the most desirable for employment use due to their scale and location and are designated on the Policies Map. The policy seeks to protect these areas for continuing employment use.

351. As drafted, the policy refers to suitable employment uses only by reference to use class orders. For clarity and effectiveness, it is necessary to set out in wording what is intended as suitable employment uses in the primary employment areas. **MM065** makes that change in Part 1 of the policy.

352. Part 1 also refers to flagship employment locations. These are a subset of primary employment areas which are prestigious areas capable of competing for investment in the regional marketplace. Further clarification is needed of the location of these areas. **MM066** and **MM067** add the necessary supporting text and a footnote for effectiveness.

353. The supporting text lists the primary employment areas, but as submitted only partially. For clarity and effectiveness, it is necessary to list all thirteen sites. **MM066** makes the necessary addition.

DM Policy 31 (DM31): Secondary Employment Areas

354. Secondary employment areas are those which accommodate employment uses and therefore play an important role in supporting the economic growth strategy of the Plan. They are also designated on the Policies Map. However, it is recognised that there may be instances when land so designated is no longer needed or appropriate for employment use, and where an alternative use may be considered favourably. The policy sets out criteria for assessing such proposals.

355. As drafted, the role of secondary employment areas, and why alternative uses may be acceptable, is not clear. Further explanation is needed in Part 1 of the policy, and conjunctions added to clarify whether sub-criteria are additive or alternatives. **MM068** makes the necessary changes for effectiveness.

356. The supporting text lists some but not all of the secondary employment areas. For clarity and effectiveness, it is necessary to list all seventeen sites. **MM069** makes this addition.

DM Policy 32 (DM32): Protection and Re-use of Existing Employment Sites

357. This policy applies to existing employment sites that do not lie within designated primary and secondary employment areas. It provides criteria by which to assess the redevelopment of such sites for uses other than solely employment.

358. As drafted, the explanation of how the policy would operate is confusing and requires redrafting for clarity and effectiveness. It is also necessary to explain how a developer is expected to demonstrate that no other employment use could be attracted to the site. **MM070** provides amended and additional text to Parts 1 and 2 to address these points, for clarity and effectiveness.

DM Policy 33 (DM33): Town Centres

359. This policy applies to Blackburn and Darwen town centres. It supports town centre uses within the designated town centre areas and requires a sequential test where a town centre use is proposed outside a town centre. As drafted, the wording in Part 3 of the policy could be read as requiring a sequential test for development in a town centre, which is not intended to be the case and would be inconsistent with the Framework. **MM071** provides the necessary redrafting to make this point clear, for effectiveness.

360. The Council intends to provide further detail and guidance for development in town centres in SPDs and masterplans. While that would be of benefit to prospective developers, it is not a policy intention and is better included in supporting text. **MM071** deletes the reference from the policy, and **MM072** adds it to the supporting text, for effectiveness.

DM Policy 34 (DM34): District and Local Centres

361. This policy applies to district and local centres within the Borough and sets out the type of commercial or other town centre uses that will be supported in those centres. District centres are intended to accommodate small-scale town centre uses while local centres are intended to provide a small range of shops and other local services which help to meet the day-to-day needs of residents. Where town centre uses, including retail, are proposed outside these centres a sequential test would be applicable.

362. The definition of what constitutes 'small-scale' is lacking in the policy as drafted. **MM073** provides the necessary definition by reference to the thresholds in Policy DM35: Assessing Applications for Main Town Centre Uses in the supporting text, and **MM074** does likewise for the policy text, for clarity and effectiveness.

DM Policy 35 (DM35): Assessing Applications for Main Town Centre Uses

363. This policy recognises the potential for out-of-centre commercial development to compete with town and district centres, potentially reducing their vitality and viability. To underpin the strategic support for town and district centres as set out in Core Policy CP11: Town Centres and Commercial Development, Policy DM35 sets a framework for how out-of-centre commercial proposals will be assessed, and when sequential and retail impact tests will be required. The approach taken is consistent with national policy on ensuring the vitality of town centres in the Framework.

364. Some changes to the policy are needed for clarity and effectiveness. **MM075** identifies the major town centre as Blackburn and the town centre as Darwen in Part 1, consistent with Policy CP11. **MM076** adjusts the floorspace threshold for retail development within 500m of a district or local centre boundary from 250sqm to 280sqm to be consistent with Sunday trading laws. A reference to locations outside the urban area is unnecessary and is deleted.

DM Policy 36 (DM36): Local and Convenience Shops

365. This policy guides assessment of proposals for small retail developments outside defined centres. These are recognised as being able to meet the day-to-day needs of residents and reduce the need for travel, so long as they do not compete with the role of existing town, district or local centres. For consistency with Policy DM35, **MM077** changes the maximum gross floor area for individual units from 250sqm to 280sqm.

DM Policy 37 (DM37): Tourism

366. This policy supports tourism related development, focusing on the Borough's main attractions, including its cultural heritage and landscape. Ewood Park, home of Blackburn Rovers Football and Athletics Club, is identified as one such attraction. Further clarification is required that policy support for uses associated with the operation of the club is dependent on benefits to the visitor economy being demonstrated. **MM078** adds this clarification, for effectiveness.

Conclusion

367. Subject to the MMs we have described above, the development management policies of the Plan are justified, effective and consistent with national planning policy.

Issue 12 - Whether the strategy for implementation, monitoring and review is appropriate and robust.

368. The Plan includes a Monitoring Framework at Appendix D which includes a series of indicators by which the effectiveness of policies in the Plan will be monitored. It is important that these indicators are clear and measurable. This is because in monitoring key elements of the Plan, such as housing delivery and the distribution and take up of employment land, should they be found to be underperforming, the Council would need to consider appropriate measures to rectify the situation.

369. The indicators set out in the Plan lack clarity in some cases and are insufficient to set out how the policies of the Plan will be monitored. So that the Plan is justified and effective, **MM136** provides revised indicators.

Conclusion

370. Subject to the MMs set out above, the strategy for implementation, monitoring and review is appropriate and robust.

Other Soundness Matters

371. In case of updates to the Framework during the lifetime of the Plan, **MM001** removes the quoted paragraph numbers in the Introductory section to the document. In addition, **MM002** outlines areas of the Borough historically identified by Natural England as priorities for investment in flood management for clarity and effectiveness.

372. Appendix G to the Publication Plan sets out a list of evidence base documents which have informed the preparation of the Plan. This list is now out of date as numerous additional documents have been used to develop policies or to evidence the deliverability of the Plan. **MM139** deletes this list for effectiveness.

Overall Conclusion and Recommendation

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

374. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix, the Blackburn with Darwen Local Plan 2021-2037 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

375. We conclude that if adopted promptly (with the recommended MMs) the Plan establishes a five-year supply of deliverable housing sites. Accordingly, we recommend that in these circumstances the LPA will be able to confirm that a five-year housing land supply has been demonstrated in a recently adopted plan in accordance with paragraph 75 and footnote 40 of the Framework.

Helen Hockenhull and Guy Davies

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.