

Abbreviations used in this report

ELDS	Employment Land Demand Study
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
MM	Main Modification
MYE	Mid-Year Estimate
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PCU	Partial catch up
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area

Non-Technical Summary

This report concludes that the Burnley Local Plan (the Local Plan) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications are made to it. The Council has specifically requested me to recommend any main modifications necessary to enable the Local Plan to be adopted.

The main modifications all concern matters that were discussed at the examination hearings. The Council has provided the detailed wording for the main modifications, many of which are based on suggestions it put forward during the examination. Following the hearings, the Council carried out sustainability appraisal of the main modifications and they were subject to public consultation over a seven-week period. An updated Habitats Regulations Assessment (HRA) report was also produced. I have recommended the inclusion of the main modifications in the Local Plan after considering all the representations made in response to consultation on them, the sustainability appraisal and the updated HRA report.

The main modifications can be summarised as follows:

- Reduce the housing requirement from 209 to 194 dwellings per year to ensure that it is justified by the most up to date evidence
- Reduce the employment land requirement from 90ha to 66ha to ensure that it is justified
- Remove site allocations for employment land at Burnley Bridge Extension (EMP1/12) and Shuttleworth Mead South (EMP1/13) as there are not exceptional circumstances to alter the Green Belt in these cases
- Remove and amend other site allocations for employment and housing to take account of the up to date situation regarding construction, alternative proposals and likely delivery
- Amend the housing trajectory to reflect the up to date situation and set out a more realistic approach to delivery timescales
- Remove the site allocation for Gypsy and Traveller accommodation at Oswald Street, Burnley (Policy HS7/GT1) as it is not justified, effective or consistent with national policy
- Clarify that the boundary of Padiham Town Centre should be extended to include the recently built superstore
- Amend the wording of a number of policies to ensure that they are justified, effective and consistent with national policy
- Amend the monitoring framework and the Key Diagram to reflect other main modifications

Introduction

1. This report contains my assessment of the Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Local Plan's preparation has complied with the duty to co-operate. It then considers whether the Local Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) 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 Council has submitted what it considers to be a sound plan. Prior to submitting the Local Plan, the Council produced a schedule of minor modifications (SD003) to provide clarity, consistency, updates and address typographical errors. The basis for the examination is therefore the submitted Local Plan, which is the same as the Proposed Submission Document of March 2017 (SD001) incorporating these minor modifications.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications necessary to rectify matters that make the Local Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications, all of which relate to matters that were discussed at the examination hearings, are necessary. The main modifications are referenced in bold in the report in the form **MM1, MM2, MM3** etc., and are set out in full in the Appendix.
4. The Council has provided the detailed wording of the main modifications, many of which are based on suggestions it put forward during the examination. Following the hearings, the Council carried out sustainability appraisal of the main modifications and they were subject to public consultation over a seven-week period. An updated HRA report was also produced. I have recommended the inclusion of the main modifications in the Local Plan after considering all the representations made in response to consultation on them, the sustainability appraisal and the updated HRA report.

Habitats Regulations Assessment

5. The HRA for the Proposed Submission Local Plan was published in March 2017. An Appropriate Assessment was carried out in relation to Policies SP2 and SP3 (Housing and Employment land requirements) and Policies HS1 and EMP1 (Housing and Employment site allocations). Natural England raised some concerns over the level of information/evidence used to inform the HRA and the explanation of potential mitigation. Further work was undertaken including site surveys of the six proposed housing site allocations within 2.5km of the South Pennine Moors Special Protection Area (SPA)¹ in respect of their potential suitability to support Golden Plover (one of the bird populations for which the SPAs designated). A revised version of the HRA report was

¹ HS1/9, HS1/15, HS1/20, HS1/31, HS1/36 and HS1/38

published in November 2017. Although the site surveys were undertaken outside of the breeding season for Golden Plover, the report concluded that given the requirements in the Local Plan for ecological surveys and assessments at the time of planning applications, along with the requirements for mitigation where necessary, there would be no adverse effects on the integrity of the SPA. Natural England confirmed that they were content that their concerns had been satisfactorily addressed.

6. Following discussions at the hearing sessions and further consideration, the Council acknowledged that in assessing likely significant effects, all of the assemblage bird species listed in the SPA citation should have been considered. Further work was commissioned in January 2018 and the final version of the HRA report which also took into account the proposed main modifications addressed this matter.
7. The six proposed housing sites were not re-surveyed to specifically consider potential suitability for the wider range of bird species. However, information on site conditions and features from the Golden Plover survey was used along with that relating to habitat preferences for the bird species concerned to reach the conclusion that as part of the appropriate assessment the site allocations are unlikely to be important in contributing to the maintenance of breeding migratory populations of SPA birds.
8. Overall, taking into account the clear requirements for further surveys and assessments at the planning application stage and for mitigation where necessary, the HRA report concludes that the Local Plan will not lead to adverse effects on the integrity of European sites either alone, or in combination with other plans and projects. Natural England confirmed that they agreed with the conclusions of this updated HRA report.
9. The Council confirmed on 30 May 2018 that it considered the HRA report to be legally compliant having taken account of the judgement of the Court of Justice of the European Union issued on 12 April 2018 in relation to the screening stage of the HRA².

Policies Map

10. 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 Main Map East (SD004A), Main Map West (SD004B), Burnley Town Centre Inset (SD004C) and Padiham Town Centre Inset (SD004D).
11. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the main modifications to the Local Plan's policies require further corresponding changes to be made to the policies map. In

² Case C-323/17

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. These further changes to the policies map were published alongside the main modifications.

12. When the Local Plan is adopted, in order to comply with the legislation and give effect to the Local Plan's policies, the Council will need to update the adopted policies map to include all the necessary changes.

Assessment of the Duty to Co-operate

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Local Plan's preparation.
14. Burnley has inter-relationships and functional links with surrounding authorities but these are strongest in relation to Pendle. The two authorities form part of a single Housing Market Area (HMA) and a single Functional Economic Market Area.
15. The Council has worked closely with Pendle Borough Council and indeed the other neighbouring authorities during the preparation of the Local Plan. In relation to housing needs, a joint Strategic Housing Market Assessment (SHMA) was produced for Burnley and Pendle in 2013. The assessment for Pendle was updated to take into account the 2012-based population and household projections and this updated information formed the basis of the housing requirement in the Pendle Core Strategy which was adopted in December 2015.
16. Given this, the Council took the reasonable step of updating the SHMA just for Burnley. In doing so and in arriving at the level of housing provision in the Local Plan, the Council has continued to liaise with Pendle Borough Council, along with other relevant authorities and organisations. On the basis of work undertaken and discussions, the housing needs of each authority can be met within its own area.
17. I deal with the soundness of the approach to employment land provision later in my report. However, I am satisfied that the Council has engaged fully and constructively with Pendle and other authorities in this respect. There is no evidence that identified employment land needs from one authority would need to be accommodated in another.
18. None of the neighbouring authorities have raised concerns in relation to the scale and distribution of housing and employment land provision proposed by the Council.
19. Close working and co-operation has also taken place in respect of the reviews of Green Belt within the relevant authorities.
20. In terms of transport matters, the Council has worked closely with Lancashire County Council and Highways England to identify potential issues, particularly regarding road and junction capacities. This close working has influenced the proposals within the Local Plan and the mitigation/improvement measures identified.

21. The Council has worked closely with the Environment Agency and Lancashire County Council in terms of assessing flood risk and mitigation requirements. It has also worked closely with Ribble Valley Borough Council to identify and address issues along the River Calder which passes through both Boroughs.
22. Overall, the Council has demonstrated constructive, active and ongoing engagement with local authorities and relevant organisations on strategic matters. The issues have been resolved effectively and there are no concerns from these authorities and organisations regarding the duty to co-operate. I conclude therefore that the Council has complied with the duty to co-operate.

Assessment of Soundness

Main Issues

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified the following main issues upon which the soundness of the Local Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the development strategy is justified, effective and consistent with national policy

24. The development strategy set out in Policy SP4 seeks to focus development on the Principal Town of Burnley and the Key Service Centre of Padiham; reflecting their size, wide range of services and facilities and accessibility by a range of transport modes. Together they form the main urban area within the Borough and provide significant opportunities to accommodate development, including on previously developed land.
25. Hapton and Worsthorne are identified as Main Villages which have a reasonable range of local services and facilities and public transport links. They provide opportunities for small and medium scale development. Beyond this a number of Small Villages are identified which have a limited range of services and facilities and are only considered suitable for small scale development.
26. This settlement hierarchy and the approach to the distribution of development across the Borough is justified by the scale of the settlements concerned, the level of services and facilities and accessibility. It will provide a good range and choice and allow for the development needs of the Borough to be met effectively.
27. Brownside is an area of existing residential development on the edge of Burnley. Whilst it is within Worsthorne with Hurstwood Parish and sits on the opposite side of the River Brun, it is linked to the rest of Burnley by an almost continuous line of development along Brownside Road. It lacks any central focus and does not form a village in its own right. It is clearly separated and distinct from Worsthorne which has its own identity as a village. The Local Plan is therefore justified in including Brownside within the urban area of Burnley.

28. The development boundaries have been drawn appropriately around existing built up areas whilst also accommodating the proposed site allocations for housing and employment. In the case of the Small Villages, the boundaries provide some scope for very small scale development which would be commensurate with their limited size and range of services and facilities. The development boundaries provide a clear and effective mechanism to distinguish between settlements and the open countryside where development is justifiably to be strictly controlled.
29. Part 3)c) of Policy SP4 seeks to impose additional criteria and higher development standards on proposals using green field land within development boundaries, including on sites allocated in the Local Plan. The Local Plan quite rightly seeks to promote the redevelopment of previously developed sites within the Borough. However, there is a need to provide a good range and choice of development sites, particularly if the Council's aspirations for growth are to be achieved. The Local Plan justifiably includes a number of site allocations on green field land. There are policies in the Local Plan which would ensure a good standard of development and avoid significant adverse impacts on the environment and local communities regardless of the nature of the site in question.
30. There is no justification for imposing additional restrictions and costs on proposals within development boundaries simply because they are on green field land. The Council fully recognises that to achieve the level of housing and employment development required, there will be a need for some green field land to be developed. As it stands, this aspect of Policy SP4 could undermine this objective.
31. Whilst it is appropriate to take account of whether schemes make use of previously developed land and re-use existing buildings and infrastructure, green field sites allocated in the Local Plan will have already been considered as suitable.
32. Main modification **MM4** would delete part 3)c) of Policy SP4 and clarify that parts a) and b) only apply to unallocated sites. It would also clarify that development in the open countryside will only be permitted where it is specifically allowed for by other policies. It is necessary to ensure that the approach to proposals within development boundaries is justified and effective and that the approach to development in the open countryside is sufficiently clear and effective.
33. Subject to this main modification the development strategy is justified, effective and consistent with national policy.

Issue 2 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing

34. The population of the Borough declined from 91,130 to 87,059 between 1991 and 2011 (-4.5%). This was due to very significant levels of net out-migration outstripping positive natural change. Mid-Year Estimates (MYE) show a slight recovery in population levels in more recent years (87,500 in 2016) but this

still represents a decline from 2001. The number of workforce jobs fell by 2,000 between 2004 and 2012³. The number of net additional dwellings between 2012 and 2017 averaged 135 per year. Taking a ten year period back to 2007, the number of net additional dwellings averaged only 73 per year. During this period there were significant numbers of demolitions. These past trends provide a key aspect to the context for the consideration of future housing provision.

35. The Local Plan sets out a housing requirement of 209 net additional dwellings per year between 2012 and 2032 (4,180 in total). This was based on the range of figures for Objectively Assessed Need (OAN) set out in the 2016 SHMA.
36. As discussed under the duty to co-operate it was reasonable of the Council to update the SHMA just for Burnley in 2016, given that Pendle Borough Council had a recently adopted Core Strategy and no issues had arisen in terms of any unmet housing needs within the HMA.
37. The 2016 SHMA used the 2012-based population and household projections as the starting point. It then justifiably re-based the projections to take account of 2014 MYE available at the time and adjusted them to factor in an improvement in household formation rates for the 15-34 year age groups, referred to as Partial Catch Up (PCU). This was to address likely suppression of household formation for these age groups during the recessionary period. These are reasonable adjustments to the projections and resulted in a demographic based figure for OAN of 107 dwellings per year (increased to 117 dwellings per year when a 10% uplift for affordable housing is included). This forms the bottom of the recommended range for OAN. Under this scenario there would be very modest estimated population growth of 821 and a decline of 794 in the number of jobs between 2012 and 2032.
38. Having considered other demographic scenarios, the 2016 SHMA assessed a number of employment led scenarios based on different levels of jobs growth. Given the implications for population growth and substantial shifts in migration patterns, along with the realism of planning for dwelling numbers significantly in excess of those delivered in recent years, the upper end of the OAN range was considered to be 215 dwellings per year. This was based on a scenario of job stabilisation from 2014 onwards, taking account of jobs growth between 2012 and 2014. Under this scenario there would be significant population growth of 7,305 and a growth in jobs of 2,380 between 2012 and 2032.
39. In translating household growth into dwellings required, the 2016 SHMA assumed a vacancy/second home rate of 6.25% derived from data on existing stock. In arriving at the housing requirement in the Local Plan the Council justifiably adjusted this to 3.5% to reflect lower vacancy rates in new housing. The requirement of 209 dwellings per year was derived from applying this lower vacancy rate to the figure of 215 dwellings per year at the top of the OAN range.

³ Experian 2017 figures in EL3.022

40. On the basis of the analysis in the 2016 SHMA, I had some concerns over the realism of the Council's preferred scenario (job stabilisation from 2014) particularly in terms of the significant scale of population growth envisaged.
41. Notwithstanding this, prior to the examination hearings the Council commissioned an update to the 2016 SHMA to take account of the 2014-based population and household projections (the SHMA Addendum). This re-assessed the scenarios and provided an updated range for OAN. Given that it provides a comprehensive analysis based on more up to date projections and data, I focus my attention on the SHMA Addendum in terms of assessing the OAN.
42. The 2014-based population and household projections show a growth in population of 176 and a growth in households of 1,297 between 2012 and 2032. Again I consider that it is justified to re-base these projections to take account of 2016 MYE available at the time and adjust them to factor in the PCU in household formation rates. Having done this the SHMA Addendum arrives at a demographic starting point of 94 dwellings per year⁴.
43. Having considered a range of factors, the SHMA Addendum concluded that there was no basis to increase the OAN from this starting point to take account of market signals. Given the evidence, I consider that this is a justified approach.
44. The 2016 SHMA identified a need for 52 affordable houses per year in the Borough; the SHMA Addendum did not update this figure. Assuming that market housing schemes would deliver 10% affordable housing (based on the existing Local Plan target), it would require 520 dwellings per year to be delivered. This is unrealistic given past trends in delivery and the implications for population change and migration. The 2016 SHMA acknowledged this and suggested a 10% uplift on the demographic based OAN figures to make a reasonable contribution to affordable housing needs. I consider this to be a pragmatic and justified approach. This uplift increases the demographic starting point from 94 to 103 dwellings per year and represents the bottom of the OAN range recommended.
45. Again, having considered other demographic scenarios, the SHMA Addendum assessed a number of employment led scenarios based on different levels of jobs growth. The upper end of the realistic OAN range was considered to be 200 dwellings per year⁵. This scenario was based on Experian forecasts of jobs growth, factoring in PCU in household formation rates. Under this scenario there would be a growth in jobs of 4,400 between 2012 and 2032. It would require population growth of 5,333 made up of natural change of 4,510 and net in-migration of 823.
46. Given the past trends of population decline, net out-migration, job losses and housing delivery along with the starting point of the demographic led projection, this undoubtedly represents an optimistic scenario.

⁴ Applying a vacant/second home rate of 6.42%

⁵ The Addendum document incorrectly refers to 220 dwellings per year but it was confirmed that the correct figure is $4000/20\text{years} = 200$ per year

47. However, the data from Experian in 2017 shows jobs growth of 2,600 between 2012 and 2016 has already taken place. Given this, and the clear commitment of the Council and others to provide for and encourage economic growth, I consider that jobs growth of 4,400 between 2012 and 2032 is achievable. As noted above the recent MYE shows signs of a modest recovery in population levels. The number of net additional dwellings has increased in recent years with 257 and 201 in the last two years up to 2016/17.
48. A key challenge in achieving the level of household growth associated with this scenario would be reversing the long term trend of significant net out-migration. This is a legitimate and understandable objective which needs to be supported by a wide range of planning and other policy initiatives. These include the provision of sufficient land for housing and employment and a good range and choice of sites, along with wider regeneration initiatives and investment in infrastructure.
49. Taking account of the above, I consider that whilst the scenario based on Experian jobs growth forecasts is aspirational, it is also realistic. Applying the lower vacancy/second home rate of 3.5% which better reflects the situation with new housing, an OAN of 194 dwellings per year is justified and provides the basis for a housing requirement in the Local Plan; it forms the upper end of a realistic OAN range.
50. The SHMA Addendum also considered a scenario based on key growth sectors, taking account of proposals supported by the Local Enterprise Partnership. This would involve higher jobs growth of 5,892. It would require population growth of 8,290, including net in-migration of 3,384. Taking account of PCU in household formation rates this scenario results in an OAN of 261 dwellings per year (253 if a 3.5% vacancy/second home rate is applied). The SHMA Addendum considers this to be above the realistic range for OAN given the implications for net in-migration and the level of housebuilding required compared with past performance. I share this view.
51. The Council accepted that the evidence provided by the SHMA Addendum provided a robust and up to date analysis of OAN and acknowledged that applying a vacant/second home rate of 3.5% was more realistic. Despite this it maintained the view that the housing requirement in the Local Plan should remain as 209 dwellings per year, even though this was above the top of the OAN range. Evidence points to the top of the OAN range being 194 dwellings per year. This is the most optimistic scenario that is considered realistic and would represent a significant uplift in past performance and growth. I see no justification for a housing requirement above this figure.
52. Main modification **MM1** would reduce the housing requirement in Policy SP2 from 209 to 194 net additional dwellings per year (a minimum of 3,880 between 2012 and 2032) and is necessary to ensure that it is justified. Subject to this main modification, I conclude that the Local Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the overall provision for housing.

Issue 3 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards the economy and employment

Employment land requirement

53. Policy SP3 of the Local Plan sets out an employment land requirement of 90ha between 2012 and 2032. This was derived from the Employment Land Demand Study of 2016 (the ELDS). The ELDS was produced by the same consultants as the 2016 SHMA and the SHMA Addendum. It considered population driven and jobs led scenarios along with the continuation of past trends in take up of employment land.
54. To arrive at floorspace requirements the ELDS uses reasonable and justifiable assumptions on job densities and vacancy rates and to address the situation where reductions in jobs in particular sectors are envisaged. It then justifiably translates these into land requirements using a plot ratio of 40% i.e. 1ha is required to develop 4,000sqm of floorspace. An example being the Experian baseline scenario which results in a net requirement of 9.77ha between 2012 and 2032. This was the same scenario assessed under the 2016 SHMA (total growth of 4,280 jobs and 428 in B Class)⁶.
55. The ELDS then adds in an allowance of 65.2ha (3.26ha per year) to each scenario to compensate for estimated losses of employment floorspace/land to other uses between 2012 and 2032. This is the mid-point between figures derived from evidence of floorspace losses between 2007/8 and 2014/15 (an average of 10,824sqm or 2.71ha per year) and estimated future losses from a site by site assessment undertaken by the Council (3.81ha per year).
56. The ELDS also adds in an additional flexibility factor of 7.53ha for each scenario based on the equivalent of two years average annual past take up.
57. Again using the Experian baseline scenario as an example, the ELDS therefore takes the net requirement of 9.77ha, adds 65.2ha as an allowance for losses and then also the flexibility factor of 7.53ha to arrive at a gross employment land requirement of 82.49ha.
58. The ELDS recommends a range of 68ha (the scenario based on the demographic led starting point in the 2016 SHMA) to 104ha (the scenario based on key growth sectors). The Council chose the requirement of 90ha as the mid-point between the job stabilisation scenario (76.98ha) and the key growth sectors scenario (104ha).
59. The Council provided detailed and updated information on anticipated future losses of employment floorspace/land after the hearings (EL3.077a and EL3.077b). It estimated that 58.05ha of employment land would be lost to other uses (2015-2032). However, excluding sites that were not actually considered developable or had no planning status would reduce this figure to approximately 51ha (3ha per year between 2015 and 2032).

⁶ The SHMA Addendum used updated Experian jobs growth of 4,400 total jobs and so the difference in land requirements would be minimal

60. The Authority Monitoring Report of 2017 provides evidence of actual losses of employment floorspace up to 2016/17. Using this to update the information from the ELDS gives an annual average loss of employment floorspace of 11,142sqm from 2007/8 to 2016/17, equating to 2.79ha per year. I consider that this provides a reasonable basis for an allowance for losses of employment land over the plan period, taking into account the updated information on potential future losses. I have also borne in mind the fact that the Local Plan will allocate a significant number of sites for housing, potentially removing some of the pressure to redevelop existing employment sites. Applying an allowance of 2.79ha per year for losses of existing employment land over the whole plan period gives a total of 55.8ha.
61. In itself this would still build in a very significant amount of flexibility into the supply of employment land, given the context of the much lower net requirements. The Local Plan is based on making provision for the total employment land requirement at the outset. The supply of employment land would be front loaded and the overall scale of land available would be significantly in excess of immediate needs. It is likely that significant amounts of employment land will be lost to other uses, but this will be spread over a longer period of time. Given this, there is no need or justification for the additional flexibility factor of 7.53ha to be added.
62. It is important that the housing and employment land requirements are broadly consistent in terms of the implications for jobs growth and labour force supply and take a consistent approach to the evidence base. The housing requirement of 209 dwellings per year in the Local Plan was aligned with the scenario of job stabilisation from 2014 onwards (2,380 jobs) whereas the employment land requirement of 90ha was the mid-point between this and the key growth sectors scenario. The Council was unable to provide a figure for estimated jobs growth resulting from the 90ha requirement but it would seem likely to be somewhere between the Experian baseline and key growth sector scenarios. Taking the mid-point of these scenarios would suggest in the order of 5,000 jobs.
63. The 2016 SHMA considered the top of the realistic housing OAN range to be based on the job stabilisation post 2014 scenario. The SHMA Addendum considered it to be based on the Experian forecast. As set out above, I have concluded that the housing requirement should be 194 dwellings per year which is based on the Experian forecast in the SHMA Addendum. The employment land requirement should be based on the same scenario.
64. In light of my findings above, the net requirement of 9.77ha should be increased by 55.8ha to allow for losses of employment land to other uses. This would give a gross requirement of 65.57ha. Rounding this up and to take account of slightly improved job growth forecasts (Experian 2017) gives a figure of 66ha.
65. The Experian forecast scenario shows significant jobs growth over the plan period compared with past trends of decline and demographic led scenarios. A requirement of 66ha, based on this scenario, will provide for a substantial supply of employment land with a good range and choice of sites and locations. It will provide for significant flexibility in the supply compared with the net requirement. It is sufficient to provide the opportunities for optimistic

yet realistic levels of growth in jobs and population and will ensure that the approach to housing and employment land requirements are broadly consistent.

66. Main modification **MM3** would reduce the employment land requirement in Policy SP3 from 90ha to 66ha and express this as a minimum. It would also set out the up to date situation regarding completions and commitments and the residual amount of land required to be allocated. It is necessary to ensure that the employment land requirement is justified and that Policy SP3 is justified and effective.

Employment site allocations

67. The NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of a local plan. The Local Plan includes two proposed employment site allocations on land currently in the Green Belt at Burnley Bridge Extension (EMP1/12) and Shuttleworth Mead South (EMP1/13).
68. In terms of exceptional circumstances, the Council's case is that there are insufficient developable sites outside of the Green Belt to meet the employment land requirement of 90ha and provide for sites of a suitable type and quality.
69. As set out above, the requirement of 90ha is not justified and should be reduced to 66ha. Completions between 2012 and 2017 accounted for 27.64ha and commitments as of 2017 totalled a further 10.49ha. This leaves a residual amount of 27.87ha to be allocated. I discuss other proposed site allocations below but excluding the two sites in the Green Belt would still result in allocations totalling 32.83ha. This would be sufficient to meet the requirement with a reasonable amount of additional flexibility. Neither of the sites in question are required to ensure an adequate supply of employment land therefore.
70. Existing commitments and other proposed allocations provide a good range of sites in terms of their size and location. The supply of sites would include those very well related to the key transport network and in particular the M65 motorway. It would include sizeable green field sites and in most cases sites considered suitable for a range of employment development including B8 uses.
71. Just under 10% of the area of the Borough is in the Green Belt. It covers the area to the north of the urban area of Burnley and Padiham, continuing into Pendle and the area to the west/south-west of the urban area, enclosing Hapton and continuing into Hyndburn and Ribble Valley. The Green Belt Review of 2016 undertaken on behalf of the Council assessed the contribution of parcels of land to the purposes of the Green Belt and sought to identify those with potential to be removed from the Green Belt.
72. In terms of performance against Green Belt purposes, Stage 1 identified nine land parcels with low scores to be taken forward to the next stage of assessment. Neither of the parcels containing the proposed employment land site allocations (EMP1/12 and EMP1/13) were in this list. Ultimately the Green Belt Review recommended four land parcels which should be considered for removal from the Green Belt, none of which included the two site allocations.

73. The Green Belt Review does not provide any basis for altering the boundaries of the Green Belt to remove the two sites in question and the Council did not argue that there was a case for exceptional circumstances in terms of the contribution to the purposes of the Green Belt.
74. Both sites are currently open countryside. Development would remove this openness and represent a substantial and prominent encroachment of the built up area into the countryside. In the case of the Shuttleworth Mead South site, there would be a significant encroachment of built development into the countryside to the south of the River Calder which currently forms a clear and well defined edge to the existing Shuttleworth Mead employment site. Development of the Burnley Bridge Extension site would significantly reduce the gap between the main urban area and the village of Hapton, given the planning permission that exists for residential development to the north of the village. In both cases development would undermine the purposes of including land within the Green Belt.
75. There are not exceptional circumstances to alter the Green Belt to accommodate the two site allocations. They are not justified or consistent with national policy.
76. Policy EMP1 allocates a number of other sites for employment uses. These are required to ensure an adequate supply of employment land and a good range of sites. The green field sites at Rossendale Road North (EMP1/1) and on Land South of Network 65 (EMP1/5) would represent significant extensions of the existing built up area into the countryside and would clearly have some impact on the character and appearance of the area. However, they will make an important contribution to the supply and choice of sites available. In all cases the sites identified in Policy EMP1 are subject to detailed policy requirements which would ensure suitable landscaping and screening where appropriate and address a range of other matters such as flood risk, ecology, vehicular access and improvements to the wider highway network.
77. Main modification **MM12** would delete the site allocations on land currently in the Green Belt (EMP1/12 and EMP1/13). It would also delete the site allocation at Widow Hill Road (EMP1/4) and reduce the area of the site at Burnley Bridge Business Park (EMP1/2) to reflect the up to date situation regarding construction on the sites. It would clarify the more flexible approach to land uses on the George Street Mill site (EMP1/11 and also HS1/34) and the potential for University related development. It would also clarify the policy requirements for the site at Innovation Drive (EMP1/9) in terms of the Biological Heritage Site. This main modification is necessary to ensure that Policy EMP1 and the employment site allocations are justified, effective and consistent with national policy.

Other employment policies

78. Policies EMP2 to EMP7 set out a clear yet flexible approach to existing and new employment sites and development, offices and the rural economy. The policies are effective, consistent with national policy and justified by evidence and the particular circumstances in Burnley.

Conclusion on the approach towards the economy and employment

79. Subject to the main modifications referred to above, the Local Plan has been positively prepared and is justified, effective and consistent with national policy in relation to the approach towards the economy and employment.

Issue 4 – Whether the proposed housing site allocations are justified, effective and consistent with national policy

80. I deal with the issue of housing land supply and the components of that supply in detail later in my report. However, the supply from completions to date, re-occupation of empty homes, existing commitments and windfall sites would leave a residual requirement of at least 1,798 dwellings to be met by site allocations.
81. Achieving an average of 194 net additional dwellings over a sustained period will require a significant uplift in housing delivery. The viability of housing sites has been an issue in Burnley for a number of years and is likely to continue to be so. To facilitate housing development on the scale envisaged, it will be necessary to have an adequate supply of sites with an element of flexibility. It will also be necessary to provide a good range and choice of sites in a variety of locations to meet the full range of market and affordable housing needs and to accommodate market demands.

Sites within the urban area of Burnley and Padiham

82. In line with the development strategy set out in Policy SP4, the Local Plan allocates a significant number of housing sites within the existing main urban area of Burnley and Padiham⁷. In most cases these are on previously developed land. Such sites will make a significant and valuable contribution to the supply of housing and the physical, social and environmental regeneration of the urban area.
83. Whilst individually, they raise specific issues in terms of site characteristics and potential impacts, each site allocation is accompanied by detailed policy requirements and design principles which along with other policies in the Local Plan will enable such issues to be addressed effectively when considering specific proposals.
84. The Former Baxi site in Padiham (HS1/5) raises particular concerns in relation to flood risk given that 63.1% of the site is within flood zone 3a and 1.17% is within flood zone 3b. It sits adjacent to the River Calder and is allocated for 244 dwellings. It is a previously developed site, formerly in industrial use. The site is largely taken up by vacant industrial buildings.
85. There are other sites in the Borough in areas of lower flood risk which could potentially accommodate the same number of dwellings either individually or collectively. However, the provision of housing sites in Padiham is a key element of the development strategy. There are very few opportunities for site allocations within the urban area and potential for expansion is limited by

⁷ HS1/1, HS1/5-HS1/7, HS1/11-HS1/14, HS1/16, HS1/17, HS1/19, HS1/21, HS1/23-HS1/27, HS1/29, HS1/30, HS1/32, HS1/34, HS1/35, HS1/37

the Green Belt. The site is very well located in relation to Padiham Town Centre and redevelopment of the site for housing would have substantial benefits in terms of the regeneration of the area. A flood alleviation scheme for Padiham is proposed and is anticipated to be complete by December 2019, prior to housing being developed on the site.

86. Taking all of this into account, I consider that the Council has taken a reasonable and justified approach to the consideration of flood risk issues and that the sequential and exception tests have been satisfied. Subject to clarification that the flood alleviation scheme will need to be in place prior to development, the detailed policy requirements for the site would provide sufficient safeguards.
87. The sites at Peel Mill (HS1/13) and Waterside Mill (HS1/14) are under construction and completions have already taken place. To ensure that the Local Plan is effective in reflecting the up to date situation, these two site allocations should be deleted.
88. The Former Ridgewood High School site (HS1/18) is allocated for housing in the Local Plan (42 dwellings). Outline planning permission was granted for 24 dwellings on the footprint of the school buildings. Subsequent to the submission of the Local Plan, the intention to redevelop the Ridgewood site for a new school rather than housing was made clear. In light of this, the Council confirmed at the hearings that it no longer considered the site to be available and deliverable for housing. I agree that under the circumstances, the site allocation should be deleted.
89. The site is currently in the Green Belt. The Green Belt Review identifies the parcel of land containing the site (Parcel 30) as having potential for release from the Green Belt. Much of the land parcel is developed with remnants of buildings, hardstanding and the existing primary school buildings. It is well contained by surrounding residential and industrial development and the adjacent M65 motorway which was built after the Green Belt was designated. It now contributes very little in terms of openness and the purposes of including land in the Green Belt. It provides an opportunity for redevelopment on a site which is effectively within the urban area. There are exceptional circumstances to alter the boundary of the Green Belt to remove the parcel of land in question.

Green field sites on the edge of the existing urban area

90. The Local Plan allocates seven green field sites for housing on the edge of the existing urban area of Burnley, including two at Brownsides⁸.
91. Housing development on these sites would extend the existing built up area into surrounding countryside and inevitably have some effect on the setting of the urban area and the character and appearance of the localities concerned. Due to their scale, topography and relationship with the existing built form,

⁸ The Local Plan categorises the site of the Former Heckenhurst Reservoir (HS1/15) as brownfield but given the extent of remediation and the appearance of the site, it has assimilated into the landscape and is more appropriately regarded as green field.

development on the sites at Hollins Cross Farm (HS1/2), Rossendale Road (HS1/4) and Red Lees Road (HS1/9) would be particularly prominent.

92. The site on land at the rear of the Bull and Butcher (HS1/28) is of a smaller scale and development would be seen in the context of the existing residential estate immediately to the north. Development on the site at Higher Saxifield (HS1/10) would be seen in the context of existing residential areas on three sides. Development on the sites at the Former Heckenhurst Reservoir (HS1/15) and West of Smithyfield Avenue (HS1/36) would extend the existing estate at Brownside but would be of a relatively small scale and could be designed to be in keeping with the existing estate layout.
93. Again each site raises specific issues in terms of its characteristics and potential impacts such as in relation to additional traffic and the need for highway improvements. However, each site allocation is accompanied by detailed policy requirements and design principles which along with other policies in the Local Plan will enable such issues to be addressed effectively when considering specific proposals. Evidence in relation to ground conditions at the Former Heckenhurst Reservoir site confirms that subject to appropriate remediation and mitigation, it is suitable for development.

Hapton

94. The Former William Blythe site (HS1/3) is part of a larger site which has planning permission for 202 dwellings, the allocated part of the site providing for 151 dwellings. The additional land beyond the allocation is in the Green Belt and would provide for 51 dwellings. The Local Plan allocation does not require any alteration to the boundary of the Green Belt in this location. Work to remediate the site which was in former industrial use is underway and appeared to be progressing well at the time of my visit.
95. Development on such a scale in Hapton is appropriate in terms of the development strategy. The redevelopment of the site will make a significant and valuable contribution to housing supply and will bring about substantial physical regeneration benefits.

Worsthorne

96. As a main village which has a reasonable range of local services Worsthorne is suitable for the scale of development proposed. The site at Butchers Farm (HS1/38) has outline planning permission for 24 dwellings. It is largely previously developed with agricultural buildings and hardstanding and development would have a limited effect on the existing built form of the village.
97. The Gordon Street Mill site (HS1/20) is partly occupied by the former Mill building which is still in employment use and partly green field. The nature of the building and the vehicular access through narrow residential streets are not well suited to continued employment use, particularly involving HGVs. The intention is to relocate the existing business to a more suitable location. Development on the green field part of the site would extend the built form of the village but this would mirror and not extend beyond development along Extwistle Road to the east.

98. Development on Land adjacent 250 Brownside Road (HS1/31) would extend the built form and alter the approach to the village. However, it would only stretch a little further along Brownside Road than the school opposite and would not reduce the gap to Brownside to any significant extent. The clear and separate identity and character of Worsthorne as a village would be maintained.
99. I appreciate the concerns regarding additional traffic and vehicle movements close to the entrance to the school and I saw for myself that there are some issues with traffic flows at the start and end of the school day. However, these issues are likely to occur for relatively short periods of time during schooldays and given the limited volume of traffic, even with the additional houses proposed in the village, they are not likely to be severe. There is no evidence that the additional dwellings on the site would adversely affect highway safety subject to appropriate design and mitigation and I note that there no objections from the Highway Authority. In November 2017 the Council resolved to grant outline planning permission for 18 dwellings subject to a planning obligation.
100. Specific issues in terms of the characteristics of each site and potential impacts can be addressed effectively by the detailed policy requirements and design principles, along with other policies in the Local Plan.

Conclusions on housing site allocations

101. The site allocations at Peel Mill (HS1/13) and Waterside Mill (HS1/14) should be deleted to reflect the up to date situation with completions on the sites. The site allocation at the Former Ridgewood High School site (HS1/18) should be deleted given the proposal for a new school on the site. Given the more flexible approach to land uses on the George Street Mill site (HS1/34 and also EMP1/11) and the potential for University related development, it should remain as an allocation for a range of uses but not specifically counted towards the housing land supply.
102. The remaining site allocations are necessary to ensure an adequate supply of housing land to meet the requirement and to provide a reasonable element of flexibility. The estimated capacity of these sites would total 2,118 dwellings compared with the residual requirement of 1,798 after other sources of supply have been taken into account.
103. The distribution of sites across the Borough is appropriate and justified in light of the development strategy. The focus on previously developed sites within the urban area will make a significant contribution to meeting housing needs and contribute towards regeneration. The allocation of green field sites on the edge of the existing urban area and at Worsthorne is justified however in order to ensure a good range and choice of sites and to assist in achieving necessary levels of housing delivery.
104. Subject to some amendments to wording, the site specific policy requirements and design principles, along with other policies in the Local Plan will ensure that detailed issues relating to site characteristics and potential impacts can be addressed effectively.

105. In a number of cases, the housing trajectory set out in Appendix 5 of the Local Plan took an unrealistic view of the timescale for likely completions on allocated sites. Subject to amendments to the trajectory to take a more realistic approach, which I discuss in detail below, I consider that the sites in question are deliverable within the timescales envisaged.
106. Main modification **MM7** would delete the three site allocations referred to above and amend the references to site HS1/34. It would provide necessary clarity in respect of the detailed policy considerations for sites HS1/5, HS1/7, HS1/10 and HS1/20. It would also delete references to the additional policy requirements for green field sites as discussed under Issue 1.
107. Subject to this main modification the proposed housing site allocations are justified, effective and consistent with national policy.

Issue 5 – Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy

108. Taking account of the significant number of demolitions (199), there were 673 net additional dwellings completed between 2012 and 2017. There are a very significant number of empty homes in the Borough (2,458 in October 2014) and the Council has been taking action to bring properties back into occupation. In the three years between 2014 and 2017, a total of 148 properties were re-occupied. I consider that it is justifiable to count these as net additions to the dwelling stock given that the housing requirement is based on evidence as of 2014 and the Council's monitoring avoids double counting of properties re-occupied more than once. In total therefore, 821 net additional dwellings were provided between 2012 and 2017.
109. During the examination, the Council updated information relating to sites with planning permission. As of 1 April 2017 there were sites with planning permission and under construction with a total capacity of 678 dwellings. I am satisfied that the Council has made reasonable estimates of the timescales and rates of delivery on these sites and that they will contribute to the supply of housing land.
110. For sites under 0.4ha with planning permission, the Council has applied a 10% reduction to the total number to account for potential non-implementation. It accepted during the examination that one site actually had permission for C2 use and so should not be included. Taking these factors into account the supply from such sites would total 114 dwellings. The Council's estimate that these dwellings would be delivered over a six year period (19 per year) is realistic. There is no specific evidence which justifies removing any of the individual sites from estimates of supply. The 10% reduction provides a reasonable level of flexibility.
111. The additional land at the Former William Blythe site (beyond land allocated as site HS1/3) has planning permission for 51 dwellings. Work to the wider site has started and there is no reason to suggest that the 51 dwellings would not be delivered within the timescale envisaged by the Council.
112. In terms of future re-occupation of empty homes, the Council has a commitment to target a further 80 properties between 2017 and 2019 and it is reasonable to include these as net additions to supply. The Council is

understandably very keen to address the situation with empty homes, given that it is such a significant issue. However, this is heavily dependent on resources being made available and at this point in time the Council cannot commit to any further programmes beyond the immediate future. Although there may be potential for further re-occupation of empty homes during the plan period in addition to the 80 referred to above, it would not be appropriate to make any specific allowance for this in terms of future supply.

113. The Council's estimate of windfalls (26 per year) is derived from trends between 2010 and 2015 and excludes greenfield sites and previously developed sites of 0.4ha or more, which would be expected to be identified through the Strategic Housing Land Availability Assessment and potentially allocated in the Local Plan. The following two years have seen a significant increase in windfalls to the extent that the average between 2010 and 2017 would be 53 per year. However, this has included a single site for 59 flats and it is reasonable to conclude that the adoption of the Local Plan and the increase in supply from site allocations will have some dampening effect on windfalls. On the other hand the Council's estimate does not include barn conversions or rural exceptions sites for example.
114. Taking all of this into account the estimate of 26 windfalls per year is reasonable and justified, as is the approach of counting completions on windfalls from 2019/20 onwards to avoid double counting with existing planning permissions. In total windfalls would contribute 338 dwellings to the supply during the plan period.
115. Based on the main modifications referred to above, the housing site allocations would provide for an estimated 2,118 dwellings. The Council has taken a realistic view of the annual rate of development on these sites. It has also set out a broadly realistic view of the lead in times for completions having adjusted this in a few cases during the examination (see amended trajectory EL3.043). In doing so, the Council has been conscious of the proximity of sites to each other and the potential limits to market demand in particular localities.
116. For site allocations that do not benefit from planning permission I consider it more realistic to expect completions from 2020/21 onwards to give sufficient time for applications to be made and determined and for specific matters to be resolved. In the case of site HS1/6 (Lambert Howarth) there is uncertainty regarding whether the planning permission remains extant and the Council accepted that due to the need for funding, its estimated timescale for the site was optimistic. With this in mind it is more realistic to envisage completions from 2020/21 onwards and give the capacity of the site as 100 dwellings as in the submitted Local Plan. Subject to these adjustments the revised trajectory set out by the Council (EL3.043) is realistic.
117. As noted above, there are likely to continue to be issues with viability for housing sites and although there is no specific evidence to justify the removal of individual site allocations, it is sensible to ensure a good range of sites are available and that the supply builds in some flexibility.
118. Taking all of the elements of supply discussed above, the Local Plan, as modified, would make provision for an estimated 4,200 net additional

dwellings over the plan period. This would be some 8% over the requirement of 3,880 and provide a good level of flexibility. The capacity of site allocations is indicative and they could potentially accommodate a higher number of dwellings. Additional sites of 0.4ha or more could also potentially come forward within the built up areas during the plan period. Clearly if monitoring demonstrated that sites were not coming forward as expected, action could be taken to review the Local Plan well before the end of the plan period.

119. Data on actual completions is available up to 31 March 2017. Including re-occupied properties since 2014, 821 net additional dwellings were provided between 2012 and 2017. Compared with the basic requirement for this period (5x194=970) there has been a shortfall in delivery of 149 dwellings.
120. Figures for past net additional dwelling completions have been severely affected by high levels of demolitions, largely due to housing market renewal initiatives which have now ended. Looking back to 2007-2012, total net additional dwelling completions were well below planned levels at the time (130 dwellings per year in the Regional Spatial Strategy) and in all but one year, well below the annual target. Taking the ten year period 2007-2017 overall net additional dwelling completions have fallen well below expected levels. However, in both the last two years net additional dwelling completions have exceeded the requirement of 194 per year, even without including re-occupation of empty properties. Taking all of this into account I consider that there has not been persistent under delivery of housing. In terms of paragraph 47 of the NPPF a buffer of 5% should be applied therefore at the present time.
121. Taking the basic five year requirement, adding the shortfall and then applying the 5% buffer gives a five year housing land requirement of 1,175 dwellings as of 1 April 2017. As modified, the Local Plan would provide for an estimated 1,587 dwellings for the five years from this date. The five year requirement from 1 April 2018 would be 1,115 dwellings⁹ and the estimated supply 1,715 dwellings. The Local Plan would provide for a five year supply of deliverable housing sites with a considerable amount of flexibility.
122. Main modification **MM1** is necessary to ensure Policy SP2 sets out up to date and justified figures for the components of housing supply. Main modification **MM2** is required to ensure that the housing trajectory in Appendix 5 is justified and effective in reflecting the up to date situation on sites and a realistic approach to delivery. Subject to these modifications and others referred to above in respect of individual sites, the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.

Issue 6 – Whether the housing policies are justified, effective and consistent with national policy

123. The 2016 SHMA identified a need for 52 affordable houses per year over the plan period. The Council has a good record of delivering affordable housing with 421 houses being provided between 2012 and 2017 (new build and acquisitions). This has been heavily reliant on public subsidy and use of

⁹ Using estimated completions for 2017/18 of 251 dwellings

Council owned land however. Viability issues with market housing developments have meant that delivering a proportion of affordable houses on such schemes has not proved feasible and evidence suggests that this will continue to be an issue.

124. The Council has taken a realistic and pragmatic approach and not set out a specific percentage target for affordable housing on market housing sites in Policy HS2. The Policy seeks affordable housing provision for all developments of over 10 units but makes it clear that such provision and the specific number and tenure of houses is subject to viability. Main modification **MM8** is necessary to ensure that the policy is effective in providing sufficient clarity for off-site provision.
125. Policy HS3 takes a justified and sufficiently flexible approach to the density of new housing developments and rightly seeks higher densities within or close to Town and District Centres or where urban design or townscape considerations need to be taken in to account. It also sets out justifiable expectations in relation to the mix of dwelling types and sizes, taking account of evidence from the 2016 SHMA and in particular the need to encourage a proportion of larger detached and semi-detached properties whilst ensuring that the full range of housing needs are met. Main modification **MM9** is required for the policy to be effective in clarifying the factors to be taken into account when considering density and in ensuring that the approach to housing mix is proportionate and realistically implementable by applying it to sites of 0.4ha/10 units or more.
126. Policy HS4 sets out a clear, effective and justified approach to the design and layout of new housing which will ensure good quality development and suitable living conditions for future occupiers and neighbours. Evidence from the 2016 SHMA in terms of future housing needs and the characteristics of existing housing stock supports the inclusion of Part 4) of the policy relating to the provision of a proportion of adaptable homes. The Local Plan Viability Assessment took account of this along with other policy requirements and concluded that they would not put the viability of development at serious risk, provided the Council takes a flexible approach on individual schemes.
127. Subject to the main modifications referred to above the housing policies are justified, effective and consistent with national policy.

Issue 7 – Whether the approach to Gypsy, Traveller and Travelling Showpeople's provision is justified, effective and consistent with national policy

128. The Council's evidence in terms of the need for Gypsy, Traveller and Travelling Showpeople's accommodation was updated in 2016 to take account of the revised definition set out in national policy. This Addendum to the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment concludes that there is an identified need for five permanent Gypsy and Traveller pitches between 2012 and 2021 and no need for any other form of provision.
129. There is no currently identified supply and Policy HS7 proposes the allocation of a site for five pitches on land at Oswald Street, Burnley (GT1). I had serious concerns with the proposed site allocation and these were discussed at the hearing session on 30 November 2017. I clarified these concerns in my

letter to the Council of 14 December 2017 along with options for an alternative approach to meeting the need for Gypsy and Traveller accommodation. For completeness I set out the concerns along with the Council's intended course of action and the implications for the Local Plan below.

130. The proposed site is within a wider area of land occupied by a now dismantled gasholder and associated gas infrastructure. The site and the wider area of land are owned by National Grid. I understand from the information submitted that remediation works are ongoing and once any necessary works have been completed and been subject to necessary environmental sign off, National Grid would look to dispose of the land although some areas of the wider site would be retained for operational purposes. It is not clear what operational activity would remain on the wider site although it would seem that continued access to retained land and apparatus would be required.
131. The submitted Local Plan proposes an employment land site allocation (EMP1/14) on land occupied by the former gasholder. This adjoins the proposed site for Gypsy and Traveller accommodation. Policy EMP1/14 would allow for B1 (b and c) and B2 uses.
132. The vehicular access to the retained National Grid land and the proposed employment land allocation would be likely to pass close to the proposed site for Gypsy and Traveller accommodation. In association with the very close proximity of industrial uses, I consider that there would be an adverse impact on the living conditions of future occupiers of the Gypsy and Traveller site in terms of outlook, noise and disturbance.
133. There is an existing business unit to the south of the gasholder site and areas of open storage. I have not been made aware of any restrictions on the hours of use of this business. Activities associated with the business, including vehicular movements and external storage operations could potentially have further adverse impacts on the living conditions of the occupiers of the Gypsy and Traveller site.
134. The site is close to the M65 Motorway and traffic noise from it is clearly audible. This is likely to affect the living conditions of those living in caravans on the site. Some further noise is likely from the railway line which runs to the east of the site.
135. Taking all of the above into account, I consider that the proposed Gypsy and Traveller site would not provide an appropriate living environment for future occupiers and does not offer a suitable location for the development proposed.
136. Whilst I note the intention of National Grid to dispose of its landholdings in due course (other than areas to be retained), representations on their behalf raise specific objection to the allocation of the Gypsy and Traveller site. They point to the previous use of the site and ongoing reclamation works, the existence of operational equipment and rights of access. They also refer to a network of underground pipes and legal easements which restrict above surface activities. They conclude that the presence of such operational infrastructure is not conducive to the proposed allocation for Gypsy and Traveller accommodation.

137. The proposed allocation has not been promoted by the landowner or indeed any individual or organisation with an interest in bringing it forward for development. The costs associated with preparing and developing the site have not been identified and there is no evidence that such costs could be met and that the development of the site would be viable. It is not clear how the site would be brought forward for development and by whom.
138. In light of this there are substantial doubts as to whether the site is available for the intended use and that development would be achievable. On the basis of the information before me, I consider that the proposed site allocation GT1 is not deliverable.
139. The proposed site allocation GT1 is not justified, effective or consistent with national policy and it should be deleted from the Local Plan. The question then arises as to how the identified need for Gypsy and Traveller accommodation would be met given that national policy requires a supply of specific deliverable sites to be identified.
140. Having considered the options and in the interests of avoiding a lengthy delay in the examination process, the Council confirmed that its preferred course of action was to make a commitment to produce a separate Gypsy and Traveller Site Allocations DPD. It subsequently formally agreed to do this and revised its Local Development Scheme accordingly, setting out a clear timetable with anticipated adoption in 2020. I consider that this is a pragmatic and justifiable response to the situation.
141. Main modification **MM10** would delete Policy HS7 and the site allocation and include reference to the proposed Site Allocations DPD. It is necessary to ensure that the Local Plan is justified, effective and consistent with national policy in respect of this issue.
142. Whilst Policy HS8 sets out appropriate and justified criteria to assess proposals for Gypsy and Traveller pitches and plots for Travelling Showpeople, main modification **MM11** is necessary to ensure that it is effective and consistent with national policy in providing the basis to determine all proposals including those where there is no identified need. Policy HS8, as modified, will provide a clear framework to guide site allocations and consider proposals that come forward in the meantime.
143. Subject to these modifications the approach to Gypsy, Traveller and Travelling Showpeople's provision is justified, effective and consistent with national policy.

Issue 8 – Whether the policies for Town Centres, Retail and Leisure are justified, effective and consistent with national policy

144. Policy TC1 sets out an appropriate and justified retail hierarchy recognising the key function of Burnley and Padiham Town Centres and the important role of a number of District Centres. The 2013 Retail, Office and Leisure Assessment concluded that there is no capacity for additional convenience retail floorspace. In terms of comparison retail floorspace, there is an identified need for an additional 3,390sqm in Burnley Town Centre by 2026. This would be adequately provided for by the re-occupation of vacant units to date and over

the plan period along with the proposed mixed use site allocation at Curzon Street. There is only minimal need (up to 147sqm) in Padiham Town Centre.

145. In terms of office space, a need for between 5,936sqm and 28,310sqm was identified. This need is capable of being met by proposed mixed use site allocations and other development opportunities within and adjacent to Burnley Town Centre. There is no quantitative need for additional leisure development but some improvements in quality and range of provision are recommended.
146. The Local Plan proposes amendments to the boundary of Burnley Town Centre with a more tightly defined area focussed on the greatest concentration of main town centre uses. This is based on the recommendation of the Retail, Office and Leisure Assessment. Although there are retail and other main town uses outside of this area, I consider that the reduced Town Centre more closely aligns with the definition in the NPPF. The Town Centre would also be well contained by the strong physical features provided by the key road network of Queen's Lancashire Way/Hammerton Street/Finsley Gate, Centenary Way/Church Street and Active Way.
147. The Burnley Retail Park contains active retail uses and is close to the defined Primary Shopping Area. However, this part of the Primary Shopping Area contains secondary frontages. The retail park sits on the other side of Church Street which is a busy dual carriageway with limited crossing facilities for pedestrians. The retail units face away from the Town Centre and the wider area on this side of the dual carriageway is characterised by a greater mix of uses, including residential and industrial areas. The Local Plan is justified in defining the Town Centre to exclude this area.
148. The Retail, Office and Leisure Assessment suggested that the Town Centre boundary for Padiham be extended to include the Tesco superstore built in 2012. The Council did not propose such a change in the Local Plan however. The superstore is adjacent and well connected to other retail uses in the Town Centre. It has clearly enhanced the retail offer in the town and functions as part of the Town Centre. Whilst the Council wishes to promote retail uses and regeneration along Burnley Road, it was unable to explain why excluding the superstore from the Town Centre would assist this or indeed substantiate why the Town Centre boundary should not be extended, given the definition in the NPPF and the advice from the Retail, Office and Leisure Assessment. The proposed boundary for Padiham Town Centre is not justified or consistent with national policy.
149. Main modification **MM13** would amend paragraph 5.3.15 of the Local Plan to confirm that the Town Centre boundary has been extended to include the superstore. This is necessary to ensure that the Local Plan is justified and consistent with national policy in this respect.
150. The approach to the Town Centres and the location of main town centre uses set out in Policies TC2 and TC3 is justified and consistent with national policy. It will also provide an effective framework to steer development to appropriate locations, to ensure that potential impacts on centres are taken into account and to promote the vitality and viability of primary and secondary frontages.

151. The proposed site allocations for mixed use at Curzon Street and the former Thompson Centre (Policy TC4) are both within the Town Centre of Burnley. They would provide considerable scope to accommodate a range of additional main town centre uses and assist in physical and economic regeneration, contributing positively to the vitality and viability of the Town Centre.
152. The Weavers' Triangle is a large area adjacent to the Town Centre of Burnley. It forms a significant part of the Canalside Conservation Area and contains a concentration of heritage assets. It has suffered from a lack of investment, a declining physical environment and empty buildings. Policy TC5 is justified in promoting investment and redevelopment and in potentially allowing for main town centre uses to support heritage related regeneration and the viable re-use of buildings. Subject to main modification **MM14**, which is necessary to confirm the need for a retail impact assessment in certain circumstances, the policy contains sufficient safeguards in relation to the sequential approach to main town centre uses and is consistent with national policy.
153. Subject to the main modifications referred to above, the policies for Town Centres, Retail and Leisure are justified, effective and consistent with national policy.

Issue 9 – Whether other policies are justified, effective and consistent with national policy

154. I set out below my consideration of other policies in the Local Plan which are not addressed specifically elsewhere in my report.
155. Whilst Policy SP7 sets out a justified and effective approach to development within the Green Belt, it is not fully consistent with national policy in that it does not refer to very special circumstances being required to approve inappropriate development. Main modification **MM5** is necessary to address this concern and also to ensure that the supporting paragraphs accurately reflect the modified approach to Green Belt alterations referred to above.
156. Main modification **MM15** is required to ensure that Policy IC3 is effective in being clear that charging points for ultra-low emission vehicles will be sought in line with the standards set out in Appendix 9 and that such provision will only be sought where practical.
157. Main modification **MM16** is necessary for Policy IC7 to be justified and effective in terms of the approach to taxi booking offices.
158. Subject to these main modifications the other policies not addressed specifically elsewhere in my report are justified, effective and consistent with national policy.

Issue 10 – Whether the approach to infrastructure provision, implementation and monitoring is justified, effective and consistent with national policy

159. The Council has worked closely with a range of other organisations to identify key infrastructure requirements and a programme for delivery and these are set out in the Infrastructure Delivery Plan 2017. There is a clear commitment to keep this under review. The Council has also been active in pursuing

funding opportunities to bring forward improvements to infrastructure such as for strategic highway and junction improvements and flood alleviation schemes. The Local Plan sets out clearly the specific infrastructure requirements for individual site allocations.

160. The Local Plan takes a pragmatic and realistic approach to developer contributions given the issues in terms of viability. Policy IC4 gives sufficient flexibility to allow for viability to be taken into account.
161. Policy IC5 sets out an appropriate approach to social and community infrastructure.
162. A number of the proposed site allocations are in public ownership and the Council has a good track record of working with partners to bring forward development schemes and capacity funding is in place to assist the Council in working with landowners and private developers.
163. Main modification **MM17**, which would amend the Monitoring Framework to take account of other main modifications referred to above, is necessary to ensure that there would be clear and effective mechanisms to monitor the implementation of the Local Plan.
164. Main modification **MM6** is required in order that the Key Diagram is effective in reflecting the modified policies and proposals.
165. Subject to these main modifications, the approach to infrastructure provision, implementation and monitoring is justified, effective and consistent with national policy.

Assessment of Legal Compliance

166. My examination of the legal compliance of the Local Plan is summarised below.
167. The Local Plan has been prepared in accordance with the Council's Local Development Scheme.
168. Consultation on the Local Plan and the main modifications was carried out in compliance with the Council's Statement of Community Involvement.
169. Sustainability Appraisal has been carried out and is adequate.
170. The HRA report sets out why an Appropriate Assessment was necessary and this has been carried out. Natural England agrees with the conclusions of the HRA report. The HRA is dealt with in more detail in the introductory section of my report.
171. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
172. The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

173. The Local Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
174. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

Kevin Ward

Inspector

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