



The Planning Inspectorate

Report to Barrow Borough Council

by Karen L Ridge LLB (Hons) MTPL Solicitor

an Inspector appointed by the Secretary of State

Date: 20 March 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Barrow Borough Local Plan 2016-2031

The Plan was submitted for examination on 2 February 2018

The examination hearings were held between 5 June 2018 and 26 June 2018

File Ref: PINS/W0910/429/1

Abbreviations used in this report

HIA	Heritage Impact Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WMS	Written Ministerial Statement

References to documents in the Examination Library contained on the Examination website are inserted in the footnotes of this report and are identified as EL1 XXX.

Non-Technical Summary

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

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and, where appropriate, carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Introduction of a strategic policy to protect the port area for development and to provide clear guidance relating to the acceptability of proposals given the important strategic role it plays within the borough;
- Updating the objectively assessed need and housing requirement to reflect the most up to date household projections and to ensure the policy accords with national policy;
- Ensuring the components of land supply are sound and that housing development policies are effective and consistent with national policy;
- Amending the policy relating to the supply of gypsy and traveller pitches and deleting the allocation of one existing gypsy and traveller site for housing as well as deleting the allocation of one site for future pitch provision;
- Factual updates on employment land requirement and supply to reflect the newest evidence and amendment to some employment and land use policies to ensure consistency with national policy and to provide clarity to the decision maker;
- Amendment to energy uses policy to provide clarity and to ensure the protection of existing energy industry uses;
- Amending the strategic and Development Management policies so that they are positively prepared, consistent with each other and with national policy and clear to the decision maker.

Introduction

1. This report contains my assessment of the Barrow Borough Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Examination of local plans is governed by the Town and Country Planning (Local Development) (England) Regulations 2012 (hereinafter referred to as 'the 2012 Regulations').
2. The National Planning Policy Framework 2012 (the NPPF) (paragraph 182) makes it clear that, in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purposes of examining this Plan, the policies in the 2012 NPPF will apply. Unless stated otherwise, references in this report are to the 2012 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Submission Draft Barrow Borough Local Plan 2016-2031¹, submitted in February 2018 is the basis for my examination². The Council published a Pre-Submission Draft of the Plan and undertook consultation upon it in the summer of 2017. Following that exercise, and receipt of the consultation responses, the Council made focussed changes incorporated within the Submission Draft Local Plan. The Submission Draft Local Plan was subject to further public consultation and is the document which was the subject of the examination process (hereafter referred to as the Local Plan or the LP).

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications 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 sustainability appraisal that has

¹ EL1 001

² Barrow Borough Local Plan Submission Draft –December 2017

been undertaken. Where necessary I have highlighted these amendments in the report.

Habitats Regulations Assessment

6. The habitats regulations assessment (HRA) for the Local Plan Pre-submission Draft presented the results of the screening and appropriate assessment stages of the HRA process. Appropriate assessment was carried out in relation to a number of policies and some site allocations³. This related to some employment and housing sites and opportunity areas which had been identified as having an adverse or a possible adverse effect on the network of Natura 2000 sites within the borough.
7. Focussed changes to the Pre-Submission draft were made following consultation and resulted in the production of the Plan under examination. The focussed changes were screened to assess whether or not they would alter any of the conclusions previously reached in the HRA. The November 2017 Update to the HRA concludes that the focussed changes did not result in any changes to the results of the original screening appraisal.
8. Natural England reviewed the updated HRA and recommended certain revisions to reflect the reclassification of the Morecambe Bay SPA and Duddon Estuary SPA as one SPA site. These revisions have been taken forward in the MMs. Natural England made comments following consultation on the main modifications in relation to the wording of policies. They raise no concerns with the updated HRA and Addendum.
9. Overall, the HRA report and its Addendum, which include both screening and an appropriate assessment, conclude that the Local Plan will not lead to adverse effects on the integrity of Natura 2000 sites either alone, or in combination with other plans and projects. Natural England has agreed with the conclusions of this updated report and I have no substantive evidence to counter the conclusions of the HRA.
10. On the 31 May 2018 the Council confirmed⁴ that it considered the HRA report and updated reports 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 HRA⁵. I have no reason to dispute this assessment.

Heritage Matters and Sustainability Appraisal

11. At pre-submission stage Historic England made representations about the Heritage Impact Assessments (HIA) of May 2017⁶. At that stage a number of previous concerns had been addressed. However, it came to light that a number of the proposed employment sites in proximity to heritage assets had

³ Policies DS4, C1, C6, EC2, EC3, H1, H2, H3, HC15 and site SHL010a and policies EC1, EC7 and sites SHL001, EMR03, OPP1 and OPP3.

⁴ EL18

⁵ People over Wind, Peter Sweetman v Coillte Teoranta Court of Justice of the European Union Case C-323/17

⁶ EL13 001

not been included within the HIA. The findings of the HIA were updated in April 2018 to include an assessment of these sites. The conclusions show that, in all cases, the impact on the significance of heritage assets would not be harmful. Historic England has seen the revised HIA and has not raised any objections⁷. The assessment tables in the Sustainability Appraisal (SA) were unaffected and I am satisfied that, following this further work, the SA is robust.

Policies Map (referred to by the Council as the Proposals Map)

12. 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 referred to as *Submission Draft Proposals Map* (the Proposals Map) and contained within three appendices A, B and C⁸.
13. 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 published MMs to the Plan's policies require further corresponding changes to be made to the Proposals Map. In addition, there are some instances where the geographic illustration of policies on the submission Proposals Map is not justified and changes to the map are needed to ensure that the relevant policies are effective.
14. These further changes to the Proposals Map were published for consultation alongside the MMs.
15. 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 Proposals Map to include all the changes proposed in the Proposals Map and the further changes published alongside the MMs.

Consultation

16. Some concerns have been expressed about the Council's pre-submission consultation processes and community engagement. Whilst changes have been made by the Council to different iterations of the Plan, these changes have been, in large measure, in response to significant periods of public consultation. This was carried out in accordance with the Council's Statement of Community Involvement. I am satisfied that the Council has carried out widespread public consultation on the Plan throughout its various stages, as well as consultation on the main modifications proposed. I am further satisfied that this has provided local residents and others with the opportunity to express their views. As such I conclude that the consultation has met the legal requirements of the 2012 Regulations.

⁷ Historic England letter of 7 June 2018.

⁸ EL1 002- Appendix A, EL1 003 Appendix B and EL1004 Appendix C.

Assessment of Duty to Co-operate

17. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
18. Barrow is bordered by the districts of South Lakeland and Copeland and by the Duddon Estuary, Morecambe Bay and the Irish Sea, with parts of the Borough contributing to the wider setting of the Lake District National Park. A number of cross-boundary issues were identified and the Council has sought to work closely with neighbouring authorities, South Lakeland District Council, Copeland Borough Council, Lancaster City Council and Cumbria County Council, throughout the plan development. The Council has participated in a number of joint projects with other authorities to produce key evidence documents. The Council has also worked with infrastructure providers and other prescribed bodies to inform and develop the Plan.
19. A Strategic Housing Market Assessment was produced in 2014 and updated in 2016, with an addendum produced in 2017. The SHMA identifies Barrow separately as a single housing market area (HMA) in Cumbria⁹ and therefore the HMA is self-contained. On the basis of migration flows and travel to work patterns, and having applied national guidance, it is clear to me that this assessment is justified. This assessment is supported by the Cumbria Housing Strategy.
20. With regard to employment land needs the Council has principally engaged with the Furness Economic Development Forum and its predecessor organisation. In addition, work has been done with Cumbria County Council and neighbouring authorities in the production of the Employment Land Review. 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.
21. In terms of transport and infrastructure matters the Council has liaised with the County Council and Highways England to identify potential issues, particularly with regard to road and junction capacities. This work has informed site allocations and the mitigation and improvement measures identified.
22. Barrow town centre, together with Dalton in Furness, service the retail needs of residents both within the borough and, to a certain extent, the neighbouring boroughs of South Lakeland and Copeland. Therefore, the Council has continued to consult with adjoining authorities on retail matters. Similarly, there has been consultation on other strategic matters including green infrastructure and energy.
23. Overall, I am satisfied that the Council has demonstrated constructive, active and ongoing engagement with local authorities and relevant organisations on all strategic matters. The issues have been resolved effectively and there are no outstanding concerns from these authorities and organisations regarding

⁹ By the Cumbria Housing Group.

the duty to co-operate. I therefore conclude that the duty to co-operate has been met.

Assessment of Soundness

Background

24. The Barrow Borough Local Plan will replace the adopted Barrow-in-Furness Local Plan Review 1996-2006 and the Housing Chapter Alteration (June 2006). It will sit alongside the Barrow Port Area Action Plan which was adopted in July 2010. The Plan is intended to guide development for the period to 2031.

Main Issues

25. 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 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.

26. The Local Plan Vision and objectives in Chapter 1 provide a high-level strategy for Barrow Borough setting out social, economic and environmental priorities to deliver sustainable development. This includes planning positively to help create a strong, sustainable and diverse economy and healthy, active and inclusive communities and to deliver the necessary transport and social infrastructure, whilst ensuring protection of the environment and heritage assets as sought by the National Planning Policy Framework (NPPF).
27. The development strategy (Chapter 3) builds upon the existing settlement pattern, with new housing and employment allocations directed towards areas adjoining the main settlement of Barrow and the smaller settlement of Dalton, with some development within smaller villages. Policy H2 apportions three quarters of the proposed housing to the centre of Barrow given that it is the principal town with a wide range of services and facilities and it comprises the main urban area within the borough accessible by a range of transport modes. The SA, Housing Site Assessments, Settlement Profiles and Infrastructure Delivery Plan documents all support the distribution proposed.
28. Around a fifth of new housing would be directed to the key centre of Dalton which has some facilities and services and provides opportunities for smaller and medium sized development. I am satisfied that Dalton could assimilate the amount of new housing proposed given its current size and facilities and its location equidistant between the larger centres of Barrow and Ulverston and close to the A590. Given that neighbouring South Lakeland are proposing considerable housing growth not far from the Council's northern boundary and given the trend of net out-migration, allocations in Dalton would go some way in counteracting any propensity for residents to be drawn out of the Borough thus exacerbating population decline.
29. The cordon villages are significantly constrained with fewer services and public transport opportunities and, consequently, can only provide for limited growth.

More limited development is directed to the smaller settlements of Askam and Ireleth and Lindal reflective of their size and facilities. Policy H4 suitably identifies development cordons around the built-up areas of the smaller villages and confirms that residential development will be acceptable within these areas.

30. The LP permits windfall sites within or adjoining urban areas and the development cordons and sets out a series of criteria to achieve higher development standards. The LP also retains a flexible approach to housing density given the preponderance of smaller and terraced homes in its existing stock. There is a need to provide a good range and choice of development sites across the borough, particularly if the Council's aspirations for growth are to be achieved. The LP therefore justifiably includes some site allocations on greenfield land. There are policies in the LP which would help to ensure a good standard of development, whilst avoiding significant adverse impacts upon the environment.
31. The 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 considerations. It would provide a good range and choice and allow for the development needs of the Borough to be met effectively. The general approach towards directing growth to the main centre and the second largest settlement, where there are good facilities and public transport opportunities, and limiting development in less accessible areas is consistent with the overarching aim of the NPPF to provide sustainable development.
32. Policy H5 limits new residential development in the open countryside and permits replacement dwellings in some circumstances. The criteria for consideration of replacement dwellings contains a prohibition on the loss of existing dwellings which are heritage assets or are inhabited by wildlife species protected by law. These criteria are overly restrictive and to make the policy effective and consistent with national policy the modifications in **MM28** revise the criteria to provide greater clarity and to ensure that the policy will be in accordance with paragraph 55 of the NPPF. To ensure effectiveness **MM28** also clarifies the wording in relation to conversions making it clear that *each* of the criteria specified must be satisfied.
33. Policy DS4 identifies 'Opportunity Areas' and confirms that such areas will be suitable for a mix of housing, employment, culture and leisure. The five sites identified are brownfield sites and the strategy of identifying them as opportunity areas will assist in bringing them forward and making a positive contribution. A number of employment sites have been proposed, mainly in Barrow, to provide flexibility and choice. Most are within or adjacent to existing employment areas which will enable businesses to expand. The strategy is an appropriate one given the current distribution of employment land relative to centres of population. It would represent a good use of brownfield land.

The Port of Barrow

34. The importance of the commercial port located on the Furness Peninsula to the economy of the Borough and to the wider area cannot be overstated. BAE Systems is a major employer and the '*main economic driver for Barrow*'.¹⁰ The Port also plays a key role in serving a thriving offshore energy industry. The 2010 Port of Barrow Area Action Plan (AAP) sets out policies for the port area. However, that document pre-dates the Framework and the National Policy Statement for Ports 2012 and contains a number of policies which have been overtaken by events.
35. The LP does not identify the Port of Barrow on the Proposals Map and does not afford protection to the port area either in terms of existing development or future development. Given its strategic importance, its continued operation and future growth should be safeguarded. Whilst policy EC1 contains reference to the port, the criteria against which proposals would be assessed are too restrictive and do not accurately reflect the position in terms of current uses.
36. **MM11** would introduce a new policy protecting the Port of Barrow. The policy confirms that, within the port area, development proposals for port and port related uses will be supported provided they accord with other development plan policies. Any proposals for new development on land in close proximity to the port area will be required to fully assess the potential impacts on the port and provide mitigation where appropriate. This will ensure that the port area is adequately protected and appropriate development promoted.
37. **MM 7, 8, 9 and 10** are other consequential, but necessary, amendments to the supporting text, as well as a commitment to commence a review of the AAP within 12 months of adoption of the LP. In response to consultation responses on the main modifications I recommend the further revisions to the wording of **MM9** and **MM10** in accordance with the suggestions of Associated British Ports to ensure that the port area is properly identified and that port tenants are involved in the review.
38. As a consequence of these changes, policy EC1 needs to be amended to delete reference to the port area within this policy (**MM 12 and MM 13** rectify this).
39. Subject to these main modifications the development strategy is justified, effective and consistent with national policy. As such the Local Plan represents a reasonable, pragmatic and soundly based development strategy for Barrow over the plan period, appropriate to the needs of the area. It would achieve sustainable growth objectives advocated by the NPPF.

¹⁰ LP paragraph 2.4.32

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 provision for housing.

Objectively assessed need (OAN)

40. The population of the Borough declined from 73,704 in 1991 to 69,056 in 2011. This was due to net out-migration outstripping positive natural change. The latest mid-year estimate (MYE) for Barrow estimates a population of 67,321 in 2016 which would represent a 6.4% decrease since 2001¹¹. The borough has an aging population which results in a decrease in economic activity rates. Economic forecasts estimate an average annual employment change of -84 per year over the 2016-2031 plan period¹².
41. Dwelling completions in the 15-year period to 2017/18 have averaged 113 dwellings per annum (dpa) but a significant number of demolitions have taken the net additional dwellings figure to 70dpa. The demolitions are substantially complete as part of the Housing Market Renewal programme which the Council has no intention of continuing¹³.
42. Policy H1 of the LP sets out a housing requirement of 'at least' 119 net additional dwellings per annum (dpa) over the plan period between 2016/17 to 2030/31 (total 1785). This was based upon the latest figures for OAN set out in the Council's Housing Need and Supply Topic Paper in 2017¹⁴.
43. Previous assessments had been based upon mid-year estimates since 2011 which showed a continuation of the gentle decline in population.¹⁵ The Council's Strategic Housing Market (SHMA) of 2016, based on the 2014 CLG population projections, was updated in 2017. Following its receipt more recent population estimates indicated less of a population decline than previously predicted. Further work was undertaken by Edge Analytics in 2017 'Updating the demographic evidence'¹⁶ using the 2014 projections and the 2016 mid-year population estimates and applying current government guidance as opposed to the draft standard housing methodology. It was reasonable to re-base the projections to take into account the latest population evidence and I am satisfied that these estimates are realistic and robust.
44. The latest work estimated an OAN figure of between -75 dpa and 119 dpa. Various demographic scenarios were modelled and the figure of 119 dpa was taken forward and considered alongside economic model forecasts. Four of the six scenarios were based on different demographic projections and in each case, they would not stabilise the economy and would have resulted in further population decline. They have not been progressed.

¹¹ Figure 1, EL1 010

¹² Paragraph 5.7 EL1 010

¹³ Paragraph 3.4 Housing Land Statement of 2018.

¹⁴ EL1 013

¹⁵ LP p.20 figure 3

¹⁶ EL1 010

45. Two of the six scenarios were employment-led and based on differing levels of jobs growth. The first option was based upon employment projections from Cumbria Observatory in liaison with major employers such as BAE and Sellafield. It indicates an annual dwelling growth rate of 52 dpa but is limited because major employers would only provide a forecast to 2020. As such it has resulted in a precautionary approach to jobs growth post 2020.
46. The alternative 'employment-led zero change' scenario assumes that the number of jobs at the start of the plan period will be the same at the end of the plan period, with variations in between. This scenario results in a requirement for 119 dpa. Past employment trends demonstrate that the borough experiences periods of employment growth followed by decline, predominantly due to the contracting requirements of BAE. The trends are cyclical, so an assumption that the jobs numbers would remain the same at the beginning and end of a 15-year period is a reasonable one based on past trends and because of the length of the period. This is the scenario which has been taken forward into the LP.
47. As a sense check I note that the projections based on the employment-led zero change scenario model a 3.6% population increase over the plan period to fill the jobs available. This would take the population from around 68,000 to 70,448, which is similar to the population level in 2005. As such I conclude that the Council's decision to be aspirational and adopt an employment-led zero change approach is a reasonable one that is soundly based and is not overly ambitious.
48. A key challenge in achieving the level of household growth associated with the employment-led zero change scenario will be reversing the long-term trend of 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 initiatives include the provision of sufficient land for housing and employment and a good range and choice of sites. I am satisfied that it presents a reasonable basis upon which to plan for future housing needs, ensuring realistic expectations based upon relatively prudent economic forecasts.
49. Following the end of the examination the latest (2016-based) household projections were published on 20 September 2018. I wrote to the Council asking them to comment upon whether the latest household projections would result in any meaningful change to the OAN figure promoted in the submitted Local Plan. The Council confirmed¹⁷ that if the 2016 based projections were used there would be very small changes to their population projections with small increases in population losses. I am satisfied that the updated figures do not result in any revisiting of the OAN which in any event is based upon an employment-led scenario.

Market signals

50. Market signals were examined to see whether there was justification for increasing the housing need figure. House prices in the borough are considerably lower than county and national prices. Similarly, mean and

¹⁷ Council's Response to Inspector's query of 19 November 2018, dated 22 November 2018

median private rents are below the regional and national figures. The Council's Housing Need and Supply Topic Paper also looked at affordability and concluded that the Borough remains the most affordable in the county with a House Price Ratio of 4.1 in 2015. Overcrowding is less than the regional and national averages. Having considered all of these factors the Topic Paper concluded that there was no basis to increase the OAN to take account of market signals. This is an eminently sensible approach.

51. Policy H1 refers to a buffer of 20% which is reasonable at this present time based on past delivery rates. However, given that the plan is intended to cover a 15-year period which will involve rolling snapshots of five-year housing land supply when delivery rates might have improved it is important to retain the option of applying a 5% buffer. Policy H1 as drafted refers to a previous total housing figure of 2261 which is incorrect. **MM25** inserts the correct figure of 1785 houses over the plan period and introduces the possibility of the imposition of a 5% buffer.

Empty homes

52. There are a high number of vacant dwellings in the borough. As at October 2015 some 1,489 homes stood empty. The Local Plan confirms that the Council does not have a strategy document for bringing empty homes back into beneficial use and does not contain a relevant policy. However, this is not consistent with objectives in the NPPF which seek to bring back empty homes and buildings into residential use. Given the high number of vacancies, suggested modification **MM35** introduces a new policy containing a commitment to produce an Empty Homes Strategy designed to bring empty homes back into use and align with NPPF objectives. **MM34** provides the supporting text to the new policy and contains a commitment by the Council to explore mechanisms for bringing empty homes back into use.

Affordable Housing

53. National Planning Practice Guidance (PPG) advises that housing needs assessments should take account of affordable housing need. The 2016 SHMA suggests an annual net imbalance of 101 affordable homes per annum. The 101 figure assumes that the existing backlog of 450 affordable homes would be cleared over a 10-year period and thereafter the imbalance would be 58 affordable homes per annum.
54. The Council's approach is that the OAN figure should not be adjusted to meet in full the identified affordable housing need. It would be very difficult to do so, on the basis that the majority of the affordable housing needed is anticipated to come forward as a proportion of open-market schemes and the OAN figure of 119 dpa is already an aspirational target. I agree that this approach is sound and no further adjustments should be made.

Conclusions on OAN

55. The PPG acknowledges that establishing the future need for housing is not an exact science and the housing requirement figure requires some reasoned judgements to be made. The assumptions and judgements made in arriving at the figure of 1785 new dwellings over the plan period or 119 dpa are realistic and justified and I am satisfied that the approach is sound. It aligns

with past delivery trends once an allowance has been made for the historic levels of demolitions.

Issue 3 – Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy

56. In the years between 2003/4 and 2017/18 some 86% of dwellings granted planning permission have been on unallocated sites. The large number of brownfield sites within the borough has resulted in a high number of windfalls. Previously a high number of demolitions have reduced the net additional dwellings figure but this trend is not projected to continue and demolitions going forward are estimated at 1 dpa. Past build out rates on larger sites have ranged significantly.
57. The list of allocated housing sites is referred to in policy H3 and listed in table 7. The Barrow Borough Local Plan Housing Trajectory 2018¹⁸ was produced following the submission of the Local Plan. The document was updated following the proposed deletion of the sites under MM26 and MM27 and the update (Barrow Borough Local Plan Housing Trajectory August 2018) was produced. It contains the latest anticipated housing delivery over the plan period (**MM24** sets out the updated figures). The allocations listed in the updated housing trajectory provide indicative yields totalling some 1876 units¹⁹, as against a requirement of 1785 dwellings. The Council's five-year housing land supply (5YHLS) relies upon allocated sites, commitments, windfalls and completions.
58. The trajectory confirmed 166 completions since 2016, with a further 882 dwellings comprised in extant planning permissions as at 31 March 2018. Windfalls are anticipated to produce some 572 dwellings over the plan period by a combination of small windfall sites and larger windfall sites. Emerging allocations make up the remaining 1364 dwellings over the plan period.
59. The assumptions regarding timescales for delivery of homes are cautious based on past delivery trends. Whilst at 13dpa they appear to be relatively low, and this is particularly so in the case of the large Marina Village site, I am satisfied that they are generally based on the best evidence available. Lead-in times for the commencement of development are appropriate. Extant permissions have been reviewed and some 16 sites discounted on the basis that development has stalled. These sites have been excluded from the supply. Due to this more in-depth analysis and the consequential adjustments which have already been made I conclude that a non-implementation rate is not appropriate.
60. Even with the application of cautious delivery rates, it is clear that most of the housing will come forward in the early years of the plan period. The rationale for this is to align it with economic projections which show an increase in jobs up to 2020 which is when the period of highest demand for new homes would occur.

¹⁸ EL4 009

¹⁹ This figure excludes the two sites deleted under MM26 and MM27.

61. The 5YHLS places some reliance upon windfall sites over 0.1 hectares and sites under 0.1 hectares. Past delivery rates indicate that windfalls have been a reliable source of housing in recent years. Economic restructuring in the borough and the continued sub-division of larger homes and commercial units is likely to continue to provide a rich source of future windfalls. The Council has made an appropriate 10% deduction to the small windfall allowance and made adjustments to avoid double-counting. All of these assumptions are reasonable and are supported by the evidence on past trends and information and a judgement about the availability of future brownfield sites. In the interests of its effectiveness, **MM30** ensures that policy H7 applies to all housing developments and removes the unclear reference to 'an existing urban area' replacing it with 'the built-up areas of Barrow' and replaces 'cordon village' with 'development cordon' to ensure consistency of terminology. Policy H7 as modified will provide an appropriate basis for the assessment of unallocated sites. There is compelling evidence that such sites can be relied upon and the allowances are realistic.
62. Given the difficulties with viability and the need for affordable housing it is sensible to ensure that a good range of sites are available. Overall flexibility has been provided by the range of sites allocated and by the allocation of more sites than the identified requirement. This is realistic and reasonable. The capacity of site allocations is indicative and, in some instances, it is clear that they could potentially accommodate a higher number of dwellings. Clearly if monitoring demonstrated that sites are not coming forward as expected then appropriate action could be taken before the end of the plan period.

5YHLS

63. At the date of adoption, based on current figures, the 5-year requirement will be 5 years of the annual requirement, plus the shortfall of 72²⁰ and the appropriate buffer. The Council has applied a 20% buffer given its past under delivery and included it using the Sedgfield method which, given the healthy supply going forward, is appropriate in these circumstances. This brings the total 5-year requirement to 802, equating to the provision of 161 dpa.
64. As at 1 April 2018 the Council calculated that it would have a total housing land supply of 1680²¹ dwellings, made up of extant permissions, emerging allocations and windfalls. Against a 5-year requirement of 801 dwellings, if the housing allocations are robust the Council will be able to demonstrate a supply of 10.4 years²² upon adoption. In those circumstances the Local Plan would therefore provide for a five-year supply of deliverable housing sites with a degree of inbuilt flexibility. I consider the housing allocations in detail in issue 6 and I shall revisit the question of a 5-year housing land supply following consideration of the housing allocations.

²⁰ The first two years have seen 166 dwellings completed as against an annual requirement of 119dpa. $166 - (2 \times 119) = 72$

²¹ See page 8 of latest housing trajectory EL21 001 which updates the picture and excludes deleted sites MM26 and MM27

²² At the examination the Council provided an updated figure of 10.6 years housing land supply given that figure of 487 dwellings post adoption. This figure is updated having regard to the proposed deletions and latest trajectory.

65. The Infrastructure Delivery Plan demonstrates that there is a reasonable prospect of key infrastructure coming forward (addressed in detail later in the report). Monitoring and action to be taken if sites do not come forward as planned is also dealt with later. There is evidence that sites are deliverable and that the Council has taken a cautious approach to delivery.
66. In summary, subject to the MMs, the approach of the LP towards the supply and delivery of housing land is positively prepared, effective and consistent with national policy.

Issue 4 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the economy and employment land.

Employment land requirement

67. Barrow is the second largest settlement in Cumbria, located at the tip of the Furness Peninsula and its sole direct link to the motorway network is via the A590. As such Barrow is perceived as relatively isolated, with access constraints and more generally employers consider it a secondary development and investment location. Past trends show that employment growth in Barrow has been more volatile than the rest of the UK and is cyclical, showing periods of more pronounced growth followed by more pronounced decline, than is evidenced in national trends²³.
68. The Council's employment land requirement was set at a minimum of 19.4 hectares for the plan period following the Employment Land Review (ELR) of November 2017²⁴.
69. The ELR examined four options for predicting the employment land requirement. The starting point was the locally used Cumbria Local Economy Forecasting Model which was then adjusted following specific workforce data received from BAE systems. In crude terms the job forecast data has been modelled to predict floorspace requirements at the high point of 2020 in terms of jobs. This results in an additional requirement of 7.4 hectares to which has been added the remaining parts of the Barrow Local Enterprise Zone yet to be developed.
70. The above methodology was preferred given that it takes into account the growth which is expected to take place at the Waterfront Business Park and therefore represents a 'policy-on' approach. Given the focus on this business park as a Local Enterprise Zone and the efforts of the Council in terms of promotion of the land by the promulgation of a Local Development Order, I agree that this represents a credible basis upon which to predict future requirements. (MM14 and MM15 provide factual updates on the latest figures).
71. It is important that the housing and employment land requirements are broadly consistent in terms of the implications for jobs growth and labour force

²³ Appendix 1, figure 1 to Council's Hearing Statement Matter 3: Total Employment Growth-UK and Barrow Borough Compared 2001-2015

²⁴ EL1 014

supply and take a consistent approach to the evidence base. The housing requirement was based upon an employment-led zero change scenario and the employment land requirements align with this by providing sufficient employment land to act as incentives to attract development and propel the economy forward.

Employment site allocations

72. LP policy EC2 sets out details of the employment land allocations totalling some 41.5 hectares. Whilst this may seem high, some 18.5 hectares comprise the already designated Waterfront Business Park. This site is a key strategic site representing a key regeneration opportunity and the focus for business development over the plan period.
73. As indicated, policy EC2 sets out the employment land allocations. The ELR identified a number of sites from multiple sources which were then assessed and scored against various criteria, including proximity to the main highway network via the A590. Some sites were discounted due to their inclusion in the AAP and some were discounted for various reasons including site constraints. One site (EMR9) was considered more suitable for housing. The process was methodical and contains reasoned justification for the recommendations made on allocation.
74. The background studies show that the sites proposed for employment are the best options when considered against a range of other sites. The Barrow Transport Improvement Study²⁵ proposes a number of schemes to improve highways, public transport and other infrastructure. The site assessments of the ELR considered traffic mitigation measures and sustainable travel choices.
75. Site EMR1 is the last remaining part of the Furness Business Park yet to be redeveloped. The Waterfront Business Park (EMR3) has been remediated and significant amounts of money invested to provide the infrastructure and conditions necessary for redevelopment. Sites EMR5, EMR6, EMR7 and EMR8 are all located adjacent to existing employment sites and could potentially provide the opportunity for extension. The remaining other sites are smaller and in different locations across the borough. The quantity and range of allocations will provide flexibility and choice to the marketplace.

Opportunity Areas

76. In addition to the allocation of employment sites, the Council chose to identify five 'Opportunity Areas' in policy DS4 which comprise more difficult to develop brownfield sites which are considered suitable for a mixture of uses. These sites tend to have been vacant for a number of years and have a number of issues and constraints. OPP1 is a brownfield site not currently available but it forms part of a wider housing allocation and is considered suitable for a mixed-use development. OPP2 is a former golf driving range and has contamination issues. I note that the Council is proposing an amendment to the boundary of OPP3 which requires third party land for access. OPP4 is a former ironworks surrounded by mix uses and OPP5 is a former retail unit which has been vacant for a long time.

²⁵ EL5 003

77. The opportunity area designation represents a policy encouragement for regeneration but is not relied upon in the overall provision of employment land. Again, this represents a pragmatic approach given the inherent uncertainties in such sites coming forward.

Other employment policies

78. Other employment policies seek to establish criteria for new employment uses (EC3), protect existing employment land and allocated employment sites from development for non-employment uses (EC4) and to provide criteria against which proposals for conversions to employment uses will be assessed (EC5 and EC6). Some of the criteria in policies EC3 and EC4 were overly restrictive in that they limited development to sites within or adjoining the urban area. Modifications are needed to replace the reference to the 'urban area' with 'the built-up area of Barrow' and to ensure clarity and consistency with the NPPF (**MM17 and MM18**). In addition, some of the policy text needs to be revised as supporting text (**MM16**) to ensure clarity.
79. Policy EC7 identified an area around the North and South Morecambe Gas Terminal as an Energy Uses Opportunity Area. The policy is generally supported by the energy companies currently active in the area. However, the policy as drafted is too restrictive in that it does not make reference to all existing areas and those also suitable for such uses and it does not specifically refer to existing uses. **MM19** contains revisions to support and protect new and existing energy industry uses.
80. Policy EC8 supports tourism, policy EC9 sets out criteria for permanent caravan and camping sites and policy EC12 concerns farm diversification. Each of the policies duplicate requirements in other policies and **MM20, MM21 and MM23** rectify this making the policies effective. **MM22** contains a modification to policy EC11 (Catering holiday accommodation) making it less restrictive and consistent with national planning policy.
81. 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 5 – Whether the approach to Gypsy, Traveller and Travelling Showpeople's provision is justified, effective and consistent with national policy

82. The Council's evidence in terms of the need for Gypsy, Traveller and Travelling Showpeople's accommodation is contained within the Cumbria Gypsy & Traveller Accommodation Assessment (GTAA) 2013. This GTAA was commissioned jointly by all 6 districts in Cumbria and as at 2013 it indicated a need for 6 permanent pitches over an 18-year period. The GTAA further identified an existing supply of 22 pitches in the borough as at 2013. The current provision is located at the former Candleworks Site on Schneider Road which is currently in use as a gypsy and traveller site.
83. The PPTS requires Councils to make their own assessment of need and to identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of sites against targets. Thereafter a supply of specific developable sites or broad locations should be identified. The difficulty is that

the 2013 GTAA pre-dates the revised definition of gypsies and travellers set out in the national *Planning Policy for Traveller Sites* (PPTS) of August 2015. Furthermore, the GTAA has not been updated since 2013 and it is now some five years old. The Council's returns to DCLG indicate a number of unauthorised encampments in the last 5 years to 2018.

84. In seeking to address matters the Council chose to allocate a different site at Schneider Road for 8 permanent pitches. However, in preparing the Local Plan the Council also allocated the existing gypsy site on Schneider Road as a housing site (SHL013b). This effectively removed the existing provision of some 22 pitches whilst making provision for 8 pitches on a new site. In addition to this new allocation policy H15 sets out criteria by which applications for site should be assessed.
85. I had serious concerns about the allocation of the existing gypsy site for housing which would remove the current supply relied upon in the GTAA of 2013. In addition, there was little to indicate the basis on which the new gypsy site had been chosen. The Council accepted that the proposed site had not been subject to a heritage impact assessment even though the proposed site is within relatively close proximity to the setting of a listed building. In addition, there are potential land contamination issues with the site. The costs associated with remediating and developing the site have not been identified and there is no evidence that such costs could be met and that the site would be viable. It is not clear how the site would be brought forward for development and by whom.
86. In light of all of the above I have significant doubts as to whether or not the allocated site is available for the intended use and that the development would be achievable. The loss of the existing gypsy site by virtue of its allocation for housing would further exacerbate matters of supply. The proposed gypsy and traveller site allocation (appendix H) as well as the proposed housing allocation (SHL013b) are not justified, effective or consistent with national policy and both allocations should be deleted from the Local Plan.
87. The question which then arises is how best to meet any needs for gypsy and Traveller accommodation given that national policy requires a supply of specific deliverable sites to be identified. 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 Development Plan Document to identify the demand and allocated pitches to meet that demand. **MM37, MM38 and MM39** reflect the above position and contain a commitment to producing an updated Gypsy and Traveller Assessment within 12 months of the adoption of the Local Plan and to commence the production of a Gypsy and Traveller DPD immediately thereafter.
88. At consultation stage **MM38** and others referred to the production of a Supplementary Planning Document but of course, such a document cannot allocate sites. I have therefore made a consequential amendment to the wording of the MM to refer to a DPD and, in doing so, I am satisfied that the interests of all parties would not be prejudiced on the basis that the adoption of a DPD would lead to increased scrutiny of this issue.

89. **MM40** modifies policy H15 slightly to adjust the criteria when assessing sites to ensure effectiveness and consistency with national policy.
90. Subject to the above modifications the approach to Gypsy, Traveller and Travelling Showpeople's provision is justified, effective and consistent with national policy.

Issue 6 – Whether the proposed housing site allocations are justified, effective and consistent with national policy

91. The housing requirement is 1785 new homes over the plan period. The supply from completions to date (166), commitments (734) and convincingly justified windfalls (572) amount to 1472 units leaving a residual requirement of at least 313 dwellings. To provide flexibility and to maintain a five-year housing land supply the Council is proposing allocations of some 1364 dwellings over the plan period, after proposed modifications have been taken into account. This is aspirational, but I am satisfied that it is realistic. Achieving an average of 119 net additional dwellings per annum over a sustained period will require an upturn in delivery. The viability of housing sites is something of an issue. To facilitate housing development on the scale envisaged will require 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 correlate to market demands.
92. The Council carried out a Strategic Housing Land Availability Assessment (SHLAA) in 2013 in accordance with national advice and best practice. The SHLAA identified a range of sites from a wide range of sources. Some sites were excluded, such as those within flood risk zone 3. All sites were assessed in relation to their suitability, availability and achievability. All sites (except those excluded) were then subject to SA and HRA processes. Full site assessments²⁶ have been carried out on all of the proposed housing sites. In addition, the Council submitted further evidence in relation to some sites contained within its hearing Statement on matter 5 and the evidence was looked at during the examination hearings.
93. Each site assessment considers specific concerns which have been raised in terms of site characteristics and potential impacts and each allocation is accompanied by detailed policy requirements and design principles which, along with other policies in the Local Plan, would enable such issues to be addressed effectively when considering specific proposals.

Sites in the urban area of Barrow

94. In line with the development strategy set out in policy DS3, policies H2 and H3 direct a large amount of the allocations to brownfield and green field sites within the urban boundary of Barrow. Three remaining green field sites adjoin the urban boundary of Barrow and I shall deal with these later. These allocations make up some 1359 units, but they include the large Marina Village site SHL001 which is projected to provide only 143 dwellings over the plan period with the remainder of the site (507 units) being completed after the

²⁶ EL4 002

end of the plan period. I have already referred to the cautious approach on delivery rates on this site. It is a complex strategic site which will come forward in phases and one which the Council is committed to. The delivery rates are based on past trends and, whilst I consider them to be conservative, I am satisfied that the site will come forward.

95. REC 09 is a green field site requiring a single point of access from Quarry Brow, a minor access road. Visibility splays could be achieved and the statutory consultees have confirmed that existing flood risk and flows from off-site could be managed without increasing the flood risk elsewhere. I am satisfied that the site is deliverable in principle.
96. SHL068 is a green field site within the urban boundary comprising fields to the rear of Croslands Park. The access would be taken from an existing cul-de-sac which is relatively narrow and winds uphill to the site. Two highways assessments²⁷ have been submitted in relation to the access issue. The Council's highways evidence confirms that the cul-de-sac which currently serves 16 dwellings could safely accommodate the additional traffic generated by an additional 20 dwellings. Whilst the cul-de-sac incorporates a sharp bend this feature is a positive factor in reducing vehicle speeds. I have noted that Rating Lane provides access to a sixth form college and local schools. However, the trip generation rates confirm that the additional development would lead to an imperceptible increase in traffic on Rating Lane²⁸ at peak times. I am satisfied that the site is deliverable in principle up to 20 dwellings.

Allocations on green field land adjoining the Barrow urban boundary

97. There are 3 allocations on green field sites adjoining the urban boundary of Barrow. Each of the sites have been assessed and deemed acceptable in relation to highway, ecology, flood risk and other considerations. Land east of Rakesmoor Lane (SHL082) sits on the edge of a low-density housing development. It comprises a working farm and is enclosed by mature hedgerows. Retention of such hedgerows and the appropriate density of development would be matters for any future planning application. I am satisfied that all three sites are deliverable in principle and the allocations should proceed.

Allocations on playing fields or sports facilities

98. Two of the proposed allocations were last used for sporting purposes. The NPPF provides that existing open space, sports and recreational land should not be built on unless an assessment has been undertaken which clearly shows the open space, buildings or land to be surplus to requirements. Accordingly, the Council has undertaken a Sport & Recreational Facilities Assessment 2017²⁹. The assessment provides an overview of facilities available and confirms that 3G/4G pitches are in high demand due to weather conditions, funding and a general lack of provision.

²⁷ EL20 007 CTS Transport Statement and EI5 005

²⁸ CTS Traffic Count data

²⁹ EL12 001

99. Strawberry Ground (REC54) is owned by Furness Rugby Union Football Club. The rugby club currently leases part of its site to Furness Rovers Football Club a thriving football club with some 120 members and a total of 10 junior and senior teams. The rugby club proposes to sell off the football pitch with a view to using the money to resolve drainage issues on the remaining pitches. Whilst the rugby club state that the pitch is no longer required, it is far from clear to me that it is surplus to requirements. The Council's assessment concludes that it is hoped that development of some of the allocated housing sites would provide funds to enhance sports facilities. I am not therefore satisfied that this site is surplus to requirements and, as its development for housing would be contrary to national policy, I recommend its deletion as a housing allocation.
100. The second site is REC19b the former tennis courts at Thorncliffe South, but the tennis courts have closed and this part of the site sold to Victoria Academy. The remainder of the site forms the housing allocation.

Sites in Dalton

101. The allocations for Dalton total some 411 dwellings. Five sites are within the urban area and the remaining five sites adjoin the urban boundaries. All but one of the sites are green fields. Land to the west of Askam Road (site REC47) comprises a large triangular site which nestles into a roundabout junction. The north-eastern section is in commercial use and the site is a SSSI site. The site assessment confirms that a green link must be retained around the quarry and the northern site boundary to enhance the setting of the SSSI. The HRA confirms that development of the site would be unlikely to impact on any Natura 2000 sites. Whilst allocation for housing would fundamentally alter the character of the site I am satisfied that the site could be developed in principle without any undue harmful effects.
102. REC34 is a site allocated for 24 dwellings at the junction of Long Lane and Newton Road in Dalton. Local residents expressed concerns about flooding on Long Lane from the site and I was referred to an event in 2012 when 20 households were flooded. The site assessment confirms that the Lead Local Flood Authority and United Utilities have been consulted and expressed themselves satisfied. Policy C3 would ensure that any development on site did not increase surface water run-off and flood risk elsewhere.
103. The remainder of the allocated sites in Dalton also raise specific issues in terms of site characteristics and potential impacts such as flooding or highways. However, each site allocation is accompanied by detailed policy requirements and design principles which along with other policy requirements in the Local Plan will enable such issues to be addressed effectively when specific proposals come forward.

Sites in Askam & Ireleth

104. The allocations in these smaller settlements are generally more modest apart from the former Urofoam Factory which is a brownfield site earmarked for 51 dwellings. Askam is a relatively small settlement with six allocations totalling some 146 new dwellings. However, the sites are dotted around the settlement and include the larger factory site. There have been concerns about flooding in relation to the site at Duke Street in Askam (REC02) but the Lead Local

Flood Authority has not said that the site cannot be developed. Any proposal would have to be assessed against policy C3 which will provide adequate safeguards and ensure that development cannot go ahead unless it is established that flood risk is not increased elsewhere.

105. In relation to all allocated sites, specific issues in terms of the characteristics of each site and the potential impacts of development can be addressed by the detailed policy requirement and design principles along with other policies in the Local Plan.

Conclusions on housing site allocations

106. The site allocations at Schneider Road (SHL013b) and Strawberry Ground (REC54) should be deleted for the reasons given. **(MM 26 and MM27)**. The boundary of the site at Thorncliffe South (REC19b) should be amended to reflect the new position. 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 is 1,876 dwellings of which around 1,364 are expected to come forward in the plan period. This is compared to a residual requirement of 313 dwellings after other sources of supply have been taken into account.

107. I provisionally concluded upon housing land supply matters in issue 3. I have now made definitive findings in relation to the proposed housing allocations. With that in mind, based upon all that I have heard and read, the Council's contention that there would be more than a 5-year supply of deliverable housing land is credible.

108. The distribution of sites across the Borough is appropriate and justified in light of the development strategy. The focus on sites within the urban area of Barrow and the development of the Marina Village site is appropriate and will contribute to regeneration objectives. The allocation of green field sites on the edge of the existing urban area and within the lower order settlements is justified in order to ensure a good range and choice of sites and to assist in achieving necessary levels of housing delivery.

109. **MM26 and MM27** remove the deleted sites from the corresponding tables. Subject to these modifications the proposed housing site allocations are justified, effective and consistent with national policy.

Issue 7 – Whether the proposed housing policies are justified, effective and consistent with national policy

110. Policy H4 identifies development cordons within the smaller villages and H5/H6 sets out circumstances in which residential development and extensions will be permitted in the open countryside. Policy H8 sets criteria for the assessment of housing proposals within existing gardens, H11 deals with housing mix and H12 secures homes for life standards. All of these policies are justified, sound and consistent with national policy.

111. Policy H14 provides for affordable housing and was developed having regard to the Council's Viability Assessment³⁰ which looked at three different zones of low, medium and high value to ascertain the ability of sites to support the provision of affordable housing. Sites in low value zones are not viable with affordable housing and sites in medium value zones are marginal. Some of the largest sites are in low value zones but there could be the opportunity to renegotiate land values so as to ensure increased viability. If low value zones were excluded from the affordable housing requirement this would exclude a large proportion of the housing expected to facilitate delivery of affordable homes.
112. The target of 10% provision retained for all sites, with some degree of flexibility incorporated so as not to impede housing delivery represents a pragmatic approach and will optimise the opportunities for delivery of affordable housing. Subject to a modification to introduce some flexibility I am satisfied that policy H14 is justified in seeking 10% affordable housing on sites of 10 units or more (or such figure as stipulated by national policy). The policy requires rewording to introduce some flexibility and to enable off-site contributions to be made where appropriate. **MM36** achieves this and also requires affordable housing to be secured through the mechanism of a section 106 agreement.
113. Policy H7 refers to housing development on windfall sites and sets out design and other criteria to be applied. However, it should apply to all housing developments to be effective. **MM29 and MM30** amend the reference to all housing developments and adjust the wording to refer to the built-up areas of Barrow as opposed to the less clearly defined urban areas. The policy on housing density policy H9 should be simplified to introduce necessary flexibility in relation to density. (**MM31**)
114. Finally, new paragraphs (**MM1 and MM2**) have been included within the development strategy chapter setting out guidance on how to achieve high standards of development in residential developments as well as protecting residential amenity. These amendments are necessary to ensure the effectiveness of the design policy.
115. Subject to the main modifications referred to above, the housing policies of the Local Plan are 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

116. The Local Plan sets out its vision for Barrow Town Centre to remain the principal shopping destination of the Furness peninsula. Dalton will continue to play a secondary role providing shops and services to local residents. The vision has been informed by a Retail and Town Centre Uses Study 2013³¹ which concluded that there was some capacity for comparison goods as at 2027. The Local Plan focuses on maintaining and strengthening the vitality and viability of Barrow town centre and Dalton town centre. The modifications in **MM41 and MM43** emphasise that Dalton serves a supporting or secondary

³⁰ EL6 001 Local Plan Viability Assessment

³¹ EL7 001 Nathaniel Lichfield and Partners

role to Barrow in the retail hierarchy and thus render the policy effective. In addition, **MM43** now inserts a sequential test for proposals in out of centre locations in Dalton.

117. Policies R2, R3 and R4 set out the policies for Barrow town centre, defining the centre and the primary shopping area (PSA), directing retail uses to the PSA and setting criteria for other main town centre uses within the PSA as well as creating a sequential test for retail uses outside the PSA. Policy R4 defines an edge of centre site as one within 300metres of the boundary of the PSA but this does not correspond with the edge of centre sites depicted upon the proposals map. For clarity **MM42** amends the supporting text to policy R4.
118. Policies R5, R6 and R7 set out the retail policies for Dalton town centre and contain criteria to assess non-retail uses in the centre and a sequential test. **MM44** rewrites the sequential test in policy R7 in relation to Dalton town centre to ensure that the retail hierarchy is respected by ensuring that proposals have looked at all town centre locations in both centres before resorting to out of centre locations. This is necessary to ensure that the policy is effective and consistent with national policy.
119. I am satisfied that the thresholds for impact assessments for Barrow and Dalton set out in policies R8 and R9 are appropriate and justified given the size and scale of each centre. A modification is needed to policy R9 to ensure that retail impact assessments are carried out to appropriate standards and that this policy is effective (**MM45**).
120. There are a suite of policies dealing with sequential tests for other main town centre uses (R10), new office developments (R11), taxi offices operating from a dwelling (R12) and taxi offices (R13). Criterion (a) of policy R13 was overly prescriptive in requiring sites to be '*within close proximity to a town centre*' and **MM46** modifies this to requiring that the site is not within a wholly residential area. Policy R15 relates to the location of hot food takeaways and **MM47** deletes former criterion (b) which again was overly prescriptive. Criterion (a) now confirms that hot food takeaways should be located within the urban boundaries or within a development cordon. **MM47** also amends some of the wording of other criteria to effectively protect the residential amenity of adjoining occupants.
121. Subject to the above modifications I am satisfied that the retail policies are justified, effective and consistent with national policy.
122. In relation to all of the above, the Council has appropriately proposed changes to the proposals map to properly delineate the Barrow town centre boundary, identify specific Neighbourhood Centres and amend the primary shopping centres to include a section previously missed off and thereby ensure that the above policies are effective.

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

123. I set out below my consideration of other policies in the Local Plan which are not addressed specifically elsewhere within my report.

Flood risk and renewable energy

124. Policies C1 and C3b relates to measures to protect against flood risk but the wording was ambiguous and ineffective. **MM3 and MM4** would rectify this by replacing with a requirement that all new defence measures will be expected to meet the criteria set out and making it clear that new development within groundwater Source Protection Zones will only be approved subject to the satisfactory submission of a series of documents.
125. The wording to policy C6 has been amended to ensure that the policy also applies to existing as well as proposed renewable energy developments, to provide a clear definition of large-scale renewable energy projects and to ensure that in combination effects are assessed (**MM5**). Following consultation on the main modifications I am recommending further minor revisions to the policy wording. These modifications serve to ensure the policy is effective and consistent with national policy. Modification **MM6** makes policy C7 effective in relation to light pollution by making it clear that new external lighting will have to conform to *each* of the criteria.

Heritage assets

126. Policy HE3 in relation to development affecting listed buildings was inconsistent with the NPPF. **MM48** ensures that the policy wording closely follows that in the NPPF in relation to substantial harm to, or loss of, such assets and that the policy test in this policy aligns with national policy. Similarly, **MM49** modifies policy HE5 in relation to demolition in a conservation area by now requiring the tests in national planning policy to be met.

Soil and Green Infrastructure

127. Policy N2 for the safeguarding of soils was too tightly worded in that it required all developments to submit a soil resource survey which would not be necessary, for example, in the case of a simple house extension. **MM51** addresses this by inclusion of the words 'where appropriate'. **MM50** provides guidance on the interpretation of policy N2, thus rendering greater clarity and effectiveness in relation to this policy which seeks the inclusion of food growing opportunities within new developments.
128. Policy N3 is an overarching policy seeking to protect biodiversity and geodiversity. However, its wording in relation to 'adverse effects' was at odds with NPPF wording. **MM52** addresses this matter as well as incorporating a reference to the Council's most up-to-date guidance on these matters. I am recommending that this wording be further revised to address the concerns of Natural England following consultation on the main modifications. It also re-orders the paragraphs to ensure that the guidance relates to all developments and not just those development sites which contain protected species. I am satisfied that these modifications would render the policy more effective, much clearer and align it with national policy.
129. Chapter 11 relates to Green Infrastructure and the Council has developed a comprehensive strategy in relation to the provision of green infrastructure and its incorporation within new developments. **MM53 and MM54** re-work the definitions of Green Infrastructure and Green Corridors and render the policies consistent with the NPPF and provide clarification as to the location of on-site infrastructure within a green corridor whilst ensuring that proposals for such infrastructure are not visually isolated or in prominent locations.

130. Policy GI7 relates to the open countryside and the policy as worded was unclear in that it appeared to suggest that any proposals in the open countryside which accorded with the principles of the green infrastructure strategy would be supported. **MM55** makes it clear that such proposals must also accord with other development plan policies in relation to the location of development in the open countryside. Subject to this revision the policy would be effective and clear.
131. The Council have indicated its intention to amend the Proposals Map to show the revised Suitable Areas for Wind Energy referred to in policy C6 and having regard to the updated evidence in the Suitable Areas for Wind Energy Technical Document. This will ensure the policy is effective.
132. Subject to the above modifications I am satisfied that the other policies referred to 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

133. The LP does not provide a clear indication as to the circumstances in which interventions will be made if housing delivery falls below an appropriate threshold. The proposed modifications set out that persistent under-delivery would require a more comprehensive assessment especially where there are likely to be adverse implications for the 5-year supply of deliverable housing sites. Table 11 then identified the actions that will be taken and the points at which interventions would be triggered. To be effective such a mechanism needs to be introduced and **MM32, 33** and **56** provide for it.
134. Subject to the above modifications I conclude that the approach to infrastructure provision, implementation and monitoring is justified, effective and consistent with national policy.

Public Sector Equality Duty

135. The policies of the plan, including the development strategy and design and housing policies make provision for the disabled and for other protected groups. Whilst the submitted LP attempted to make provision for gypsy and travellers I have recommended deletion of the allocated site for the reasons previously given.
136. In the interests of not unduly delaying the LP progression to adoption I have agreed that a pragmatic approach can be taken to the provision of gypsy and traveller sites. The Council propose to produce an updated Gypsy and Traveller Assessment to identify demand within 12 months of adoption of the LP and immediately thereafter to commence the production of a Gypsy & Traveller Development Plan Document. Subject to a modification to the LP to secure this commitment I am satisfied that the preparation of the plan and the examination has had due regard to impacts on equality in accordance with the Public Sector Equality Duty. The duty is thus satisfied.

Assessment of Legal Compliance

137. My examination of the legal compliance of the Plan is summarised below.

138. The Local Plan has been prepared in accordance with the Council's Local Development Scheme. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

139. Sustainability Appraisal has been carried out and is adequate. I have already commented upon the HRA and its Addendum. It is legally compliant.

140. 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.

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

Overall Conclusion and Recommendation

142. The 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.

143. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Barrow Borough Council Local Plan 2016-2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Karen L Ridge

Inspector

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

