

Blackpool Local Plan Part 2: Site Allocations and Development Management Policies

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Programme Officer: Tony Blackburn

17 September 2021

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

Following my initial review of the supporting evidence for and representations on the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Publication Version (Proposed Submission) Regulation 19 (SADMP), I have identified a number of matters, issues and questions (MIQ's) which relate to the legal compliance of the SADMP and its soundness, taking into account the representations made.

One of the four tests of whether a plan is sound is if it is consistent with national policy. The Government published a revised version of the National Planning Policy Framework (NPPF) on 20 July 2021. When responding to the MIQ's, please consider whether the Plan needs to be modified to take account of the NPPF, and if you think it does, please say why the Plan as submitted is unsound and how you would wish it to be changed to make it sound. The tests of soundness are set out in paragraph 35 of the NPPF. The NPPF also says¹ that plans should only contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals and this has also been the basis of several questions.

It is important to note that the MIQ's have arisen from my initial assessment of the submission documents and representations, and may evolve through the Examination, not least following on from any responses the Council or others make on these matters prior to the hearing sessions.

These MIQ's should be read alongside my Inspector Guidance Notes on how to respond to them. I have also produced a Provisional Hearings Programme for the hearings sessions which are scheduled to take place virtually between **6 and 10 December 2021**. All those who wish to speak (participate) at the hearing sessions should confirm this in writing with the Programme Officer by **5pm on Monday 1 November 2021**. The deadline for receipt of written statements for **ALL Matters** is also **5pm on Monday 1 November 2021**.

If any further clarification is required please contact me via the Programme Officer.

L Fleming
INSPECTOR

¹ At paragraph 16 (d)

Matter 1: Is the SADMP legally compliant, have the relevant procedural requirements been met, and has the Duty to Co-operate (DtC) been complied with?

Issue (i): Has the DtC been complied with?

Questions:

1. Has the Council engaged constructively and on an ongoing basis with all relevant organisations on any strategic matters in accordance with the DtC?

*I do not believe the Council have engaged constructively with us on the strategy we have proposed to be included in the plans for our land to be granted planning permission. The benefits of engaging with us in open discussions allows our site to be considered for allocation and prevents us from being land locked as a result. Such development could be combined to enhance the overhaul project within the area and for the benefit of the combined site, as it is understood the Council does not intend to build upon the development site itself, but to offer this for sale and therefore this would be much more attractive to a developer. In addition we refer to the Homebuilders Federation response at clause 3 **"The HBF strongly recommends that the plan allocates more sites than required to meet the housing requirement to allow for flexibility."** We believe that our site should be considered for this purpose. In addition, we refer to the Governments proposals for more houses to be built to meet the growing population and to allow for more economic growth in the local area.*

*The Council's rationale for rejecting our land is conflicted and bias to their own land, as their land **'is also largely greenfield site that is subject to a number of constraints in terms of access (including ownership of potential access routes) and there are other constraints in terms of ecology and surface water drainage that would also need to be overcome.'** We believe these "constraints" can be overcome together by granting a right of access through BBC's land to our land allowing for a bigger plot for housing which will be needed in years to come if not now. In telephone discussions with the Council, they admitted that they cannot claim our site is a conservation/ green area if they are willing to build next door on land which is also green. We believe they are attempting to benefit themselves rather than look at the long term benefits to the community. Parcels of land on our site can be kept green with the introduction of ponds to help with drainage of alleged surface water and trees to help with ecology whilst building on the 2.9 acres. The access route can be dealt with together with BBC by granting permission of access through their site.*

2. How does the SADMP address any cross-boundary issues that have emerged as a result of engagement with prescribed bodies? *I do not accept they have addressed the cross boundary issues properly as the alleged constraints which are the reasons behind objecting to our land being considered are the same constraints they are met with on their land. The ecological issues do not disappear a few metres away on their land. The drainage issue will still be a live issue on their land. A joint venture could deal with these issues head on. We refer to our Appeal dated 30 March 2021 ("the Appeal") for the avoidance of doubt. The*

access route can be dealt with together with BBC by them granting permission of access through their site. Otherwise the shared access down Rough Heys Lane can be considered for access for a smaller amount of newbuilds on our Avondale site. This can be shared by way of a one way route which has worked for over 30 years with more than 10 residents living in the respective homes down Rough Heys each owning their own cars. The respective plots are combined in every sense then in reaching a decision for the Council's development site, then BBC must have satisfied itself that there were no such existence and or risk given the annexation of "Avondale" to its proposed "development site".

3. What are the outcomes of the DtC? *We are not satisfied that these have been met as BBC have not considered our Appeal properly, just using the same excuses of constraints as noted above which have been examined in our Appeal. They have simply ignored our submissions and representations. BBC are clearly not willing to enter into open discussions about this as they have cherry picked their own site for building at Rough Heys which is met with the same constraints as Avondale. We do not accept they have considered our Appeal dated 30 March 2021. We do not accept it is justified, effective and consistent with national policy to grant permission for their own site whilst denying our site to be granted when they are both faced with the same alleged constraints. We believe that BBC's exclusion of the Avondale site is prejudicial and we object that they have complied with their DtC. We have concerns they are blocking off access and right of way for not only our land but the land to the rear of Avondale which will become land locked as a result. We do not believe that BBC's assumptions are realistic on delivery and capacity as they have not based it on evidence as they have not come and inspected our site. Furthermore, the Council's response that our site is not needed to meet the housing requirements is also objected to as we refer to Homebuilders Federation response at clause 3 **"The HBF strongly recommends that the plan allocates more sites than required to meet the housing requirement to allow for flexibility."***

Issue (ii): Does the Sustainability Appraisal (SA) comply with the requirements of the Strategic Environmental Assessment Directive (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)?

Questions:

1. Has the SA process complied with the requirements of the SEA Directive and the SEA Regulations? *unknown*
2. Has the SA process been genuinely iterative and carried out in step with the stages of plan preparation? *Unknown*

3. Are the reasonable alternatives considered by the SA sufficiently distinct to highlight the different sustainability implications of each? Unknown

Issue (iii): Is the SADMP supported by a robust approach to Habitats Regulation Assessment (HRA)?

Question:

1. Is the HRA adequate and is the SADMP consistent with its findings? Have Natural England's concerns been overcome? *We refer to our Appeal regarding natural habitat in the area of concern.*

Issue (iv): Has the SADMP been produced in accordance with the Regulations and the Council's Statement of Community Involvement (SCI) and Local Development Scheme (LDS)?

Questions:

1. Does the SADMP make explicit which, if any, of its policies are strategic or not? *Not as far as I am aware, apart from the number of houses for allocation.*
2. Does the SADMP clearly state where a policy is intended to supersede another policy in the adopted development plan and identify the superseded policy or policies? Unknown
3. Has consultation on the SADMP been carried out in accordance with the Council's SCI? unknown
4. Have the publication, advertisement and availability of the SADMP followed the statutory procedures set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) England Regulations 2012? Unsure.
5. Is the scope of the SADMP as described in the LDS? Unknown
6. Has the timing of production of the SADMP followed the timetable set out in the LDS? Will the LDS need to be updated? unknown

Issue (v): To what extent does the SADMP contain policies designed to secure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change?

Question:

1. To what extent does the SADMP contain policies designed to secure that the development and use of land in the Borough contribute to the mitigation of, and adaption to, climate change in accordance with Section 19(1A) of the Act?
unknown

Matter 2: Is the overall approach to housing and economic growth in the SADMP consistent with the Blackpool Local Plan Part 1: Core Strategy (2016) (CS)?

Issue (vi): To what extent would the development allocations, taken together, be consistent with the Blackpool Local Plan Part 1: Core Strategy (2016) (CS)?

Questions:

1. Is the spatial distribution of development allocations in the SADMP consistent with Policy CS1 of the CS? *We refer to the HBF's response which clearly state that this is not consistent.*
2. Generally, do the housing allocations detailed in Policy HSA1 of the SADMP meet the requirements of Policy C2 of the CS and accord with national policy? Does the SADMP provide for a sufficient amount and range of housing sites including at least 10% of the housing requirement on sites no larger than one hectare²? *We refer to the HBF's response.*
3. Does Policy MUSA1 of the SADMP meet the requirements of and is it consistent with Policy CS4 of the CS? *unknown*
4. Are Policies DM7 and DM8 of the SADMP consistent with Policies C3 and CS2 of the CS? What is the justification for an additional 9 hectares of employment land at the Blackpool Airport Enterprise Zone (BAEZ)?³ *Unknown*
5. Does the SADMP make appropriate provision for Gypsies and Travellers, Travelling Showpeople, other caravan dwellers and houseboat dwellers in line with Policy CS16 of the CS and national policies? Is the relevant evidence on the need for such accommodation up to date and consistent with national policy? *Unknown*

² Per paragraph 69 of the NPPF

³ The CS sets out a requirement for 31.5ha of new employment land between 2012 and 2027, noting 6.9ha of remaining employment land at the BEAZ. The SADMP (para 3.85) states around 9 hectares of additional employment land is identified at the BEAZ.

6. Has the viability of the SADMP been tested and evidenced in accordance with the advice contained in the PPG⁴ and does the viability evidence take into account relevant policy requirements arising from the SADMP and the CS? Unknown

Matter 3: Is the SADMP's approach to the Green Belt (GB) justified and consistent with national policy?

Issue (vii): Do exceptional circumstances exist sufficient to justify the alteration of the GB's boundaries?

Questions:

1. Do strategic policies establish the need for the proposed changes to the GB boundary? If so, which policies and how do they establish the need?
2. Have reasonable alternatives to the release of GB sites been adequately explored, and have all reasonable options for meeting the CS requirements been fully examined? *No, Avondale although not greenbelt has not been adequately explored. As the same hurdles need to be overcome for Avondale as they do with BBC's Rough Heys Lane plot for allocation as noted above.*
3. Has the Council appropriately considered land that has been previously developed and or is well-served by public transport, before concluding it is necessary to release GB land for development? *No not when it comes to Avondale*
4. To what extent can it be demonstrated that exceptional circumstances exist sufficient to alter GB boundaries as proposed? *The land at Avondale is mainly a garden which is private land. There is a driveway as well which takes up a portion of the land. Part of the land is overgrown with weeds. There are trees which can be kept in the proposals to build and also ponds can be introduced to help with drainage and ecology. We do not therefore accept BBC's constraint that it is largely a greenfield site as this can be in keeping with the build. There are a handful of trees near the boundaries of the garden which do not restrict new builds and the owner is entitled to flatten down the overgrown weeds as it is a private garden. Therefore BBC's rationale is totally bias to their own plot as this faces the same challenges.*

Issue (viii): Is the Council's approach to safeguarded land and compensatory improvements to the GB justified and consistent with national policy?

Questions:

⁴ Viability 1 September 2019

1. Is the approach to safeguarded land in Policy SLA1 justified and consistent with national policy? Why is it necessary to identify an area of safeguarded land in order to meet longer-term development needs? Would the land identified in SLA1 meet longer-term development needs stretching well beyond the plan period? What specific development needs would it meet? *Please note response above. We believe that Avondale being allocated planning, would help long term development needs and once again we refer to the HBF'S response which clearly shows the need for more allocation of sites.*
2. Does the SADMP make the status of the safeguarded land it identifies clear, in accordance with paragraph 143(d) of the NPPF? No
3. Does the SADMP adequately set out ways in which the impact of removing land from the GB (including safeguarded land) can be offset through compensatory improvements to the environmental quality and accessibility of the remaining GB land, and how such improvements could be secured? no

Matter 4: Are the sites allocated for housing and employment justified and deliverable?

Issue (ix): Is the SADMP's approach to the provision of housing justified and deliverable?

Questions:

1. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear? *No. Please see our Appeal and the consistent submissions set out above which clearly show that the approval of BBC's own land and the rejection of Avondale site is unjustified. BBC's rationale for rejecting Avondale are the same constraints they are faced with and therefore clearly show they have cherry picked their own site for their own benefit. We believe that the if both pieces of land were considered together there would be a higher risk of neither site being allocated hence the reason why BBC are not engaging with us and are not responding to our submissions and representations made in our Appeal.*
2. Does schedule 1 of the SADMP adequately identify site specific requirements such as infrastructure and mitigation? Are the key development considerations for each site allocated for housing set out in schedule 1 of the SADMP justified by evidence? Have site specific key development considerations and any site specific infrastructure and mitigation been appropriately considered in the Council's viability assessment? *Please refer to our Appeal.*

3. To what extent would housing sites anticipated to come forward in the next five years be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years? *Avondale would be available now and offer suitable location for development now with a realistic prospect that housing will be delivered on the site within 5 years.*
4. For sites scheduled later in the plan period, are these in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged? *Avondale would*
5. Is the loss of public open space associated with HSA1.2 and HSA1.5 justified and consistent with national policy as set out in paragraph 99 of the NPPF? Should mitigation measures be more clearly specified? *Not applicable to our appeal as Avondale is a private residence.*
6. Should site HSA1.7 specify heritage mitigation measures?
7. Is the loss of public open space associated with site HSA1.13 justified? Should mitigation measures be more clearly specified? Are exceptional circumstances fully evidenced to justify altering the Green Belt boundaries as proposed? Should Green Belt compensatory improvements be identified? What is envisaged the development of this site would enable for the BAEZ and how would such be secured? *Not applicable to our appeal as Avondale is a private residence.*

Issue (x): Is the SADMP's approach to the provision of employment justified and deliverable?

Questions:

1. Is Policy DM8 seeking to allocate new employment land for development? If so, is this explicitly clear in the policy? Are the uses specified in the policy justified?
Unknown
2. Does Policy DM8 clearly set out the requirements for developers? Are exceptional circumstances fully evidenced to justify altering the Green Belt boundaries as proposed at the BAEZ? Should Green Belt compensatory improvements be identified? Why is enabling housing required, what would it enable and how would such enabling be secured? Does the policy appropriately deal with biodiversity net gain? unknown
3. Are the appropriate use classes set out in Policy DM7 justified and clear? Unknown

Matter 5: Are the SADMP's development management policies justified, effective, consistent with national policies and clearly and unambiguously written so it is evident how a decision maker should react to development proposals? No

Issue (xi): Are the SADMP's housing development management policies soundly based?

Questions:

1. Is the requirement in Policy DM1 for 20% of all new build dwellings to meet the Nationally Described Space Standard justified by local evidence? Have the viability implications of this requirement been adequately considered? *No. Avondale would offer space standard as it is a larger plot for allocation.*
2. Is the requirement in Policy DM1 for sites of 10 dwellings or more to provide at least 10% of dwellings which meet technical standard M4(2) or M4(3) of the Building Regulations justified by evidence which shows this would address an identified need for such properties? Should the SADMP distinguish between M4(3)a and M4(3)b housing? *unknown*
3. What is the justification for the requirement in Policy DM1 for outside space to be at least the size of the footprint of the house? Are the minimum internal dimensions for garages justified? Does the policy adequately deal with context? *Unknown*
4. Are the requirements in Policy DM2 (1a-g) supported by local evidence? Is the requirement for a section 106 agreement tying any such development to the dwelling necessary and justified? Is this consistent with paragraph 57 of the NPPF? *Unknown*
5. Are the limits to supported accommodation or housing for older people set out in Policy DM3 of no more 10% of any one block and no such accommodation where there is existing supported accommodation within 400 metres justified and effective? How will 400 metres be measured? *Unknown*
6. Is the requirement in Policy DM4 to demonstrate a need for student accommodation justified? Is the requirement for such proposals to be within 800 metres of a university or a sequential approach with preference for sites on or close to public transport routes justified? Is it clear what is required for the sequential approach? How would 800 metres be measured? *Unknown*
7. Are the limitations to residential conversions and sub-division set out in Policy DM5 underpinned by local evidence and justified? Is it reasonable to say that

proposals for Houses in Multiple Occupation will not be considered acceptable anywhere in the Borough? *Unknown*

8. Is Policy DM6 consistent with national policy, particularly paragraph 86 of the NPPF? Is it clear how a developer is expected to respond to it? Are the locations specified justified? *No, the locations specified are not justified as referred to in our Appeal and as noted above in our responses. BBC site is faced with the same constraints as Avondale but our appeal has not been considered and the reason for rejecting Avondale is not justified.*

Issue (xii): Are the SADMP's economy development management policies soundly based?

Questions:

1. Does the detailed wording and requirements in Policy DM9 adequately reflect the NPPF and legislation with regard to heritage assets and their significance? Should the Policy recognise Stanley Park is a grade II* Registered Park and Garden and its significance? *Unknown*
2. Is Policy DM10 justified by evidence? Does the detailed wording and requirements adequately reflect the NPPF and legislation, particularly with regard to heritage assets? Does it adequately deal with the impact of new development on the promenade and seafront on specific heritage assets? Is it clear what is meant by landmark buildings and piecemeal development? *Unknown*
3. Are Policies DM11 and DM12 justified and consistent with national policy, particularly paragraphs 86 to 91 of the NPPF? Are the uses specified justified? *Unknown*
4. Are the area and linear concentration limitations for betting shops, adult gaming centres and pawnbrokers set out in Policy DM13 clearly explained and justified? How would 400 metres be measured? *Unknown*
5. Is Policy DM14 justified, effective and consistent with national policy, particularly paragraphs 86 to 91 of the NPPF? *Unknown*
6. Are the thresholds for Impact Assessment in Policy DM15 justified? *Unknown*
7. Is Policy DM16 underpinned by robust evidence? Is the evidence specific to Blackpool? Is there a clear link between obesity and takeaways? Is it clear how 400 metres and 15% will be assessed? Overall is this policy soundly based? *unknown*

Issue (xiii): Are the SADMP's design development management policies soundly based?

Questions:

1. Is the requirement in Policy DM17 for not less than four storeys high on the Promenade or in the Town Centre justified? Does the policy apply to development such as holidays parks? Unknown
2. Is the requirement for a broadband statement set out in Policy DM18 necessary and justified? Is it reasonable to expect developers to make provision for full fibre broadband? Have these requirements been appropriately considered in the Council's viability assessment? Unknown
3. Is Policy DM19 supported by robust evidence? Is this policy consistent with national policies and legislation with regard to heritage assets? Is it clear what is meant by strategic views? Is it clear how a building would be considered to provide a landmark? Unknown
4. Is Policy DM21 soundly based? Should criteria (e) form part of the Policy or its explanatory text? Unknown
5. Are Policies DM22 and DM23 soundly based? Are the requirements too onerous? Is Policy DM22 unnecessarily overly restrictive of signage? Unknown
6. Is Policy DM24 consistent with national policy and legislation? Is it justified by evidence? Unknown
7. Is Policy DM25 justified? Have its requirements been taken into account in the Council's viability assessment? Unknown
8. Are Policies DM26, DM27, DM28, DM29 and DM30 consistent with national policy and legislation? Overall are they soundly based? Unknown

Issue (xiv): Are the SADMP's environment development management policies soundly based?

Questions:

1. Is Policy DM31 consistent with Policy CS9 of the CS and national policy? Should the maximum surface water run-off rates specified in paragraph 3.286 of the SADMP be specified in the Policy? Unknown
2. Is Policy DM32 consistent with Policy CS10 of the CS and national policy? Are all the criteria effective? Unknown

3. Is Policy DM33 soundly based? Should it require proposals to also take account of marine plans where necessary? Unknown
4. Is Policy DM34 soundly based? Does it make clear the distinction between countryside and Green Belt? Is the 33% limit on extensions and replacement dwellings in the countryside justified and consistent with national policy for planning and flood risk as expressed in the NPPF? Unknown
5. Is Policy DM35 consistent with national policy? Does it take appropriate account of best and most versatile agricultural land, trees and woodland? Does it deal appropriately with biodiversity net gain? Have the requirements of Policy DM35 been fully considered in the Council's viability assessment? Unknown
6. Is Policy DM36 consistent with national policy, particularly paragraph 186 of the NPPF? Has the effect of proposals in the SADMP on air quality been adequately assessed? Should Air Quality Management Areas be identified in the SADMP? Is it clear when air quality impact assessment will be required? Overall is this policy soundly based? Unknown
7. Is it clear when Policy DM37 would be applied? Are the uses that would be considered community facilities clearly explained? Overall is this policy soundly based? Unknown
8. Is Policy DM38 consistent with national policy and legislation, particularly paragraph 99 of the NPPF? Does this policy apply only to sites identified on the Policies Map? Unknown
9. Is Policy DM39 justified and effective? Is it clear what uses will be permitted at Blackpool Victoria Hospital? What is a supporting use and how would any applications for a supporting use be assessed? Unknown
10. Is Policy DM40 soundly based? Is the detailed wording effective? Unknown

Issue (xv): Are the SADMP's transport development management policies soundly based?

Questions:

1. Is Policy DM41 soundly based? Are the parking standards and electric vehicle charging point requirements in Appendix D1 justified? Are the thresholds for transport assessments and travel plans in Appendix D2 justified? Have the requirements of Policy DM41 and Appendix D1 and D2 been considered in the Council's viability assessment? Unknown

2. Is Policy DM42 soundly based? Is the detailed wording effective? Should the policy or its explanation make specific reference to Warton Aerodrome? Unknown

Matter 6: Is the SADMP based on a robust assessment of required supporting infrastructure and does it set out effective mechanisms for monitoring and implementation?

Issue (xvi): Is the SADMP based on a robust assessment of required supporting infrastructure?

Question:

1. Is the SADMP based on a robust assessment of the required supporting infrastructure? Unknown

Issue (xvii) Does the SADMP set out effective mechanisms for monitoring and implementation?

Questions:

1. Does Appendix E set out a clear set of indicators against which to assess the effectiveness of the SADMP's policies and allocations? Unknown
2. Does Appendix E set out clear actions that could be taken should development not come forward at the rate anticipated in the SADMP? Is the SADMP clear in terms of the triggers for such action? Unknown

******END OF MIQs******