

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

Inspector: L Fleming BSc (Hons) MRTPI

Programme Officer: Tony Blackburn

17 September 2021

EXAMINATION GUIDANCE NOTES

Introductions

1. I am Luke Fleming BSc (Hons) MRTPI the Inspector appointed by the Secretary of State to hold the examination into the soundness of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Publication Version (Proposed Submission) Regulation 19 (the SADMP).
2. Tony Blackburn has been appointed as the Programme Officer, acting as an impartial officer for the purposes of the examination. He is not a Council Officer and works to the Inspector's direction. His principal functions are to ensure the smooth running of the examination; to ensure that documents are recorded and distributed; to maintain the examination library (mainly in electronic form); and to assist the Inspector with procedural matters.
3. He is your first point of contact and any procedural questions or other matters that you wish to raise with the Inspector prior to the hearing sessions should be made through him. He can be contacted as follows:

Tony Blackburn
Local Plan Programme Officer
15 Ottawa Close
Blackburn
BB2 7EB.

Tel. 01254 260286

Email: tony.blackburn@blackpool.gov.uk

The scope and purpose of the examination

4. The purpose of the examination of the SADMP is to determine whether it satisfies legal requirements under the Planning and Compulsory Purchase Act 2004 and associated Regulations, whether the Council has complied with the duty to co-operate and whether the Local Plan is sound. To be

sound the Local Plan must be positively prepared, justified, effective and consistent with national policy. The starting point is the assumption that the Council has submitted what it considers to be a sound plan.

5. The Council has produced a schedule of Proposed Main Modifications (EL1.002b) and has also formally requested (EL1.002a) that I recommend any main modifications which are considered necessary to make the SADMP sound. Those proposed main modifications will be considered as part of the examination along with any others suggested by the Council or other parties. Ultimately, if I conclude that main modifications are necessary for soundness or legal compliance, I will include them as recommendations in my report to the Council.
6. The Council has also produced a schedule of Additional Modifications (EL1.002c). The Council would be able to make any other "additional modifications" to the submitted Local Plan prior to adoption, provided these do not materially alter the policies i.e. they are of a minor nature dealing with factual updates or typographical errors for example. These are matters entirely for the Council, I will not be considering such additional modifications during the examination and they will not form part of my report. However, I am satisfied the modifications detailed in EL1.002c are additional modifications and I therefore have regard to them.
7. I will consider all of the representations made on the SADMP insofar as they relate to legal requirements or matters of soundness. I am not required to report on every point made, however, in some cases, the issues I have identified may not have been previously raised in representations. Nevertheless, anyone who has made a valid representation seeking a change to the SADMP (an objection) has a right to make their case in person at the hearing sessions, if they have indicated their wish to do so. It is important to stress however that written representations carry as much weight as evidence given at the hearing sessions.
8. Those who have made representations supporting the SADMP do not have a right to participate at the hearing sessions. The Council has submitted the SADMP for examination and I expect it to be able to set out and justify its own position. I do not consider it necessary for those who support the SADMP to participate in hearing sessions.
9. The examination will close when my report is submitted to the Council. The potential outcomes of the examination are that:

- a) I consider that the Council has complied with the duty to co-operate, the SADMP satisfies legal requirements and it is sound – I would recommend that the SADMP is adopted and give reasons for this.
- b) I consider that the Council has not complied with one or more of the above requirements – I would recommend that the SADMP is not adopted and give reasons for this.
- c) I consider that the Council has complied with the duty to co-operate but that the SADMP does not satisfy legal requirements and/or is not sound and the Council has asked me to recommend main modifications to address matters of legal compliance and/or soundness – I would make such recommendations.

10. It is important to stress that I would not be able to rectify non-compliance with the duty to co-operate. Those main modifications recommended by me to address soundness or legal compliance issues would be subject to public consultation, sustainability appraisal and habitats regulations assessment, if necessary, prior to my report being finalised.

Omission Sites

11. Sites that have been put forward for inclusion in the SADMP by objectors, but which have not been selected for allocation are referred to informally as 'omissions sites'. Representors should be aware that it is not part of the Inspector's role to examine the soundness of omissions sites, and subject to the legal right to be heard, such sites will not normally be discussed in detail at the hearing sessions. Instead, should the situation arise that any additional sites are needed, I will look to the Council in the first instance to decide which alternative or additional sites should be brought forward (subject to consultation and sustainability appraisal if required).

Matters, Issues and Questions and hearing sessions

12. I have identified a number of matters and issues which I consider need to be explored during the examination. These are set out in the Matters, Issues and Questions document published alongside these guidance notes. This sets out a number of specific questions that will need to be addressed. The hearing sessions will allow me to explore these matters and issues further with the Council and other participants, taking into account relevant representations made and any additional statements which I request. I will lead a discussion asking questions of the Council and allowing other participants to contribute as the session continues. Those participants indicating a desire to speak will be given full opportunity to do so. An

agenda for each hearing session will be circulated to participants in advance.

13. It is proposed to conduct the hearings as “virtual” sessions with all concerned using video conferencing technology. The detailed arrangements for the virtual sessions will be set out in due course and those participating in them will be contacted by the Programme Officer directly. It is intended to enable all interested parties to be able to observe all of the hearing sessions online and it is not proposed to make provision for anyone to observe proceedings physically.
- a) The hearing sessions will commence at **10:00AM on Monday 6 December 2021 online.**
 - b) The hearings programme published alongside these guidance notes sets out the proposed times and dates for sessions dealing with each of the matters I have identified. The detailed programme may be subject to change nearer the time and participants should ensure that they check for any updates.
 - c) The participants for each session will be those who made relevant and valid representations seeking a change (an objection) to the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Publication Version (Proposed Submission) Regulation 19 published in January 2021 and have subsequently confirmed to the Programme Officer that they wish to speak.
 - d) 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**, stating which session or sessions they wish to speak at (referring to the matter number and quoting their respondent ref. no.). This includes those who had previously indicated a desire to attend the examination hearings when submitting representations. If you do not contact the Programme Officer by this date, it will be assumed that you do not wish to speak at the hearings. The finalised timetable and list of participants will be confirmed before the hearing sessions commence. Only those who indicate their wish to speak in advance of the hearing sessions and make prior arrangements with the Programme Officer will be able to do so.

The examination library

14. A library of all documents associated with the examination is being maintained and will be updated to include any additional documents produced during the course of the examination. An up to date list of

documents with their reference numbers is available from the Programme Officer. All documents are available via the Examination pages of the Council's website and this will be kept up to date.

Site Visit Arrangements

15. The Inspector will view any relevant locations from public roads and footpaths before or after the hearing sessions. This will be done unaccompanied by the parties, unless it is considered that an accompanied visit is necessary (for example where the land concerned cannot be seen from the public road). In such cases, the Programme Officer will liaise with the parties to make arrangements. The Government's social distancing guidelines at the time of any such accompanied visits will be observed.

The submission of statements and further material

16. The Council should produce an individual written statement for each of the matters identified; addressing all of the issues and specific questions set out in the Matters, Issues and Questions document. They should include specific references to supporting evidence where appropriate. The Council is asked to address key points raised in relevant representations when answering the questions.
17. Other participants may, if they wish, submit written statements addressing the issues and questions set out for the sessions they are attending which are relevant to their particular representations. There is no need to repeat points already made in representations and participants may wish to rely on these earlier representations. Others who have made relevant representations but are not participating in the hearing sessions may also submit statements addressing the issues and questions. Although again, there is no need to repeat points already made.
- a) Statements for the hearing sessions should be succinct, concentrating on responding to the particular questions raised. There is no need to include extracts from the Local Plan, other examination documents or those in the public domain such as the National Planning Policy Framework, clear cross referencing will suffice.
 - b) The statements should be sent to the Programme Officer. For both the Council and other participants, the strict deadline for receipt of written statements for **ALL Matters is 5pm on Monday 1 November 2021**. Statements must be submitted by these deadlines at the latest to enable me and others involved to fully digest them and prepare for the hearing sessions. Statements received after these

deadlines will not be accepted. Statements should be sent electronically, there is no need to provide paper copies.

- c) It should be made clear who is submitting the statement (quoting the respondent ref. no.) and which matter it relates to. Statements should be no more than 3,000 words long. A flexible approach will be taken to the length of the Council's statements where the matters relate to a large number of policies. Separate statements should be submitted for each matter.
- d) Other than the statements referred to above, **no further information or documentation should be submitted to the examination unless specifically asked for**. However, I will consider requests from the Council to produce additional Topic Papers or technical notes which would assist the examination. In the interests of fairness, there is no scope to produce rebuttal statements and additional statements or information should not be presented at the hearing sessions.

Summary/ key points

- The Matters, Issues and Questions document sets out the key questions which we will be considering.
- The Hearings Programme sets out the proposed detailed timetable for hearing sessions. This may be subject to change.
- All of those wishing to participate (speak) at the hearings must confirm this in writing with the Programme Officer by **5pm on Monday 1 November 2021**.
- Participants at the hearings will be confirmed in due course.
- Statements for the hearing sessions should be based on the Matters, Issues and Questions document and must be submitted to the Programme Officer by 5pm **on Monday 1 November 2021 for ALL Matters**
- All documentation relevant to the examination is available on the Council's website and this will be updated.
- Any queries regarding the hearings or the examination generally should be directed to the **Programme Officer Tony Blackburn**.

L Fleming

Inspector