

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

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Programme Officer: Tony Blackburn

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POST HEARINGS LETTER

Dear Ms Saleh,

Introduction

1. Following the completion of the hearing sessions and the submission of requested evidence, I am writing to set out my thoughts on the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Publication Version (Proposed Submission) Regulation 19 (SADMP) at this stage and the way forward for the examination.
2. My comments in this letter are based on the submitted written evidence and representations, and all that has been heard at the hearing sessions. However, the examination has not yet concluded, and consultation on main modifications has yet to take place. Consequently, these findings are without prejudice to my final conclusions on the SADMP. However, overall, I am satisfied the SADMP is likely to be capable of being found legally compliant and sound, subject to main modifications (MMs).
3. The necessary MMs were discussed at the hearing sessions. The majority of these are referenced in the Council's Schedule of Proposed Main Modifications (EL1.002b). However, new evidence relating to the Green Belt and the Blackpool Airport Enterprise Zone (BAEZ) identifies the need for and detail of other MMs which are necessary to make the SADMP sound and legally compliant.
4. Therefore, taking all this into account, appended to this letter is an outline of all the MMs which I consider are necessary to make the SADMP legally compliant and sound. Most of these are self-explanatory and are just dealt with in the attached appendix. However, the more substantial necessary changes to the SADMP are briefly covered below. Full reasoning and conclusions will be set out in the Inspector's report.

The Blackpool Airport Enterprise Zone and the Green Belt

5. Policies DM7 and DM8 set out the SADMP's approach to employment land and the BAEZ. Among other things these policies allocate land to be developed for employment, enabling housing and recreational use in the BAEZ to be released from the Green Belt.
6. The Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (EL4.002a) submitted after the hearings shows significant

safeguarded employment land has been developed for alternative uses over the plan period. It also shows overall the take-up of employment land from 2012 to 2021 has been around half that expected. Moreover, it demonstrates the unique opportunities associated with the BAEZ to compensate for the losses of less attractive employment land and stimulate an increase in annual employment land take-up by providing attractive and accessible employment land in an enterprise zone.

7. The evidence¹ also shows that the delivery of the BAEZ is dependent on critical infrastructure and significant access improvements. It demonstrates that without the release of the land from the Green Belt, for development in the BAEZ in the specific location proposed, critical infrastructure and access improvements could not be achieved. Without such, the ability of the BAEZ to deliver the number and diversity of jobs needed in the area and realise its potential to uplift the economic prospects of one of the country's most deprived boroughs would be put at significant risk. However, that evidence does not show the land to be used for recreation would assist in the same way.
8. Therefore, I am satisfied, having considered the evidence, exceptional circumstances exist to justify altering the Green Belt boundaries in respect of the proposed employment and enabling housing development in the BAEZ. However, exceptional circumstances do not exist with regard to the land proposed to be used for recreational purposes.
9. MMs are therefore necessary to Policies DM7 and DM8 and their associated justifications to ensure this narrative is detailed in the SADMP. MMs are also needed to Policies DM7 and DM8 to reduce the site area to ensure the new proposed Green Belt boundary at the BAEZ follows the sports pitch boundaries in line with the plan submitted at the hearings (EL3.003). Furthermore, in line with the Planning Practice Guidance, Policy DM8 should make it explicitly clear what compensatory improvements² will be provided to the remaining Green Belt. MMs are also necessary to Policy DM8 to specify the required critical infrastructure requirements, clarify the relationship with HSA1.13 and associated expectations of developers and to make clear that Policy DM8 only relates to land within the Blackpool administrative boundary.
10. However, although new evidence may justify the release of land from the Green Belt for development associated with the BAEZ, as discussed and accepted at the hearings, EB021 is not a comprehensive and strategic review of the borough's Green Belt and is not robust in this regard. Therefore, no Green Belt boundary alterations other than that which relates to the BAEZ is justified. This means, Policy SLA1 related to safeguarded land and the associated justification text is not sound and should therefore be deleted. Modifications are also necessary to the Council's submission Policies Map to remove the proposed safeguarded land as well as remove all other Green Belt boundary alterations drawn from EB021 other than those which relate to the BAEZ.

¹ EL4.002a, EL4.002b, EL4.002C, EL4.002d and EL4.003

² Paragraph: 002 Reference ID: 64-002-20190722

Next steps

11. The Council is now invited to prepare an updated comprehensive set of proposed MMs for my consideration prior to publication, based on the outline of main modifications appended to this letter. The modifications will need to be subject to Sustainability Appraisal and Habitats Regulation Assessment and published for consultation. The documents should also be accompanied by a schedule of any necessary changes to the Policies Map. A schedule of additional/minor modifications should also be provided in a separate document to avoid confusion.
12. My final report will set out conclusions on the main issues discussed at the hearing sessions, taking account of consultation responses on the MMs.
13. It would be appreciated if you could confirm if the Council is content to proceed on the basis outlined in this letter. Please note that I am not expecting to receive or accept comments from any other parties on the contents of this letter.
14. In producing the updated set of proposed MMs, the Council is requested to liaise with the Programme Officer regarding projected timescales. A copy of this letter should be placed on the Council's website and made available on request.

Yours sincerely

L Fleming

INSPECTOR

APPENDIX 1: Outline of Main Modifications

Introduction

The Council is requested to prepare a new schedule of MMs based on the bullet points below. A single modification is required for each policy, with a single ref i.e. MM1 for all bullet points under each policy. This may incorporate a number of specific amendments to a policy and/or associated justification text.

MMs should be shown clearly using the conventions of bold and underlined for new text and strikethrough for deleted text, using the text from the SADMP as the basis. Where large sections of text are to be deleted this can be referred to as “delete para XX” or “delete para XX and replace with..”. It must be absolutely clear which text is to be deleted.

The schedule of proposed MMs should contain three columns:

- Main modification ref. e.g. MM1, MM2 etc.
- Policy/para ref.
- Proposed main modification

Main Modifications

Policy HSA1:

- Amend HSA1.5 to 131 dwellings to reflect planning permission as at 31/03/21.
- Adjust any other sites to reflect planning permission as at 31/03/21 and make any other consequential amendments.
- Adjust housing supply tables and text in justification to reflect position as a 31/03/21

Policy ASA1:

- Amend Policy to reference geographical application on the Policies Map.

Policy SLA1:

- Delete Policy and associated justification text (paragraphs 2.20-2.24).

Policy DM1:

- Amend as per MainMod01 of EL1.002b
- Amend DM1 to add a site size threshold to which part 1 (space standards) applies to.
- Add a viability and feasibility clause to add flexibility to recognise circumstances where the standards set out in the policy could prejudice delivery.
- Provide additional text to the supporting text to clarify how the Council will determine the mix of the component of homes meeting M4(2) or M4(3) as set out in part 6 of the policy.

Policy DM3:

- Amend paragraph 3.58 to clarify the definition of a block in Part 2a of the Policy.
- Amend paragraphs 3.45 and 3.46 to make reference to how the Council will determine the level of accessibility, as referred to in part 1c of the Policy.
- Amend paragraph 3.57 to explain how 400 metres will be measured to help clarify the reference to 400 metres in part 2b of the Policy.

Policy DM4:

- Amend Part 1b of the Policy and provide further justification text to provide further clarification regarding access to public transport routes and how 800 metres will be measured.
- Amend part 1e of Policy DM4 to deal with the effect of limited floorspace e.g. proposals should provide internal spaces which through their layout and size lead to acceptable living conditions. Remove reference to the Student Accommodation Advice Note in the Policy, include in the justification as something to have regard to.

Policy DM5:

- Amend part 1b of Policy DM5 to remove reference to the council's adopted floorspace and amenity standards and the NDSS, but include reference to these in the justification text of the policy. Rephrase the clause to deal with the effect of limited floorspace as above.
- Amend part 2 of Policy DM5 to clarify that 'development' is residential conversions and sub-divisions.

Policy DM7:

- Amend Policy and justification as per paragraphs 5-10. Explain in the justification the employment losses and take up over the plan period and the relationship with the CS requirements. Adjust the figures in light of revised site boundary for the allocation/Green Belt release and updated land availability i.e. available land as at March 2021.

Policy DM8:

- Amend Policy and justification as per paragraphs 5-10.
- Make clear which Policy criteria relate to the wider enterprise zone and which criteria relate to the proposed allocation/Green Belt release.
- Set out a clear timeline for the delivery of the allocated land to be released from the Green Belt in justification and policy.
- Amend Policy and justification in line with amended Green Belt boundary.
- Clarify Green Belt compensation on the remaining Green Belt (sports pitches or elsewhere).
- Provide details of any Green Belt landscape mitigation.
- Clarify the part of the enterprise zone within Blackpool administrative boundary.

- Make clear how developers should respond particularly in terms of infrastructure requirements and any phasing.
- Integrate or more closely link HSA1.13 particularly with regard to any phasing or necessary infrastructure funding and delivery.
- Subject to the above make reference to opportunities for biodiversity net gain as per MainMod02 of EL1.002b.

Policy DM9:

- Amend as per MainMod03 of EL1.002b.

Policy DM10:

- Amend as per MainMod05 of EL1.002b.
- Amend to make reference to the geographical representation on the Policies Map.
- Amend part 4 as per MainMod04 of EL1.002b but adjust to ensure consistency with the NPPF and statutory duties.

Policy DM13:

- Amend as per MainMod06 of EL1.002b.
- Amend to clarify how the 400 metres would be measured.

Policy DM16:

- Amend to refer to walking distance rather than as 'the crow flies' as per MainMod07 of EL1.002b.
- Amend justification to make clear how the effectiveness of the Policy will be measured and how the approach will be re-considered in the review of the Local Plan in light of its effectiveness.
- Amend justification to make explicitly clear how planning applications will be assessed against the policy.

Policy DM17:

- Amend as per MainMod08 of EL1.002b

Policy DM18:

- Amend policy to make clear when the policy applies and or circumstances where there would be no requirement for full fibre broadband connectivity.

Policy DM19:

- Amend as per MainMod10 of EL1.002b.

Policy DM21:

- Amend to delete reference to the Greening Blackpool SPD in the Policy, include have regard to in justification text.

Policy DM22:

- Amend to provide further clarity around areas of principal signage within the shopfront, as set out in part 1d of the policy.
- Amend Policy and justification to recognise and clarify the display of advertisements are regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) with consideration of such confined to uses of amenity and public safety.

Policy DM24:

- Amend Policy and justification to recognise and clarify the display of advertisements are regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) with consideration of such confined to uses of amenity and public safety.

Policy DM25:

- Amend Policy to provide more flexibility through the addition of a viability and feasibility clause.

Policy DM27:

- Amend Policy to ensure consistency with national policy / legislation. Suggest reference to “significance of the heritage asset as whole” rather than wider Conservation Area as detailed in MainMod13 of EL1.002b.
- Amend Policy to add reference to geographic application of the policy on the Policies Map.

Policy DM29:

- Amend Policy to add reference to geographic application of the policy on the Policies Map.

Policy DM30:

- Amend Policy and justification text to ensure consistency with national policy and legislation.

Policy DM31:

- Amend parts 2 and 3 of Policy to make reference to maximum surface water run off rates as currently specified in paragraph 3.286.

Policy DM32:

- Amend criteria d and g of Policy to make reference to avoiding adverse impacts.

Policy DM33:

- Amend Policy as per MainMod16 of EL1.002b.
- Amend Policy to make reference to the coast and foreshore on the Policies Map.

Policy DM35:

- Amend Policy broadly as per MainMod17, MainMod18 & MainMod19 of EL1.002b but make reference to best and most versatile agricultural land and amend wording to incorporate ‘biodiversity net gain’ and ensure consistency with national policy and legislation in this regard.

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Policy DM36:

- Amend to recognise the Air Quality Management Area in the Policy and justification text.
- Insert additional text into justification text to explain in what circumstances an air quality impact assessment is likely to be required.
- Amend Policy as per MainMod20, MainMod21, MainMod22 of EL1.002b.
- Consider whether the Air Quality Management Area should be shown on the submission Policies Map. If it is to be, Policy will need to be amended to reference geographical application and will need to be addressed in the Council's proposed changes to the submission Policies Map.

Policy DM37:

- Add paragraph to justification text to provide further clarity on part 1b of the Policy and the type of evidence that will need to be taken into account.

Policy DM38:

- Amend Policy to reference geographic application on the Policies Map.

Policy DM41:

- Amend part 1e of Policy to provide additional text regarding provisions of national policy and to make the policy more flexible to take account of viability and feasibility.
- Amend part 2 of Policy to build in more flexibility as to where a Transport Assessment and Travel Plan will be required. This would also need an amendment to paragraph 3.365 of the supporting text and the addition of a footnote to the thresholds as set out in appendix D2.

Policy DM42:

- Amend Policy to provide additional text to make reference to avoiding adverse impact on Warton Aerodrome and Blackpool Airport.
- Amend justification text as per MainMod23 and MainMod25 of EL1.002b.
- Amend Policy as per MainMod24 of EL1.002b.

Schedule 1 – Housing allocations (Amend as per MMs to Policy HSA1)**HSA1.2**

- Amend Proforma as per MainMod26 of EL1.002b except make reference to paragraph 99 of the NPPF and make clear appropriate compensatory mitigation must be secured.

HSA1.4

- Amend Proforma to specify the requirement to maintain access to the rear of properties on Warley Road.

HSA1.5

- Amend Proforma as per MainMod27 of EL1.002b except make reference to paragraph 99 of the NPPF and make clear appropriate compensatory mitigation must be secured.
- Adjust number of dwellings to 131 to reflect the relevant planning permission and make any consequential main modifications.

HSA1.7

- Amend Proforma as per MainMod28 of EL1.002b.

HSA1.13 (Review in light of MMs associated with the BAEZ)

- Review Proforma in light of main modifications which relate to the BAEZ, to address critical infrastructure requirements, compensatory improvements to the Green Belt, the Green Belt boundary mitigation, relationship with wider BAEZ in terms of infrastructure funding, access and phasing.
- Amend Proforma as per MainMod29 of EL1.002b except make reference to paragraph 99 of the NPPF and make clear appropriate compensatory mitigation must be secured.

Appendix E

- Include a set of clear measurable indicators to monitor whether Policy DM16 is effective or not, specifying the process for review.

Additional Appendix

- Include a schedule of existing development plan policies (including saved policies) which are to be replaced by policies of the SADMP. This should explicitly state which SADMP policies those existing policies are to be replaced by.

END