

Blackpool Council Planning Strategy Team
PO Box 17
Corporation Street
Blackpool
FY1 1LZ

Date: 1 April 2021

Our ref: 04051/31/NT/RHt/19572493v3

Your ref:

Dear Sir or Madam

On behalf of our client, Bourne Leisure Ltd. ("Bourne Leisure"), please find below representations in response to the Local Plan Part 2: Draft Site Allocations and Development Management Policies consultation which ends on 2 April 2021. Representation forms have been submitted alongside this letter as required by Blackpool Council. On behalf of Bourne Leisure, Lichfields previously responded to an earlier iteration of the Local Plan in February 2019. A copy of this letter is appended and should be read in conjunction with this representation.

By way of background to these representations, Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. The sites are managed by a number of subsidiary companies which include Haven, Butlins and Warner Leisure Hotels. In Blackpool, Bourne Leisure operates Marton Mere Holiday Village under the Haven brand.

Many of the Company's hotels and holiday sites are located in rural and/or coastal areas, incorporating or adjacent to environmentally and ecologically sensitive sites. Bourne Leisure has significant experience of operating within and adjacent to these sensitive environmental locations and takes the need for their protection and enhancement fully into account in day to day operations and when drawing up development proposals for the Company's sites.

For Bourne Leisure to continue to attract customers and to respond to changing market conditions, the Company needs to invest regularly in order to provide new and improved facilities and accommodation. For many of the Company's holiday locations, improvements may necessitate the expansion of sites in order to improve the quality of accommodation, decrease densities, or increase the range of facilities in order to respond to visitors' requirements and to extend the holiday season. It is important that there is a positive policy framework in place to support the tourism industry in Blackpool.

The NPPF [§35] states that to be sound, a plan must meet the following tests:

- **Positively Prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

- **Justified:** an appropriate strategy, taking in to account the reasonable alternatives, and based on appropriate evidence.
- **Effective:** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the Statement of common ground; and,
- **Consistent with National Policy:** enabling the delivery of sustainable development in accordance with the policies of this Framework.

The enclosed representations relate to the following elements of the Local Plan Part 2: Draft Site Allocations and Development Management Policies:

- 1 Appendix 1, Allocation H17: Land to the rear of 69-85 Kipling Drive;
- 2 Policy DM7: Provision of Employment Land and Existing Employment Sites;
- 3 Policy DM17: Design Principles;
- 4 Policy DM18: High Speed Broadband for new developments;
- 5 Policy DM21: Landscaping;
- 6 Policy DM25: Public Art
- 7 Policy DM32: Wind Energy;
- 8 Policy DM35: Biodiversity;
- 9 Policy DM36: Controlling Pollution and Contamination;
- 10 Policy DM42: Transport Requirements for New Development; and,
- 11 Appendix D

Appendix 1, Allocation H17: Land to the rear of 69-85 Kipling Drive

This proposed allocation relates to a site for up to 14 houses, close to the western boundary of Marton Mere Holiday Village. We previously made representations to seek recognition through the allocation's supporting text for any potential impact arising from the residential scheme on Marton Mere Holiday Village is mitigated, so as not to harm the continued operations and amenity of guests. Additional text has been added as follows:

“Development will be required to take account of the proximity of the site to the existing Marton Mere Holiday Village and not compromise its operations.”

This additional text is endorsed by Bourne Leisure. The policy as drafted is considered sound.

Policy DM7 Provision of Employment Land and Existing Employment Sites

The NS&I buildings (Preston New Road) will be retained as an employment site under this proposed allocation for E(g) uses which are uses which can be carried out in a residential area without detriment to amenity. Bourne Leisure endorses this set of uses in this location as such uses are compatible with the operation of Marton Mere Holiday Park as a location of choice for visitors to stay while in Blackpool.

DM17 Design Principles

Draft policy DM17 is focused on the design of new buildings. The emerging policy does not provide sufficient flexibility for proposals that seek permission for non-traditional structures, such as the static caravans found

at Marton Mere Holiday Village. For the policy to be effective it should be applied pragmatically in order to respond to the variety of development that might come forward across Blackpool. With respect to holiday parks such as Marton Mere Holiday Village, a supporting paragraph should be included to clarify that the requirements in emerging policy DM17 will be considered as is relevant to the development proposal; the following should be added to the supporting text:

“When assessing proposals for new development for new or existing holiday parks the requirements in DM17 will be considered as is relevant to the development proposal.”

DM18 High Speed Broadband for new development

This emerging policy requires new build “commercial” development to demonstrate how they will provide future occupiers with potential for full fibre broadband connectivity. The supporting text makes clear that the requirement is for “residents” and “business occupiers”. It states at 3.167:

*“In addition to the wider economic benefits of ensuring that residents and **business occupiers** are able to access full fibre broadband when they move into new developments, there is also the issue of avoiding the costs and frustrations to occupiers of future retrofitting if the infrastructure is not fit for purpose.”*

Neither the Local Plan as drafted nor the Framework provide a definition of “commercial” uses. The ambiguity will be unhelpful when seeking to apply the policy. There are clearly important reasons for residential and business occupiers to be supported by full fibre broadband connectivity. However, the needs of guests are typically not equal to those users set out in paragraph 3.167.

In order for the policy to be effective and consistent with the Framework in terms of the appropriate terminology used to define such uses, the use of the word ‘commercial’ should be altered to ‘business’ uses. For the avoidance of doubt, the emerging policy should be reworded as follows to be considered sound:

*“Proposals for new build residential and **business uses** must demonstrate how they will provide future occupiers with potential for full fibre broadband connectivity. Development proposals must therefore:...”*

Policy DM21 Landscaping

This emerging policy requires two replacement trees where trees of Category A, B or C are removed. The earlier draft policy didn’t specify the category of trees and would have required at least one tree per car parking space in residential development and one tree per car parking space in all other forms of development. The emerging policy has been amended in response to suggestions made in our previous representation. Bourne Leisure endorses these positive changes.

We advocate for tree replacement planting that is site and project appropriate, taking into account the site and landscape characteristics, and the quality of the trees removed. As drafted the policy would require equivalent replacement planting irrespective of the quality and health of the trees to be removed. We suggest the draft policy is amended as follows so that it is justified:

“1. Development proposals are expected to contribute towards green and blue infrastructure and where appropriate, planning applications should include details of hard and soft landscaping. Development must:

a. ensure that the design and layout of the site retains and protects the distinguishing landscape features, trees and hedgerows and wherever possible enhances them through increased tree and shrub cover including soft edge and transitional areas of planting, prioritising the use of native species. Where the loss of trees (category A, B or C of BS 5837) is unavoidable, **up to two replacement trees will be required. The total number of replacement trees will take account of the proposed development, site characteristics and the category of trees to be felled. The replacement trees shall be of a suitable species and level of maturity will be required for each tree felled, over and above other tree planting requirements. Where replacement trees would be inappropriate on site, a contribution proportionate, towards the provision of trees off-site will be required;**"

At point 2, the draft policy states:

"Financial contributions towards creating and enhancing green and blue infrastructure in Blackpool will be sought from all development where adequate onsite provision is not possible, in accordance with the Greening Blackpool SPD (or any subsequent update)."

Bourne Leisure endorses the mechanism to provide financial contributions towards off-site green and blue infrastructure where on-site provision is not possible.

In order to make this emerging policy sound we would require the above amendment to policy DM21 1a. As drafted the policy is considered unsound.

DM25 Public Art

The policy as drafted is vague; it does not provide the applicant with clarity on how they should interpret the requirements of the policy or how the Council will apply and implement it. There is no evidence base document that sets out what the Council's requirements are in terms of public art. As such there is no assessment that would justify all new development being required to contribute towards public art. On this basis, the policy is not justified or effective as required by the Framework. As such the policy as drafted is unsound. In order for this policy to be compliant with the Framework requirements for plan making we consider this policy needs to be revised to be clearer in how it will be applied.

The draft policy states it will be required for "new development". The Council needs to ensure the emerging policy sets clear trigger points for when development will be required to provide public art, these need to be subject to consultation. There needs to be flexibility in the policy to recognise that not all development will give rise for the need to deliver public art or to make a contribution. There is no indication on the expected scale of contribution. Any requirement will need to be proportionate to the proposed development and its relationship with the public realm. Where development is not brought forward creating new public realm, the requirements in the emerging policy should not be sought.

The policy wording needs to enable a clearly quantifiable and a transparent approach to the application of the policy and thus the requirement for public art for new development. The policy needs to be amended with the above comments in mind, to be considered sound.

*"1. New developments **creating public realm** will be required to support the cultural well-being of Blackpool and contribute to addressing positive social, economic and environmental outcomes through the provision of public art projects. Such projects can be part of an individual site and/or part of public realm and/or other infrastructure that is related to a number of sites.*

2. Public Art projects will be delivered where appropriate, through the funding, management, development, implementation and maintenance of such projects by developers related to major development sites including:

- a. major development sites within the Strategic Locations of Development identified under Policy CS1 of the Council's Local Plan, Part 1 Core Strategy;
- b. major development sites within the South Blackpool Growth Area.
3. Public Art projects proposed by individuals and organisations, including the Council, that are not related to major development, will be encouraged and supported with a particular focus on the following areas: a. the inner area neighbourhoods of North Beach, Foxhall, South Beach, Claremont, Talbot and Brunswick, Revoe and St Heliers; and b. Marton Moss Strategic site.
4. Where it is not appropriate to deliver a **the** public art project as part of a specific development, financial contributions will be sought to make appropriate provision for public art. **The contribution will be proportionate to the nature and scale of the development proposal**

Policy DM32 Wind Energy

This emerging policy relates to wind energy development in the Borough. We previously submitted representation on this policy to ensure that point B, which seeks to protect residential amenity and “*other sensitive users in terms of noise, shadow flicker, vibration and visual dominance*”, included reference to visitor accommodation. The draft policy has been amended in line with our representation and now reads (emphasis added):

- “1. The whole Borough is designated as an area of search suitable for small scale wind turbine development comprising up to 20m in height above ground level to blade tip. Proposals for such development must meet the requirements of Core Strategy and Development Management policies and demonstrate that:...
- b. there is no unacceptable impact on residential **and visitor accommodation** amenity and other sensitive users in terms of noise, shadow flicker, vibration and visual dominance;
We suggest advocating this change in this representation.”

Bourne Leisure strongly endorses this change. The emerging policy now seeks to protect sensitive users including visitor accommodation and on this basis is considered sound.

DM35 Biodiversity

The draft policy sets out the Council's approach to protecting and enhancing biodiversity in relation to new development. The approach to Site of Special Scientific Interest and Protected Species needs to be revised to ensure that the test of adverse impact comes after mitigation or compensation measures are applied. In addition, as drafted the policy does not provide any mechanism for off-site measures. We suggest the following amendments are made to address these matters in order for the policy to be considered effective and thus sound (emphasis added):

“Development proposals will be required to:

- a. result in no loss or harm to biodiversity through avoidance, adequate mitigation **either on site or off site** or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
- b. minimise the impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

SSSIs

2. Development will not be permitted in or adjacent to a Site of Special Scientific Interest **where after mitigation or compensation it** would adversely affect, directly or indirectly, its wildlife and nature conservation importance Other sites of nature conservation value (including Local Nature Reserve and Biological Heritage Sites)

3. Development will not be permitted where it would adversely affect County Heritage Sites – biological or geological - and other sites of importance to nature conservation interests, including all ponds in the Borough. Where in exceptional circumstances the benefits of development proposals clearly outweigh the extent of ecological or geological harm, developers will be required to compensate for such harm to the fullest practicable extent compatible with the conservation interests of the site

Protected Species

4. Development will not be permitted if **after mitigation or compensation** it would have an adverse impact on animal or plant species protected under national or international legislation. Development proposals should ensure that species and habitats set out in the UK and Local Biodiversity Action Plans will be protected and where possible enhanced. Where development is permitted, adequate compensatory measures must be undertaken to sustain and enhance the species and its habitat.”

Failing to make the changes could prevent an otherwise acceptable development which would meet the Core Strategy objectives from coming forward.

DM36 Controlling Pollution and Contamination

The draft policy sets out the Council’s approach to controlling pollution and contamination. The policy as drafted requires development to not have “*significant adverse*” effects on health, amenity, safety and the operation of surrounding uses. Significant adverse impacts could result in unintended consequences upon neighbouring uses, and in the case of Marton Mere Holiday Village, impacts upon the ability of the holiday park to attract new and repeat visitors to Blackpool.

There is no policy requirement in the Framework in relation to amenity that uses “*significant adverse*” impacts as a suitable threshold for considering the impact of proposed development on amenity. To ensure this policy is justified and consistent with the Framework we suggest the following change is made for this emerging policy to be considered sound:

“1. Development will be permitted where in isolation or in conjunction with other planned or committed developments it can be demonstrated that the development:

*a. Will be compatible with adjacent existing uses and would not lead to **unacceptable** adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance. Applications will be required to be accompanied, where appropriate by relevant impact assessments and mitigation proposals;”*

Policy DM42 Transport Requirements for New Development

The wording of point F of draft policy DM42 does not meet the tests of soundness set out in paragraph 35 of the Framework. As drafted, the wording is both onerous and vague. The current wording would require development which has any impact at all on highways to provide mitigation. Furthermore, it extends this requirement to cover any impact “*in future years*”. This would therefore result in developments investing in mitigation schemes that may not be required, necessary or appropriate to the context.

The importance of maintaining the safety and convenience of highways is recognised but in order for the emerging plan to be consistent with paragraph 108 of the Framework the requirement to mitigate should also be applied. Overall, it is considered that the draft policy is unsound, as it fails to meet the test requiring the plan to be justified and consistent with national policy.

In order to be considered sound, the wording of point F of the emerging policy should be revised to:

“Additional mitigation measures may be necessary where traffic generated will have a significantly harmful impact on the surrounding network.”

Appendix D

Appendix D sets out amongst other things requirements for new developments in terms of parking, electric vehicle parking, mobility impaired and cycle parking. The requirement is set as 10% of total parking bays. To retrospectively apply a parking standard to existing development on site is not appropriate or justified. For this to be made sound it should be amended so that the requirement is 10% of new parking bays only.

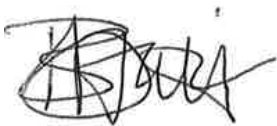
The parking standards set out in Appendix D recognise that parking standards will be agreed on a case by case basis. We endorse this approach.

Conclusion

For the reasons set out above, we consider the above Local Plan Part 2: Draft Site Allocations and Development Management Policies as drafted to be unsound. We endorse changes made to allocation H17 and policies DM7 and DM32. We suggest changes are made to Policies DM17, DM18, DM21, DM25, DM35, DM36, DM42 and Appendix D in order to make the Local Plan sound. We believe that subject to the proposed revisions, the plan could be considered sound. We trust the responses contained in this letter will be given appropriate consideration.

If you require any clarification or additional information, please let us know and we will be happy to assist. We would be grateful if you could keep us informed of any future consultation on this or other emerging planning documents.

Yours faithfully



Rebecca Hilton
Senior Planner

Enc. Representation Forms

Representation Letter dated 21 February 2021

Local Plan Part 2 - Publication Representation Form

Blackpool Council

Deadline for submitting representations: 5pm on Friday 2nd April 2021

You should use this form for submitting representations as this will assist all parties involved in the Examination process, in particular the Inspector, to understand what case you are making and where applicable, how you wish the Local Plan Part 2 to be modified.

Please submit your representation form in one of the following ways:

- by email to: planning.strategy@blackpool.gov.uk
- by post to: Planning Department, Blackpool Council, PO Box 17, Corporation Street, Blackpool FY1 1LZ

Please read the separate Guidance Notes. It will help you complete this form. It is available at: www.blackpool.gov.uk/localplanpart2

The Representation Form has four parts:

Part A: Contact Information

- You must provide a contact name and address.
- You do not need to complete Part A more than once but please ensure you state your name and organisation as applicable at the top of each Part B and C form you submit.
- Please tick whether you wish to be notified of subsequent stages of the Local Plan Part 2.

Part B: Local Plan Part 2 Representation

- Complete a separate Part B of the Representation Form for **each representation** you wish to make on the Local Plan Part 2.
- Please include your name and organisation and the relevant question number on any additional sheets you submit.
- Please refer to the **guidance notes** on making representations so that they address issues of legal compliance, compliance with the Duty to co-operate and meeting the tests of soundness which is the purpose of this consultation.
- You should cover succinctly all the information, evidence and supporting information necessary to justify your representation and the suggested modifications, as there will not normally be a subsequent opportunity to submit additional material. Further submissions will only be accepted at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Part C: Sustainability Appraisal Representation

- Complete a separate Part C of the Representation Form for each representation you wish to make on the Sustainability Appraisal.

Part D: Examination in Public

- You must complete and sign Part D before you submit your representation.

Please note that your name/organisation and representation/s will be made publicly available

PART A: Contact Information

For official use only

Ref: /

You must provide a contact name and address.
Please complete Part A in BLOCK CAPITALS as appropriate.

| | Person/Organisation | Agent (if applicable) |
|--------------|---------------------|-----------------------|
| Full Name | | |
| Job Title | | |
| Organisation | | |
| Address | | |
| | | |
| | | |
| | | |
| Postcode | | |
| Telephone | | |
| Email | | |

Notification of subsequent stages of the Local Plan Part 2

Please specify if you wish to be notified of any of the following:

- | | | |
|---|------------------------------|-----------------------------|
| Submission of the Local Plan Part 2 for independent examination | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Publication of the recommendations of the person appointed to carry out an independent examination of the Local Plan Part 2 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Adoption of the Local Plan Part 2 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

General Data Protection Regulations (GDPR)

The data controller for any such personal data you may give us Blackpool Council. The Council's Data Protection Officer can be contacted at dataprotectionofficer@blackpool.gov.uk. We will be processing such personal data in the following ways, depending on the data you provide to us:

- Your personal data will be kept on file by us for the duration of the Local Plan Part 2 preparation and used to provide further updates in relation to consultations on the Local Plan Part 2
- We will not pass your details on to any third party
- You may request to be removed from our lists at any time by emailing planning.strategy@blackpool.gov.uk or writing to the Planning Strategy Team, Blackpool Council, PO Box 17, Corporation Street, Blackpool, FY1 1LZ stating you wish to be removed from the 'Blackpool Local Plan Consultation Database'
- Once the Local Plan Part 2 is adopted we will email you to ask if you wish to be removed from the list for future planning policy communications from Blackpool Council.

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

7. In what way do you consider this part of the Local Plan Part 2 is unsound? Please be as precise as possible.

If you wish to comment on more than one of the four matters of soundness in relation to a specific aspect of the Plan, for example a specific policy, please complete a separate Part B sheet for each one.

Continue on a separate sheet/expand box if necessary

8. What modification do you consider is necessary to make the Local Plan Part 2 sound, having regard to the test you have identified at Question 6?

You should explain why this modification would make the Local Plan Part 2 sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

9. In what way do you support the legal compliance or soundness of the Local Plan Part 2?

Continue on a separate sheet/expand box if necessary

4. What modification do you consider is necessary to make the Local Plan Part 2 legally compliant? You should explain why this modification would make the Local Plan Part 2 legally compliant.

It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet/expand box if necessary

Please ensure you sign the declaration at the end of the Form

5. In what way do you consider this part of the Local Plan Part 2 is not compliant with the Duty to Co-operate? Please be as precise as possible.

It should be noted that any non-compliance with the Duty to Co-operate is incapable of being resolved through modification at the Examination.

Continue on a separate sheet/expand box if necessary


Please ensure you sign the declaration at the end of the Form

6. In what respect do you consider this part of the Local Plan Part 2 is unsound?

- | | |
|--|--------------------------|
| (i) Not positively prepared | <input type="checkbox"/> |
| (ii) Not justified | <input type="checkbox"/> |
| (iii) Not effective | <input type="checkbox"/> |
| (iv) Not consistent with national policy | <input type="checkbox"/> |

PART D: Examination in Public

| | |
|--|--------------------------|
| 11. Do you wish to express an interest to participate in the Examination? | |
| Yes, I wish to participate at the oral Examination | <input type="checkbox"/> |
| No, I do not wish to participate at the oral Examination | <input type="checkbox"/> |
| If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary. Only where a modification is sought to the Local Plan Part 2 is there a right for the representation to be heard at an Examination hearing session. Please note that the Inspector, not the Council, will decide who should be invited to speak at the Hearing sessions and also which topics are to be covered at them. | |
| It is fundamental to the long term success of Marton Mere Holiday Village that the representations submitted on behalf of Bourne Leisure are fully considered and debated. As such we reserve the right to attend the Hearing Session(s) to debate the relevant policies in the interests of our client. | |
| Continue on a separate sheet/expand box if necessary | |

| | |
|--|-------|
| Declaration | |
| I understand that all representations submitted will be made available for public inspection and will be identifiable to my name and organisation (if applicable). | |
| Signature:  | Date: |

?? ??????

Blackpool Council Planning Strategy Team
PO Box 17
Corporation Street
Blackpool
FY1 1LZ

Date: 21 February 2019

Our ref: 04051/31/NT/FL/17104880v8

Your ref:

Dear Sir or Madam

On behalf of our client, Bourne Leisure Ltd. ("Bourne Leisure"), please find below representations in response to the Local Plan Part 2: Draft Site Allocations and Development Management Policies consultation which ends on 21 February 2019.

By way of background to these representations, Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. The sites are managed by a number of subsidiary companies which include Haven, Butlins and Warner Leisure Hotels. In Blackpool, Bourne Leisure operates Marton Mere Holiday Village.

Many of the Company's hotels and holiday sites are located in rural and/or coastal areas, incorporating or adjacent to environmentally and ecologically sensitive sites. Bourne Leisure has significant experience of operating within and adjacent to these sensitive environmental locations and takes the need for their protection and enhancement fully into account in day to day operations and when drawing up development proposals for the Company's sites.

For Bourne Leisure to continue to attract customers and to respond to changing market conditions, the Company needs to invest regularly in order to provide new and improved facilities and accommodation. For many of the Company's holiday locations, improvements may necessitate the expansion of sites in order to improve the quality of accommodation, decrease densities, or increase the range of facilities in order to respond to visitors' requirements and to extend the holiday season. It is important that there is a positive policy framework in place to support the tourism industry in Blackpool.

Bourne Leisure welcomes the opportunity to review the emerging policies and to provide representations to assist the Council in preparing a sound document.

The NPPF [§35] states that to be sound, a plan must meet the following tests:

- **Positively Prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

- **Justified:** an appropriate strategy, taking in to account the reasonable alternatives, and based on appropriate evidence.
- **Effective:** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the Statement of common ground; and,
- **Consistent with National Policy:** enabling the delivery of sustainable development in accordance with the policies of this Framework.

The enclosed representations relate to the following elements of the Local Plan Part 2: Draft Site Allocations and Development Management Policies:

- 1 Appendix 1, Allocation H17: Land to the rear of 69-85 Kipling Drive;
- 2 Policy DM20: Landscaping;
- 3 Policy DM30: Wind Energy; and,
- 4 Policy DM39: Transport Requirements for New Development.

Appendix 1, Allocation H17: Land to the rear of 69-85 Kipling Drive

This proposed allocation is for up to 14 houses, close to the West boundary of the Marton Mere Holiday Village. Bourne Leisure recognises the role that this allocation will have in delivering homes in the area. The Company is pleased to note that the emerging policy text acknowledges that the holiday park is currently being extended to the north of the proposed allocation site. In accordance with paragraph 182 of the Framework, the final policy should ensure that any housing development taking place on this proposed site will not compromise the existing and continued operations of the existing and extended holiday park. Any adverse impacts upon the Holiday Village arising from the development will be detrimental to the local economy.

Therefore, in order for the emerging policy to be considered justified and consistent with national policy, the following wording should be added to the Key Development Considerations as an additional bullet point and taken forward in the final policy for this site:

“Any development must integrate effectively with existing businesses, including Marton Mere Holiday Village. Existing businesses should not have unreasonable restrictions placed on them as a result of this housing allocation and any development associated with it. The applicant will be required to provide detail of suitable mitigation as part of any planning application and this must be delivered before the development has been completed and before occupation takes place.”

Policy DM20: Landscaping

The draft policy states, “Where the loss of trees is unavoidable, two replacement trees of a suitable species and level of maturity will be required for each tree felled” and “Development must contribute towards tree planting in the town on the basis of at least one tree per dwelling in residential developments and one tree per car parking space in other forms of development”.

The importance of tree planting is recognised particularly in areas such as Blackpool where tree coverage can be limited. Bourne Leisure’s approach to development usually includes introducing landscape and planting improvements as an integral part of wider environmental improvements. However, it is considered that there is insufficient justification for the emerging policy to seek a net increase in tree planting by default. Planning Policy Guidance [Natural Environment, para 29] sets out that policy relating to green infrastructure requirements should be evidence based. As drafted emerging Policy DM20 fails to take into account the

context of the site, its landscape characteristics and the quality of the trees removed or whether such a replacement ratio may be unsuitable or unfeasible. It is therefore concluded that this policy is unsound as drafted, as it fails to meet the test requiring the plan to be justified.

In order to be considered sound, the policy should be revised to promote tree replacement that is site and project appropriate, taking in to account the site characteristics and the quality and condition of the trees removed.

Policy DM30: Wind Energy

Bourne Leisure recognises the importance of introducing a variety of forms of renewable energy into the area. However, the wording of the policy should be revised to explicitly protect the amenity of visitor accommodation from wind turbine development. Adverse impacts upon the amenity of visitors will detrimentally affect the ability of tourism accommodation providers to continue to attract new and repeat visitors to the local area, which will have a knock-on consequence for the local economy. The draft policy recognises the need to protect residential amenity but fails to protect visitor amenity.

The emerging policy should therefore specifically include visitor accommodation amenity alongside residential amenity. As set out in paragraph 127 of the NPPF, ensuring that development secures a high standard of amenity is an important consideration when determining renewable energy applications. It is therefore concluded that this policy is unsound as drafted.

Therefore, in order for the emerging policy to be considered justified and consistent with national policy, the wording of the emerging policy should be revised to:

*“b. there is no unacceptable impact on residential amenity, **visitors staying in tourist accommodation** and other sensitive users in terms of noise, shadow flicker, vibration and visual dominance(...)”*

Policy DM39: Transport Requirements for New Development

The wording of point F of draft policy DM30 does not meet the tests of soundness set out in paragraph 35 of the NPPF. As drafted, the wording is both onerous and vague. The current wording would require development which has any impact at all on highways to provide mitigation. Furthermore, it extends this requirement to cover any impact “in future years”. This would therefore result in developments investing in mitigation schemes that may not be required, necessary or appropriate to the context.

The importance of maintaining the safety and convenience of highways is recognised but in order for the emerging plan to be consistent with paragraph 108 of the NPPF the requirement to mitigate should also be applied. Overall, it is considered that the draft policy is unsound, as it fails to meet the test requiring the plan to be justified and consistent with national policy.

In order to be considered sound, the wording of point F of the policy should be revised to:

“Additional mitigation measures may be necessary where traffic generated will have a significantly harmful impact on the surrounding network.”

Conclusion

For the reasons set out above, we consider the above Local Plan Part 2: Draft Site Allocations and Development Management Policies as drafted to be unsound. However, we believe that subject to the proposed revisions, the plan could be considered sound. We trust the responses contained in this letter will be given appropriate consideration.

If you require any clarification or additional information, please let us know and we will be happy to assist. We would be grateful if you could keep us informed of any future consultation on this or other emerging planning documents.

Yours sincerely

A handwritten signature in black ink that reads "Nathan Matta". The signature is written in a cursive style with a period at the end.

Nathan Matta
Planning Director