

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

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INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

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

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

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

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

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

L Fleming
INSPECTOR

¹ At paragraph 16 (d)

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

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

Questions:

1. Has the Council engaged constructively and on an ongoing basis with all relevant organisations on any strategic matters in accordance with the DtC?
2. How does the SADMP address any cross-boundary issues that have emerged as a result of engagement with prescribed bodies?
3. What are the outcomes of the DtC?

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

Questions:

1. Has the SA process complied with the requirements of the SEA Directive and the SEA Regulations?
2. Has the SA process been genuinely iterative and carried out in step with the stages of plan preparation?
3. Are the reasonable alternatives considered by the SA sufficiently distinct to highlight the different sustainability implications of each?

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

Question:

1. Is the HRA adequate and is the SADMP consistent with its findings? Have Natural England's concerns been overcome?

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

Questions:

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

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

Question:

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

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

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

Questions:

1. Is the spatial distribution of development allocations in the SADMP consistent with Policy CS1 of the CS?
2. Generally, do the housing allocations detailed in Policy HSA1 of the SADMP meet the requirements of Policy C2 of the CS and accord with national policy? Does the SADMP provide for a sufficient amount and range of housing sites including at least 10% of the housing requirement on sites no larger than one hectare²?
3. Does Policy MUSA1 of the SADMP meet the requirements of and is it consistent with Policy CS4 of the CS?
4. Are Policies DM7 and DM8 of the SADMP consistent with Policies C3 and CS2 of the CS? What is the justification for an additional 9 hectares of employment land at the Blackpool Airport Enterprise Zone (BAEZ)?³
5. Does the SADMP make appropriate provision for Gypsies and Travellers, Travelling Showpeople, other caravan dwellers and houseboat dwellers in line with Policy CS16 of the CS and national policies? Is the relevant evidence on the need for such accommodation up to date and consistent with national policy?
6. Has the viability of the SADMP been tested and evidenced in accordance with the advice contained in the PPG⁴ and does the viability evidence take into account relevant policy requirements arising from the SADMP and the CS?

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

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

Questions:

1. Do strategic policies establish the need for the proposed changes to the GB boundary? If so, which policies and how do they establish the need?

² Per paragraph 69 of the NPPF

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

⁴ *Viability* 1 September 2019

2. Have reasonable alternatives to the release of GB sites been adequately explored, and have all reasonable options for meeting the CS requirements been fully examined?
3. Has the Council appropriately considered land that has been previously developed and or is well-served by public transport, before concluding it is necessary to release GB land for development?
4. To what extent can it be demonstrated that exceptional circumstances exist sufficient to alter GB boundaries as proposed?

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

Questions:

1. Is the approach to safeguarded land in Policy SLA1 justified and consistent with national policy? Why is it necessary to identify an area of safeguarded land in order to meet longer-term development needs? Would the land identified in SLA1 meet longer-term development needs stretching well beyond the plan period? What specific development needs would it meet?
2. Does the SADMP make the status of the safeguarded land it identifies clear, in accordance with paragraph 143(d) of the NPPF?
3. Does the SADMP adequately set out ways in which the impact of removing land from the GB (including safeguarded land) can be offset through compensatory improvements to the environmental quality and accessibility of the remaining GB land, and how such improvements could be secured?

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

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

Questions:

1. Was the methodology used to assess and select the proposed site allocations appropriate? Were reasonable alternatives considered and tested? Are the reasons for selecting the preferred sites and rejecting others clear?

2. Does schedule 1 of the SADMP adequately identify site specific requirements such as infrastructure and mitigation? Are the key development considerations for each site allocated for housing set out in schedule 1 of the SADMP justified by evidence? Have site specific key development considerations and any site specific infrastructure and mitigation been appropriately considered in the Council's viability assessment?
3. To what extent would housing sites anticipated to come forward in the next five years be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years?
4. For sites scheduled later in the plan period, are these in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged?
5. Is the loss of public open space associated with HSA1.2 and HSA1.5 justified and consistent with national policy as set out in paragraph 99 of the NPPF? Should mitigation measures be more clearly specified?
6. Should site HSA1.7 specify heritage mitigation measures?
7. Is the loss of public open space associated with site HSA1.13 justified? Should mitigation measures be more clearly specified? Are exceptional circumstances fully evidenced to justify altering the Green Belt boundaries as proposed? Should Green Belt compensatory improvements be identified? What is envisaged the development of this site would enable for the BAEZ and how would such be secured?

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

Questions:

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

Matter 5: Are the SADMP's development management policies justified, effective, consistent with national policies and clearly and unambiguously written so it is evident how a decision maker should react to development proposals?

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

Questions:

1. Is the requirement in Policy DM1 for 20% of all new build dwellings to meet the Nationally Described Space Standard justified by local evidence? Have the viability implications of this requirement been adequately considered?
2. Is the requirement in Policy DM1 for sites of 10 dwellings or more to provide at least 10% of dwellings which meet technical standard M4(2) or M4(3) of the Building Regulations justified by evidence which shows this would address an identified need for such properties? Should the SADMP distinguish between M4(3)a and M4(3)b housing?
3. What is the justification for the requirement in Policy DM1 for outside space to be at least the size of the footprint of the house? Are the minimum internal dimensions for garages justified? Does the policy adequately deal with context?
4. Are the requirements in Policy DM2 (1a-g) supported by local evidence? Is the requirement for a section 106 agreement tying any such development to the dwelling necessary and justified? Is this consistent with paragraph 57 of the NPPF?
5. Are the limits to supported accommodation or housing for older people set out in Policy DM3 of no more 10% of any one block and no such accommodation where there is existing supported accommodation within 400 metres justified and effective? How will 400 metres be measured?
6. Is the requirement in Policy DM4 to demonstrate a need for student accommodation justified? Is the requirement for such proposals to be within 800 metres of a university or a sequential approach with preference for sites on or close to public transport routes justified? Is it clear what is required for the sequential approach? How would 800 metres be measured?
7. Are the limitations to residential conversions and sub-division set out in Policy DM5 underpinned by local evidence and justified? Is it reasonable to say that proposals for Houses in Multiple Occupation will not be considered acceptable anywhere in the Borough?

8. Is Policy DM6 consistent with national policy, particularly paragraph 86 of the NPPF? Is it clear how a developer is expected to respond to it? Are the locations specified justified?

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

Questions:

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

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

Questions:

1. Is the requirement in Policy DM17 for not less than four storeys high on the Promenade or in the Town Centre justified? Does the policy apply to development such as holidays parks?

2. Is the requirement for a broadband statement set out in Policy DM18 necessary and justified? Is it reasonable to expect developers to make provision for full fibre broadband? Have these requirements been appropriately considered in the Council's viability assessment?
3. Is Policy DM19 supported by robust evidence? Is this policy consistent with national policies and legislation with regard to heritage assets? Is it clear what is meant by strategic views? Is it clear how a building would be considered to provide a landmark?
4. Is Policy DM21 soundly based? Should criteria (e) form part of the Policy or its explanatory text?
5. Are Policies DM22 and DM23 soundly based? Are the requirements too onerous? Is Policy DM22 unnecessarily overly restrictive of signage?
6. Is Policy DM24 consistent with national policy and legislation? Is it justified by evidence?
7. Is Policy DM25 justified? Have its requirements been taken into account in the Council's viability assessment?
8. Are Policies DM26, DM27, DM28, DM29 and DM30 consistent with national policy and legislation? Overall are they soundly based?

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

Questions:

1. Is Policy DM31 consistent with Policy CS9 of the CS and national policy? Should the maximum surface water run-off rates specified in paragraph 3.286 of the SADMP be specified in the Policy?
2. Is Policy DM32 consistent with Policy CS10 of the CS and national policy? Are all the criteria effective?
3. Is Policy DM33 soundly based? Should it require proposals to also take account of marine plans where necessary?
4. Is Policy DM34 soundly based? Does it make clear the distinction between countryside and Green Belt? Is the 33% limit on extensions and replacement dwellings in the countryside justified and consistent with national policy for planning and flood risk as expressed in the NPPF?

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

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

Questions:

1. Is Policy DM41 soundly based? Are the parking standards and electric vehicle charging point requirements in Appendix D1 justified? Are the thresholds for transport assessments and travel plans in Appendix D2 justified? Have the requirements of Policy DM41 and Appendix D1 and D2 been considered in the Council's viability assessment?
2. Is Policy DM42 soundly based? Is the detailed wording effective? Should the policy or its explanation make specific reference to Warton Aerodrome?

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

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

Question:

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

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

Questions:

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

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