

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

Inspector: L Fleming BSc (Hons) MRTPI

Programme Officer: Tony Blackburn

15 July 2021

PRELIMINARY MATTERS

Dear Ms Salah,

Introduction

1. The following matters have arisen from my preliminary appraisal of the submitted Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Publication Version (Proposed Submission) Regulation 19 (SADMP) and associated submission documents. These are general procedural matters and points of clarification, which I am raising at an early stage to assist with the examination.
2. In due course, I will be setting out the Matters, Issues and Questions which will be published alongside my Guidance Note and draft Hearings Timetable. At this stage it is envisaged the hearings could take place virtually using MS Teams in early December 2021, with specific dates to be confirmed. However, with this in mind it would be helpful if you could respond to the points raised in this letter, via the Programme Officer (PO) by close of business on **6 August 2021**.

The Purpose of the SADMP and the Duty to Cooperate

3. It is understood the SADMP follows the Blackpool Local Plan Part 1: Core Strategy (2016) (CS). On my initial reading it seems to be a non-strategic plan, its purposes being to meet the aims of the strategic part 1 plan CS and to deliver the development proposed within it.
4. S33A of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the duty to co-operate (DtC). This applies to the preparation of Local Plans so far as relating to a strategic matter. It is not explicitly clear to me whether or not the SADMP is seeking to deal with any strategic matters.
5. Furthermore, paragraph 21 of the National Planning Policy Framework (NPPF) states plans should make explicit which policies

are strategic policies. Paragraph 3.1 of the SADMP explains that the Development Management Policies will conform with the strategic policies in the CS. However, it is not explicitly clear whether or not any of the policies in the SADMP are intended to be strategic policies. Again, given my initial understanding of the purpose of the SADMP it seems not. However, this should be clarified for the avoidance of doubt.

Questions:

- Q1. Is the purpose of the SADMP to meet the aims of the strategic part 1 plan CS and to deliver the development proposed within it? Is the SADMP purporting to do anything else? If so what?
- Q2. Can the Council confirm that all of the policies in the SADMP are non-strategic policies or specify which policies are considered strategic policies and why?
- Q3. Do any of the policies of the SADMP supersede any adopted development plan policies (in whole or in part)? If so can these policies be identified? They will need to be specified in the SADMP.

Other Procedural and Legal Compliance Matters

- 6. The Regulation 19 version of the SADMP was published for consultation in January 2021. Also submitted was a document described in the covering letter as a "schedule of proposed minor modifications (SD003)". However, on initial reading it appears many of the proposed amendments would have material effects on the SADMP's policies and the interpretation of them and as such would fall outside of the scope of "additional modifications" as set out in the Planning and Compulsory Purchase Act 2004.
- 7. I am only empowered to recommend main modifications should I be specifically requested to do so by the Council¹. In terms of any additional modifications, i.e. those that do not have a material effect on the SADMP's policies and interpretation of them, these are matters for the Council prior to the adoption of the SADMP and are not subject to the Examination process.
- 8. Regulation 8 (4) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires policies to be consistent with any adopted development plan. The Regulations also require that the

¹ In accordance with Section 20 (7C) of the Planning and Compulsory Purchase Act 2004

SADMP is prepared in accordance with a Local Development Scheme (LDS) and a Statement of Community Involvement (SCI).

Questions:

- Q4. Please can the Council confirm whether or not it wishes me to recommend main modifications to the SADMP which are considered necessary to make it sound?
- Q5. Please can the Council amend SD003 by re-considering whether or not each proposed amendment would have a material effect on the SADMP's policies and the interpretation of them and re-classify all proposed amendments as either proposed main modifications or additional modifications, thereby creating two totally separate schedules?
- Q6. Can the Council confirm whether the SADMP and each specific policy is in accordance with the CS? If it is contrary to the CS in any aspect, what is the Council's justification for this?
- Q7. Do the timetable and milestones for the relevant documents in the LDS reflect what has happened? If not, can the LDS be updated prior to the hearings?
- Q8. Has the SADMP been prepared in accordance with an up to date SCI?

Blackpool Airport Enterprise Zone, HSA1.13 and the Green Belt

- 9. Proposed allocation HSA1.13 comprises some 1.42ha of Green Belt land which is proposed to be allocated for housing. It forms part of a wider parcel of land, some 13.93ha proposed for removal from the Green Belt which is included within the boundary of the Blackpool Airport Enterprise Zone as shown on the Submission Policies Map and identified in Policy DM8 of the SADMP.
- 10. Paragraph 136 of the NPPF says Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Furthermore, it says where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies.
- 11. Moreover, the Planning Practice Guidance (PPG) makes clear that where it is demonstrated it is necessary to release Green Belt land

for development Councils should set out policies for compensatory improvements².

12. I have considered the Council's Local Green Belt Review Assessment (EB021), I also note Policy CS6 of the CS refers to Green Belt. However, further clarification on these matters would be of assistance.

Questions:

- Q9. Is Policy DM8: Blackpool Airport Enterprise Zone consistent with the CS? If it is contrary to the CS in any aspect, what is the Council's justification for this?
- Q10. Can the Council direct me to the strategic policies which establish the need for a review of the Green Belt boundaries to accommodate housing or economic development?
- Q11. Can the Council direct me to any evidence which demonstrates the exceptional circumstances necessary to justify releasing the Green Belt land identified in the Blackpool Enterprise Zone and as HAS1.13 from the Green Belt for economic development and housing development?
- Q12. Can the Council explain its position with regard to compensatory improvements to the Green Belt? Are any main modifications necessary to cover this matter?
- Q13. Can the Blackpool Airport Enterprise Zone Masterplan referred to in the SADMP be added to the examination library? What is the status of this document? Has it been subject to any public consultation? Has it been approved by the Council?

Policies Map Mods

13. The role of the adopted policies map is to illustrate geographically the applications of the policies in the development plan. Where necessary the policies in the SADMP or the explanatory text should make it clear that their geographic application is illustrated on the policies map.

Question:

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

Q14. Do all the policies, where necessary make it explicitly clear in the SADMP that their geographic application is illustrated on the Policies Map? See for example Policies ASA1, DM10, DM27, DM29, DM33 and DM35, are main modifications necessary to address this?

Housing

14. In line with the Oxted Residential judgment³, the SADMP does not need to re-consider objectively assessed need since its scope is clearly limited to allocating sites to meet the need established in the CS. Therefore, I will need to satisfy myself that the proposals in the SADMP meet the aims of the CS. The proposed housing allocations appear to equate to a relatively small proportion of the overall supply.
15. Thus, whilst I will look at the soundness of each allocation it is not necessary for me to consider other matters relating to 5-year supply as these were dealt with through the examination of the CS. This is unless I am requested to do so bearing in mind the provisions of paragraph 74 of the NPPF and the associated advice in the PPG⁴.

Question:

Q15. Please can the Council clarify whether it is intending to 'confirm' its 5-year housing land supply through the SADMP having regard to paragraph 74 of the NPPF? If the Council intends to 'confirm' its 5-year supply can it direct me to its associated evidence.

Neighbourhood Plans

16. I am aware that a neighbourhood plan is being prepared for Marton Moss.

Questions:

Q16. What is the timeline for the Marton Moss Neighbourhood Plan to be made?

Q17. Are there any other neighbourhood plans being prepared in the Borough? If so what is their timeline?

Other Matters

³ Oxted Residential Ltd v Tandridge DC [2016] EWCA Civ 414

⁴ Paragraph: 010 Reference ID: 68-010-20190722

17. Natural England have raised concerns with regard to the Habitats Regulations Assessment, particularly recreational impacts associated with proposed housing allocation HSA1.11 on a designated site. Sport England have also raised a number of concerns with regard to the Council's playing pitch evidence and a number of sites proposed as housing allocations which would involve the loss of open space which includes playing pitches. Furthermore, Historic England have commented that Policy DM19: Strategic Views is not supported by robust evidence.

Question:

Q18. What has been done in response to the concerns raised by statutory agencies? Is there any further correspondence which details an updated position which can be submitted to the examination? Is any further work, including statements of common ground, being undertaken, if so, what does this entail and what is its timeline?

Conclusion

18. Whilst I have aimed to be comprehensive in relation to the matters set out above, if you require any further clarification or further explanation of these requests, please contact me via the PO. I look forward to hearing from you shortly.

Yours sincerely

L Fleming

INSPECTOR