

# Public Document Pack



**BLACKPOOL COUNCIL**

Tuesday, 24 January 2023

To: The Members of Blackpool Council

Madam Mayor, Ladies and Gentlemen

You are hereby summoned to attend a meeting of **Blackpool Council** to be held in the Council Chamber at the Town Hall, Blackpool on Wednesday, 1 February 2023 commencing at 6.00 pm for the transaction of the business specified below.

Director of Governance and Partnerships

## **Business**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

**2 MINUTES OF THE LAST MEETING HELD ON 30 NOVEMBER 2022** (Pages 1 - 8)

To agree the minutes of the last meeting held on 30 November 2022 as a true and correct record.

**3 RESOLUTION OF CONDOLENCE AND MINUTE'S SILENCE**

This Council and the people of Blackpool were deeply saddened to learn since its last meeting of the sad deaths of the following:

- Former Councillor Derek Courtney who represented Layton and Park wards between 1973 and 1983.
- Anne Hind, former Blackpool and Fylde Coroner from 2004-2013.

Members will be invited to pay tribute to their work and dedication.

Madam Mayor will then move the following resolution of condolence.

"The Council sends its deepest sympathy to the families and friends of former Councillor Derek Courtney and former Coroner Anne Hind for their loss and places on record its recognition of their dedication to office."

Following the passing of this resolution, Council will then hold a minute's silence, as a mark of respect.

**4 ANNOUNCEMENTS**

To receive official announcements from the Mayor.

**5 PUBLIC REPRESENTATION** (Pages 9 - 10)

a) To receive a representation from a member of the public in accordance with Procedure Rule 9.

b) To consider questions from members of the public to the Leader and Cabinet Members submitted in accordance with Procedure Rule 9.

**6 EXECUTIVE REPORTS AND COMBINED FIRE AUTHORITY REPORTS** (Pages 11 - 28)

To consider the attached reports to Council from the Corporate, People and Place portfolios and the Combined Fire Authority report.

Members are reminded that:

- The Lead Executive Member \* has up to three minutes to present the report, after which there will be a period of no longer than 25 minutes per report for questions/comments (a green light will give a one minute warning, red for the end of the debate).

- There will be three minutes per question/ comment from any Councillor on anything within the portfolio and no limit to the number of times a Councillor can ask a question.
- There will be a period of up to 25 minutes for responses from any Cabinet Member \* on their area of responsibility at the end of the questions/ comments for each report.

\* or Combined Fire Authority representative.

**7 REPORT OF THE INDEPENDENT REMUNERATION PANEL** (Pages 29 - 36)

The Council will be asked to reconsider the report of the Independent Remuneration Panel which was initially considered at its meeting on 30 November 2022.

**8 COUNCIL TAX REDUCTION SCHEME** (Pages 37 - 226)

The Council to consider the recommendations of the Executive at its meeting on 23 January 2023 on the proposals for the Council Tax Reduction Scheme for 2023/24.

**9 LOCAL PLAN** (Pages 227 - 478)

The Council to consider the recommendations of the Executive from its meeting on 23 January 2023 to adopt the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies.

**10 MAYOR ELECT AND AUDIT COMMITTEE INDEPENDENT MEMBER** (Pages 479 - 482)

The Council to consider the process for appointing the Mayor Elect for the Mayoral Year 2023 / 2024 and the appointment of a co-opted independent member to the vacant position on the Audit Committee.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Senior Adviser, Tel: (01253) 477153, e-mail [sarah.chadwick@blackpool.gov.uk](mailto:sarah.chadwick@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

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# Agenda Item 2

## MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022

### Present:

Councillor Benson (in the Chair)

### Councillors

|               |           |               |            |
|---------------|-----------|---------------|------------|
| Baker         | Critchley | Matthews      | R Scott    |
| Blackburn     | Cross     | B Mitchell    | Sloman     |
| Burdess       | Farrell   | M Mitchell    | Stansfield |
| Mrs Callow JP | Galley    | O'Hara        | Taylor     |
| Campbell      | Hobson    | Owen          | Walsh      |
| Clapham       | Hugo      | Robertson BEM | T Williams |
| D Coleman     | Hunter    | Roberts       | Wilshaw    |
| G Coleman     | Jackson   | D Scott       | Wright     |
| Cox           | Kirkland  | Mrs Scott     |            |

### In Attendance:

Neil Jack, Chief Executive

John Blackledge, Director of Community and Environmental Services

Alan Cavill, Director of Communications and Regeneration

Dr Arif Rajpura, Director of Public Health

Steve Thompson, Director of Resources

Lorraine Hurst, Head of Democratic Governance

Sarah Chadwick, Democratic Governance Senior Adviser

Jenni Cook, Democratic Governance Senior Adviser

## 1 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 2 MINUTES OF THE LAST MEETING HELD ON 21 SEPTEMBER 2022

**Resolved:** That the minutes of the Council meeting held on 21 September 2022 be signed by the Mayor as a correct record.

## 3 ANNOUNCEMENTS

The Mayor welcomed the new Council member, Councillor Peter Wright, to the meeting.

On behalf of the Council the Mayor congratulated Blackpool Transport Services Limited on being awarded Bus Operator of the Year at the recent UK Bus Awards.

The positive publicity for the resort gained as a result of Strictly Come Dancing's recent broadcast from the Blackpool Tower Ballroom was praised by the Mayor who expressed the Council's hope that the programme would return to the resort in 2023.

#### **4 EXECUTIVE REPORTS**

The Council received reports from the Executive Lead Members on work undertaken in the Corporate, Place and People portfolio areas. The reports covered corporate, strategic and policy issues, together with work being undertaken in transforming services and with partners.

Questions, comments and debate were invited from all councillors on each of the report areas.

Notes:

1. Councillor Taylor, Deputy Leader of the Council, agreed to provide written responses to:
  - Councillor Clapham with details of any ongoing Council projects which had been affected by external budget pressures and were overspent against the original budget as a result of those rising costs;
  - Councillor Galley on whether there were any plans to submit a new funding bid to create a “People’s Promenade” integrated event space;
  - Councillor Galley regarding the Foxhall Village development project and what the alternative options were for the west site if completion of the scheme was delayed / unviable;
  - Councillor M Scott to provide assurance that all housing provided and managed by the Council was fit for purpose and free of damp and mould, and that enforcement was supporting private tenants to ensure their landlords were also providing damp and mould free homes.
2. In relation to a question regarding Lancashire 2050 the Chief Executive agreed to respond to Councillor Galley directly as to what the delivery framework would be and what role elected members would have in the project.
3. Councillor Hugo agreed to:
  - Provide Councillor R Scott with details of the Planned Preventative Maintenance regime for the drainage system and to respond to his suggestion that contractors involved in the installation of 5G masts were requested to organise for the drains to be cleared of rubble and debris following completion of the work;
  - Provide a written response to Councillor Stansfield as to when the weeds in Stanley Park Lake would be cleared in order that the whole lake was made useable again.
4. In response to a question from Councillor T Williams, who referred to the large number of bollards on Edward Street and a lack of trees, Councillor Hugo agreed to ask Councillor Smith to provide a written response with an update on the Council’s “Quality Corridors” programme.
5. In relation to comments from Councillor M Mitchell regarding the closure of the Art B&B it was agreed that Councillor L Williams, Leader of the Council, would provide a written response as to what had led to the failure of the business and whether there had been any strategic oversight from the Council which had provided funding

## **MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022**

for the project.

6. In response to comments from Councillor Sloman regarding the demand on the Council from the number of “out of area” looked after children in care in Blackpool, Councillor Hobson agreed to confirm with the Director of Children’s Services as to whether other authorities had been written to, to request that children from their areas were not placed in Blackpool as it was unable to meet their needs and to respond accordingly.
7. Councillor Cox left the meeting following the presentation of the Corporate Portfolio report.
8. Councillor Cross left the meeting during the presentation of the People Portfolio report.
9. Members of the Council agreed a short adjournment for ten minutes following the presentation of the Executive Member reports.
10. Councillor Kirkland left the meeting during the adjournment.

### **5 POLLING DISTRICT AND POLLING PLACE REVIEW**

Members considered a review of polling districts and polling places under the new ward boundaries that were due to come into force at the local elections in May 2023 and noted that the Local Government Boundary Commission for England proposals on warding patterns were still subject to parliamentary approval.

The report set out details on the consultation exercise that had taken place with councillors and other stakeholders on the proposed polling districts and places. Debate took place on the report and a number of views were expressed during which it was noted that the report’s proposals included delegated authority for the Returning Officer to determine any further changes where necessary.

**Motion:** Councillor Taylor proposed (and Councillor Hugo seconded):

- ‘1. To approve the polling districts and polling places as set out in the appendices of the report subject to parliamentary approval of the warding arrangements.
2. To delegate authority to the Returning Officer to make further changes to polling places/polling stations that may be necessary before the elections on 4 May 2023.’

**Motion carried:** The motion was submitted to the Council and carried.

### **6 REVISED POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES**

Members considered proposals in relation to the re-appointment of its committees as a result of changes to the political make-up following the by-election.

**Motion:** Councillor Taylor proposed (and Councillor Hugo seconded) the following

## **MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022**

motion:

- ‘1. To re-appoint the following Council committees, with powers and duties as set out in the Council’s Constitution:
  - Adult Social Care and Health Scrutiny Committee
  - Tourism, Economy and Communities Scrutiny Committee
  - Children and Young People’s Scrutiny Committee
  - Audit Committee
  - Appeals Committee
  - Planning Committee
  - Standards Committee
  - Chief Officers Employment Committee
2. To re-appoint a Scrutiny Leadership Board, with the powers set out in the Council’s constitution and for the Board to continue to have an adjusted political balance membership of three Labour, four Conservative (to be made up of the Chairs, Vice Chairs of the three Scrutiny Committees and the Chair of the Audit Committee).
3. To continue the inclusion of the non-aligned member Councillor Mrs Callow to the Board and to also appoint her as Chair of the Scrutiny Leadership Board.
4. To agree the revised political balance attached at Appendix 6(a) to the Council report and appointments to the above committees at Appendix 6(b).
5. To re-appoint the Licensing Committee with the powers and duties as set out in the Constitution (equating to a revised membership figure of 13 and a composition of seven Labour, five Conservative and one Blackpool Independent).
6. To request the Licensing Committee to re-appoint the Public Protection Sub-Committee, with the powers and duties, as set out in the Constitution including the appointment of the Chair and Vice-Chair.
7. To agree that any membership changes to committees or sub-committees during the remainder of the Municipal Year be reported to the Director of Governance and Partnerships by the relevant Group Leader for implementation.
8. To agree to the memberships of the committees of the Council and their Chairs and Vice Chairs as set out in Appendix 6(b) to the Council report.
9. To note that a best practice review of the scrutiny arrangements is to be conducted and to request that the matter of scrutiny chairs forms part of that review.
10. To note the membership of the Health and Wellbeing Board, as this is unaffected by political balance arrangements.

## MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022

11. To agree that the Director of Governance and Partnerships be authorised to amend the Constitution accordingly.'

**Amendment:** Councillor T Williams then proposed (and Councillor Clapham seconded) the following amendment with regard to recommendation 8:

'To agree to the memberships of the committees of the Council and their Chairs and Vice Chairs as set out in Appendix 6(b) of the report except for the appointment of the Chairs and Vice Chairs of the Tourism, Economy and Communities, the Adult Social Care and Health and Children and Young People Scrutiny Committees, with these positions to be appointed as follows:

Tourism, Economy and Communities Scrutiny Committee

Chair: Cllr G Walsh (Conservative), Vice Chair: Cllr F Jackson (Labour)

Adult Social Care and Health Scrutiny Committee

Chair: Cllr M Scott (Conservative), Vice Chair: Cllr K Critchley (Labour)

Children and Young People Scrutiny Committee

Chair: Cllr A Stansfield (Conservative), Vice Chair: Cllr P Burdess (Labour)'

Discussion then took place on the amendment and a range of views were expressed in relation to the proposals.

**Amendment carried:** The amendment was submitted to the Council and carried.

Debate then took place on the substantive motion with members speaking for and against the proposals.

**Substantive motion carried:** The substantive motion was submitted to the Council and carried.

## 7 REPORT OF THE INDEPENDENT REMUNERATION PANEL

Members considered the report of the Independent Remuneration Panel in relation to the review of the uprate to the Members' Allowances Scheme and payment of certain special responsibility allowances.

**Motion:** Councillor Taylor proposed (and Councillor Campbell seconded):

1. To approve the recommendations of the Independent Remuneration Panel, as set out in paragraph 7 at Appendix 7(a) to the Council report.
2. That the Director of Governance and Partnerships be authorised to update the Members' Allowances Scheme accordingly.'

The motion was submitted to the Council and declared as lost.

## MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022

### Note:

Following the meeting a procedural error was identified whereby, although a majority vote in favour of approving the report had been reached, the Mayor was advised that the vote had been lost and declared the resolution to that effect. In the interests of openness and transparency, the item will be resubmitted for consideration to the next Council meeting in view of the error.

### 8 SCRUTINY UPDATE REPORT

Members considered the report from the Scrutiny Lead Member in relation to scrutiny activity undertaken in the 2022/2023 Municipal Year. Members acknowledged the work of the scrutiny committees and the number of scrutiny reviews undertaken in the year to date which were due to be concluded before the start of the pre-election period ready for the new Committees to develop their workplans in the next Municipal Year.

**Motion:** Councillor Mrs Callow proposed (and Councillor Taylor seconded):

‘To note the scrutiny activity undertaken in the 2022/23 Municipal Year to date’.

**Motion carried:** The motion was submitted to the Council and carried.

Note: Councillor Blackburn left the meeting following consideration of the item.

### 9 HEALTH OF THE OCEAN - RECOMMENDATION FROM THE TOURISM, ECONOMY AND COMMUNITIES SCRUTINY COMMITTEE

Members considered the recommendation from the Tourism, Economy and Communities Scrutiny Committee to declare that an urgent need for ocean recovery was adopted by the Council.

**Motion:** Councillor Hugo proposed (and Councillor Jackson seconded) that:

‘This Council declares an urgent need for Ocean Recovery:

The Council recognises that ocean recovery is needed to meet the Council’s net zero carbon targets, and net zero carbon is required to recover the ocean.

This Council pledges to:

1. Report to Full Council within 12 months on the actions and projects that will begin an ocean recovery in Blackpool.
2. Embed ocean recovery in all strategic decisions, budgets, procurement and approaches to decisions by the Council (particularly in planning, regeneration, skills and economic policy), aligning with climate change mitigation and adaptation requirements, and considering ocean-based solutions in the Council’s journey towards a carbon neutral and climate resilient future.

## MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022

3. Ensure that local planning supports ocean recovery, working closely with the Marine Management Organisation to embed strong links between the Local Plan and the Blackpool Marine Plan to support ocean recovery.
4. Ensure that the Blackpool Blue Green Strategy strives to support ocean recovery.
5. Work with partners locally and nationally including the Council's continued involvement with the Turning Tides Partnership to deliver increased sustainability in local marine industries and develop a sustainable and equitable blue economy that delivers ocean recovery and local prosperity, including the local fishing industry and the vital work of IFCA in the North West.
6. Grow ocean literacy and marine citizenship in the Blackpool area, including ensuring all pupils are given the opportunity to have a first-hand experience of the ocean before leaving primary school - striving to include home-schooled children - and promote sustainable and equitable access to the ocean through physical and digital experiences for all residents.
7. Create an online portal on the Council website to update on ocean recovery progress, signpost to ocean literacy development opportunities, and marine citizenship pledges.
8. Write to the Government to put the ocean into net recovery by 2030 by:
  - a) Working with coastal communities to co-develop marine policy to ensure it delivers equitable and sustainable outcomes in local place making.
  - b) Appointing a dedicated Minister for Coastal Communities.
  - c) Stopping plastic pollution at source by strengthening the regulations around single-use plastics and set standards for microfibre-catching filters to ensure that all new domestic and commercial washing machines are fitted with a filter that captures a high percentage of microfibres produced in the wash cycle.
  - d) Listening to marine and social scientific advice to update the Marine Policy Statement and produce a national Ocean Recovery Strategy which will:
    - i. Enable the recovery of marine ecosystems rather than managing degraded or altered habitats in their reduced state.
    - ii. Consider levelling up, marine conservation, energy, industrial growth, flood and coastal erosion risk management, climate adaptation and fisheries policy holistically rather than as competing interests.
    - iii. Develop a smarter approach to managing the health of the entire ocean that moves beyond Marine Protected Areas and enables links to be made across sectors towards sustainability.
    - iv. Establish improved processes for understanding the benefits of ocean recovery, leaving no doubt the links between this and human lives, livelihoods, and wellbeing.'

**Motion carried:** The motion was submitted to the Council and carried.

## 10 REVIEW OF THE CONSTITUTION

Members considered a review of the Council's Constitution, in relation to amendments to

## **MINUTES OF COUNCIL MEETING - WEDNESDAY, 30 NOVEMBER 2022**

the Articles of the Council and the Procedural Standing Orders for Council and Committee meetings.

The Council noted the duty of the Monitoring Officer to periodically monitor and review the operation of the Constitution and that an informal cross-party working group had been formed to assist with the review.

**Motion:** Councillor Taylor proposed (and Councillor Galley seconded):

- '1. To agree to the proposed amendments to the Constitution for the Articles of the Constitution at Appendix 10(a) to the Council report and the Procedural Standing Orders for Council and Committees at Appendix 10(b).
2. To note that a briefing session had been held on Monday 28 November 2022 which explained the changes put forward by the Monitoring Officer and the Working Group'.

**Motion carried:** The motion was submitted to the Council and carried.

### **Mayor**

(The meeting ended at 8.07 pm)

Any queries regarding these minutes, please contact:  
Lorraine Hurst, Head of Democratic Governance  
Tel: 01253 477127  
E-mail: lorraine.hurst@blackpool.gov.uk

# Agenda Item 5

Council:  
1 February 2023

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## PUBLIC REPRESENTATION - SPEAKER

| NAME         | SUBJECT  |
|--------------|--|
| 1. Ian White | Mr White wishes to speak on the following issue:<br><br>"As a director of StayBlackpool and hotelier of 17 years' experience, I wish to talk about the current issues facing the "short stay accommodation" sector. With the recent explosion in new accommodation for the sector there are significant extra pressures facing the traditional B&Bs. Though it may be felt that this subject matter is more suitable for the Tourism Scrutiny Committee, I believe the issues are critical and deserve the awareness of the full Council." |

A response will be given by the relevant Cabinet Member.

**NOTE:** The representative will be able to speak for up to a maximum of five minutes.

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**Executive Member Report to the Council  
01 February 2023**

**AGENDA ITEM 6(a)**

## CORPORATE PORTFOLIOS

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The 'Corporate' portfolio consists of:

- Councillor Lynn Williams – Leader of the Council
- Councillor Ivan Taylor – Deputy Leader of the Council and Cabinet Member for Partnerships and Performance

The full details of the portfolio areas can be found on the Council's website at  
<https://www.blackpool.gov.uk/Your-Council/Your-councillors/Executive-members.aspx>

## Strategic Issues

### **Multiversity Success! Delivering the very best opportunity for our children and adults**

I am sure all Members will join me in celebrating our success in winning £40m of Levelling Up Round 2 funding for Multiversity, a project we have been developing in close partnership with Blackpool and the Fylde College since 2017. The Multiversity campus will deliver state of the art Further and Higher Education facilities in the heart of our Town Centre. It will create thousands of opportunities for Blackpool children and adults to study for further and higher qualifications, enabling them to get the skills they need to get good jobs and succeed.

We are ambitious for our residents and I want all of our people to think that further and higher education can be for them. This new campus will help us raise aspirations in the best facilities and in the possible location. How fantastic!

I would like to thank everyone who has worked so hard to give us the opportunity to now make Multiversity a reality: our terrific staff, the College and the support we have had for this project from our business community, Elected Members, neighbouring authorities and MPs.

The Multiversity will add another wonderful string to our regeneration bow. It will sit right alongside Talbot Gateway, a new Civil Service Hub and everything else now in delivery in the town centre such as Blackpool Central, the new Imax cinema, Frasers department store, the market, conference centre, attractions and hotels. Blackpool Council is undoubtedly delivering transformational change for our residents, business and visitors.

## **Budget Process**

The 2023/24 Budget report will be considered by Executive next Monday alongside the Capital Programme for 2023/24 - 2025/26 and associated Capital and Treasury Management strategies. The latest in-year budget monitoring shows a slight improvement from the £11.4m forecast overspend reported at the last Full Council meeting to £10.7m (as at month 8) despite ongoing pressures in the care sectors. The focus over the last month has been on producing a balanced budget for 2023/24 following receipt of the Provisional Local Government Finance Settlement for Blackpool Council on 19 December 2022.

## **Lancashire 2050: working together with purpose**

In November, the speaker of the House of Commons hosted a Lancashire Day reception at Westminster for a group of Councillors and Officers to launch the new Lancashire 2050 Framework. The document sets out a strategic plan on how we will work together as a collective, harnessing our skills and specialisms to guide the county towards a prosperous and sustainable future. A comprehensive blueprint, it covers our shared vision around economic prosperity, transport and infrastructure, environment and climate, housing, early years and education, employment and skills, health and wellbeing and communities and place. Getting agreement on the key issues is just the start of what I hope will be a long and fruitful deepening of our collaboration across political parties and across our wonderful county and work has now turned to developing some truly transformative actions that Blackpool will be at the heart of. Ultimately, this is a key part of our approach to securing a comprehensive devolution deal for Lancashire to deliver meaningful change across the county.

## **Corporate Issues**

### **Memorial Service**

Blackpool paid its respects at a service honouring the heroism of three Blackpool police officers who died in an attempted sea rescue 40 years ago on 6 January 2023. PCs Angela Bradley, 23, Gordon Connolly, 24, and Colin Morrison, 38, all drowned trying to save a holidaymaker who entered the sea to rescue his dog. A fourth police officer, PC Pat Abram, was rescued at the scene. Scores of people, including families of the officers and the doctor who resuscitated PC Abram, were at the service led by Lancashire's Chief Constable, Chris Rowley. The service took place in Jubilee Gardens in Gynn Square, close to where the tragedy unfolded and near the Blue Light Memorial that honours emergency services personnel who have died on duty.

### **Operation Goshawk and fire on Church Street on Boxing Day**

The Council played a major role in an Emergency Planning exercise involving all of the emergency services, health service, voluntary services and armed services to rehearse in a live setting our response to a major incident. Based around a terrorist incident, the exercise was

particularly timely with the introduction of Martyn's Law following the Manchester Arena attack. We will use learning from the exercise as part of our planning processes for all types of major incident.

I would like to thank all staff who were involved in responding to the fire on Church Street over Christmas. As always, I am proud with how well we respond to these situations no matter when they occur, with staff working to keep the public safe and get the town up and running again as soon as possible.

## **Working with Partners**

### **Christmas By The Sea/Illuminations Extension**

The extension to the Illuminations season coupled with the second year of the "Christmas By The Sea" event has once again proved an invaluable boost to Blackpool's tourism economy. Promenade footfall for the period of the Christmas event (18 November to 2 January inclusive) was recorded at almost 6 million, an increase of 10% compared to 2021, which was itself an exceptional year. Feedback from many tourism businesses has been extremely positive with some showing record levels of trading for a winter period. The two-month Illuminations extension (7 November to 2 January) also showed a significant increase in Promenade footfall of almost 20% compared to the previous year. We are now working with potential sponsors to repeat the Christmas event during 2023. The event has been shortlisted in the Large Event of the Year category in the Lancashire Tourism Awards due to be staged at the Conference and Exhibition Centre on 7 February 2023.

### **New Destination Guide for 2023**

Blackpool has unveiled a brand-new guide for 2023 showcasing a spectacular programme of events, shows and attractions for the year ahead. The resort's new Destination Guide is fronted by resort ambassador, Nigel C. Gull, the seagull puppet that featured in a £1m TV advertising campaign during 2022. Nigel gets pride of place on the cover of the new 88-page glossy guide, which also includes a fascinating behind-the-scenes insight into how he was created by award-winning puppeteer, Andy Heath. The guide, illustrated with stunning photography, celebrates a very special milestone - the 160th anniversary of Blackpool's majestic North Pier, charting its history from its opening day in 1863 when more than 20,000 people turned up to stroll along its wooden boardwalk. This year's official tourism season launch will take place on Friday 31 March at the Conference and Exhibition Centre.

### **2023 Events Programme**

The 2023 major events programme is already taking shape with agreed dates for Armed Forces Week (19-25 June), Air Show (12 and 13 August), Ride The Lights (29 August), Illuminations Switch-On (1 September), World Fireworks (16 and 30 September and 20 October) and

Lightpool Festival (20-28 October). Confirmation of more dates and further information on all events will follow over the next few weeks.

## **Transforming Services**

### **Bispham benefits from better connectivity**

The Fibre Blackpool Service has just completed an upgrade to a number of Council sites and schools, with the first site to be connected being Bispham Endowed Primary School. Their new 10Gigabit internet connection runs over 500 times faster than their previous service, making it one of the first primary schools in the country to benefit from this speed of connection and enabling different types of learning opportunity in the future. The upgrade is thanks to investment from the Department of Media, Culture and Sport to upgrade fibre embedded in the tramway (£3.5million) and through working with TNP and CityFibre who are both members of the co-operative.

A number of other Bispham schools will benefit in the coming weeks, with rollout to more public sector sites including schools, NHS and council planned over the next 12 months. The quality of the infrastructure has also led to the main provider of internet services on the Isle of Man, AQL, joining the Fibre co-operative and setting up a presence in Blackpool.

### **Confirmation of all Electric Buses for Blackpool Transport**

Blackpool Transport Services (BTS) and the Council are now moving forward positively with our conversion of the diesel bus fleet to all electric buses. The Council has agreed a loan to BTS to convert and build various parts of the existing depot to facilitate the layout changes needed to accommodate electric vehicle chargers and deal with changes to the maintenance required by the fleet. The buses will come in in two tranches to replace all vehicles within 3 years, ensuring that we can tailor our requirements as we learn about the practicalities of operating electric buses. The first of the buses will hit the streets in 2024, putting us well ahead of the rollout of electric buses in other parts of the country. This is a huge project but one which will make a massive contribution to our Climate Emergency carbon reduction targets, with a projected saving of 111,000 tonnes of carbon dioxide annually and a corresponding contribution to the quality of air in all of the communities served by the vehicles.

## **PEOPLE PORTFOLIOS**

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The 'People' portfolio consists of:

- Councillor Gillian Campbell - Cabinet Member for Inclusion, Youth, Schools and Transience
- Councillor Jo Farrell - Cabinet Member for Adult Social Care and Community Health and Wellbeing
- Councillor Jim Hobson - Cabinet Member for Children's Social Care

The full details of the portfolio areas can be found on the Council's website at  
<https://www.blackpool.gov.uk/Your-Council/Your-councillors/Executive-members.aspx>

## **Strategic Issues**

### **SEND Conference**

As part of our partnership response to the areas of improvement identified across Education, Health and Social Care in the Ofsted inspection last year, the SEND partnership held its first conference on 07 December 2022 at the Village Hotel in Blackpool. Around 250 representatives from schools, health providers, health commissioners, local authority and parents attended and were welcomed by a speech from Neil Jack, Chief Executive and a range of expert speakers. Outcomes from the conference will help to shape the delivery of improvements throughout the year and inform priorities for attention and investment. Feedback from participants was excellent and a longer conference is already being planned for 2023.

### **Minimising the impact of hospital strikes**

The industrial action across the NHS in December and January had the potential for significant impact locally in Blackpool. To address this, we increased Social Worker capacity in targeted areas including the Transfer of Care Hub and Accident and Emergency. This helped with supporting discharges from hospital prior to the actual day of industrial action, on the day and then the recovery period following. The Council's Vitaline Service also worked in partnership with the North West Ambulance Service, agreeing additional Divert Criteria so that the Vitaline Service could respond to the increased demand by providing additional Initial Responders. This included staffing that could be available to remain with an individual in cases where an ambulance was required.

This close partnership working ensured that despite increases in demand at certain moments during the industrial action, we were able to manage the impacts within the community, with those that needed hospital care still able to access it.

## **Corporate Issues**

### **Children's Services Update**

Our Ofsted Children's Social Care inspection concluded on 16 December 2022 after a three-week period. Whilst the outcome of the inspection is embargoed until it is published on 01 February, initial feedback confirmed the areas of challenge we had identified through our Self-Assessment and Social Care Improvement Plan. It also identified areas of real positives for us as a Children's Service, including the visible impact of our focus on recruitment and retention to stabilise the workforce. Inspectors told us that they met staff who said they feel safe and well supported and this is contributing to a significant reduction in our dependency on agency Social Workers. We know that this is important because a stable workforce means children and families are able to build strong relationships with a Social Worker who can stick with them. The inspectors recognised a positive shift in our culture in relation to how we work with families, which lays solid foundations for the next steps for Children's Social Care. I am pleased to report that the number of children we look after continues to reduce and is currently at 559. We remain focused upon ensuring that we continue to see fewer children and families exposed to the most acute interventions of Social Care, ensuring that we do this in a safe way, offering support at the right time, for the right amount of time to deliver better outcomes.

The inspection has also given us an opportunity to consider how we further develop and embed the strategic town-wide approach to supporting children and families. We have a partnership development day being planned to promote, develop and deepen partnership buy-in to achieving positive outcomes for children and families. The outcome will be a Blackpool Children's Plan with an agreed outcomes framework to be owned by the Children and Families Partnership Board. In addition to this, we are reviewing the strategic governance arrangements that will drive the further improvements we want to achieve for children and families in Blackpool. The recruitment of a Head of Transformation post to develop our Social Work practice approach will provide further capacity to drive improvements across services and thus the outcomes we achieve for and with children and families in Blackpool.

### **CQC Assurance and Preparation Progress**

In 2023 the Care Quality Commission (CQC) will start making assurance visits to Local Authorities to explore the delivery of their statutory duties in relation to Adult Social Care. A small internal team has started preparations for the assurance process, working in partnership with ADASS (Association of Directors of Adult Social Services) and the Local Government Association Care and Health Improvement Programme.

We have collated evidence to support our internal self-assessment, which we will review and expand to include partners' views of us and their contribution to outcomes. A workshop led by ADASS will explore performance benchmarking and once the self-assessment phase is complete, we will begin to develop narrative and actions relating to ourselves and our internal and external partners. In addition to this a peer review session with an external DASS and Leader is due to be scheduled in May to enable check and balance.

### **Annual Rough Sleeper Snapshot takes place**

The Council and partners undertook the annual Rough Sleeper Snapshot (count) in November 2022. Under the methodology prescribed by government, seven rough sleepers were identified and verified on the single night count, which is reduction from ten in 2021. Whilst this methodology cannot provide a full picture of homelessness in the town, it does provide a consistent measure nationally, which can be used to analyse trends over time and provide comparisons to other places.

Despite positive progress in supporting rough sleepers, the homeless service remains under increasing pressure due to a continued increase in demand. Some of this is an ongoing consequence of the impact of the pandemic, most notably the end of the eviction ban, but also a general increase in house prices/rents, which has caused a significant increase in homelessness, especially for families. We are also starting to see impacts from the cost of living crisis both in people being unable to afford rent and also in landlords needing to sell or move back into their rental properties.

## **Transforming Services**

### **Moving with Dignity (Single Handed Care)**

Over recent years there have been significant improvements and development in equipment used to support care provision, to support the delivery of 'single handed care', safely reducing the number of carers needed for particular tasks. Since 2022 the Council's Care and Support Division has worked with different partners to take the model forward, learning from best practice including via NHS England, who are working with Hospital Trusts to support the adoption of this approach.

Blackpool's focus is about empowering individuals who require support with their care to have control and ownership about how the care is delivered. This approach ensures that the individual and their loved ones are not passive recipients of care services but active participants. It is person-centered and often less intrusive than alternative approaches.

Partners have worked over several months to understand the transformation that is required across health and social care, with council investment in the Health and Social Care Career Academy run in partnership with Blackpool and Fylde College and the NHS to develop and provide a dedicated training facility available to all health and care providers in Blackpool. The

approach is now built into college courses, ensuring that those aspiring to health and social care roles and/or further education know the value of this approach and changing perceptions about how care can be provided.

Work to embed the transformational change is underway. This includes holding engagement events for partners, “train the trainer” sessions, the establishment of ‘Moving with Dignity Champions’, transforming care approaches for hospital inpatients and at the point of discharge, and starting to develop an Investment Plan for consideration by the Integrated Care Board (ICB) for additional investment.

Whilst truly transformational change will take time, benefits seen in other areas include quicker hospital discharges, lower demand on staff resources, a reduction in cost, a more skilled workforce and patient empowerment. By leading the change across Health and Social Care, the council is driving improvements in outcomes for some of our most vulnerable residents.

### **Warm Space @Nibbles Café**

The Nibbles Café Team supports adults with learning disabilities to undertake training as part of their journey towards further education or employment in catering and hospitality and has grown from its initial base at the Blackpool Centre for Independent Living to establish further venues at Anchorholme Library and Carleton Crematorium. In response to the financial need of people in the community the Team has instituted ‘Pots of Kindness’ where customers can make a donation which can then pay for a hot drink or meal for those customers who may need it. With the cost of living crisis having intensified in recent months, the locations can also act as a warm space where local residents can simply visit to get warm.

The team is now working with the Food Bank Partnership to provide discrete ‘food parcels’ for customers and they plan to make this offer a permanent feature going forwards as the team continues to support the local community.

### **Working with Partners**

#### **Delivering Services**

Blackpool Council’s Homecare and Reablement Service is the only social care provider in Blackpool that delivers a dedicated overnight care team, typically consisting of short visits to assist with personal care, medication and other care related tasks. The complexity of needs and demand for the service has increased over the past 12 months, which provides an essential alternative to hospital admission.

I am pleased to report that to meet this demand the council has invested in an additional team of practitioners so that the team will be better able to respond to urgent requests for support, as well as planned care for those who need regular care throughout the night. With this

expansion of the team, they will also be making available longer care visits including ‘waking watch’ where one of the team will remain with the individual throughout the night. This may be to support a family member who is the primary carer or to support an individual with palliative care needs and who is nearing the end of their life. During December 2022, the Primary Night Care Team supported a total of 54 individuals and provided 758 individual care visits throughout the night, both planned and unplanned in response to a crisis. Providing this service means that individuals can remain at home in their preferred place of care with wrap around care and support, no matter what time of day or night this is required.

### **Assessment and Support**

Across our Assessment and Support Services, our transfer of care hub at the hospital, our Older Adult and Adult Services, Mental Health, Learning Disability and our Autism teams we continue to see a rise in referrals and also in the complexity of work. Many of our teams are multi agency, with health and social care working together.

There is currently work being undertaken in relation to our Deprivation of Liberty Safeguards (DoL'S). There are currently some outstanding applications, these are now being prioritised in preparation for when Liberty Protection Safeguards (LPS) comes into force and we are working alongside our colleagues in Legal Services to achieve this work.

The Autism team has a member of staff with lived experience of Autism, this is of great benefit for the team and ensures that every approach from this team is “Autism friendly”. The team works alongside the Autism Diagnostic Team run by Blackpool Teaching Hospitals with weekly meetings taking place to expedite more urgent referrals and to ensure that our clients who are without an Autistic diagnosis are able to be fast tracked for diagnostic and/or medication purposes.

The Adult Social Care Community Mental Health team is currently working closely with Lancashire and South Cumbria Foundation Trust (LSCFT) in relation to the Mental Health Service redesign. Blackpool Council Mental Health Services has been granted monies for five full time permanent Mental Health Social Work posts, each to be based within the Primary Care Hubs. Adverts have gone out and recruitment to these key posts is ongoing.

Our Hospital based Social Work team is a small team consisting of three Social Workers. Two work from The Harbour, one for Adults and one for Older Adults, with the third Social Worker covering all hospitals outside of Blackpool. This team receives regular positive feedback due to its proactive approach to its work. The team seeks out all new admissions of Blackpool residents and carry out assessments as appropriate, by working in this manner any issues around accommodation for example are dealt with at the earliest opportunity rather than trying to deal with issues when the person is ready for discharge.

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## **PLACE PORTFOLIOS**

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The 'Place' portfolio consists of:

- Councillor Lynn Williams - Leader of the Council and Cabinet Member for Tourism, Arts and Culture
- Councillor Ivan Taylor – Deputy Leader of the Council and Cabinet Member for Partnerships and Performance (Housing)
- Councillor Neal Brookes - Cabinet Member for Enforcement, Public Safety, Highways and Transport
- Councillor Jane Hugo - Cabinet Member for Climate Change and Environment
- Councillor Mark Smith - Cabinet Member for Business, Enterprise and Job Creation

The full details of the portfolio areas can be found on the Council's website at  
<https://www.blackpool.gov.uk/Your-Council/Your-councillors/Executive-members.aspx>

## **Strategic Issues**

### **Public support for our Electric Vehicle Charging Strategy**

I am pleased to report that we will be bringing our first Electric Vehicle Charging Strategy before Executive for approval later this month. A public consultation on the priorities before Christmas showed clear support for the plan amongst those responding, which also re-affirms our commitment to promoting walking, cycling and public transport as our primary transport objective. We will ensure that chargepoints are available across the town, with measures to ensure that sufficient chargers are available for motorists with physical disabilities, are reliable and easy to use and that chargepoints for use by those without home charging facilities are as affordable as possible. The chargers we have installed in our car parks are well used and are increasingly important as a way of supporting the visitor economy but we must also ensure those who do not have driveways can choose to switch to Electric Vehicles when they are ready to do so.

The strategy is the first in Lancashire and aims to help future proof the town by forecasting anticipated chargepoint needs over the next five years, with over 200 additional publicly available chargers to be delivered by 2027 via a mix of council delivery and work in partnership with private providers. Having a strategy is an important pre-requisite for the Council if it is to access funding from the £400m Local Electric Vehicle Infrastructure (LEVI) funding due to launch later this year and we have engaged with the free support on offer from the Energy Savings Trust to ensure that the plan is appropriate for our needs.

## **Corporate Issues**

### **New homes progressing well on Grange Park**

Excellent progress continues to be made on the new Council homes at Grange Park. The new homes will be finished in phases, with the first occupations expected in May on the Phase 1 site (Dinmore Avenue) and in the autumn on the Phase 2 site (Chepstow Road).

### **Shared commitment to make progress at Foxhall Village**

The Council remains fully and actively engaged with Great Places Housing Association and Homes England with a shared commitment to complete the new homes at Foxhall Village. We aim to bring a recommendation to Executive ahead of the pre-election period, with a hope to restarting on site in spring this year.

### **Yet another award for our housing!**

I seem to be able to tell Council about another housing award every time we have a meeting, and this time is no exception! Troutbeck was recently awarded a ‘highly commended’ award by the Chartered Institute of Architectural Technologists for Excellence in Architectural Technology.

The judges commented that it is “...an exemplary and well-considered use of materials addressing sustainability and performance... An inclusive, functional and adaptable design with strong technical detailing, consideration to context and striking aesthetic. There is strong evidence in relation to the technical design and detailing associated with buildability and assembly. A great example of Architectural Technology in residential design.” Well done to all involved.

## **Transforming Services**

### **Nearly ¾ million pounds to save people money and help the planet**

As part of our commitment to the Climate Emergency declared unanimously at full Council in 2019, we have earmarked at least £745k of government funding in our Shared Prosperity Fund Investment Plan to reduce emissions and help build resilience to extreme weather events. Whilst all Shared Prosperity Fund projects will consider how they can make a positive environmental impact, two buildings will benefit directly from low carbon heating and energy generation technology, supporting our challenging goal of making the Council a net zero carbon organisation by 2030.

The majority of the funding will deliver projects of direct benefit to residents. We will develop a town-wide project based on the highly successful “eco-coaches” scheme at Grange Park, to provide support for residents to get through the cost of living crisis in a sustainable way, helping to lower domestic energy bills through practical guidance and energy efficiency

measures which save carbon emissions. To kick-start this process at a time when it is most needed, an additional £42,000 of funding from the Council's internal Climate Action Fund has been used to establish a town-wide post in collaboration with Groundwork operating as part of their "Green Doctor" service. Groundwork will also provide Council staff with training so we can support hundreds of vulnerable residents who use the Libraries at Home service in a similar way.

The eco-coaches will be based at an "eco-hub", which will bring together various services including staff from Cosy Homes in Lancashire to help residents access funding available for larger-scale domestic efficiency improvements, as well as acting as a demonstrator for low carbon technologies such as Air Source Heat Pumps. The site will also support delivery of the third project, a community flood risk reduction scheme, which will contribute to building resilience to extreme rain events by providing rainwater storage in key places in the town, as well as helping residents to understand the risks and ways in which they can contribute further.

## **Working with Partners**

### **Heritage Action Zone Conference**

On Thursday 8 December, Historic England held a one-day conference at the Winter Gardens for all the Heritage Action Zone Officers nationally. The focus of the conference was specifically on Public Engagement and Blackpool as the host was the focus of the day with an overview by Carl Carrington of the wider scheme and its objectives. This was followed by a presentation from Catherine Mugonyi of Aunty Social about the new Creative Hub at 28 Topping Street funded by the Heritage Action Zone and the opportunities for reconnecting local communities to the high street through creative activity that this Council initiative will offer.

The rest of the day focused on other schemes with strong community engagement across the UK, finishing with a tour of the Blackpool projects introduced by Neil Jack and a workshop on engagement tools for the historic built environment.

The choice of Blackpool as the venue reflects both the success of the scheme and the strong relationship between Historic England and the Council, a relationship that has yielded circa £2.1m of funding over the last five years. We will be one of the first schemes to complete in March 2023, as we were able to continue works over lockdown relatively uninterrupted.

### **Parks and Green Open Spaces service**

The Parks and Green Open Spaces Service has successfully collaborated with Tree for Cities and secured tree planting funds via the Urban Tree Challenge Fund and the Queen's Green Canopy Fund to plant a diverse range of trees over the next two planting seasons. The funding will benefit Revoe park, Claremont, Crossland Road Park, Highfield Park and Bridge Farm open space. Further funding has been secured through the Levelling Up fund, which will see £85K

invested in Fisher's Field to have a new play area, community space and garden with a new tree line and hedgerow surrounding the football pitches.

Further collaborative work has seen Parks and Green Open Spaces successfully involved with the woodland accelerator fund and includes multiple local authorities, Forestry Commission, Woodland Trust and third sector organisations developing plans to increase tree planting across Lancashire.

The Ranger Service has seen a further increase in volunteer numbers, forest/beach school attendees and is currently planting over 2,300 trees with children from nine participating schools in Blackpool.

Further improvements include several play area updates, improving existing facilities and plans to improve ecological and natural sites which includes Lawson's Field and Marton Mere working with Natural England and local volunteer groups.

**COUNCIL APPOINTED COMBINED FIRE AUTHORITY REPRESENTATIVE - REPORT TO THE COUNCIL – COUNCILLORS HUGO, JACKSON AND T WILLIAMS**

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This report updates the Council on the work of the Combined Fire Authority. The Fire Authority is made up of 25 Councillors (19 representatives from Lancashire County Council, three from Blackburn with Darwen Council and three from Blackpool Council).

Since the last report to Council, the Combined Fire Authority has met twice on 03 October and 19 December 2022. The Combined Fire Authority has produced a summary of those meetings and the appointed representatives will update the Council on any issues.

**REPORT OF THE LANCASHIRE COMBINED FIRE AUTHORITY**  
**3 OCTOBER 2022**

**1. His Majesty's Inspectorate of Constabulary and Fire and Rescue Services – inspection report**

The Authority received a report that detailed the inspection of the Service which concluded on 24 January 2022 by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (formerly Her Late Majesty's Inspectorate).

It was noted that while some Fire and Rescue Services had improved in some areas, most services had lost gradings due to the inspection being more detailed. Furthermore, where gradings had remained the same this demonstrated that an improvement had been made.

The Chairman drew Members' attention to a statement from Matt Parr, His Majesty's Inspector of Fire and Rescue Services who said:

"I congratulate Lancashire Fire and Rescue Service on its excellent performance across all three areas of our assessment. Since its last inspection in 2018, it has improved in almost all areas."

**2. Member champion activity**

The Authority appointed its Member Champions at its Annual meeting in June and current Member Champions are:

- Community Safety – Councillor Jean Rigby
- Equality, Diversity and Inclusion – Councillor Zamir Khan
- Health and Wellbeing – County Councillor Andrea Kay
- Road Safety – County Councillor Ron Woollam

Reports relating to the activity of the Member Champions are provided on a regular basis to the Authority. This report related to activity for the period June – August 2022. During this period all Champions had undertaken their respective role in accordance with defined terms of reference.

### **3. Fire Protection reports**

The Authority discussed a report that summarised Lancashire Fire and Rescue Service prosecutions pertaining to fire safety offences and convictions resulting from 8 arson incidents which had progressed via the criminal justice process.

Fire Protection and Business Support information was also included in the report to provide Members with an update on the continually evolving regulatory position and how the Service was developing and adapting both its services and workforce to ensure it kept pace with the changes to keep public and firefighters safe in the built environment.

### **4. Business continuity**

The Chief Fire Officer provided Members with a brief summary of the responsibilities of the Combined Fire Authority with regards to business continuity and gave a broad overview of the background and current approach to business continuity in times of industrial action.

### **5. Re-appointment of clerk to the authority**

The Authority approved the re-appointment of Mr Mark Nolan as Clerk and Monitoring Officer to the Lancashire Combined Fire Authority for a period of twelve months, to the September meeting of the Authority in 2023.

## **REPORT OF THE LANCASHIRE COMBINED FIRE AUTHORITY 19 DECEMBER 2022**

### **1. Emergency cover review**

The Authority considered in full the outcomes from a recent 12-week public consultation on proposed changes to response arrangements within Lancashire as part of an Emergency Cover Review which would span 2023 to 2026. The key proposals for consultation had a clear link to, and underpinned the values set out in, the Community Risk Management Plan.

The consultation yielded a really positive response with a total 1,224 responses received from local residents, staff and other stakeholders. Following the analysis of consultation responses and taking into consideration the shifting financial uncertainty, refinements to some of the proposals were put forward for consideration.

The Authority approved the refined proposals, as these options for change provided the best package of measures with the least impact on the Service's ability to provide an effective county-level emergency response (overall county impact 0.1% on response performance). These were to:

- Maintain 6 Day Crewing Plus stations – best fit and pending future response area reviews;
- Change 5 Day Crewing Plus stations and replace with:
  - o 3 Flexible Wholetime or 2/2/4 with 24 staff;
  - o 2 Flexible Day Crewed or Day Crewed only with On Call cover at night;
- Change 3 existing 2-2-4 stations to Flexible Wholetime or keep 2-2-4 but with 24 staff;
- Realign establishment levels on Flexible Day Crewed stations to 13, the same as Day Crewing Plus;
- Introduce Dynamic Cover Software;
- Invest in 4 new all-wheel-drive fire appliances, replacing 4 standard type B fire appliances;
- Introduce Flood Water Incident Managers;
- Introduce a 45m Aerial Ladder Platform;
- Invest in 2 additional Water Tower appliances;
- Broaden the capabilities of On-Call Firefighters.

This ensured that the Service would:

- i) maintain all 39 fire stations;
- ii) maintain outstanding response standards and all 58 fire appliances;
- iii) provide efficiency savings of c.£400k;
- iv) increase the overall fire-fighter establishment by 8; and
- v) provide more flexible crewing arrangements.

## **2. Annual statement of assurance**

The Fire and Rescue National Framework for England (2018) sets out the Government's high-level expectations, priorities and objectives for Fire and Rescue Authorities (FRA's) in England. Included within the framework is the requirement on all FRA's to provide assurance on financial, governance and operational matters.

The Statement of Assurance was considered and approved by the Authority. It provided the required accountability and transparency to our communities and the Government that Lancashire Fire and Rescue Service continued to deliver efficient and effective value for money services.

This statement sat alongside the Community Risk Management Plan, Statement of Accounts, the Annual Governance Statement, the Annual Service Plan and Annual Progress Report. It detailed what measures were in place to assure that the Combined Fire Authority's performance was efficient, economic, and effective and provided further evidence that the Service continued to deliver under the expectations detailed within both the National Framework and its own Risk Management Plan.

## **3. Member Champion Activity**

The Authority appointed its Member Champions at its Annual meeting in June and current Member Champions are:

- Community Safety – Councillor Jean Rigby
- Equality, Diversity and Inclusion – Councillor Zamir Khan
- Health and Wellbeing – County Councillor Andrea Kay
- Road Safety – County Councillor Ron Woollam

Reports relating to the activity of the Member Champions are provided on a regular basis to the Authority. Since the last meeting, all Champions had undertaken their respective role in accordance with defined terms of reference.

#### **4. Fire protection reports**

The Authority discussed a report detailing prosecutions pertaining to fire safety offences, in addition to five convictions resulting from arson incidents which had progressed via the criminal justice process. An update on Fire Protection and Business Support was also provided, detailing how the Service adapted delivery whilst developing the workforce, to ensure it kept pace with changes and improved public and firefighter safety within the built environment.

# Agenda Item 7

|                        |                  |
|------------------------|------------------|
| <b>Report to:</b>      | <b>COUNCIL</b>   |
| <b>Date of Meeting</b> | 01 February 2023 |

## REPORT OF THE INDEPENDENT REMUNERATION PANEL

### 1.0 Purpose of the report:

- 1.1 To reconsider this item which was initially considered at the meeting of Council on 30 November 2022. The matter under consideration is the report of the Independent Remuneration Panel in relation to a review of the uprate to the Members Allowances Scheme and payment of certain special responsibility allowances.

### 2.0 Recommendation(s):

- 2.1 To confirm that due to the circumstances set out at paras 4.1 and 4.2 of this report that this item be reconsidered and a new vote taken.

**NOTE:** It is recommended that the above recommendation 2.1 is considered by Council first before 2.2 and 2.3 below are moved and seconded. The Mayor will seek the Council's consent on this matter.

- 2.2 To consider the recommendations of the Independent Remuneration Panel, as set out in paragraph 7 at Appendix 7(a).

- 2.3 That subject to the decision of Council, the Director of Governance and Partnerships be authorised to update the Members' Allowances Scheme accordingly.

### 3.0 Reasons for recommendation(s):

- 3.1 The Independent Remuneration panel has a duty to undertake a review of allowances under the Members' Allowances Scheme when referred by Council. The Council has a duty to consider the recommendations of the Panel but may make its own decisions.

### 4.0 Background Information

- 4.1 The minutes of the last meeting at item 2 of this agenda refer to the item being considered at the last meeting and under that minute there is a note which refers to a procedural error and the need in the interests of openness and transparency, that the item be reconsidered at the next scheduled Council meeting." All members were informed of this following the meeting and it is on this agenda to enable this item to be reconsidered and a vote retaken.

4.2 Under the Council's Constitution, Procedural Standing Order 16.2.1 states that "A motion or amendment in similar terms to one that has been rejected at a meeting of the Council (or a committee or sub-committee) in the past three months cannot be moved unless the meeting decides otherwise on the grounds of altered circumstances or other good reasons." Council is advised that the procedural error at 4.1 is good reason and is asked to reconsider this item. A recorded vote is recommended. The motion which was voted upon at the last meeting was:

1. To consider the recommendations of the Independent Remuneration Panel, as set out in paragraph 7 at Appendix 7(a) to the Council report.
2. That the Director of Governance and Partnerships be authorised to update the Members' Allowances Scheme accordingly.'

4.3 For ease of reference the remainder of this report is reproduced from the report considered by Council at its last meeting.

4.4 The Independent Remuneration Panel was formed by the Council in 2001 and has a duty to provide the Council with recommendations on its scheme of members' allowances and amounts to be paid.

4.5 The Panel's terms of reference are to consider and make recommendations to the Council on the following:

**basic allowance** – the amount to be paid to all members of the Council.

**special responsibility allowance** – the roles for which this allowance should be paid and the levels of the allowance in each case.

**travel and subsistence allowance** – the duties for which this allowance should be paid and the amount.

**co-optees allowance** – whether this allowance should be paid and at what level.

**childcare and dependent carer's allowance** – whether this allowance should be paid, at what level and how it should be calculated.

**backdating allowances** – whether any allowance should be backdated to the beginning of the financial year in the event of the scheme being amended.

**annual adjustment of allowances** – whether annual adjustments may be made by reference to an index, and, if so, how long such a measure should run.

4.6 The Panel also makes recommendations to Council regarding remuneration to be paid to the Chair and Non-Executive Directors of Council wholly owned companies.

- 4.7 The Panel was convened to meet on 16 November 2022 to consider the following:
- the annual uprate of the scheme which, as set out in the Members' Allowances Scheme, is revised in line with the staff NJC percentage increase. As the staff pay award is not based on a percentage increase this year (a fixed payment has been agreed), the Panel was asked to make recommendations on an appropriate uprate figure
  - the payment of more than one special responsibility allowance
  - a plan for undertaking the full review of the scheme and for an allowance for the Armed Forces Champion.

- 4.8 The report of the Panel and rationale for its proposals to Council has been included as an appendix.

### **List of Appendices**

Appendix 7(a) – Report of the Independent Remuneration Panel.

### **5.0 Legal considerations:**

- 5.1 The Local Government Act 2000 and subsequent regulations set out the process to establish and maintain a Members Allowances scheme. The Independent Remuneration Panel appointed under that legislation has a duty to provide the Council with recommendations on its scheme of members' allowances and amounts to be paid. The current Members Allowances Scheme is part of the Council's Constitution at this link: <https://www.blackpool.gov.uk/Your-Council/The-Council/Council-constitution-and-plans/Council-constitution.aspx>

### **6.0 Equalities Considerations:**

- 6.1 One of the roles of the Independent Remuneration Panel under the Local Government Act 2000 and associated legislation is to recommend what it considers fair and appropriate allowances in relation to levels paid to members working in comparable authorities.

### **7.0 Financial considerations:**

- 7.1 Allowances are funded from the Member Allowances budget.

### **8.0 Risk management considerations:**

- 8.1 None.

### **9.0 Sustainability, climate change and environmental considerations:**

9.1 None.

**10.0 Internal/ External Consultation undertaken:**

10.1 The Independent Remuneration Panel has undertaken a review of the scheme and has formed these proposals to Council.

**11.0 Background papers:**

11.1 None.

Report of: The Independent Remuneration Panel  
To: Blackpool Council on Wednesday 30 November 2022

## **Review of the Members' Allowances Scheme**

### **1. Introduction**

- 1.1 The Council has appointed an Independent Remuneration Panel to advise the Council on the adoption of a scheme of members' allowances.
- 1.2 The Panel was convened under the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021). These regulations, which arise out of the relevant provisions in the Local Government Act 2000, require all local authorities to set up and maintain an advisory Independent Remuneration Allowances Panel to review and provide advice on Members' allowances. All Councils are required to convene their Allowances Panel and seek its advice before they make any changes or amendments to their allowances scheme and they must 'pay regard' to the Panel's recommendations before setting a new or amended Members' Allowances Scheme.
- 1.3 We were asked to consider and make proposals to Blackpool Council on:
  - the uprate figure to be applied from 1 April 2022 as there was no percentage increase for staff (the comparator used in the scheme) and instead a fixed payment for staff
  - consideration of payment for more than one special responsibility allowance, following a request for this
  - a proposed schedule for a full review of the Members' Allowances Scheme which takes place every four years
  - as part of the above, whether a special responsibility allowance should be in place for the Armed Forces Champion, following a request for this
- 1.4 A meeting of the Panel was held on 16 November 2022 in relation to the above.

### **2. Methodology**

- 2.1 We were supplied with the following information to assist us in our work:
  - The current Members' Allowances Scheme and some options for an appropriate uprate to the scheme
  - Details of the guidance document on members allowances and an outline of the political management structure
  - Details of regulatory committees in relation to responsibilities, time commitment and level of training required
  - Brief details of the Armed Forces Champion role published on the Council's website
  - A proposed outline for a full review of the scheme based on the previous four year review

- 2.2 The Director of Governance and Partnerships and Head of Democratic Governance attended the meeting to answer questions from the Panel.

**3.0 Uprate to the Members' Allowances Scheme for 2022/23**

- 3.1 The Member Allowances Scheme states

"From 2012, the amounts in this scheme will be uprated annually in line with the National Joint Council (NJC) for Local Government Service pay award (with the exception of mileage allowances which will be uprated at the same time as staff mileage allowances)....." This uplift method was again reviewed and confirmed in 2015 and 2019 as part of the full review of Member Allowances.

- 3.2 The way in which the Local Government pay Award has been applied has changed this year to be a fixed payment to all staff of £1,925 rather than a percentage increase. The Members' basic allowance at Blackpool is currently £10,663.90 per annum meaning the application of this same uplift would require an increase of approximately 18%, which is significantly more than the percentage increase for employees (the payment equates to a mean average of 6.2% for employees in Blackpool Council), backdated to April 2022. As part of the agreement there will also be an uplift to expenses/allowances payable to staff of 4.04% (this uprate percentage would normally apply to similar travel and subsistence allowances for members).
- 3.3 We acknowledged that the reasons for the pay award such as cost of living, inflation, rising energy costs and that the fact that the Foundation Living Wage (formerly the Joseph Rowntree Living wage) had risen from £9.90 per hour in 2021 to £10.90 per hour in 2022 which we had originally used to calculate the basic members allowance, were all valid reasons that there should be some uplift to Members Allowances.
- 3.4 We were informed that many Councils faced a dilemma in terms of an uplift figure to be applied as the NJC award percentage was a common uprate factor in Members' Allowances schemes. Local authorities who use the NJC scheme for the uplift process are now asking their Independent Remuneration Panels to consider options for an appropriate uplift to be applied to the Member Allowances Scheme. The options have been identified as:
- a) No change to the current allowances. Basic allowance remains at £10,663.90 per annum.
  - b) The Members' basic allowance receives the same uprate as staff, so an extra £1,925 increase to the current £10,663.90, taking the basic allowance to £12,558.90. This equates to around an 18% increase, which is much higher than the raise for the lowest paid workers.
  - c) The Members' basic allowance receives the Blackpool staff mean average of 6.2% increase.
  - d) The basic allowance receives the 4.04% allowance increase as the figure used to uprate other allowances in the scheme.
  - e) The CPI inflation rate rose by 11.1% in the 12 months to October 2022.

- 3.5 We considered all of the above options and were also aware that some Lancashire authorities had asked their Independent Remuneration Panels to consider a 4.04% uprate and that there was evidence of a similar rate being considered in other parts of the country. We were mindful that it was important to consider comparative authorities who use the NJC uplift in reaching a conclusion on a fair rate.
- 3.6 It was acknowledged that this was an unusual year in that the percentage uprate was not automatically being applied and that a full review of the Members' Allowances Scheme would be undertaken in any case in 2023, where any further adjustments could be made from that point.
- 3.7 Following discussion on a rate to be applied, it was considered by the Panel that a 4.04% uplift to the basic allowance was appropriate, given the information above.
- 3.8 In terms of special responsibility allowances, we considered the 4.04% uprate be similarly applied to these with the exception of the following:
  - Chair and members of the Shareholder Committee
  - Chair, Audit Committee Chair and non-executive directors of all Council companies
  - Standards Independent Persons
  - Independent members of the Audit Committeeas these allowances had more recently been reviewed and uplifted.
- 3.9 It was noted that allowances for the Fostering Panel were uprated in line with those for independent representatives on the Panel.

#### **4.0 Payment of more than one special responsibility allowance (SRA)**

- 4.1 In our report to Council in June 2019, we recommended Council (and it agreed) that the expectation that only one SRA should be paid should continue, however, where a councillor was appointed to two roles and there was a request to consider a second allowance, the Panel would consider this on its merits.
- 4.2 We have considered requests on two occasions where a councillor has been appointed to more than one role and were aware that there had been similar individual requests made since to consider a second SRA. At our meeting we discussed whether alternative provisions within the Scheme would be more appropriate either through a delegation arrangement or a provision in the Scheme itself to allow a second SRA to be paid for certain committees.
- 4.3 Further details of committees set out in the political management structure in the constitution was requested and in reviewing that information, we noted that the Chair and Vice Chair positions of particular regulatory/ governance committees – namely Appeals Committee, Audit Committee, Planning Committee and Public Protection Sub Committee - required a greater level of time commitment, accountability (dealing with regulatory and governance process and procedure) and formal training prior to taking up positions and beyond.
- 4.4 Having considered the above information, we concluded that there is merit in allowing an SRA for these in addition to one other SRA.

- 4.5 We also concluded that a provision within the Members' Allowances Scheme setting out this principle in relation to the regulatory committees at 4.3 above, would provide greater clarity and transparency in terms of application.

## **5.0 Armed Forces Champion**

- 5.1 We were aware of a request to consider whether or not an allowance should be paid for this role. It was noted that this was a role that had been established over a number of years in Blackpool and many cities/towns across the country, but the role had not been reviewed previously as part of the Members' Allowances Scheme. We were conscious that we needed to identify comparator authorities along with further details of the responsibilities and therefore considered that this should form part of the full four year review when the information gathering exercise would be undertaken.

## **6.0 Full four-yearly review**

- 6.1 We considered the last full review in 2019 and agreed that a similar programme was undertaken in 2023 with meetings prior to the election to undertake some preparatory work as well as post-election when any revised political managements were in place.

## **7.0 Recommendations to Council**

- 7.1 That a 4.04% uprate is applied to the basic allowance, special responsibility allowances (with the exception of those set out in paragraphs 3.8 and 3.9) and travel/subsistence allowances for members for financial year 2022/23.
- 7.2 That in relation to Chairs and Vice-Chairs of the Appeals Committee, Audit Committee, Planning Committee and Public Protection Sub-Committee, the special responsibility allowance (SRA) for these positions can be paid in addition to one other SRA from within the Political management structure as set out in the constitution.
- 7.3 In relation to 7.2 above, that this takes effect from the Annual Meeting 2022 and that the Members' Allowances Scheme is amended to include this provision.
- 7.4 That consideration of whether a special responsibility allowance for the Armed Forces Champion would be considered as part of the full four year review.

Mr N Kilgallon  
Mrs H Hockenhull  
Mr G Molyneux

# Agenda Item 8

|                                 |  |
|---------------------------------|--|
| <b>Report to:</b>               | <b>COUNCIL</b>   |
| <b>Relevant Officer:</b>        | Steve Thompson, Director of Resources  |
| <b>Relevant Cabinet Member:</b> | Councillor Neal Brookes, Cabinet Member for Enforcement, Public Safety, Transport and Highways |
| <b>Date of Meeting:</b>         | 1 February 2023  |

## COUNCIL TAX REDUCTION SCHEME 2023/2024

### 1.0 Purpose of the report:

- 1.1 To consider the recommendations of the Executive at its meeting on 23 January 2023 on the proposals for the Council Tax Reduction Scheme for 2023/24. The Decision Notice EX2/2023 from that meeting can be found via this link- [Decision Notice](#)

### 2.0 Recommendation(s):

- 2.1 To agree the Council Tax Reduction Scheme 2023/24 as set out in Appendix 8c.
- 2.2 To agree that the reduction applied to working age claimants remains the same as the 2022/23 Scheme agreed by Council on 9 February 2022 and that the main elements and method of calculating awards will be the same.
- 2.3 To agree to continue to operate a Discretionary Discount Policy to be awarded in cases of exceptional hardship as set out at Appendix 8a.

### 3.0 Reasons for recommendation(s):

- 3.1 To ensure a local Council Tax Reduction Scheme is approved by 11 March 2023 and in place by 1 April 2023 avoiding the financial risks associated with the Government imposed default Scheme.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

### 4.0 Other alternative options to be considered:

- 4.1 None, a Council Tax Reduction Scheme must be approved by the Council each year.

## **5.0 Council priority:**

5.1 The relevant Council priority is: “Communities: Creating stronger communities and increasing resilience”.

## **6.0 Background information**

6.1 The Welfare Reform Act 2012 abolished Council Tax Benefit (CTB); billing authorities were required to adopt a local Council Tax Reduction Scheme (CTRS) to take effect from 1 April 2013.

6.2 The Government grant for Council Tax Reduction Scheme was less than 90% of the Government forecast funding levels had Council Tax Benefit continued. This was expected to leave a shortfall in funding of £3.22m based on estimates of demand and assumptions regarding the basis of calculation for the central Government grant. The ongoing level of Government support meant the Council adopted a self-funding Scheme under which all working-age claimants had to pay at least 27.11% of their Council Tax in 2013/14. This has remained the case in subsequent years until the 2017/18 Scheme when it was agreed that additional support was provided to vulnerable groups and they had to pay 13.56%. These vulnerable groups are defined as:

- where someone in the household receives Disability Living Allowance or Personal Independence Payments
- where the applicant is a lone parent and who is responsible and resides with a child under 5 years old
- where the applicant or their partner receives Carer’s Allowance
- where the applicant or their partner is in receipt of a war pension, war widows pension, war disablement pension or equivalent.

6.3 For the 2018-19 Scheme the 13.56% reduction was extended to the following low income groups:

- applicants or partners receiving Income Support, or Income-Based Jobseekers Allowance, or Income-Related Employment Support Allowance.

6.4 For the 2019-20 Scheme, the 13.56% reduction was extended to the following groups and no further changes have been made since:

Ensure that applicants who are protected under the current Scheme continue to be protected to the same level of support when they move to Universal Credit;

Extension of the group of customers who pay 13.56% to claimants or partners who are:

- in receipt of Jobseeker’s Allowance Contribution Based
- in receipt of Main Phase Employment and Support Allowance and are in the

- Work Related Activity Group
  - in receipt of Maximum Universal Credit and is neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income)
  - in receipt of Universal Credit which includes either the limited capability for work and/or work related activity.
- 6.5 The initial 2013/14 funding was separately identifiable, but since then the monies have formed part of the overall total Revenue Support Grant (RSG). Analysis of the RSG would suggest that the initial £17.58m allocated for the scheme would equate to approximately £5.2m in 2020/21 and £5.2m in 2021/22 due to the continued year-on-year changes in Settlement funding. In order for the scheme to be self-funding now, the bottom-slice would need to be in excess of 100%.
- 6.6 The Council Tax Reduction Scheme caseload has shown a downward trend for several years since the introduction of the Scheme in 2013/14 as shown below. However, 2020/21 saw an increase in caseload due to the impact of the pandemic.

|         | <b>Working Age</b> | <b>Elderly</b> | <b>Total</b>  |
|---------|--------------------|----------------|---------------|
|         |                    |                |               |
| 2013/14 | 14,504             | 8,815          | <b>23,319</b> |
| 2014/15 | 13,781             | 8,407          | <b>22,188</b> |
| 2015/16 | 13,610             | 7,985          | <b>21,595</b> |
| 2016/17 | 13,385             | 7,589          | <b>20,974</b> |
| 2017/18 | 13,050             | 7,267          | <b>20,317</b> |
| 2018/19 | 12,930             | 6,901          | <b>19,831</b> |
| 2019/20 | 13,147             | 6,622          | <b>19,769</b> |
| 2020/21 | 15,464             | 6,453          | <b>21,917</b> |
| 2021/22 | 14,479             | 6,346          | <b>20,825</b> |
| 2022/23 | 12,859             | 6,231          | <b>19,090</b> |

The change in caseload demographics is attributed to a number of factors. The Government's increase in State Pension Age has meant that it is longer before a customer will be classed as "elderly" and there is traditionally a lower take-up of benefits by this age group and they are viewed as a group with a higher level of assets.

- 6.7 Council Tax Reduction Scheme has had a very significant impact on in-year Council Tax collection rates. In the last year of Council Tax Benefit, 2012/13, in-year collection rate was 95.5%. Since Council Tax Reduction Scheme was introduced and 10,000 low income working-age households became liable to pay Council Tax, in-year collection has dropped each year. In 2020/21 collection was 87.76% with a 66.78% collection rate for Council Tax Reduction

Scheme cases, although these rates are likely to be reflective of the impact of the pandemic and inability to take court action.

- 6.8 Collection is marginally above 2021/22 rates at the moment but the overall increase in arrears has meant the Council's share of the bad debt provision for Council Tax and Council Tax Reduction Scheme has increased annually since the introduction of the Scheme and was £8.433m at 31 March 2022.
- 6.9 Court action can be taken against defaulting Council Tax payers. However, the numbers are limited at any hearing by restrictions placed by the court. Following the issue of a liability order at court an attachment of benefits can be requested. The amount that can be attached from benefits is restricted by legislation, currently £3.75 for most benefits except Universal Credit. This means that it is not usually possible to collect the Council Tax amount payable within the year it becomes due, which impacts on in-year collection rates. The attachment is administered by the Department for Work and Pensions and they can delay the process significantly.
- 6.10 The Blackpool Scheme incorporates the national Pensioner Scheme decided by Government. This ensures that support continues at the same level as existed under Council Tax Benefit. In Blackpool pensioners currently account for 32.64% of the caseload.
- 6.11 For working-age claims there is a means-tested assessment, predominantly based upon the former Council Tax Benefit rules, to establish entitlement. A percentage reduction of 27.11% (13.56% for the groups shown in 6.2, 6.3 and 6.4) is then applied to the award at the end of the assessment.
- 6.12 The value of the percentage reduction is reviewed annually to ensure it remains fit for purpose taking account of ongoing changes in legislation, caseload and financial requirements. It is proposed that for 2022/23 the value of the percentage reduction for other working age customers, who do not fall into the vulnerable or low income categories shown at 6.2, 6.3 or 6.4, should remain at 27.11%.
- 6.13 Does the information submitted include any exempt information? No

## **7.0 List of Appendices:**

- 7.1 Appendix 8a: Discretionary Discount Policy
- Appendix 8b: Equality Analysis
- Appendix 8c: Draft Council Tax Reduction Scheme 2023/24

## **8.0 Financial considerations:**

- 8.1 For 2023/24 it is proposed that the percentage reduction made at the end of the assessment

for working age claimants shall be 27.11% with the exception of those claimants who fall into the vulnerable or low income categories shown at 6.2, 6.3 and 6.4, who will be subject to a 13.56% reduction.

- 8.2 A review of the Scheme must be carried out annually to ensure it remains fit for purpose taking account of ongoing changes in legislation, caseload and financial requirements. The Council will be required to approve the Scheme each year.
- 8.3 The Welfare Reform Act 2012 provided for a major overhaul of the benefits system. The Council Tax Reduction Scheme was implemented ahead of the commencement of Universal Credit. The new Scheme of Council Tax Reduction continues to run alongside Housing Benefit during the transition to Universal Credit. Housing Benefit administration will then gradually diminish. Wider changes to existing benefits over the last few years have meant customers on benefits have less money available to pay their Council Tax liability. Whilst there is still an ambition to achieve full collection, this is likely to take longer.

**9.0 Legal considerations:**

- 9.1 A resolution by the full Council to adopt a Council Tax Reduction Scheme is required by 11 March 2023. The Scheme will take effect from 1 April 2023.
- 9.2 The Council Tax and Business Rates Discretionary Discount Policy has been reviewed and is attached at Appendix 8a.

**10.0 Risk management considerations:**

- 10.1 As part of the overall project management leading to the 2013/14 Scheme, a risk workshop identified a number of risks. Actions required to mitigate those risks have been identified and implemented where possible.

**11.0 Equalities considerations:**

- 11.1 The Equality Analysis that has previously been carried out for the Council Tax Reduction Scheme has been revisited and updated. This aims to mitigate the impact on protected groups and includes the continued availability of a discretionary hardship fund which has been made available through the adoption of a Discretionary Discount Policy. As part of their consideration of the Council Tax Reduction Scheme for 2023/24 an updated Equality Analysis is attached at Appendix 8b for Members to review.

**12.0 Sustainability, climate change and environmental considerations:**

- 12.1 None directly.

**13.0 Internal/external consultation undertaken:**

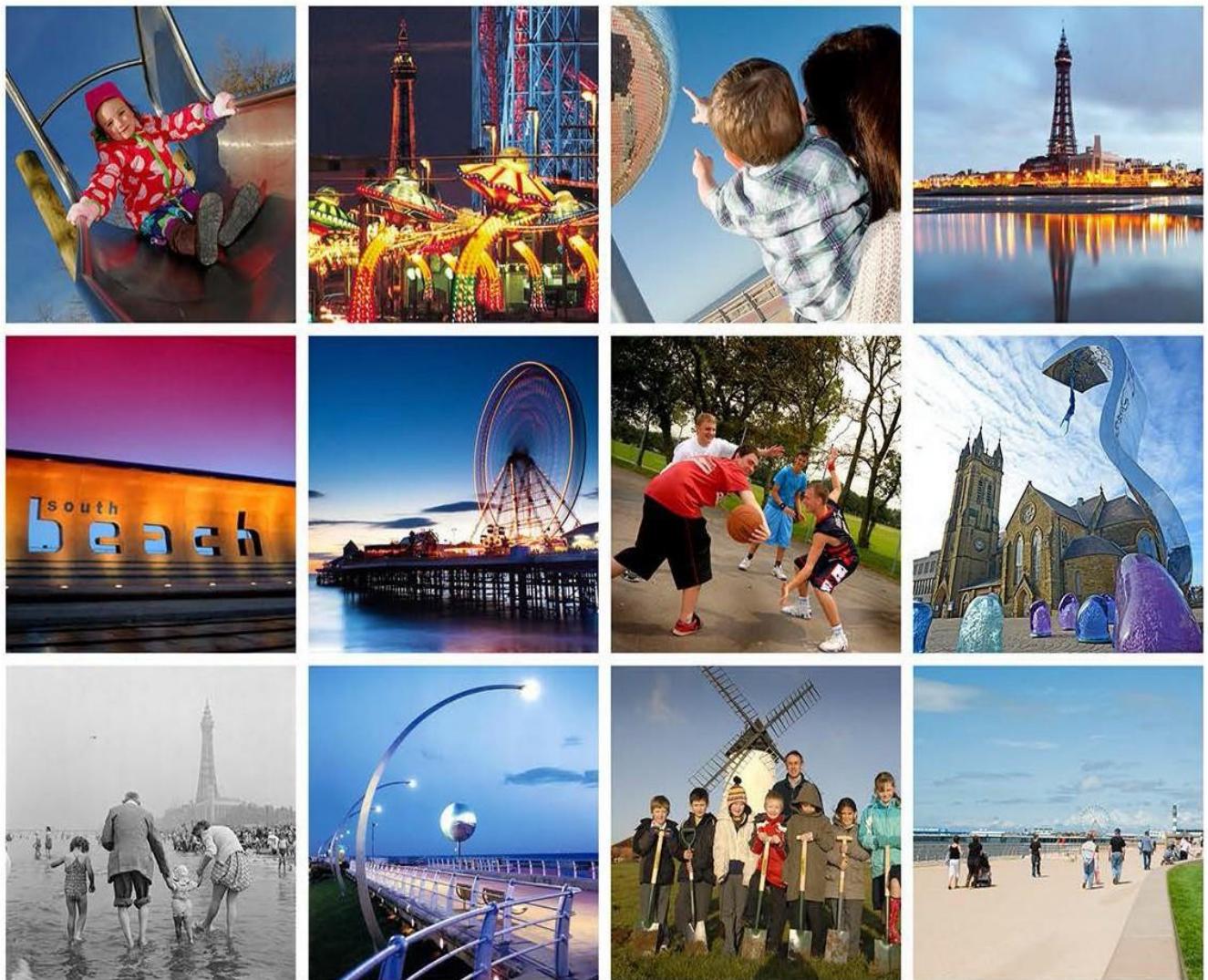
13.1 As the main elements and method of calculating awards will remain the same for 2022/23, no consultation exercise is required.

**14.0 Background papers:**

14.1 None.

## Appendix 8a

### Council Tax and Business Rates Discretionary Discount Policy 2023/24 Blackpool Council



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## Record of Amendments

| Date       | Version | Amended by          | Description of changes  |
|------------|---------|---------------------|---|
| 08/10/2014 | 1.2     | A. Turpin           |   |
| 19/12/2014 | 1.3     | A. Turpin           |   |
| 20/10/2015 | 1.4     | G. Ruse             | Add Part Occupation Relief  |
| 24/10/2016 | 1.5     | G. Ruse             | Remove Re-Occupation Relief   |
| 15/01/2018 | 1.6     | G. Ruse             | Review Post titles  |
| 18/06/2018 | 1.7     | D. Holmes           | Reformatting of the document (no new content)   |
| 17/07/2018 | 1.8     | D. Holmes           | Clarify criteria and evidence for Hardship Relief   |
| 03/09/2018 | 1.9     | L. Jones/ A. Turpin | Review of policy for 2019-20  |
| 13/12/2018 | 2.0     | D. Holmes           | Added Retail Discount, Local Newspaper Relief, Relief for Community and Sporting Organisations, clarified part 5, and referenced Enterprise Zone relief                                       |
| 17/12/2018 | 2.1     | G. Ruse             | Inclusion of Revaluation Relief and Fraud statement   |
| 29/10/2019 | 2.2     | L. Jones / G. Ruse  | Review of Policy for 2020/21  |
| 30/01/2020 | 2.3     | G. Ruse             | Amendments for 2020/21 Rate Relief Amendments   |
| 20/03/2020 | 2.4     | D. Holmes           | Amendments to Retail Discount following COVID-19 advice.  |
|            | 2.5     |                     | Amendments to Council Tax Reduction following COVID-19 advice.  |
| 08/03/2020 | 2.6     | G. Ruse             | Amendments to Retail Discount following COVID-19 advice.  |
| 08/09/2020 | 2.7     | D. Holmes           | Changes to policy following a re-structure and an update to introduce COVID-19 measures, including the Expanded Retail Discount and the OFSTED Registered Nursery Discount scheme.            |
| 03/08/2021 | 2.8     | G. Ruse             | Updated content for Expanded Retail Discount and Nursery Discount.  |
| 20/10/2021 | 2.9     | L Jones             | Review for 22/23 CTRS scheme  |
| 09/11/2021 | 3.0     | D. Holmes           | The removal of the OFSTED Registered Nursery Discount scheme and the removal of the Enterprise Zone Relief, as these have now ceased. Further updates to the Expanded Retail Discount scheme. |
| 13/01/2023 | 3.1     | L Jones             | Review for 23/24 CTRS scheme  |

**Approved By**

| Name         | Title  | Signature  | Date            |
|--------------|--|--|-----------------|
| Louise Jones | Head of Revenues,<br>Benefits and Customer<br>Services |  | 13 January 2023 |

## **1. Introduction**

Section 13A of the Local Government Finance Act 1992 (as amended) and sections 47, 48 and 49 of the Local Government Finance Act 1988 (as amended) empowers a billing authority to reduce the amount of tax payable.

Blackpool has adopted a local Council Tax Reduction Scheme since 1st April 2013, which replaced Council Tax Benefit. However it is likely that other circumstances will arise where the Council could consider a further discretionary reduction in exceptional circumstances. In addition local Businesses who are experiencing severe financial difficulties may request assistance in meeting the burden of local taxation.

Funding for such reductions must be provided by the Council. This policy sets out how the Council will use these powers and the criteria that must be satisfied.

The Council is committed to publishing the policy to ensure that the local taxpayers are aware of the policy and are able to quickly and easily apply for assistance.

### **Aims of the Discretionary Discount Policy**

- Provide a mechanism for the Council to assist members of the community who are unable to meet the financial burden of local taxation
- Helping residents in receipt of Council Tax Reduction who are unable to increase their income
- Alleviating poverty
- Helping those who are trying to help themselves
- Supporting people who are starting work
- Supporting the most vulnerable in the local community
- Helping customers through difficult personal events
- To ensure that no claimant or charge payer suffers any undue short-term disadvantage resulting from circumstances beyond their control

## **2. Policy Objectives and Action Plan**

### **Objective 1: To ensure that assistance is available and accessible to members of the community most in need**

- Ensure staff are aware of the policy and qualifying criteria
- Regular refresher training for assessment staff to promote proactive identification of potential cases
- Provide effective overview training on the policy and qualifying criteria on request to promote take-up and awareness in appropriate circumstances.
- Promote access to the scheme through continued development of the Blackpool Council website to ensure that up to date information is provided and that relevant forms and information can be downloaded.
- Ensure advice providers are aware of the policy and qualifying criteria.
- Promoting awareness to Members
- Promote the scheme to target groups, which may include:
  - Social and Private Sector Housing Tenants with significant arrears who may apply for a Discretionary Housing Payment (DHP).
  - Council Tax payers who have been issued with a summons.
  - People requiring assistance from the Emergency Planning response team.
  - Customers who are seeking Council assistance with debts
- Providing a facility to visit customers to assist them in making an application and provide supporting documents.
- Working closely with existing and new service partners and stakeholders to promote awareness of the policy.

## **Objective 2: To ensure discretionary discounts are only awarded when no other means of assistance is available.**

- Ensure assessments of applications for local Council Tax Reduction incorporate a benefits maximization check.
- Ensure the applicant does not have income or capital which should be used to meet the liability.
- Signpost customers who do not meet the criteria to appropriate alternative advice services
- Conduct a regular review of the policy to ensure it is fit for purpose.
- Ensure a robust review procedure is in place to ensure decisions are independent, fair and consistent.
- Ensure publicity is available to encourage customers to claim other benefits they are entitled to and where to access debt advice and money management tools.
- Ensure other sums owed to the Council (e.g. sundry debts, Housing Benefit overpayments) are reviewed and reduced repayments agreed where appropriate
- Ensure a Discretionary Housing Payment for Housing Benefit is awarded if appropriate
- Ensure recovery action is delayed where appropriate
- Awards will be tailored to match need. The period and amount of an award will be determined based upon the circumstances in each case.
- Awards will only be made for a period relating to the financial year in which the application is made.
- Awards may be reviewed at any time and may be revised, reduced or withdrawn if it is found that the circumstances of the applicant have changed and the award is no longer appropriate.

## **Objective 3: To monitor and evaluate the administration of the policy to ensure that the service reflects the needs of the community**

- Monitor of fund spending by monthly recording and reporting of expenditure provided to Senior Management.
- Conduct a regular review of income and expenditure forms used.
- Conduct a regular review of the policy.
- Review the outcome of requests for reconsideration to improve guidance and methodology.
- Respond to feedback on processes and procedures from partners and stakeholders.

### **3. Discretionary Discount - Customers in receipt of local Council Tax Reduction**

Blackpool Council adopted a local Council Tax Reduction Scheme effective from 1<sup>st</sup> April 2013. During the development of the scheme the Councils' Equality Analysis identified that certain groups affected by the reduction in support would be unlikely to be able to increase their income.

For an award of this type of discretionary discount to be made, the applicant must be:

- In receipt of Council Tax Reduction; and
- Have a shortfall between the level of Council Tax Reduction and their council tax liability; and
- In the opinion of the Council, be in need of further assistance with Council Tax in accordance with the qualifying criteria.

Requests for further reductions in Council Tax liability will be required in writing from the customer, their advocate / appointee or a recognised third party acting on their behalf.

Each case will be considered on 'its merits' however all of the following criteria should be met:

- There must be evidence of hardship or personal circumstance that justifies a further reduction in Council Tax liability.
- The Council must be satisfied that the customer has taken reasonable steps to resolve their situation prior to application.
- The customer does not have access to other assets that could be realised and used to pay the Council Tax.
- All other eligible discounts/reliefs have been awarded to the customer.

#### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

#### **Decision making process**

**Stage 1:** The initial request will be dealt with by a Decision Maker (Senior Benefits Assistant, Senior Benefit Specialist or Team Manager) who will consider the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

**Stage 2:** A Senior Benefits Manager will authorise the decision.

#### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

## **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision.

**Stage 1:** The original decision and any additional information provided will be reviewed by a different Decision Maker who will recommend either to confirm or amend the original decision.

**Stage 2:** The Head of Benefits and Customer Services will consider the application for review and the recommendation and determine whether to award a discretionary discount.

## **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

A discretionary reduction made under section 13A(1)(a) or (c) of the Local Government Finance Act (LGFA) 1992 can be the subject of an appeal to the Valuation Tribunal under section 16 of the LGFA 1992.

## **4. Discretionary Discounts – Customers not in receipt of local Council Tax Reduction**

Requests for reductions in Council Tax liability will be required in writing from the customer or a recognised third party acting on their behalf.

Each case will be considered on ‘its merits’ however all of the following criteria should be met:

- There must be evidence of hardship or personal circumstance that justifies a reduction in Council Tax Liability.
- The Council must be satisfied that the customer has taken reasonable steps to resolve their situation prior to application.
- The customer does not have access to other assets that could be realised and used to pay the Council Tax.
- The customer is not entitled to an award under the local Council Tax Reduction Scheme.
- All other eligible discounts/reliefs have been awarded to the customer.

### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

### **Decision making process**

**Stage 1:** The initial request will be dealt with by a Revenues Manager who will consider the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

**Stage 2:** The decision will be authorised by a different Revenues Manager.

### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

### **Review of decision/re-determination requests**

The Council will accept an applicant’s written request for a redetermination of its decision if there is relevant new information available on which to reconsider the original decision.

**Stage 1:** The original decision and any additional information provided will be reviewed by a different Revenues Manager who will recommend either confirming or amending the original decision.

**Stage 2:** The Head of Revenues, Benefits and Customer Services will consider the application for review and the recommendation and determine whether to award a discretionary discount.

### **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

A discretionary reduction made under section 13A(1)(a) or (c) of the Local Government Finance Act (LGFA) 1992 can be the subject of an appeal to the Valuation Tribunal under section 16 of the LGFA 1992.

## **5. Discretionary Relief - Business Rates**

The Council may award Business Rates relief on any case where it has been asked to do so, and where the award would be clearly in the interest of the local Council Tax payer.

The relief is available pursuant to s.47 of the Local Government Finance Act 1988, as amended by s.69 of the Localism Act 2011, and decisions are to be made on a case by case basis and dependant on the individual facts. This is often referred to as 'Localism Relief'.

Each case will be considered on its merits however all of the following criteria should be met:

- it must be in the interest of the Council and the community for the local authority to grant a reduction, **and**
- all other eligible discounts/reliefs have been awarded to the ratepayer.

### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

### **Decision making process**

**Stage 1:** The Decision Maker (Principal Revenues Manager or Head of Revenues, Benefits & Customer Services) will make a recommendation to the Director of Resources, considering the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

**Stage 2:** The Director of Resources will consider the application and the recommendation to determine whether to award a discretionary discount.

### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

### **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision only if there is relevant new information available on which to reconsider the original decision.

### **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

## **6. Relief relating to organisations established for Sporting and Community Purposes**

Pursuant to s.47(3) and s.47(5) of the Local Government Finance Act 1988 (as amended) the billing authority may make an award of up to 100% for charities and other organisations, where the following conditions apply:

- a ratepayer is a charity or trustees of a charity, and the hereditament is wholly or mainly used for charitable purposes, **or**
- the ratepayer is a community amateur sports club and is wholly or mainly used for the purposes of the club and other such clubs, **or**
- all or part of the hereditament is occupied for the purposes of one or more institutions or other organisations, none of which is established or conducted for profit and whose main objectives are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the arts, **or**
- the hereditament is wholly or mainly used for purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

The billing authority may make a decision to grant relief, only if it is satisfied that it would be reasonable to do so, having regard to the interests of the Blackpool Council Tax payers.

The below is intended only as a guide when considering applications for discretionary relief, and each case will be considered on its own merit, but the Councils expects any application for relief to cover the following points:

### **Community Organisations**

- the organisation is not part of a charging or precepting authority, **and**
- the organisation has been specifically set up for the benefit of the young, the aged, the disabled or for ethnic minorities, **or**
- the property is for the general use of the local community without any membership and/or subscription requirements and has no specific use except for the general benefit of the community, **or**
- the property is used for the housing of vehicles used only for offshore emergency purpose, **or**
- the aims of the organisation are to educate volunteers in emergency training for the benefit of the local community.

### **Sporting Organisations (including Community Amateur Sports Clubs)**

- the membership is open to all sections of the community, **and**
- they do not restrict membership on the grounds of ability or the availability of their facilities, **and**
- whose membership levels are not set at such a rate to preclude membership by all sections of the community, **and**
- who provide outside sporting activities, **and**
- who actively encourage participation by young people, **and**
- who make their facilities available to people other than members e.g. to schools or casual public sessions, **and**
- whose main aim is sporting rather than social, **and**
- whose membership mainly reside in the Blackpool Borough (e.g. more than 50%)

Retail premises operated by a registered charity which have been granted mandatory rate relief may, in exceptional circumstances, receive a further discretionary award of up to 100%. The Council will consider the merits of each case but such an award will be the exception rather than the rule.

### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources, who will discharge this responsibility by the following process:

### **Decision making process**

**Stage 1:** The decision making process will involve the Principal Revenues Manager or the Head of Revenues, Benefits and Customer Services, considering the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

**Stage 2:** The Director of Resources will consider the application and the recommendation and determine whether to award a discretionary discount.

### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

### **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision only if there is relevant new information available on which to reconsider the original decision.

**Stage 1:** The original decision and any additional information provided will be reviewed and a recommendation made to either confirm or amend the original decision.

**Stage 2:** The Director of Resources will consider the application for review and the recommendation and determine whether to award a discretionary discount.

### **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination.

Following the redetermination of a request for discretionary discount, there is no further right of appeal.

## **7. Hardship Relief**

In exceptional circumstances the Council may award relief where it is satisfied payment of the bill will cause a business severe financial hardship.

This will only be considered where it is evident that doing so would be in the interests of the wider community. This can be because failure to grant the relief would result in the loss of a unique and regularly required service, and/or because the failure to grant relief would directly result in a significant loss of jobs in the local community.

Hardship Relief is available pursuant to s.49 of the Local Government Finance Act 1988. The relief is designed for a local authority to provide discretionary assistance in exceptional and/or unexpected circumstance, but not to prop up a fundamentally failing business. Decisions are to be made on a case by case basis and dependant on the individual facts.

The Council may award hardship relief as a percentage of the total amount due, or as a single monetary value.

There are no time limits to the award of hardship relief, but the relief is considered to be a 'one-time' award. There is no requirement for the Council to award this relief periodically.

In order to consider an award the applicants shall provide the following:

- Details of the unique and regularly required service provided.
- Details of how much is outstanding.
- Details of their current financial circumstance, including details of any assets or security held, and including details of debts owed to other creditors.
- Copies of their latest audited accounts, or if the business has not yet submitted accounts then an up to date income statement and/or balance sheet will be required.
- Details of the company, such as the product sold, the customer base, numbers in the workforce.
- The reason why they cannot pay their bill.
- How much relief they require.
- An assumption of what would happen if no assistance was provided by the Council.

### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

### **Decision making process**

**Stage 1:** The Principal Revenues Manager or The Head of Revenues, Benefits and Customer Services will make a recommendation to the Director of Resources, considering the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

**Stage 2:** The Director of Resources will consider the application and the recommendation to determine whether to award a hardship relief.

### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

## **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision where there is new information available on which to reconsider the original decision.

## **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination. Following the re-determination of a request for a discretionary award there is no further right of appeal.

## **8. Temporary Part Occupation Relief**

The Ratepayer is liable for the full non-domestic rate whether a property is wholly occupied or only partly occupied. Under s44A of the Local Government Finance Act 1988, where a property is partly occupied for a short time the Council has discretion to request that the Valuation Office apportion the rateable value of a property between the occupied and unoccupied parts and apply an unoccupied property exemption on the unoccupied part; thereby reducing the amount payable.

Applications must be made in writing and supported by:

- a completed application form, **and**
- detailed scaled plans which outline the whole property and indicate the partly occupied/unoccupied parts, **and**
- details of the planned period of time for the part occupation, **and**
- details of future intentions, **and**
- details of the cause for the part occupation.

A site visit will be required. Where necessary the ratepayer may be required to provide additional information to support their application.

### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

### **Decision making process**

**Stage 1:** The Principal Revenues Manager or The Head of Revenues, Benefits and Customer Services will make a recommendation to the Director of Resources, considering the application against the criteria set out in this policy, based upon the information provided by the applicant and known to the Council.

**Stage 2:** The Director of Resources will consider the application and the recommendation to determine whether to award a discretionary discount.

### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

### **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision where there is new information available on which to reconsider the original decision.

### **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination. Following the re-determination of a request for a discretionary award there is no further right of appeal.

## **9. Expanded Retail Discount**

The Government announced in the 2018 Budget that it will provide a Business Rates Retail Discount scheme for occupied retail properties in 2019/20 and this remains today, albeit the discount was re-branded as the ‘expanded retail discount’ during the COVID19 pandemic and extended to additionally include businesses in the leisure and hospitality sectors.

Since this discount was created the rules and amounts have varied, from an initial 33% discount in 2019/20 to a full discount during the COVID19 pandemic, irrespective of rateable value and with no award cap. During 2021/22 a “cash cap” was introduced to limit the level of relief paid to £105,000 across all of the applicants businesses. During 2021/22 there was a split award of 100% for 3 months (April to June) and then a 66% rate for the remainder of the financial year.

From 1 April 2022 until 31 March 2023 the expanded retail discount will be 50% for all occupied premises within the retail, hospitality and leisure sectors, subject to a “cash cap” of £110,000 per business.

From 1 April 2023 until 31 March 2024 the expanded retail discount will be 75% for all occupied premises within the retail, hospitality and leisure sectors, subject to a “cash cap” of £110,000 per business.

The discount is to be applied once mandatory reliefs and other discretionary reliefs have been applied.

### **Which properties will benefit from relief?**

Properties that will benefit from the relief will be occupied hereditaments that are wholly or mainly being used:

- as shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
- for assembly and leisure; or
- as hotels, guest & boarding premises and self-catering accommodation.

**We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:**

#### **Hereditaments that are being used for the sale of goods to visiting members of the public:**

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

**Hereditaments that are being used for the provision of the following services to visiting members of the public: Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)**

- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire
- Employment agencies
- Estate agents and letting agents
- Betting shops

**Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

**Hereditaments which are being used as cinemas**

**Hereditaments that are being used as live music venues:**

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music. Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance issued in April 2018 under section 182 of the Licensing Act 2003.

**We consider assembly and leisure to mean:**

**Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).**

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions

- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

**Hereditaments that are being used for the assembly of visiting members of the public.**

- Public halls
- Clubhouses, clubs and institutions

**We consider hotels, guest and boarding premises and self-catering accommodation to mean:**

**Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:**

- Hotels, Guest and Boarding Houses
- Holiday homes
- Caravan parks and sites

This is a test on use rather than occupation, therefore hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

**What does not constitute retail, leisure or hospitality usage**

The list below sets out the types of uses which we **do not** consider as being eligible for the purpose of this discount, and will therefore not qualify under this scheme.

**Hereditaments that are being used for the provision of the following services to visiting members of the public**

- Financial services (e.g. banks, building societies, cash points, bureaux de change, short-term loan providers)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/financial advisers)
- Post office sorting offices

**Hereditaments which are not reasonably accessible to visiting members of the public**

- Premises where membership is required to gain entry (e.g. affiliated social clubs)
- Premises where payment is required to gain entry

**Hereditaments which are inconsistent with the Health & Wellbeing Strategy for Blackpool**

- Premises used for the sale of psychoactive substances (also known as legal highs)

**Amount of relief available**

The total amount of government-funded relief available for each property under this scheme for 2019-20 was one third of the bill, and for 2020-21 the full bill. For 2021-22 the amount was a 100% discount for 3 months from 1<sup>st</sup> April 2021 until 30<sup>th</sup> June 2021, and a 66% discount thereafter until 31 March 2022. For the 2022/23 financial year the applicable discount is 50%. For the 2023/24 financial year the applicable discount is 75%; this is however subject to a “cash cap”. This relief is applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied. There is no relief available under this scheme for unoccupied properties.

A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

## **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

## **Decision making process**

The expanded retail discount was introduced as a financial package to assist those ratepayers who were expected to be adversely affected by the COVID19 pandemic, meaning awards were to be swift and without the normal requirement to complete forms and submit supplementary information in support of their application. With this in mind it was decided that:

- Where the property is occupied and the ratepayer clearly meets at least one of the above criteria for retail, hospitality and leisure sectors then the relief will be paid automatically.
- Where the ratepayer does not clearly meet at least one of the above criteria for retail, hospitality and leisure, or where the property is believed to be unoccupied, then the details will be passed to a Revenues Manager to determine whether the ratepayer is eligible for this relief.

## **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

## **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision only if there is relevant new information available on which to reconsider the original decision.

**Stage 1:** The original decision and any additional information provided will be reviewed and a recommendation made to either confirm or amend the original decision.

**Stage 2:** The Director of Resources will consider the application for review and the recommendation and determine whether to award a discretionary discount.

## **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination. Following the re-determination of a request for a discretionary award there is no further right of appeal.

## **10. Local Newspaper Relief**

The Government introduced a £1,500 Business Rate discount for office space occupied by local newspapers in England, up to a maximum of one discount per local newspaper title and per hereditament, and up to state aid limits, for 2 years from 1 April 2017. This was extended in the 2018 budget and the 2020 budget and will now apply until 31<sup>st</sup> March 2025.

The relief is to be specifically for local newspapers and by that we mean what would be considered to be a “traditional local newspaper.” The relief will not be available to magazines.

### **Responsible officer**

The responsibility for making discretionary decisions will rest with the Director of Resources.

### **Decision making process**

In accordance with Government Guidance for the administration of the scheme, and to assist local businesses, the s151 Officer has agreed that the Council may make a number of assumptions with regard to eligibility to ensure relief is awarded to qualifying businesses as soon as possible.

Businesses awarded relief will be advised to inform the Council if they do not qualify for relief as a result of exceeding State Aid limits. Should a ratepayer believe they are entitled to the relief and it has not been awarded, an application form will be provided and relevant enquiries undertaken to determine eligibility.

Where an application form is sent and a response is received, a Revenues Manager will confirm eligibility and seek a decision from the Director of Resources.

### **Notification of decision**

The Council will notify the applicant of its decision within 28 days of receiving sufficient information to make a decision.

### **Review of decision/re-determination requests**

The Council will accept an applicant's written request for a redetermination of its decision where there is new information available on which to reconsider the original decision.

### **Notification of review/re-determination decision**

The Council will notify an applicant of its decision within 28 days of receiving a request for a re-determination. Following the re-determination of a request for a discretionary award there is no further right of appeal.

## **11. Fraud**

Where a ratepayer falsely applies for any relief or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

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## **Equality Analysis (EA) (formally Equality Impact Assessment) Record Form 2023/24**

**Department:** Revenues, Benefits and Customer Services

**Team or Service Area Leading Assessment:** Benefits

**Title of Policy/ Service or Function:** Working Age Council Tax Reduction Scheme Equality Assessment

**Lead Officer:** Louise Jones

### **STEP 1 - IDENTIFYING THE PURPOSE OR AIMS**

1. What type of policy, service or function is this?

New/ proposed policy

2. What is the aim and purpose of the policy, service or function?

From April 2013, as part of the government's Welfare Reform agenda, Council Tax Benefit was abolished and replaced with a locally determined Council Tax Reduction (CTR) Scheme. Pensioners continue to be protected at their existing levels of benefit under a national scheme whilst new schemes were set up for Working Age customers at a Local Authority level. Under this system, it is billing authorities who decide who is eligible to get support and the support will be awarded by way of a Section 13A Council Tax discount. The grant provided by the Government continues to be reduced; Local Authorities will therefore have to manage the reduction in funding in developing local Council Tax Reduction Schemes and will have to ensure that their scheme also covers the impact of any future increase in Council Tax Support recipients.

Blackpool Council continues to operate under three major constraints:

1. The cut in funding (which may in practice be higher if demand for support increases in the future).
2. The desire to protect vulnerable groups and the exhortation to do this by the Government (as set out in "Localising Support for Council Tax: Vulnerable people – key local authority duties" published by the Department of Communities and Local Government in May 2012).
3. The desire to incentivise work and not contradict the incentives to work in the forthcoming Universal Credit (as set out in "Localising Support for Council Tax: Taking work incentives into account" published by the Department of Communities and Local Government in May 2012).

The Government has stated (in the above document on vulnerable people) that they do not intend to prescribe the protection that local authorities should provide for vulnerable groups other than pensioners. Rather the guidance reminds local authorities to have due regard to how their local scheme may impact on people based on the following:

- Age
- Disability
- Sex and sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Race

- Religion or belief

The above guidance refers to specific legislation that local authorities should have due regard to when designing their local scheme. This includes:

- The Equality Act 2010 (particularly the Public Sector Equality Duty)
- The Child Poverty Act 2010 (duty to mitigate the effects of child poverty)
- The Housing Act 1996 (duty to prevent homelessness)

In addition, it advises that local authorities consider the impact under The Armed Forces covenant published in May 2011.

The local scheme will set out:

- the classes of person who are entitled to a reduction
- the reductions which are to apply to those classes
- the procedure by which a person may apply for a reduction.

The timetable for development of the 2023/24 Equality Analysis is shown below and is updated to consider the impact of the Scheme and any changes to it.

| Action   | Timescale           |
|--|---------------------|
|  |                     |
| Develop first draft of the scheme                        | Jun 2022 -Jul 2022  |
| Start Equality Analysis based on proposed scheme         | Jul 2022 – Oct 2022 |
| Develop EA Action Plan to mitigate impact of the changes | Oct 2022            |
| Send EA with Council Report to decide the scheme         | Nov 2022            |

3. Please outline any proposals being considered.

Continue with the existing 22/23 scheme, ensuring the scheme is cost neutral to the Council with continued reduced support for working age claimants of 27.11% except for people in the following categories, who have reduced support of 13.56%:

- Where someone in the household receives Disability Living Allowance or Personal Independence Payments.
- Where the applicant is a lone parent and who is responsible and resides with a child under 5 years old.
- Where the applicant or their partner receives Carer's Allowance.
- Where the applicant or their partner is in receipt of a war pension, war widows pension, war disablement pension or equivalent.
- Where the applicant or their partner receives Income Support, or Income-Based Jobseekers Allowance, or Income-Related Employment Support Allowance.
- Ensure that applicants who are protected under the current Scheme continue to be protected when they move to Universal Credit
- Extension of the group of customers who pay 13.56% to claimants or partners who are:
  - in receipt of Jobseeker's Allowance Contribution Based
  - in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group
  - in receipt of Maximum Universal Credit and neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income)
  - in receipt of Universal Credit which includes either the limited capability for work and or/work related activity

4. What outcomes do we want to achieve?

A framework to provide Council Tax Reduction with the following objectives:

- Continue with a scheme similar to the current scheme in terms of eligibility criteria to determine who will receive support.
- Introduce a scheme to support work incentives and in particular, avoid disincentives to move into work.
- Introduce a scheme which achieves the required savings and allows room for future take-up of the discount.
- Introduce a scheme which is cost effective to administer.
- Introduce a scheme where the impact can be assessed and future adjustments can be made.

5. Who is the policy, service or function intended to help/ benefit?

Each billing authority in England must design a scheme specifying the reductions which are to apply to amounts of council tax support payable in respect of dwellings situated in its area by:

- Persons of working age whom the authority considers to be in financial need; or
- Persons of working age in classes consisting of persons whom the authority considers to be, in general, in financial need

6. Who are the main stakeholders/ customers/ communities of interest?

The main stakeholders are:

- The Preceptors e.g. Lancashire Fire & Rescue Service, Lancashire Police Authority
- Any resident who is liable to pay Council Tax
- Any current Working Age Council Tax Benefit customers
- A range of 3<sup>rd</sup> party organisations providing support and advice to a wide range of customers

7. Does the policy, service or function have any existing aims in relation to Equality/ Diversity or community cohesion?

The main scheme will continue with the aims as set out in previous years Equality Analysis as no changes are proposed for 2023-24.

## **STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU**

8. Please summarise the main data/ research and performance management information in the box below.

### ***Data/ information***

The main performance information to assist in the design of the Council Tax Reduction scheme will be databases and statistics held for the following purposes:

- Billing and Recovery of Council Tax
- Awarding Council Tax Reduction

- Census data including index of deprivation
- Benefits caseload data to establish trends
- Information held by the Office of National Statistics

### ***Research or comparative information***

Local authorities have clearly defined responsibilities in relation to, and awareness of, the most vulnerable groups and individuals other than pensioners in their areas. This includes responsibilities under:

- The **Child Poverty Act 2010**, which imposes a duty on local authorities to have regard to and address child poverty and their partners, to reduce and mitigate the effects of child poverty in their local areas.
- The **Disabled Persons Act 1986**, and **Chronically Sick and Disabled Persons Act 1970**, which include a range of duties relating to the welfare needs of disabled people.
- The **Housing Act 1996**, which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups.

### **Local evidence (as at Oct 21):**

#### **Population**

Blackpool has a resident population of 138,381, some 37,372 (27%) of which are aged 60 and over. There are 70,522 dwellings in Blackpool. It is a dense urban area with high levels of deprivation, workless households, and poor health in the resident population.

#### **Deprivation**

Blackpool ranks as the most deprived local authority in England in terms of average deprivation scores. 39 (41.5%) of the 94 LSOAs in the local authority rank in the most deprived nationally. Health deprivation is much higher than average and over half of areas are in the most deprived 10% for health nationally.

#### **Housing**

There is a high percentage of private rented dwellings in Blackpool and a slightly lower owner-occupier rate than seen nationally:

- 63.8% - owner occupied (England: 65.7%)
- 25.9% - privately rented (England: 17.9%)
- 10.3% - social rented (England: 16.4%)

#### **Household Composition**

The households in Blackpool have a slightly higher proportion of lone parent families and lone adults (both over 65 and under 65) than England.

#### **Household types**

- 15% - lone adults over 65 years (England: 13.9%)
- 23% - lone adults under 65 years (England: 14.4%)
- 13% - lone parent families (England: 9.8%)
- 8% - single families with all adults over 65 (England: 8%)
- 35% - single families cohabiting/married with all adults under 65 (England: 43%)

## **Disability**

As of February 2021, 7,393 (8.8%) of working age residents claim employment support allowance and a further 1,155 of working age residents claim disability living allowance (1.4%). The ESA proportion is over double that for England as a whole.

## **Universal Credit**

As of August 2021, 21,917 (26.1%) of working age residents are on universal credit. With 13,186 not in employment (60.2% of the total number of people on universal credit) and 8,731 in employment (39.8% of the total number of people on universal credit). The number of people on universal credit is over 10 percentage points higher than England as a whole.

## **Child Poverty**

24.9% of all children aged under 16 in Blackpool live in relative low income families, around 6,522 children in total.

19.8% of all children aged under 16 in Blackpool live in absolute low income families, around 5,205 children in total.

Overall, 8,935 (34.1%) of children aged under 16 in Blackpool are living in households below 60% median income after housing costs. Which is higher than the national figure of 30.4% and North West figure of 30.8%.

## **Pension Credit**

Blackpool has 2,864 claimants in receipt of Pension Credit Guarantee Credit only, and 1,976 claimants in receipt of both Guarantee Credit and Savings Credit, equivalent to 84.7% of claimants (in line with the national rate).

Means-tested claimants in receipt of Pension Credit ‘Savings Credit’ Only is much lower at 876 claimants compared, equivalent to 15.3% of claimants (again in line with the national rate)

As a proportion of the population, 20.1% of the 65+ age group claim pension credit, much higher than England at 11.7%.

## **Blackpool Child Poverty (2021)**

Figures are provisional and subject to revision

<https://www.gov.uk/government/statistics/children-in-low-income-families-local-area-statistics-2014-to-2021>

**6264 children** in Blackpool live in low income families.

This is ‘relative low income’ measure which is 60% lower than the median family income in UK.

This accounts for **24.0% of all children in Blackpool**.

Blackpool is ranked the **50<sup>th</sup> highest percentage in UK** (out of 193)

## **Changes since 2015**

Blackpool has seen several years 2015 to 2019 where the percentage had increased year on year from 20.1% to 26.1%. Since 2020 there has been yearly decreases to 25.6% and to 24% at the most recent count.

Blackpool’s national rank has improved, in 2015 it ranked the 33<sup>rd</sup> highest percentage in the UK and is now 50<sup>th</sup> highest.

## Family Demographics

53.8% of children in relative low income live in working households.

44.5% of children in relative low income live in lone parent families.

33.7% are young children aged 0-4, and 66.3% are school aged 5-15.

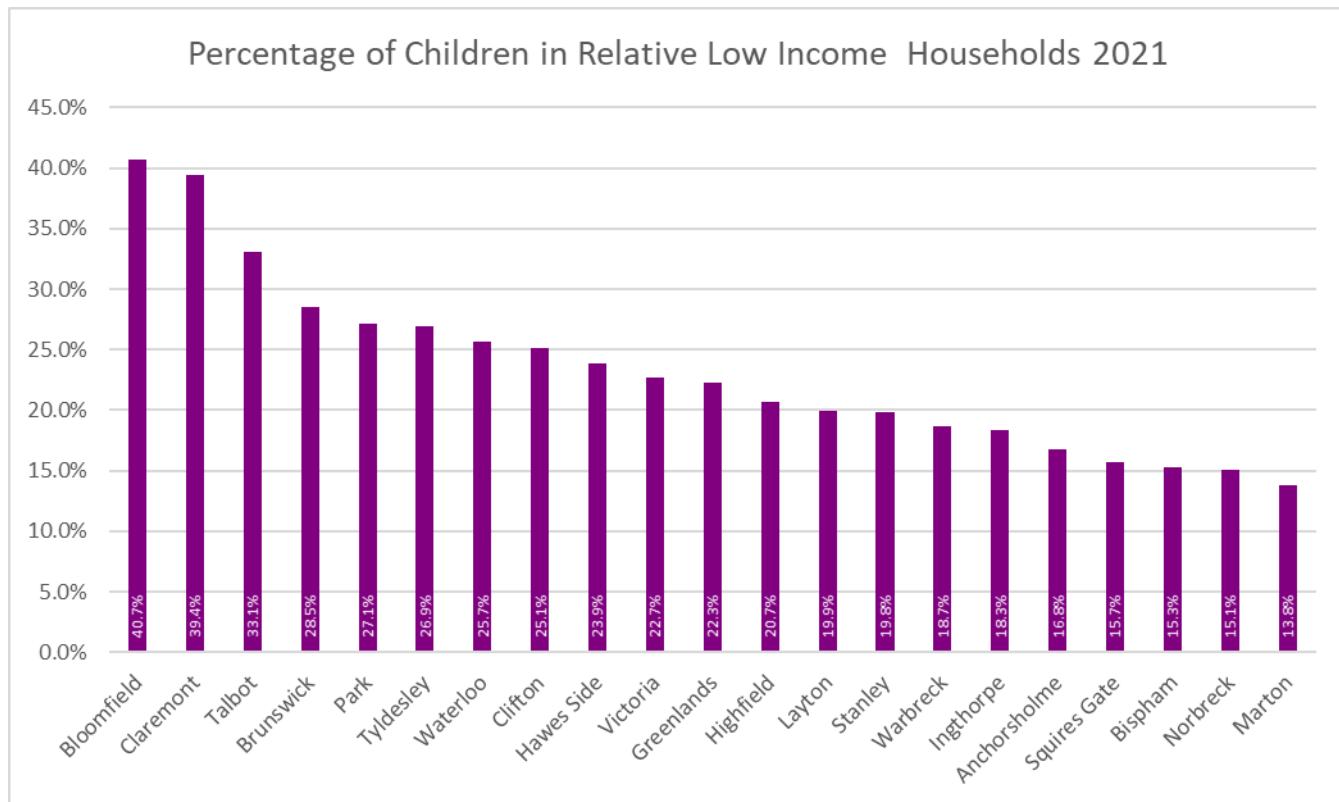
## Ward Distribution

All wards have some children living in low income households

**Bloomfield and Claremont** have more than 35% of children in relative low income households

Bloomfield ward ranks as having the 110<sup>th</sup> highest level of children in relative low income households (out of 501)

The following graph illustrates the proportion of children in relative low-income families by ward.



**4792 children** in Blackpool live in low income families.

This is the '[absolute low income](#)' measure which accounts for inflation and 60% lower than median family income in UK.

This accounts for **18.4% of all children in Blackpool**.

Blackpool is ranked the **47<sup>th</sup> highest percentage in UK** (out of 162)

## Changes since 2015

Between 2015 and 2016 the percentage decreased from 20% to 19.1%.

Then from 2017 to 2019 the percentages increased year on year peaking at 22.2%.

Since 2020 the percentage have decreased to 21% then 18.4% at the most recent count.

Blackpool's national rank has improved, in 2015 it ranked the 57th highest percentage in the UK and is now 82<sup>nd</sup> highest.

## Family Demographics

53% of children in absolute low income live in working households.

42.6% of children in absolute low income live in lone parent families.

34% are young children aged 0-4, and 66% are school aged 5-15.

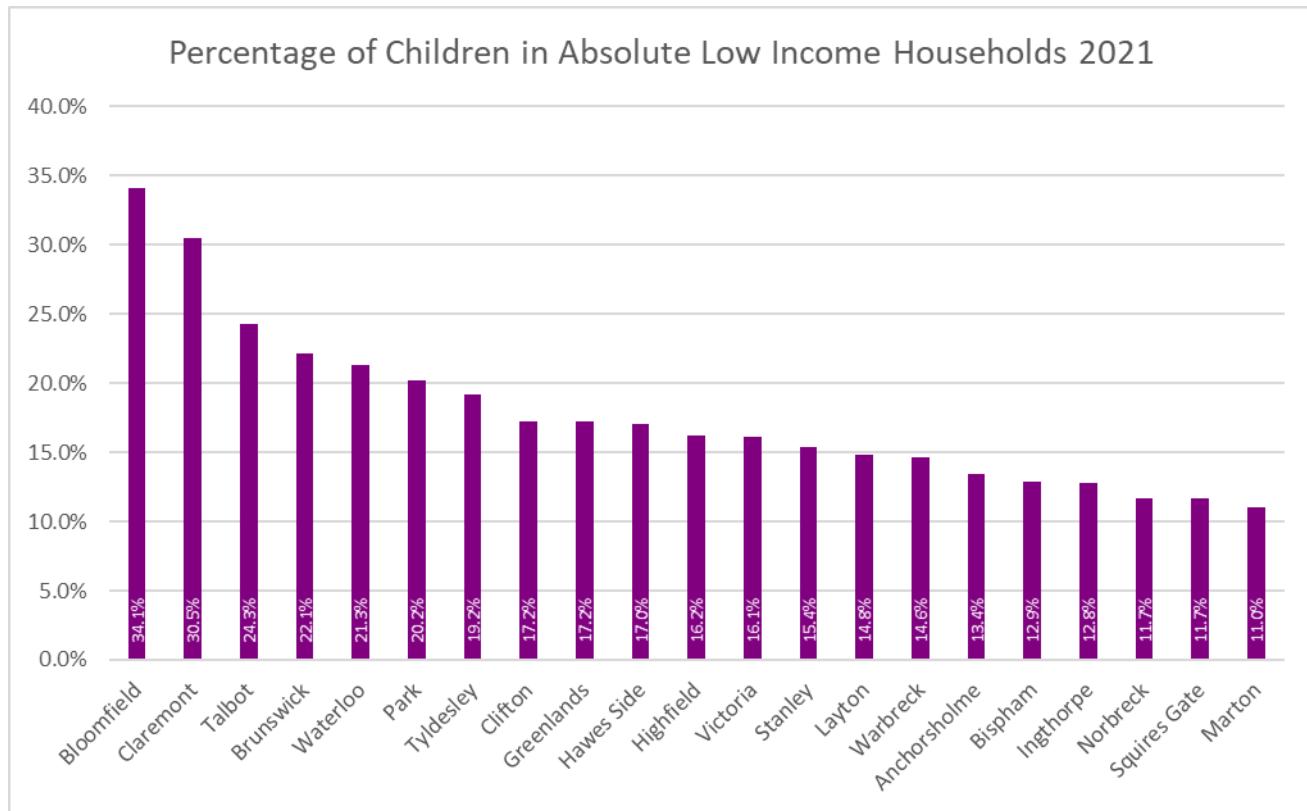
## Ward Distribution

All wards have some children living in poverty.

**Bloomfield and Claremont** have more than 30% of children in absolute low income households

Bloomfield ward ranks as having the 109<sup>th</sup> highest level of children in absolute low income households (out of 438)

The following graph illustrates the proportion of children in absolute low-income families by ward



## National Data

As Council Tax Reduction is a locally administered scheme, no national statistics are collated so reference must be made to old Council Tax Benefit statistics.

According to the Single Housing Benefit Extract, as at January 2011 there were 3.1 million Council Tax Benefit claimants under 65 in the United Kingdom.

According to the Family Resources 2009/10 Survey data, of these:

- 48% of households have at least 1 adult or child who is disabled
- 18% of households have at least 1 adult with caring responsibilities
- 17% of households have at least 1 adult requiring informal care

Information from administrative sources can also provide more limited information on carers and disabled people and shows the number of Council Tax Benefit claimants who are carers or households in receipt of a disability premium and not passed onto full Council Tax Benefit. At January 2011:

- 34,790 non-passported under 65 Council Tax Benefit claimants were carers
- 219,580 non-passported under 65 Council Tax Benefit claimants were in receipt of a disability premium

Since some of the passported claimants are also likely to be carers or receiving a disability premium this underestimates the total number that could be affected.

9. What are the impacts or effects for Key Protected Characteristics?

| <b>Age</b>  |
|---|
| <b><u>Older People of pension age</u></b>   |
| <b>Potential Impact</b>   |
| <p>The Ministry of Housing, Communities and Local Government's (formerly the Department for Communities and Local Government) has stated that pensioners must receive the same level of support under any new scheme as they received under the Council Tax Benefit scheme. They will therefore be treated more favourably than other groups under the proposed changes.</p> <p>In Blackpool we currently have 19,128 Council Tax Reduction recipients (as at 28/10/2022) of whom 4,809 are single and of pension age. In addition we have 1,496 couples over 60 in receipt of Council Tax Reduction. Of those 60 have child dependents.</p> <p>Eligible 'pensioners' can be divided into the three groups below:</p> <p><b>PASSPORTED CLAIMANTS</b></p> <p>Those in receipt of Pension Credit Guarantee Credit.</p> <p>Pension Credit 'Guarantee Credit' acts as a passport to maximum Council Tax Reduction support. Pensioners apply to the Pension Service and if successful are prompted to apply for Council Tax Reduction. The Pension Service can take the claim on behalf of the local authority and will send an assessment direct to the relevant local authority.</p> <p><b>MEANS-TESTED CLAIMANTS</b></p> <p><i>Means-tested claimants in receipt of Pension Credit 'Savings Credit' Only</i></p> <p>Pension Credit applicants may be awarded 'Savings Credit' only. This group are also prompted to apply for Council Tax Reduction, and if they do the Pension Service will send appropriate data to the relevant local authority that complete the means-testing applying nationally set rules.</p> <p><i>Other means-tested claimants</i></p> <p>Customers can also apply directly. Claimants who have attained the qualifying age for State Pension Credit are means-tested by the Local Authority on application, to determine eligibility for support. The exact amount of support needed will depend on a range of factors, such as age, income, capital, the personal circumstances of the individual and the Council Tax band their home falls into.</p> <p>We currently do not have data that would allow us to break the Blackpool figures down into the categories above.</p> <p><b><u>People of Working Age (over 25)</u></b></p> <p><b>Potential Impact</b></p> <p>People under pension age will be treated less favourably under the new support scheme than pensioners. In addition it is possible that some people in this group will be affected more because of the greater difficulties they may face in finding paid employment e.g. over the age of 55.</p> |

## **People of Working Age (under 25)**

### **Potential Impact**

Under the current Council Tax Reduction scheme the system of applicable amounts differentiate between those under and over 25. Claimants who are under 25 have a lower applicable amount as they are treated as having lower living costs than those aged 25 and over. In addition, young single people may be more at risk of becoming homeless and/or there will be pressure on these people to return or remain in the family home.

Current Welfare Reforms in Housing Benefit affect the same group of Working Age customers.

There is a recognition that Working Age customers in receipt of Council Tax Reduction have been, and continue to be, adversely impacted by the COVID-19 pandemic e.g. working reduced hours, their businesses have closed, been furloughed etc.. Whilst financial assistance was provided to all Working Age recipients of Council Tax Reduction in 2020/21 by way of a grant of up to £150; this has not continued. If residents find themselves in financial difficulty, they could be assisted through the Council Tax Reduction hardship fund.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of these benefits will be paying less Council Tax.

## ***Disability***

### **Potential Impact**

The definition of disability used is based on entitlement to certain state benefits or to entitlement to a Council Tax disabled band reduction. This can reflect the circumstances of any member of the claimant's household.

The relevant benefits/additions to benefit include:

- Disability Living Allowance
- Employment Support Allowance
- Personal Independence Payments
- Universal Credit
- Disability Premium
- Severe Disability Premium
- Enhanced Disability Premium
- Disabled Child Premium
- Disabled Earnings Disregard
- Carers Allowance
- War Disablement Pension
- War Widows Pension
- Council Tax Disability Reduction

It is possible that some people in this group will be affected less favourably because of the greater difficulties they may face in coping with the changes, for example by finding paid employment. This may result from their reduced capacity to work due to the nature of their disability and/or discrimination based on the perceptions of employers or the fact that the place of work has not been adapted to meet the needs of disabled people.

Other welfare reforms may further impact on some members of this group and also some of the services that members of this group receive are being reduced under austerity measures. It should also be noted that in some cases (depending on the nature of the disability) there may be potential communication issues where information available in standard formats is not the best method of communicating with benefit

recipients. This may cause greater difficulty in understanding their changed liability. This may lead some to fall into arrears more easily with all the associated problems this can cause.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

Some individuals will receive Social Care support from Blackpool Council may be able to have any extra Council Tax they pay deducted from their income for charging purposes (unless they pay the full cost because they have capital over the current threshold). It is acknowledged that this will not help disabled people who do not receive chargeable support from Blackpool Council. However, the most severely disabled are likely to receive this support.

Extensive consultation was carried out prior to the introduction of the 2013/14 scheme with specific disabled stakeholder groups i.e. the Disability Partnership Forum, the Learning Disabilities Self Advocacy Forum and the Disability First open day in order to make them aware of the changes, help them to understand the potential impact and to discuss any support mechanisms that can be built in for affected groups. As the main basis of the 2023/24 scheme is the same as 2022/23 scheme, no further specific consultation has been carried out with these groups.

It is recognised that the level of a customer's disability could mean they are more disadvantaged over another disabled customer. There may be the opportunity for a less disabled person to increase their income in order to pay for the increase in Council Tax whereas this may not be an option for a more severely disabled person.

### ***Gender Reassignment***

#### **Potential Impact**

No information is collected on the gender reassignment status of Council Tax Reduction claimants. However, it is acknowledged that transgender people experience higher levels of disadvantage and social/financial exclusion and therefore may face greater difficulties in responding to the changes, for example by finding work. It is not thought that the proposed changes will have a negative impact on working age single people and couples who are recipients of Council Tax Reduction regardless of their gender identity.

### ***Marriage and Civil Partnership***

#### **Potential Impact**

The latest figures show that there are 3,376 couples in receipt of Council Tax Reduction. Of these: 1,221 (36%) had child dependents, and 2,155 (64%) had no child dependents.

There are 2,326 couples in receipt of Council Tax Reduction who are of working age, of whom 1,207 (52%) had child dependents and 1119 (48%) had no child dependents.

The main scheme impacts on working age families/couples whether they are living together/married or in civil partnerships but will not treat marriage or civil partnership any differently. Married couple and civil partnerships are recognised equally in the current Council Tax Reduction scheme as are people living together as if they are in such legal partnerships.

Families with a large number of children are more likely to live in a bigger property and therefore one with a higher Council Tax Bend. The current scheme ensures that these customers would not be disadvantaged over smaller families as the Council Tax Reduction would be based on the actual Council Tax band for the property and the percentage reduction would be the same across all groups of claimants.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

### ***Pregnancy and Maternity***

The main scheme will have a negative impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of whether they are pregnant/recently given birth or not.

Whilst at this moment we consider that this impact is unlikely to be disproportionately greater on households where a member is pregnant or recently given birth, we acknowledge that they may face greater difficulties in responding to the changes, for example by finding work.

In addition, women on maternity leave may find that they now have to pay an increased amount of Council Tax Support on a reduced income with little prospect of increasing their income in the short term.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

### ***Race***

#### **Potential Impact**

The current scheme will have a negative impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of race or ethnicity. We do not have any data regarding the ethnicity of Council Tax Reduction recipients in Blackpool. However, national data shows that 90% of households who received Council Tax Benefit were white, and 10% were ethnic minorities. This compares to a total population of 91% white and 9% ethnic minorities.

At the moment we consider that the impact of the proposed changes is unlikely to be disproportionately greater on households of different ethnicity within the working age group. There will be no difference in the way ethnic groups are treated under any Council Tax Reduction scheme. However, some ethnic groups experience different levels of disadvantage and therefore they may find it more difficult to cope with the changes. This may be because they face unofficial discrimination in the job market and possibly because of access to skills including language skills are limited in some cases. There may also be potential communication issues where English is not the benefit recipient's first language and where documents printed in Standard English is not the optimum method of communicating.

Claimants whose first language is not English may have greater difficulty in understanding their changed level of Support, particularly if they are being asked to pay some Council Tax for the first time. This may lead some to fall into arrears more easily leading to the associated problems this can cause.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

### ***Religion and Belief***

#### **Potential Impact**

The current scheme has a negative impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of religion or belief. We do not have any data regarding the religion or beliefs Council Tax Reduction recipients in Blackpool. We do not envisage the scheme proposal for 2023/24 will adversely impact people with particular religions or beliefs.

### ***Sex***

## **Potential Impact**

The latest figures show that in Blackpool there are 15,752 single people in receipt of Council Tax Reduction. Of these, 9,360 (59%) are female, and 6,392 (41%) are male.

Of the 9,360 female recipients, 3,312 (35%) are lone parents and of the 6,392 male recipients, 342 (5%) are lone parents.

If we look only at those of working age, 49% of all single working age female recipients are lone parents. Of the male recipients 7% of all single working age male recipients are lone parents. Of all working age lone parents in Blackpool in receipt of Council Tax Reduction, 90% are female and 10% are male.

On the face of it we will continue to treat both men and women equally in the proposed Council Tax Reduction scheme from 1st April 2023. However, given the higher number of female recipients (57%) in Blackpool, continuation of the current Council Tax Reduction scheme will impact on more women than men. National data does confirm that more women than men experience financial deprivation. In addition, because many more female claimants will be lone parents, they may be treated less favourably indirectly because lone parents may face greater difficulties in responding to the changes, including by finding work.

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

## ***Sexual Orientation***

### **Potential Impact**

The proposed scheme will have the same level of impact on all working age single people and couples who are recipients of Council Tax Reduction regardless of their sexual orientation. We have no data on the sexual orientation of Council Tax Reduction claimants locally and at this moment we consider that the impact is unlikely to be disproportionately greater on recipients with different sexual orientations.

However, national data demonstrates that some Lesbian, Gay or Bisexual people experience higher levels of disadvantage and financial exclusion than other groups and therefore may face greater difficulties in responding to the changes, for example by finding work.

## ***Other Relevant Groups***

### **Potential Impact**

#### Carers

It is not anticipated that the continuation of the scheme will have any other adverse effect on this group as any Working Age claimant in receipt of certain benefits will be paying less Council Tax.

#### Child Poverty

The impact of the proposed scheme on the Council's Child Poverty Strategy has been considered and it is believed that by continuing to disregard Child Benefit and Child Maintenance consideration of this area has been sufficiently taken into account.

#### Homelessness

The impact of the proposed scheme on the Council's Homelessness Strategy has been considered and by

continuing to work with financial inclusion officers within the Council and Housing Options Support workers, sufficient promotion of how the scheme will work will be available.

#### Armed Forces Covenant

The impact of the proposed scheme on the Armed Forces has been considered and it is believed that by continuing to disregard War Disablement Pension, War Widow's Pension and War Widower's Pension consideration of this area has been sufficiently taken into account.

#### Other relevant benefit changes that apply from April 2023

*The 2023/24 Council Tax Reduction scheme will come in from 1<sup>st</sup> April 2023. At the same time continued and planned changes to the benefit and tax systems will continue to affect people in receipt of/potentially eligible for Council Tax Reduction. The other changes include the following:*

1. Working age benefit rates (Tax Credits, applicable amounts) continue to be frozen.
2. The continued rollout of Universal Credit full service in Blackpool

#### 10. What do you know about how the proposals could affect community cohesion?

- There may be an effect on community cohesion as pensioners are not being affected by the Council Tax Reduction scheme and will continue to receive the current levels of support as defined by Central Government whilst Working Age customers will have reduced levels of help. Whilst we recognise the inequalities of the two schemes (Working Age and Elderly), we are unable to do anything to change them but will monitor the impact of the scheme between age groups during consultation to ensure any comments are recorded.
- If any other protections are made within the working age group, some groups may feel they are "shouldering the burden" of the scheme more than others.
- There may be an increase in transience, as people move to more affordable accommodation in order to be able to afford to pay for their increased contribution to Council Tax.
- There could be an increase in the number of people leaving Blackpool to move to a neighbouring authority with a more generous Council Tax Reduction scheme.

### **STEP 3 - ANALYSING THE IMPACT**

#### 13. Is there any evidence of higher or lower take-up by any group or community, and if so, how is this explained?

- There was traditionally a lower take up of Council Tax Benefit from pensioners, however, as pensioner support will be delivered through a national framework of criteria & allowances and will be a discount rather than a benefit, take up is likely to increase.
- Within some other community groups there is traditionally a low take up because individuals either do not need support or do not like to claim benefit. To mitigate this, there will be continued marketing and communication which will include liaison to target hard to reach groups.

14. Do any rules or requirements prevent any groups or communities from using or accessing the service?

There will be an initial eligibility criteria for the Blackpool Council Tax Reduction scheme (in line with the Council Tax Benefit scheme), which will exclude the following:

- Any person who is not a Council Tax payer as they do not need to pay Council Tax
- Anyone who is not able to claim state benefits in accordance with the Central Government regulations in the Local Government Finance Bill
- If the property is a second home

Once the eligibility criteria have been established, there will be a means tested assessment of entitlement to Council Tax Reduction, which could mean that some people are not entitled but this is the case now also.

15. Does the way a service is delivered/ or the policy create any additional barriers for any groups of disabled people?

### Access

The new scheme will offer the same level of access to the service as there is within the current system of Council Tax Reduction, as follows:

- Face to face access
- Telephone access
- Online access

### Policy

Disabled people may not be exempt for the purposes of calculating Council Tax Reduction. The rationale behind this is:

- The scheme will support people on a low income and is means tested. Disabled people receive additional income for disabilities and Blackpool's preferred option allows for the continued disregard of disability incomes in the calculation.
- Disability relief, which is a reduction in the amount of Council Tax payable, applies where adaptations have been made to a property to accommodate a disabled person. Exempting disability benefits in the calculation of Council Tax Reduction would put those people at a financial advantage.
- The Council Tax Reduction Scheme must cost less than the Council Tax Benefit regime. The saving would be unachievable if disabled applicants were disregarded.
- Disability Benefits are disregarded in DWP assessment therefore issues of vulnerability have been addressed prior to our calculation

However, we recognise that even within the category of disability, some people will be more affected than others in that they will be unlikely to be able to increase their income and therefore policies need to be established to mitigate the impact of the scheme. The Council Tax Reduction Hardship Fund would provide a mechanism for additional support for disabled people.

## **STEP 4 - DEALING WITH ADVERSE OR UNLAWFUL IMPACT**

16. What can be done to improve the policy, service, function or any proposals in order to reduce or remove any adverse impact or effects identified?

No adverse impact has been identified for 2023/24 proposed scheme

17. What would be needed to be able to do this? Are the resources likely to be available?

Not applicable

18. What other support or changes would be necessary to carry out these actions?

Not applicable

#### **STEP 5 - CONSULTING THOSE AFFECTED FOR THEIR VIEWS**

19. What feedback or responses have you received to the findings and possible courses of action?  
Please give details below.

##### **2019/20 Scheme**

###### **Comments on whether the current scheme should continue**

- As a single parent it is a big help as it pays for travel and meals
- Scheme needs reforming to get people off benefits
- People need pushing to work and not giving every penny they need. They should receive a percentage discount on hours over 16 at work. This would push more people into work and less into their armchairs
- I think from personal experience years ago me and my husband were on tax family's credit and we never applied for housing benefits or council tax benefits cause we could still afford to live and afford food and still pay rent and out council tax. We lived in social housing so yes the rents cheaper than private housing. We both worked my husband 40 hrs and me 20 hrs. I work with a girl who is on 16hrs and they can afford more luxury than I could ever and they are always splashing the cash. I also see these girls working the rest of the hours cash in hand! They should be questioned why they are only working 20 hrs or below. So for this reason I think this area needs looking at. If I could afford to do it with 2 children at the time why can't they.
- As someone who is currently on universal credit I feel like I always have been disadvantaged as my council tax reduction is always increasing because of universal credit but it never decreases, which makes it harder for me as a single parent with a child in DLA.
- The council should continue to protect low income families & those on universal credit
- Council should ensure that it's CTR scheme keeps aligned with Housing Benefit Scheme

###### ***Response:***

- 1) *The current scheme does mirror the Housing Benefit scheme as much as possible but the introduction of Universal Credit will see this alignment ended in future years.*
- 2) *In terms of the proposed additional support to low income groups, this will assist the Revenues team as they will not be trying to recover small debts from people who are struggling to pay and this will allow them to concentrate recovery efforts on people who should and are able to pay but choose not to.*
- 3) *The Council is unable to comment on working practices of employers*
- 4) *Government policies are in place to assist customers back to work.*

###### **Comments disagreeing with the proposal to ensure that all applicants who are 'protected' under the current scheme continue to be protected when they move to Universal Credit**

- Reducing the groups which get benefits

*Response: Comment noted*

- So long as the CTR scheme continues to align with Housing Benefit Scheme

*Response: The current scheme does mirror the Housing Benefit scheme as much as possible but the introduction of Universal Credit will see this alignment ended in future years.*

**Comments disagreeing with the proposal to extend the protected group to include where the applicant, or their partner, is in receipt of Jobseeker's Allowance Contribution Based; where the applicant, or their partner, is in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group; where the applicant is in receipt of Maximum Universal Credit and is neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award (such as an Occupational Pension or other unearned income); and where the applicant is in receipt of Universal Credit which includes the limited capability for work element or the limited capability for work & work related activity**

- Helps avoid recently unemployed people getting behind with paying bills
- Agree to temporary help for unemployed
- Finite period for receiving benefit to encourage people to work

*Response: Comments noted*

- Extend the benefits to other vulnerable groups

*Response: Considerable protection has been added into the scheme in previous years.*

- Leave it as it is
- Leave it as it is currently
- None, other than keeping it the same as now
- Bill for this needs to be paid somehow so keep the scheme as it is
- Worried about the cost

*Response: Additional costs are incurred by trying to recover small amounts of money from customers on low income. By providing this additional protection the administration costs will reduce.*

- I agree with the widowers and partly with the disabled and carers. I do not agree that JSA should be protected or a lot of disability cases as they can work and earn a lot of money already.

*Response: Customers who are in receipt of Job Seekers Allowance are more likely to be unable to afford their Council Tax and were previously in receipt of full Council Tax Benefit under the old national scheme. Customers with disability income can have a higher level of disability related expenditure.*

- Does this not include children who receive DLA especially when it is single parent families.

*Response: Families with any disability component in their income , including children, are already protected*

#### **Other Comments**

- Would like council to give cleaning streets a higher priority

- Extend hours in which people can contact council with council tax queries , as 3-5pm is inadequate
- Consider lower business rates to keep shops and businesses in the town centre
- Not happy with charge for green bins
- If there is money to play with then fund more police
- Would like to see help for FIN , the families in need group, which is charity funded

*Response: Comments noted but they are not directly related to the Council Tax Reduction Scheme*

- Consider full 100% reductions for specific groups
- Reduce the availability of protection and reduction from council tax
- Happy as long as it is a means-tested scheme

*Response: The Council Tax Benefit scheme allowed fully funded means tested assessments enabling 100% protection for low income groups. However, the reduction in Government funding that accompanied the transfer of Council Tax Reduction schemes to Local Authorities has not enabled 100% reductions to be applied. Council Tax Reduction continues to be a means tested benefit with some additional protection for low income and vulnerable groups.*

#### **2020/21 Scheme**

No changes to scheme therefore no consultation required.

#### **2021/22 Scheme**

No changes to scheme therefore no consultation required.

#### **2022/23 Scheme**

No changes to scheme therefore no consultation required.

#### **2023/24 Scheme**

No changes to scheme therefore no consultation required.

20. If you have not been able to carry out any consultation, please indicate below how you intend to test out your findings and recommended actions.

N/A

## STEP 6 - ACTION PLANNING

Please outline your proposed action plan below.

2023/24

| Issues/ adverse impact identified   | Proposed action/ objectives to deal with adverse impact  | Targets/Measure  | Timeframe  | Responsibility                                  | Indicate whether agreed |
|---|--|--|--|---|-------------------------|
| Customers may end up suffering severe financial hardship  | Review Discretionary Discount Guidance for staff and provide training to staff to identify cases where there is an issue | 1. Ensure the Council's hardship scheme is still available<br>2. Review criteria to apply to the fund for Owner Occupiers<br>3. Review criteria to apply to the fund for tenants<br>4. Ensure debt advice and benefit maximisation assistance is available<br>5. Review and possibly reduce recovery of other Council bills e.g. Sundry Debts, Housing Benefit overpayment<br>6. Ensure a DHP award cannot be made<br>7. Ensure all available help from Housing team has been explored | Jan 23<br><br>Jan 23<br><br>Jan 23<br><br>Apr 23 – Mar 24<br><br>Apr 23 – Mar 24<br><br>Apr 23 – Mar 24<br><br>Apr 23 – Mar 24 | Benefits Service Discretionary Team Advice team | Agreed                  |
| Monitor legislation progress in case there are changes to the proposed amendments to Housing Benefit, in which case alignment to HB rules may not apply | If this client group is no longer impacted by the changes the EA will need to be revisited                               | 1. Review Equality Analysis in light of any legislation changes  | Apr 23 – Mar 24  | Benefits Service                                | Agreed                  |

| <b>Issues/ adverse impact identified</b> | <b>Proposed action/ objectives to deal with adverse impact</b>  | <b>Targets/Measure</b>  | <b>Timeframe</b>    | <b>Responsibility</b> | <b>Indicate whether agreed</b> |
|--|---|---|---------------------|-----------------------|--------------------------------|
| Take Up Campaign                         | There will be a number of customers who are not claiming the other Benefits they should be doing therefore a take-up campaign is proposed to help them increase their income. | 1. All frontline staff are aware of the potential that customers are not claiming all the benefits they are entitled to and where to signpost customers to.<br>2. The Advice Team maximise the take up of Council Tax Reduction when they see a client<br>3. Increased take up of Council Tax Reduction by Universal Credit customers by proactively working with other agencies and groups e.g. Job Centre Plus to ensure take up of all benefits is maximised | Jan 2023 – Mar 2024 | Benefits Service      | Agreed                         |

## STEP 7 - ARRANGEMENTS FOR MONITORING AND REVIEW

Please outline your arrangements for future monitoring and review below.

| Agreed action   | Monitoring arrangements  | Timeframe                           | Responsibility   | Added to Service Plan etc. |
|---|--|-------------------------------------|------------------|----------------------------|
| Review of scheme and it's impact                                    | Establish baseline position for review<br>Review impact of scheme on protected characteristic groups<br>Review collection rates amongst affected customers<br>Consider whether discretionary policy is sufficiently robust | Apr 2023 - Mar 2024                 | Benefits Service |                            |
| Potentially propose changes to the scheme as a result of the review | Consider consultation requirements<br>Report to Full Council to formally adopt any recommended changes to the scheme   | May 2023 – Jul 2024<br><br>Nov 2023 | Benefits Service |                            |

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Date completed: 28<sup>th</sup> October 2022

Signed:

Name: Louise Jones

Position: Head of Revenues, Benefits and Customer Services

**Blackpool Council  
Council Tax Reduction Scheme**  
S13A and Schedule 1a of the Local Government Finance Act 1992

|      |   |    |
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## **1.0 Introduction to the Council Tax Reduction Scheme**

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1<sup>st</sup> April 2023.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2023 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
  - Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
  - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
  - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023; and
  - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

### **The scheme for pension age applicants – Central Government’s scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012**

- 1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;
  - a. has attained the qualifying age for state pension credit; and
  - b. is not, or, if he has a partner, his partner is not;
    - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
    - ii. a person with an award of universal credit

The three prescribed classes are as follows;

#### **Class A: pensioners whose income is less than the applicable amount.**

On any day Class A consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority's scheme.

**Class B: pensioners whose income is greater than the applicable amount.**

On any day class B consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- e. in respect of whom amount A exceeds amount B where;
  - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
  - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- g. not have capital savings above £16,000; and
- h. who has made an application for a reduction under the authority's scheme.

**Class C: alternative maximum Council Tax Reduction**

On any day class C consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;
- c. in respect of whom a maximum Council Tax Reduction amount can be calculated;
- d. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;
- e. who has made an application for a reduction under the authority's scheme; and
- f. in relation to whom the condition below is met.

The condition referred to in sub-paragraph f. is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
  - (i) in the case of a couple, neither member of that couple is a person who, in

- accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
- (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
  - e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

#### **Disregard of certain incomes**

- 1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:
- a. a war disablement pension;
  - b. a war widow's pension or war widower's pension;
  - c. a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - d. a guaranteed income payment;
  - e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**The provisions outlined above, enhance the Central Government's scheme.**

#### **THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME**

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who:
- a. has not attained the qualifying age for state pension credit; or
  - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be two classes of persons who will receive a reduction in line with adopted scheme. There will be two main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

#### **Class D**

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit<sup>1</sup>; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an

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<sup>1</sup> Section 5 of this scheme

- income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction<sup>2</sup> amount can be calculated;
- g. not have capital savings above £16,000<sup>3</sup>;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*<sup>4</sup> is **less** than their *applicable amount*<sup>5</sup> or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction<sup>6</sup>.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

#### Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit<sup>7</sup>; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award Universal Credit;
- d. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- e. is not deemed to be absent from the dwelling;
- f. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- g. be somebody in respect of whom a maximum Council Tax Reduction<sup>8</sup> amount can be calculated;
- h. not have capital savings above £16,000<sup>9</sup>;
- i. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*<sup>10</sup> is **more** than their *applicable amount*<sup>11</sup>;
- j. have made a valid application for reduction<sup>12</sup>;
- k. be a person in respect of whom amount A exceeds amount B where
  - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
  - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

#### The Standard Deduction

- The standard deduction shall apply to the council tax support calculated for all working age claimants. The percentage deduction can be found in Schedule 6.

<sup>2</sup> Sections 57 to 63 of this scheme

<sup>3</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>4</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>5</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>6</sup> Sections 68 to 74a of this scheme

<sup>7</sup> Section 5 of this scheme

<sup>8</sup> Sections 57 to 63 of this scheme

<sup>9</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>10</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>11</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>12</sup> Sections 68 to 74a of this scheme

## **Council Tax Reduction Scheme**

Details of support to be given for **working age claimants**

**Sections 2- 8**

**Definitions and interpretation**

- 2.0 Interpretation – an explanation of the terms used within this scheme**
- 2.1 In this scheme—
- ‘**the Act**’ means the Social Security Contributions and Benefits Act 1992;
- ‘**the Administration Act**’ means the Social Security Administration Act 1992;
- ‘**the 1973 Act**’ means of Employment and Training Act 1973;
- ‘**the 1992 Act**’ means the Local Government Finance Act 1992;
- ‘**the 2000 Act**’ means the Electronic Communications Act 2000;
- ‘**Abbeyfield Home**’ means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;
- ‘**adoption leave**’ means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;
- ‘**applicable amounts**’ means the weekly amount set by the Council which represents basic day to day living expenses;
- ‘**appropriate DWP office**’ means an office of the Department for Work and Pensions dealing with state pension credit or claim office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance;
- ‘**assessment period**’ means such period as is prescribed in sections 19 to 21 over which income falls to be calculated;
- ‘**attendance allowance**’ means—
- (a) an attendance allowance under Part 3 of the Act;
  - (b) an increase of disablement pension under section 104 or 105 of the Act;
  - (c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;
  - (d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;
  - (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
  - (f) any payment based on need for attendance which is paid as part of a war disablement pension;
- ‘**the authority**’ means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;
- ‘**Back to Work scheme(s)**’ means any scheme defined within the Jobseekers (Back to Work Schemes) Act 2013 or Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- ‘**basic rate**’, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).
- ‘**the benefit Acts**’ means the Act and the, the Jobseekers Act and the Welfare Reform Act;
- ‘**care home**’ in England and Wales has the meaning assigned to it by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001;
- ‘**the Caxton Foundation**’ means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;
- ‘**child**’ means a person under the age of 16;
- ‘**child benefit**’ has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;
- ‘**child tax credit**’ means a child tax credit under section 8 of the Tax Credits Act;
- ‘**the Children Order**’ means the Children (Northern Ireland) Order 1995;
- ‘**claim**’ means a claim for council tax support;
- ‘**claimant**’ means a person who the authority designates as able to claim Council Tax Support – for the purposes of this scheme all references are in the masculine gender but apply equally to male and female
- ‘**close relative**’ means a parent, parent-in-law, son, son-in-law, daughter, daughter- in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

**'concessionary payment'** means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act are charged;

**'the Consequential Provisions Regulations'** means the Housing Benefit and Council tax support (Consequential Provisions) Regulations 2006;

**'contributory employment and support allowance'** means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

**'converted employment and support allowance'** means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations;

**'council tax benefit'** means council tax benefit under Part 7 of the SSCBA;

**'council tax reduction scheme'** has the same meaning as '**council tax support or reduction**'

**'council tax support (or reduction)'** means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

**'couple'** means:

- a man and a woman who are married to each other and are members of the same household;
- a man and a woman who are not married to each other but are living together as if they were a married couple or civil partners;
- two people of the same sex who are civil partners of each other and are members of the same household; or
- two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of sub-paragraph (d) Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

**'date of claim'** means the date on which the claim is made, or treated as made, for the purposes of this scheme

**'designated authority'** means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

**'designated office'** means the office designated by the authority for the receipt of claims for council tax support;

- by notice upon or with a form approved by it for the purpose of claiming council tax support; or
- by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
- by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

**'disability living allowance'** means a disability living allowance under section 71 of the Act;

**'dwelling'** has the same meaning in section 3 or 72 of the 1992 Act;

**'earnings'** has the meaning prescribed in section 25 or, as the case may be, 27;

**'the Eileen Trust'** means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

**'electronic communication'** has the same meaning as in section 15(1) of the 2000 Act;

**'employed earner'** is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

**'Employment and Support Allowance Regulations'** means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

**'Employment and Support Allowance (Existing Awards) Regulations'** means the Employment

and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

**'the Employment, Skills and Enterprise Scheme'** means a scheme under section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see '**Back to Work Schemes**';

**'employment zone'** means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and 2014 and an '**employment zone programme**' means a programme established for such an area or areas designed to assist applicants for a jobseeker's allowance to obtain sustainable employment;

**'employment zone contractor'** means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

**'enactment'** includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

**'extended payment (or reduction)'** means a payment of council tax support payable pursuant to section 60;

**'extended payment (or reduction) period'** means the period for which an extended reduction is payable in accordance with section 60A or 61A of this scheme;

**'extended payment or extended reduction (qualifying contributory benefits)'** means a payment of council tax support payable pursuant to section 61;

**'family'** has the meaning assigned to it by section 137(1) of the Act;

**'the Fund'** means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

**'a guaranteed income payment'** means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);

**'he, him, his'** also refers to the feminine within this scheme

**'housing benefit'** means housing benefit under Part 7 of the Act;

**'the Housing Benefit Regulations'** means the Housing Benefit Regulations 2006;

**'Immigration and Asylum Act'** means the Immigration and Asylum Act 1999;

**'an income-based jobseeker's allowance'** and **'a joint-claim jobseeker's allowance'** have the same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

**'income-related employment and support allowance'** means an income-related allowance under Part 1 of the Welfare Reform Act;

**'Income Support Regulations'** means the Income Support (General) Regulations 1987(a);

**'independent hospital'**–

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

(c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

**'the Independent Living Fund (2006)'** means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

**'invalid carriage or other vehicle'** means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

**'Jobseekers Act'** means the Jobseekers Act 1995; '**Jobseeker's Allowance Regulations**' means the Jobseeker's Allowance Regulations 1996 and Jobseeker's Allowance Regulations 2013 as appropriate;

**'the LET'** means the London Emergencies Trust;

**'limited capability for work'** has the meaning given in section 1(4) of the Welfare Reform Act;

**'limited capability for work-related activity'** has the meaning given in section 2(5) of the

Welfare Reform Act;

**'the London Bombing Relief Charitable Fund'** means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

**'lone parent'** means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

**'the Macfarlane (Special Payments) Trust'** means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

**'the Macfarlane (Special Payments) (No.2) Trust'** means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

**'the Macfarlane Trust'** means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

**'main phase employment and support allowance'** means an employment and support allowance where the calculation of the amount payable in respect of the claimant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007;

**'the Mandatory Work Activity Scheme'** means a scheme within section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospect of obtaining employment;

**'maternity leave'** means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

**'member of a couple'** means a member of a married or unmarried couple;

**'MFET Limited'** means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

**'mobility supplement'** means a supplement to which paragraph 9 of Schedule 4 refers;

**'mover'** means a claimant who changes the dwelling in which the claimant is resident and in respect of which the claimant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

**'net earnings'** means such earnings as are calculated in accordance with section 26;

**'net profit'** means such profit as is calculated in accordance with section 28;

**'the New Deal options'** means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

**'new dwelling'** means, for the purposes of the definition of 'second authority' and sections 60C, 61C, 96 and 97, the dwelling to which a claimant has moved, or is about to move, in which the claimant is or will be resident;

**'non-dependant'** has the meaning prescribed in section 3;

**'non-dependant deduction'** means a deduction that is to be made under section 58;

**'occupational pension'** means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

**'ordinary clothing or footwear'** means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

**'partner'** means—

- (a) where a claimant is a member of a couple, the other member of that couple; or
- (b) where a claimant is polygamously married to two or more members of his household, any such member to whom he is married;

**'paternity leave'** means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

**'payment'** includes part of a payment;

**'pension fund holder'** means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

**'pensioner'** a person who has attained the age at which pension credit can be claimed;

**'pensionable age'** has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

**'person affected'** shall be construed as a person to whom the authority decides is affected by any decision on for council tax support

**'person on income support'** means a person in receipt of income support;

**'personal independence payment'** has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

**'personal pension scheme'** means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004<sup>13</sup>;

**'policy of life insurance'** means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

**'polygamous marriage'** means a marriage to which section 133(1) of the Act refers;

**'public authority'** includes any person certain of whose functions are functions of a public nature;

**'qualifying age for state pension credit'** means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act)—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

**'qualifying contributory benefit'** means;

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

**'qualifying income-related benefit'** means

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance;

**'qualifying person'** means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Bombings Relief Charitable Fund, the WLMEF or the LET.

**'reduction or support week'** means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

**'relative'** means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

**'relevant authority'** means an authority administering council tax support;

**'relevant week'** In relation to any particular day, means the week within which the day in question falls;

**'remunerative work'** has the meaning prescribed in section 6;

**'rent'** means 'eligible rent' to which regulation 12 of the Housing Benefit Regulations refers less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-

<sup>13</sup> As amended by the Finance Act 2014

dependant deductions) of those Regulations;

'resident' has the meaning it has in Part 1 or 2 of the 1992 Act;

'Scottish basic rate' means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

'Scottish taxpayer' has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998

'second adult' has the meaning given to it in Schedule 2;

'second authority' means the authority to which a mover is liable to make payments for the new dwelling;

'self-employed earner' is to be construed in accordance with section 2(1)(b) of the Act;

'self-employment route' means assistance in pursuing self-employed earner's employment whilst participating in—

- a. an employment zone programme;
- b. a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
- c. the Employment, Skills and Enterprise Scheme;
- d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- e. Back to Work scheme.

'Service User' references in this scheme to an applicant participating as a service user are to

- a. a person who is being consulted by or on behalf of—
  - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
  - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph

'single claimant' means a claimant who neither has a partner nor is a lone parent;

'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.

'special account' means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;

'sports award' means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;

'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of

the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers, but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

**'the Trusts'** means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

**'Universal Credit'** means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

**'Up-rating Act'** means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014 and the Welfare Benefits Up-rating Order 2015;

**'voluntary organisation'** means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

**'war disablement pension'** means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

**'war pension'** means a war disablement pension, a war widow's pension or a war widower's pension;

**'war widow's pension'** means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

**'war widower's pension'** means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

**'water charges'** means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

**'Welfare Reform Act'** means the Welfare Reform Act 2007;

**'the WLMEF'** means the 'We Love Manchester Emergency Fund';

**'Working Tax Credit Regulations'** means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended<sup>14</sup>; and **'young person'** has the meaning prescribed in section 9(1).

- 2.2 In this scheme, references to a claimant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
  - (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
  - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which

<sup>14</sup> The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
- (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
  - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
  - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- 3.0 Definition of non-dependant**
- 3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with a claimant or with whom a claimant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the claimant's family;
  - b. if the claimant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
  - c. a child or young person who is living with the claimant but who is not a member of his household by virtue of section 11(membership of the same household);
  - d. subject to paragraph 3.3, any person who, with the claimant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
  - e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the claimant or the claimant's partner in respect of the occupation of the dwelling;
  - f. a person who lives with the claimant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the claimant or his partner for the services provided by that person.
- 3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant-
- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
    - i. that person is a close relative of his or her partner; or
    - ii. the tenancy or other agreement between them is other than on a

- commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
  - c. a person who becomes jointly and severally liable with the claimant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

#### **4.0 Requirement to provide a National Insurance Number<sup>15</sup>**

- 4.1 No person whose shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.
- 4.2 This subsection is satisfied in relation to a person if–
  - a. the claim for support is accompanied by;
    - i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
    - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
  - b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated
- 4.3 Paragraph 4.2 shall not apply–
  - a. in the case of a child or young person in respect of whom council tax support is claimed;
  - b. to a person who;
    - i. is a person in respect of whom a claim for council tax support is made;
    - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
    - iii. is a person from abroad for the purposes of this scheme as defined in section 2.2; and
    - iv. has not previously been allocated a national insurance number.

#### **5.0 Persons who have attained the qualifying age for state pension credit**

- 5.1 This scheme applies to a person if:
  - (i) he has not attained the qualifying age for state pension credit; or
  - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
    - (a) a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or
    - (b) a person with an award of universal credit.

#### **6.0 Remunerative work**

- 6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

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<sup>15</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
  - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,
- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
  - b. no other payment is made or is expected to be made to him.

## **7.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control**

### **Persons treated as not being in Great Britain**

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations;
  - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
    - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

|      |   |
|------|---|
|      | <p>(b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).</p>   |
| 7.4A | <p>For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—</p> <ul style="list-style-type: none"> <li>(a) (Removed by the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021)</li> <li>(b) Appendix EU to the immigration rules made under section 3(2) of that Act;</li> <li>(c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or</li> <li>(d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.</li> </ul>   |
| 7.4B | <p>Paragraph (4A)(b) does not apply to a person who—</p> <ul style="list-style-type: none"> <li>(a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and</li> <li>(b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)</li> </ul>   |
| 7.5  | <p>A person falls within this paragraph if the person is—</p> <ul style="list-style-type: none"> <li>(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;</li> <li>(b) a family member of a person referred to in sub-paragraph (a);</li> <li>(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;</li> <li>(ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;</li> <li>(cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;</li> <li>(cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971</li> <li>(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;</li> <li>(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>16</sup> where that leave is— <ul style="list-style-type: none"> <li>(i) discretionary leave to enter or remain in the United Kingdom,</li> <li>(ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or</li> <li>(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.</li> </ul> </li> <li>(f) a person who has humanitarian protection granted under those rules;</li> </ul> |

<sup>16</sup> As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

|     |   |
|-----|---|
|     | (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;  |
|     | (h) in receipt of income support or on an income-related employment and support allowance; or   |
|     | (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).   |
| 7.6 | A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.  |
| 7.7 | A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.  |
| 7.8 | In this regulation—<br>“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;<br>“Crown servant” means a person holding an office or employment under the Crown;<br>“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020<br>“EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;<br>“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);<br>“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and<br>“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006. |

#### **Persons subject to immigration control**

- 7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9
- 7.11 “Person subject to immigration control” has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

#### **7A.0 Transitional provision**

- 7A.1 The above does not apply to a person who, on 31st March 2015—
- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
  - (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.
- 7A.2 The events are—
- (a) the person makes a new application for a reduction under an authority's scheme

|            |  |
|------------|--|
|            | <p>established under section 13A(2) of the Act; or</p> <p>(b) the person ceases to be entitled to an income-based jobseeker's allowance.</p>   |
| 7A.3       | In this section "the Act" means the Local Government Finance Act 1992.   |
| <b>8.0</b> | <b>Temporary Absence (period of absence)</b>   |
| 8.1        | Where a person is absent from the dwelling throughout any day then no support shall be payable   |
| 8.2        | A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.   |
| 8.3        | <p>In paragraph 8.2, a 'period of temporary absence' means—</p> <ul style="list-style-type: none"> <li>a. a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as; <ul style="list-style-type: none"> <li>i. the person resides in that accommodation;</li> <li>ii. the part of the dwelling in which he usually resided is not let or sub-let; and</li> <li>iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,</li> </ul> where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;</li> <li>b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as; <ul style="list-style-type: none"> <li>i. the person intends to return to the dwelling;</li> <li>ii. the part of the dwelling in which he usually resided is not let or sub-let; and</li> <li>iii. that period is unlikely to exceed 13 weeks; and</li> </ul> </li> <li>c. a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as <ul style="list-style-type: none"> <li>i. the person intends to return to the dwelling;</li> <li>ii. the part of the dwelling in which he usually resided is not let or sub-let;</li> <li>iii. the person is a person to whom paragraph 8.4 applies; and</li> <li>iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.</li> </ul> </li> </ul> |
| 8.3A       | <p>A person who is temporarily absent from a dwelling he occupies as his home and is absent outside Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain, provided that—</p> <ul style="list-style-type: none"> <li>(a) the person intends to return to occupy the dwelling as his home;</li> <li>(b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and</li> <li>(c) the period of absence is unlikely to exceed 4 weeks.</li> </ul>   |
| 8.3B       | <p>A person who is temporarily absent from a dwelling he occupies as his home and is absent outside of Great Britain as a member of the armed forces away on operations, a mariner or a continental shelf worker shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 26 weeks beginning with the first day of that absence from Great Britain, provided that—</p> <ul style="list-style-type: none"> <li>(a) the person intends to return to occupy the dwelling as his home;</li> <li>(b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and</li> <li>(c) the period of absence is unlikely to exceed 26 weeks.</li> </ul>  |

- 8.3C This paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the temporary absence from Great Britain is in connection with the death of the—
    - (i) person's partner or a child or young person for whom he or his partner is responsible;
    - (ii) person's close relative;
    - (iii) close relative of the person's partner; or
    - (iv) close relative of a child or young person for whom the person or their partner is responsible;
  - (c) the person intends to return to occupy the dwelling as his home; and
  - (d) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let.
- 8.3D person to whom paragraph (8.3C) applies shall be treated as occupying a dwelling he is absent from as his home whilst he is temporarily absent for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain.
- 8.3E The period of absence in paragraph (8.3D) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks
- 8.4 This paragraph applies to a person who is;
- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
    - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
    - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
  - b. resident in a hospital or similar institution as a patient;
  - c. undergoing, or his partner or his dependent child is undergoing, in Great Britain or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
  - d. following, in Great Britain or elsewhere, a training course;
  - e. undertaking medically approved care of a person residing in Great Britain or elsewhere;
  - f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
  - g. in Great Britain, receiving medically approved care provided in accommodation other than residential accommodation;
  - h. a student;
  - i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
  - j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.5 This paragraph applies to a person who is:
- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
  - b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
  - If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident
- 8.7 In this section;
- ‘medically approved’ means certified by a medical practitioner;
  - ‘continental shelf worker’ means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998
  - ‘designated area’ means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where:
- a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
  - b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage
  - ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
    - in a care home;
    - in an independent hospital;
    - in an Abbeyfield Home; or
    - in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
  - ‘prescribed area’ means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998
  - ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

**Sections 9 - 11**

**The family for Council Tax Support purposes**

## **9.0 Membership of a family**

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
  - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
  - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
  - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
  - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
  - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person' A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
  - b. an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
  - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is **payable**.

## **10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.**

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
  - b. if there is no such person;
    - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
    - ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

**11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household**

11.1 Subject to paragraphs 11.2 and 11.3, the claimant and any partner and, where the claimant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

11.2 A child or young person shall not be treated as a member of the claimant's household where he is—

- a. placed with the claimant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the claimant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the claimant or his partner prior to adoption; or
- c. placed for adoption with the claimant or his partner in accordance with the Adoption and Children Act 2002<sup>17</sup> or the Adoption Agencies (Scotland) Regulations 2009.

11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the claimant and he—

- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- b. has been placed, or in Scotland boarded out, with a person other than the claimant prior to adoption; or
- c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

11.4 An authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the claimant's household in any reduction week where;

- a. that child or young person lives with the claimant for part or all of that reduction week; and
- b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989 and the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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<sup>17</sup> The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

**Sections 12 – 14 & Schedule 1**

**Applicable Amounts for Council Tax Support purposes**

- 12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case:
- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
  - b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
  - c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium). **No family premium will be awarded where an application for reduction is received on or after 1<sup>st</sup> May 2016 or where the applicant would have become entitled to the family premium on or after 1<sup>st</sup> May 2016.**
- i) Sub paragraph (c) shall not apply to a person who, on 30th April 2016, is entitled to Council Tax Reduction and is:
- a. a member of a family of which at least one member is a child or young person; or
  - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
- (ii) (i) above does not apply if—
- (a) sub-paragraph 12.1 c (i) (a) or (b) of that paragraph ceases to apply; or
  - (b) the person makes a new claim for Council Tax Reduction.
- d. (iii) For the purpose of this section “child”, “polygamous marriage” and “young person” have the same meaning as in section 2 of this scheme;
  - e. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
  - f. the amount of either the
    - i. work-related activity component; or
    - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document(the components)
  - g. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

### 13.0 Polygamous marriages

- 13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:
- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
  - b. an amount equal to the amount within paragraph 1 (3) (c) of Schedule 1 of this scheme in respect of each of his other partners;
  - c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
  - d. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium). **No family premium will be awarded where an application for reduction is received on or after 1<sup>st</sup> May 2016 or where the applicant would have become entitled to the family premium on or after 1<sup>st</sup> May 2016.**
- i) Sub paragraph (d) shall not apply to a person who, on 30th April 2016, is entitled to Council Tax Reduction and is:
- a. a member of a family of which at least one member is a child or young person; or
  - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

- (i) above does not apply if—
  - (a) sub-paragraph 13.1 d (i) (a) or (b) of that paragraph ceases to apply; or
  - (b) the person makes a new claim for Council Tax Reduction.
- (ii) For the purpose of this section “child”, “polygamous marriage” and “young person” have the same meaning as in section 2 of this scheme;
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
  - i.work-related activity component; or
  - ii.support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
    - g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

**14.0 Applicable amount: persons who are not pensioners who have an award of universal credit**

14.1 In determining the applicable amount for a week of an applicant

- (a) who has, or
- (b) whose partner has, or
- (c) who (jointly with his partner) has,

an award of universal credit, the authority will use the calculation or estimate of the maximum amount of the applicant, or the applicant’s partner, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

- 14.2 (2) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- 14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

**Sections 15 – 32 & Schedules 3 & 4**

**Definition and the treatment of income for Council Tax Support purposes**

**15.0 Calculation of income and capital of members of claimant's family and of a polygamous marriage**

- 15.1 The income and capital of:
- a. an applicant; and
  - b. any partner of that applicant,

is to be calculated in accordance with the following provisions.

- 15.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- 15.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
  - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

**15A.0 Calculation of income and capital: persons who are not pensioners who have an award of universal credit**

- 15A.1 In determining the income of an applicant
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.
- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3) net of the housing costs element;
  - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
  - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
  - (d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
  - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).
- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.
- 15A.4 sections 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (2)
- 15A.5 In determining the capital of an applicant;
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary

of State for the purpose of determining that award

**16.0 Circumstances in which capital and income of non-dependant is to be treated as claimant's**

- 16.1 Where it appears to the authority that a non-dependant and the claimant have entered into arrangements in order to take advantage of the council tax support scheme and the non-dependant has more capital and income than the claimant, that authority shall, except where the claimant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the claimant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the claimant does possess.'
- 16.2 Where a claimant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the claimant and any reference to the 'claimant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

**17.0 Calculation of income on a weekly basis**

- 17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of a claimant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 14.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the claimant's family of whichever of the sums specified in paragraph (3) applies in his case.

- 17.2 The conditions of this paragraph are that;

- a. the claimant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that claimant or, if he is a member of a couple either the claimant or his partner, is in receipt of either working tax credit or child tax credit.

- 17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the claimant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the claimant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

- 17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which a claimant is treated as possessing under section 32 (notional income) of this scheme.

**18.0 Treatment of child care charges**

- 18.1 This section applies where a claimant is incurring relevant child-care charges and;
- a. is a lone parent and is engaged in remunerative work;

- b. is a member of a couple both of whom are engaged in remunerative work; or
  - c. is a member of a couple where one member is engaged in remunerative work and the other;
    - i. is incapacitated;
    - ii. is an in-patient in hospital; or
    - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
  - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
  - c. is paid an employment and support allowance;
  - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations; or
  - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 c) or d) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the claimant for care, which is provided
- a. in the case of any child of the claimant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
  - b. in the case of any child of the claimant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
  - b. by a claimant to a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
  - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
    - i. for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
    - ii. for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
  - b. by a child care provider approved in accordance with by the Tax Credit (New Category of

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|       | <p>Child Care Provider) Regulations 1999;</p> <p>c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or</p> <p>d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or</p> <p>e. by;</p> <ul style="list-style-type: none"> <li>i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010 or</li> <li>ii. local authorities registered under section 33(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or</li> </ul> <p>f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act or</p> <p>g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or</p> <p>h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or</p> <p>i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or</p> <p>j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or</p> <p>k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or</p> <p>l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or</p> <p>m. by a person who is not a relative of the child wholly or mainly in the child's home.</p> |
| 18.9  | In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.   |
| 18.10 | Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.   |
| 18.11 | For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where  |
|       | <ul style="list-style-type: none"> <li>a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work</li> <li>b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;</li> <li>c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or 2013 as appropriate;</li> <li>d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or</li> </ul>   |

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|        | <p>more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;</p> <p>e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;</p> <p>f. there is payable in respect of him one or more of the following pensions or allowances—</p> <ul style="list-style-type: none"> <li>i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;</li> <li>ii. attendance allowance under section 64 of the Act;</li> <li>iii. severe disablement allowance under section 68 of the Act;</li> <li>iv. disability living allowance under section 71 of the Act;</li> <li>v. personal independence payment under the Welfare Reform Act 2012;</li> <li>vi. an AFIP;</li> <li>vii. increase of disablement pension under section 104 of the Act;</li> <li>viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;</li> <li>ix. main phase employment and support allowance;</li> </ul> <p>g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.</p> <p>h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;</p> <p>i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or</p> <p>j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.</p> |
| 18.12  | For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the claimant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.  |
| 18.12A | For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the claimant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.   |
| 18.13  | For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—   |
|        | <ul style="list-style-type: none"> <li>a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;</li> <li>b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council</li> </ul>  |

- constituted under section 2 of the Local Government (Scotland) Act 1994; or
- c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- 18.14 For the purposes of paragraph 18.1 a person on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—
- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
  - b. the claimant is incurring relevant child care charges within the meaning of paragraph 18.5; and
  - c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.
- 18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—
- a. the date that leave ends;
  - b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
  - c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.
- whichever shall occur first.
- 18.16 In paragraphs 18.14 and 18.15
- a. 'qualifying support' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations; and
  - b. 'child care element' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element).
- 18.17 In this section 'applicant' does not include an applicant;
- (a) who has, or
  - (b) who (jointly with his partner) has,
- an award of universal credit
- 19.0 Average weekly earnings of employed earners**
- 19.1 Where a claimant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—
- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
    - i. 5 weeks, if he is paid weekly; or
    - ii. 2 months, if he is paid monthly; or
  - b. whether or not sub-paragraph 19.1 a i) or ii) applies, where a claimant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- 19.2 Where the claimant has been in his employment for less than the period specified in paragraph 19.1 a)(i) or (ii)
- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment

- his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the claimant's employer to furnish an estimate of the claimant's likely weekly earnings over such period as the authority may require and the claimant's average weekly earnings shall be estimated by reference to that estimate.
- 19.3 Where the amount of a claimant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.
- 19.4 For the purposes of this section the claimant's earnings shall be calculated in accordance with sections 25 and 26
- 20.0 Average weekly earnings of self-employed earners**
- 20.1 Where a claimant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.
- 20.2 For the purposes of this section the claimant's earnings shall be calculated in accordance with section 27 to 29 of this scheme
- 21.0 Average weekly income other than earnings**
- 21.1 A claimant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise an authority to disregard any such income other than that specified in Schedule 4 of this scheme.
- 21.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.
- 21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme
- 22.0 Calculation of average weekly income from tax credits**
- 22.1 This section applies where a claimant received a tax credit.
- 22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3
- 22.3 Where the instalment in respect of which payment of a tax credit is made is;
- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
  - b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
  - c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
  - d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- 22.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

### **23.0 Calculation of weekly income**

- 23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;
- a. does not exceed a week, the weekly amount shall be the amount of that payment;
  - b. exceeds a week, the weekly amount shall be determined–
    - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
    - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.
- 23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of a claimant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

### **24.0 Disregard of changes in tax, contributions etc.**

- 24.1 In calculating the applicant's income the appropriate authority may disregard any legislative change
- a. in the basic or other rates of income tax;
  - b. in the amount of any personal tax relief;
  - c. in the rates of national insurance contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small profits threshold in relation to Class 2 contributions);
  - d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
  - e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective

### **25.0 Earnings of employed earners**

- 25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–
- a. any bonus or commission;
  - b. any payment in lieu of remuneration except any periodic sum paid to a claimant on account of the termination of his employment by reason of redundancy;
  - c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
  - d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
  - e. any payment by way of a retainer;
  - f. any payment made by the claimant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the claimant's employer in respect of–
    - g. travelling expenses incurred by the claimant under arrangements made for the case of a member of his family owing to the claimant's absence from home;
    - h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1999 (remedies and compensation for unfair dismissal);
    - i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);

- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
  - k. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
  - l. any remuneration paid by or on behalf of an employer to the claimant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
  - m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended<sup>18</sup>.
- 25.2 Earnings shall not include—
- a. subject to paragraph 25.3, any payment in kind;
  - b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
  - c. any occupational pension
  - d. any payment in respect of expenses arising out of an applicant participating as a service user.
- 25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)
- 26.0 Calculation of net earnings of employed earners**
- 26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of a claimant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.
- 26.2 There shall be disregarded from a claimant's net earnings, any sum, where applicable, specified in paragraphs 1 to 14 of Schedule 3.
- 26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the claimant from that employment over the assessment period, less;
- a. any amount deducted from those earnings by way of
    - i) income tax;
    - ii) primary Class 1 contributions under the Act;
  - b. one-half of any sum paid by the claimant by way of a contribution towards an occupational pension scheme;
  - c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the claimant; and
  - d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.
- 26.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying

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<sup>18</sup> Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- contribution shall be determined—
- where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
  - in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
  - an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
  - one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.
- 27.0 Earnings of self-employed earners**
- 27.1 Subject to paragraph 27.2, ‘earnings’, in the case of employment as a self-employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the claimant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 27.2 ‘Earnings’ shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodate with the claimant under arrangements made by a local authority or voluntary organisation and payments made to the claimant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the claimant’s care) nor shall it include any sports award.
- 27.3 This paragraph applies to—
- royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
  - any payment in respect of any—
    - book registered under the Public Lending Right Scheme 1982; or
    - work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.
- 27.4 Where the claimant’s earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of council tax support which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the claimant’s case.

## **28.0 Calculation of net profit of self-employed earners**

- 28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be
- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
  - b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less–
    - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
    - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 28.2 There shall be disregarded from a claimant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.
- 28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less
- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
  - b. an amount in respect of;
    - (i) income tax, and
    - (ii) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
  - c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 28.4 For the purposes of paragraph 28.1a) the net profit of the employment shall be calculated;
- a. by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment (where self employed accounts can be provided); or
  - b. as an amount determined by multiplying the national minimum wage by 16 hours per week or the number of hours shown on any Tax Credit letter.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of–
- a. any capital expenditure;
  - b. the depreciation of any capital asset;
  - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
  - d. any loss incurred before the beginning of the assessment period;
  - e. the repayment of capital on any loan taken out for the purposes of the employment;
  - f. any expenses incurred in providing business entertainment, and
  - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for–
- a. the replacement in the course of business of equipment or machinery; and
  - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has

been reasonably incurred.

- 28.8 For the avoidance of doubt–
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
  - b. a deduction shall be made thereunder in respect of–
    - i. the excess of any value added tax paid over value added tax received in the assessment period;
    - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
  - b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
  - c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.
- 28.10 For the avoidance of doubt where a claimant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
  - b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- 28.12 In this section, ‘qualifying premium’ means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.
- 29.0 Deduction of tax and contributions of self-employed earners**
- 29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.
- 29.2 The amount to be deducted in respect of national insurance contributions under paragraphs 28.1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of–
- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be

- reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata..
- 29.3 In this section 'chargeable income' means—
- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (28.3)(a) or, as the case may be, (28.4) of section 28;
  - b. in the case of employment as a child minder, one-third of the earnings of that employment.
- 30.0 Calculation of income other than earnings**
- 30.1 For the purposes of section 21 (average weekly income other than earnings), the income of a claimant which does not consist of earnings to be taken into account shall, subject to paragraphs 27.2 to 27.8, be his gross income and any capital treated as income under section 31 (capital treated as income).
- 30.2 There shall be disregarded from the calculation of a claimant's gross income under paragraph 30.2, any sum, where applicable, specified in Schedule 4.
- 30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.
- 30.4 Where the claimant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—  
A - (BxC)  
D  
Where  
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5  
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on

which the person abandoned, or was dismissed from, his course;  
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax support immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;  
D = the number of reduction weeks in the assessment period.

- 30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if-

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5

- 30.10 In this section— ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of sections 43 to 45, ‘assessment period’ means—

- a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
  - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
  - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

‘whichever of those dates’ is earlier

‘quarter’ in relation to an assessment period means a period in that year beginning on;

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or
- d. 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

- 30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of a claimant who is receiving support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the claimant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.

### **31.0 Capital treated as income**

- 31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the claimant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £16,000, be treated as income.

- 31.2 Any payment received under an annuity shall be treated as income.

- 31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 31.4 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income
- 31.5 Where an agreement or court order provides that payments shall be made to the claimant in consequence of any personal injury to the claimant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the claimant (but not a payment which is treated as capital), shall be treated as income.

### **32.0 Notional income**

- 32.1 A claimant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.
- 32.2 Except in the case of–
- a. a discretionary trust;
  - b. a trust derived from a payment made in consequence of a personal injury;
  - c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the claimant has not attained the qualifying age for state pension credit;
  - d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
  - e. any sum to which paragraph 48(a) of Schedule 5 refers;
  - f. rehabilitation allowance made under section 2 of the 1973 Act;
  - g. child tax credit; or
  - h. working tax credit,
  - i. any sum to which paragraph 32.13 applies;
- any income which would become available to the claimant upon application being made, but which has not been acquired by him, shall be treated as possessed by the claimant but only from the date on which it could be expected to be acquired were an application made.

#### 32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–
- a. to a third party in respect of a single claimant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single claimant or, as the case may be, by that member;
  - b. to a third party in respect of a single claimant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single claimant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single claimant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that claimant or member is liable;
  - c. to a single claimant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–
- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
  - b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
  - c. pursuant to section 2 of the 1973 Act in respect of a person's participation–

- (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a previous participation in the Mandatory Work Activity Scheme;
- e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 32.8 Where a claimant is in receipt of any benefit (other than council tax support) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the claimant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.
- 32.9 Subject to paragraph 32.10, where—
- a. claimant performs a service for another person; and
  - b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the claimant as possessing such earnings (if any) as is reasonable for that employment unless the claimant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- 32.10 Paragraph 32.9 shall not apply—
- a. to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
  - b. in a case where the service is performed in connection with—
    - (i) the claimant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the claimant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
    - (ii) the claimant's or the claimant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
  - c. to a claimant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- 32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.
- 32.11 Where a claimant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation as a service user

**Sections 33 – 42 & Schedule 5**

**Definition and the treatment of capital for Council Tax Support purposes**

**33.0 Capital limit**

- 33.1 For the purposes of section 134(1) of the Act as it applies to council tax support (no entitlement to support if capital exceeds prescribed amount), the prescribed amount is £16,000.

**34.0 Calculation of capital**

- 34.1 For the purposes of this scheme, the capital of a claimant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

- 34.2 There shall be disregarded from the calculation of a claimant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

**35.0 Disregard of capital of child and young person**

- 35.1 The capital of a child or young person who is a member of the claimant's family shall not be treated as capital of the claimant.

**36.0 Income treated as capital**

- 36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

- 36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

- 36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

- 36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the claimant's account.

- 36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the claimant's employer shall be treated as capital.

- 36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006), the London Bombings Charitable Relief Fund, the WLMEF or the LET shall be treated as capital.

- 36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

- 36.8 Any arrears of subsistence allowance which are paid to a claimant as a lump sum shall be treated as capital.

- 36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

**37.0 Calculation of capital in the United Kingdom**

- 37.1 Capital which a claimant possesses in the United Kingdom shall be calculated at its current market or surrender value less–

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

**38.0 Calculation of capital outside the United Kingdom**

- 38.1 Capital which a claimant possesses in a country outside the United Kingdom shall be calculated
- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
  - b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,
- less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

**39.0 Notional capital**

- 39.1 A claimant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).
- 39.2 Except in the case of
- (a) a discretionary trust; or
  - (b) a trust derived from a payment made in consequence of a personal injury; or
  - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
  - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
  - (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
  - (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
  - (g) child tax credit; or
  - (h) working tax credit,
- any capital which would become available to the claimant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.
- 39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made
- (a) to a third party in respect of a single claimant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single claimant or, as the case may be, by that member;
  - (b) to a third party in respect of a single claimant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single claimant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single claimant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that claimant or member is liable;
  - (c) to a single claimant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single claimant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:
- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
  - b. pursuant to section 2 of the 1973 Act in respect of a person's participation:

- i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
  - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
  - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
  - c. in respect of a person's participation in the Mandatory Work Activity Scheme;
  - d. Enterprise Scheme;
  - e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
  - f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
    - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
    - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
    - iii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 39.5 Where a claimant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case
- (a) the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
  - (b) he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- 39.6 For so long as the claimant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.
- 39.7 Where a claimant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.
- 40.0 Diminishing notional capital rule**
- 40.1 Where a claimant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;
- (a) in the case of a week that is subsequent to
    - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
    - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
  - (b) in the case of a week in respect of which paragraph 40.1(a) does not apply but where
    - (i) that week is a week subsequent to the relevant week; and
    - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.
- 40.2 This paragraph applies to a reduction week or part-week where the claimant satisfies the conditions that
- (a) he is in receipt of council tax support; and
  - (b) but for paragraph 39.1, he would have received an additional amount of council tax support in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of

paragraph 40.1(a) shall be equal to the aggregate of

- (a) the additional amount to which sub-paragraph 40.2 (b) refers;
- (b) where the claimant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
- (c) where the claimant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- (d) where the claimant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations (notional capital) and
- (e) where the claimant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).

- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the claimant would have been entitled to council tax support in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- (a) the amount of council tax support to which the claimant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
  - (b) if the claimant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
  - (c) if the claimant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7
  - (d) if the claimant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and

- (e) if the claimant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this subparagraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.
- 40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the claimant makes a further claim for council tax support and the conditions in paragraph 40.6 are satisfied, and in such a case—
- (a) sub-paragaphs (a) to (d) of paragraph 40.4 shall apply as if for the words ‘relevant week’ there were substituted the words ‘relevant subsequent week’; and
  - (b) subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.
- 40.6 The conditions are that
- (a) a further claim is made 26 or more weeks after
    - (i) the date on which the claimant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
    - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
    - (iii) the date on which the last ceased to be entitled to council tax support, whichever last occurred; and
    - (b) the claimant would have been entitled to council tax support for paragraph 39.1.
- 40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.
- 40.8 For the purposes of this section
- (a) ‘part-week’
    - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
    - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
    - (iii) in paragraph 40.4 (c),(d)and(e)means—
  - (aa) a period of less than a week which is the whole period for which income support , an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
  - (bb) any other period of less than a week for which it is payable;
  - (b) ‘relevant week’ means the reduction week or part-week in which the capital in question of which the claimant has deprived himself within the meaning of section 39.1
    - (i) was first taken into account for the purpose of determining his entitlement to council tax support; or
    - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;

and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;
  - (c) ‘relevant subsequent risk’ means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

**41.0 Capital jointly held**

41.1 Except where a claimant possesses capital which is disregarded under paragraph 39(5) (notional capital) where a claimant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess

**42.0 Calculation of tariff income from capital**

- 42.1 Where the claimant's capital calculated in accordance with this scheme exceeds £6,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 of in excess of £6,000 but not exceeding £16,000
- 42.2 Notwithstanding paragraph 42.1 where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly tariff income of £1.
- 42.3 For the purposes of paragraph 42.1, capital includes any income treated as capital under section 36 (income treated as capital).

**Sections 43 - 56**

**Definition and the treatment of students for Council Tax Support purposes**

### **43.0 Student related definitions**

43.1 In this scheme the following definitions apply;

**'academic year'** means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer; **'access funds'** means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as 'learner support funds', which are made available to students in further education by institutions out of funds provided by the Young People's Learning Agency for England under sections 61 and 62 of the Apprenticeships, Skills, Children and Learning Act 2009 or the Chief Executive of Skills Funding under section 100 and 101 of that Act; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

**'college of further education'** means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

**'contribution'** means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
  - (i) the holder of the allowance or bursary;
  - (ii) the holder's parents;
  - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder's spouse or civil partner; **'course of study'** means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it; **'covenant income'** means the gross income payable to a full-time student under a Deed of Covenant by his parent;

**'education authority'** means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973 an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

**'full-time course of study'** means a full time course of study which;

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full- time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;

- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out-
  - (i) in the case of a course funded by the Young People's Learning Agency for England or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those bodies for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves;
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

**'full-time student'** means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

**'grant'** (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

**'grant income'** means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

**'higher education'** means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

**'last day of the course'** means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

**'period of study'** means—

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either-
  - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
  - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- c. in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

**'periods of experience'** means periods of work experience which form part of a sandwich course;

**'qualifying course'** means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

**'modular course'** means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

**'sandwich course'** has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

**'standard maintenance grant'** means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or

**'student'** means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

**'student' loan'** means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Student's Allowances (Scotland) Regulations 2007

43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

- (a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
  - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
  - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that subparagraph shall include;

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the

course.

#### **44.0 Treatment of students**

44.1 The following sections relate to students who claim Council Tax Support

#### **45.0 Students who are excluded from entitlement to council tax support**

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes D and E of the Council's reduction scheme.

45.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

45.3 Paragraph 45.2 shall not apply to a student

(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;

(b) who is a lone parent;

(c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;

(d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;

(e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(e) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.

(f) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

(g) who is a single claimant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;

(h) who is;

(i) aged under 21 and whose course of study is not a course of higher education, or

(ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);

(i) in respect of whom

i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;

(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

- (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
- 45.3A For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19
- 45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- 45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- 45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- 45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
    - (i) engaged in caring for another person; or
    - (ii) ill;
  - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
  - (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.
- 45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;
- (a) the day on which he resumes attending or undertaking the course; or
  - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.
- 46.0 Calculation of grant income**
- 46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.
- 46.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
  - (b) in respect of the student's disability;
  - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
  - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
  - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
  - (f) intended to meet the cost of books and equipment;
  - (g) intended to meet travel expenses incurred as a result of his attendance on the course;

- (h) intended for the child care costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
  - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
  - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50.0 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case of a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.
- 47.0 Calculation of covenant income where a contribution is assessed**
- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.
- 47.2 The weekly amount of the student's covenant shall be determined–
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
  - (b) by disregarding from the resulting amount, £5.
- 47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income)

falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

**48.0 Covenant income where no grant income or no contribution is assessed**

- 48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;
- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
  - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
  - (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
  - (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.
- 48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph 48.1, except that;
- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
  - (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3

**49.0 Student Covenant Income and Grant income – non disregard**

- 49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme

**50.0 Other amounts to be disregarded**

- 50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

**51.0 Treatment of student loans**

- 51.1 A student loan shall be treated as income.
- 51.2 In calculating the weekly amount of the loan to be taken into account as income
- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
    - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
    - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,

- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
  - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
  - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
  - (i) the first day of the first reduction week in September; or
  - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

- 51.3 A student shall be treated as possessing a student loan in respect of an academic year where;
- (a) a student loan has been made to him in respect of that year; or
  - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- 51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5
- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
    - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
    - (ii) any contribution whether or not it has been paid to him;
  - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
    - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
    - (ii) no deduction in that loan was made by virtue of the application of a means test.
- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
  - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

#### **51A.0 Treatment of fee loans**

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland)

Act 1980, shall be disregarded as income.

#### **52.0 Treatment of payments from access funds**

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 52.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
  - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made–
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
  - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

#### **53.0 Disregard of contribution**

- 53.1 Where the claimant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

#### **54.0 Further disregard of student's income**

- 54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

#### **55.0 Income treated as capital**

- 55.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.
- 55.2 Any amount paid from access funds as a single lump sum shall be treated as capital.
- 55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that claimant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

**56.0 Disregard of changes occurring during summer vacation**

- 56.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

**Sections 57 – 63**

**The calculation and amount of Council Tax Support**

## **57.0 Maximum council tax support**

- 57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A/B where;
- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
  - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).
- 57.2 In calculating a person's maximum council tax support any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.
- 57.3 Subject to paragraph 57.4, where a claimant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the claimant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax support) applies, in determining the maximum council tax support in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.
- 57.4 Where a claimant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

## **58.0 Non-dependant deductions<sup>19</sup>**

- 58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be;
- (a) in respect of a non-dependant aged 18 or over in remunerative work, £12.45 x 1/7;
  - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.05 x 1/7.
- 58.2 In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is–
- (a) less than £217.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
  - (b) not less than £217.00, but less than £377.00, the deduction to be made under this section shall be £8.30 x 1/7
  - (c) not less than £377.00, but less than £469.00, the deduction to be made under this section shall be £10.40 x 1/7;
- 58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 58.4 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day–

<sup>19</sup> The amounts shown within this section shall be uprated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- a. a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
  - b. other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
  - c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
  - (b) receiving in respect of himself
    - (i) attendance allowance, or would be receiving that allowance but for
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
      - (bb) an abatement as a result of hospitalisation; or
    - (ii) the care component of the disability living allowance, or would be receiving that component but for
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
      - (bb) an abatement as a result of hospitalisation; or
    - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
    - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- ;
- 58.7 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
  - b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
  - c. he is a full time student within the meaning of section 43.0 (Students); or
  - d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
  - e. 'patient' has the meaning given within this scheme, and
  - f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
  - g. he is not residing with the claimant because he is a member of the armed forces away on operations
- 58.8 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
  - (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
  - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;
- For the purposes of sub-paragraph (c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013

- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income:
- a. any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
  - b. any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
  - c. any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

**59.0 Council tax support taper (applies to persons defined within Class E)**

- 59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be 2 6/7 per cent. Where a claimant's income exceeds their applicable amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this scheme

**59A.0 Reduction of entitlement (Classes A & B)**

- 59A.1 Any entitlement calculated in accordance with this scheme shall be reduced by a percentage as shown in Schedule 6. The standard deduction shall apply to the council tax support calculated for all working age claimants.

- 59A.2 Where the following circumstances are met Schedule 6 outlines the deduction that shall apply:

- Where the applicant or their partner receive, Disability Living Allowance or a Personal Independence Payment; or
- An applicant who is a lone parent and who is responsible and resides with a child under 5 years old ; or
- Where the applicant or their partners receives carers allowance; or
- Where the applicant or their partner is in receipt of a war pension, war widows pension, war disablement pension or equivalent; or
- Where the applicant or their partner receive:
  - Income Support; or
  - Income Related Employment and Support Allowance; or
  - Income Based Jobseeker's Allowance;
- Where the applicant or their partner is in receipt of Universal Credit and *immediately* prior to receipt of that were in receipt of:
  - Income Support; or
  - Income Related Employment and Support Allowance; or
  - Income Based Jobseeker's Allowance;
- Where the applicant, or their partner, is in receipt of Jobseeker's Allowance Contribution Based;
- Where the applicant, or their partner, is in receipt of Main Phase Employment and Support Allowance and are in the Work Related Activity Group;
- Where the applicant is in receipt of Maximum Universal Credit **and** is neither employed, self-employed or in receipt of any other income which is taken into account when calculating their Universal Credit award; and
- Where the applicant is in receipt of Universal Credit which includes any of the following elements:
  - Limited capability for work
  - Limited capability for work & work related activity

## **60.0 Extended reductions**

- 60.1 A claimant who is entitled to council tax support (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;
- (a) the claimant or the claimant's partner was entitled to a qualifying income-related benefit;
  - (b) entitlement to a qualifying income-related benefit ceased because the claimant or the claimant's partner—
    - (i) commenced employment as an employed or self-employed earner;
    - (ii) increased their earnings from such employment; or
    - (iii) increased the number of hours worked in such employment,  
and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
  - (c) the claimant or the claimant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- 60.2 For the purpose of paragraph 60.1(c), a claimant or a claimant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the claimant or the claimant's partner was not entitled to any of those benefits because the claimant or the claimant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- 60.3 For the purpose of this section, where a claimant or a claimant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.
- 60.4 A claimant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where—
- (a) the claimant ceased to be entitled to council tax support because the claimant vacated the dwelling in which the claimant was resident;
  - (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
  - (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).
- 60.5 This section shall not apply where, on the day before a claimant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that claimant.

## **60A.0 Duration of extended reduction period**

- 60A.1 Where a claimant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying income-related benefit.
- 60A.2 For the purpose of paragraph (60A.1), a claimant or a claimant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.
- 60A.3 The extended reduction period ends;
- (a) at the end of a period of four weeks; or
  - (b) on the date on which the claimant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

## **60B.0 Amount of extended reduction**

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to a claimant shall be the higher of—

- (a) the amount of council tax support to which the claimant was entitled under the general conditions of entitlement in the last reduction week before the claimant or the claimant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the claimant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the claimant; or
- (c) the amount of council tax support to which the claimant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the claimant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where a claimant is in receipt of an extended reduction under this section and the claimant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

## **60C Extended reductions – movers**

60C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

60C.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction until the end of the extended reduction period.

## **60D.0 Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement**

60D.1 Where a claimant's council tax support award would have ended when the claimant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

## **61.0 Extended reductions (qualifying contributory benefits)**

61.1 A claimant who is entitled to council tax support (by virtue of the general conditions of

- entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;
- (a) the claimant or the claimant's partner was entitled to a qualifying contributory benefit;
  - (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant's partner;
    - (i) commenced employment as an employed or self-employed earner;
    - (ii) increased their earnings from such employment; or
    - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
  - (c) the claimant or the claimant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
  - (d) the claimant or the claimant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the claimant, or the claimant's partner, was entitled to a qualifying contributory benefit.
- 61.2 A claimant must be treated as entitled to council tax support by virtue of the general conditions of entitlement where;
- (a) the claimant ceased to be entitled to council tax support because the claimant vacated the dwelling in which the claimant was resident;
  - (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
  - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

#### **61A.0 Duration of extended reduction period (qualifying contributory benefits)**

61A.1 Where a claimant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, a claimant or a claimant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

#### **61B.0 Amount of extended reduction (qualifying contributory benefits)**

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to a claimant shall be the higher of;

- (a) the amount of council tax support to which the claimant was entitled under the general conditions of entitlement in the last reduction week before the claimant or the claimant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax support to which the claimant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the claimant; or
- (c) the amount of council tax support to which the claimant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the claimant.

61B .2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where a claimant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the claimant's partner makes a claim for council tax support, no amount of council tax support shall be payable by the appropriate authority during the extended reduction period.

#### **61C.0 Extended reductions (qualifying contributory benefits) – movers**

61C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax support which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

61C.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax support to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax support that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction (qualifying contributory benefits) until the end of the extended reduction period.

#### **61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement**

61D.1 Where a claimant's council tax support award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

#### **61E.0 Extended reductions: - Movers Generally<sup>20</sup>**

61E.1 Where;

- a. an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- b. the applicant, or the partner of the applicant, is in receipt of an extended reduction from
  - c. (i) another billing authority in England;
  - (ii) a billing authority in Wales;
  - (iii) a local authority in Scotland, or

<sup>20</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

(iv) a local authority in Northern Ireland,

the current billing authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

## **Sections 64 – 67**

### **Changes of circumstances within Council Tax Support**

#### **64.0 Date on which entitlement is to begin**

- 64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be entitled from the reduction week following the date on which that application is made or treated as made.
- 64.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

#### **65.0 - 66.0 Not Used**

#### **67.0 Date on which change of circumstances is to take effect**

- 67.1 For working age claimants, the effective date of change for any change in circumstances will be as follows;
- a. where the change increases the amount of support payable to the claimant **and where** the change has been notified to the authority in writing (or by any other method approved by the authority) within 21 days of the happening of the event , the Monday following the date of the change;
  - b. where the change increases the amount of support payable to the claimant **and where** the change has been notified to the authority in writing (or by any other method approved by the authority) more than 21 days of the happening of the event, the Monday following the date notified of the change;
  - c. In any other event, other than that specified in 67.2, the actual date of the change..
- 67.2 Subject to paragraph 67.3, where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Any overpayment of Council Tax Support will be recoverable in full including any errors made by the claimant, their partner, family members, appointees, errors by the Council or its agent or any other areas of Government.

**Sections 68– 74**

**Claiming and the treatment of claims for Council Tax Support purposes**

## **68.0 Who may claim<sup>21</sup>**

- 68.1 In the case of a couple or members of a polygamous marriage an application shall be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to apply, or as the case may be, receive benefit on his behalf; or
  - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
  - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise, that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.
- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and paragraph (2) does not apply to him, an authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 68.4 Where the authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5);
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
  - (c) any such appointment shall terminate when the authority is notified of the appointment of a person mentioned in paragraph (2).
- 68.5 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under paragraph (3).
- 68.6 Anything required by an authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

## **69.0 Procedure by which a person may apply for a reduction under an authority's scheme<sup>22</sup>**

- 69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.
- 69.2 An application may be made—
- (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of Schedule 7 Council

<sup>21</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>22</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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|--------------|---|
|              | <p>Tax Reductions (Prescribed requirements) Regulations 2012 or</p> <p>(c) (where the authority has published a telephone number for the purpose of receiving such applications) by telephone.</p>  |
| 69.3         | <p>(1) An application which is made in writing must be made to the offices of the authority on a properly completed form.</p> <p>(2) The form will be provided free of charge by the authority for the purpose.</p> <p>(3) The authority may accept any notification of universal credit from the Secretary of State as an application for a reduction.</p>   |
| 69.4.        | <p>Where an application received by the authority is defective because</p> <p>(a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or</p> <p>(b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.</p>  |
| 69.5.        | <p>(1) Where an application made in writing is defective because—</p> <p>(a) the form provided by the authority has not been properly completed; or</p> <p>(b) if it is made in writing, but not on the form provided by the authority, and the authority does not consider the application as being in a written form which is sufficient in the circumstances of the case, the authority may request the applicant to complete the defective application or (as the case may be) supply the applicant with the form to complete or request further information or evidence.</p> <p>(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.</p> |
| 69.6.        | <p>(1) If an application made by electronic communication is defective the authority will provide the person making the application with an opportunity to correct the defect.</p> <p>(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.</p>  |
| 69.7.        | <p>In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.</p>   |
| 69.8.        | <p>(1) If an application made by telephone is defective the authority will provide the person making the application with an opportunity to correct the defect.</p> <p>(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.</p>  |
| 69.9         | <p>Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered. Any letter received from the Secretary of State for Work &amp; Pensions in respect of any claim for another benefit shall be treated as a claim for Council Tax Reduction.</p>   |
| <b>69A.0</b> | <b>Date on which a claim made</b>   |
| 69A.1        | <p>Subject to sub-paragraph (7), the date on which an application is made is</p> <p>(a) in a case where;</p> <p>(i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and</p> <p>(ii) the application for a reduction under this scheme is made within one month of</p>  |

|       |   |
|-------|---|
|       | <p>the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received, the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;</p> <p>(b) in a case where—</p> <ul style="list-style-type: none"> <li>(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,</li> <li>(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and</li> <li>(iii) the application to the authority is received at the authority's offices within one month of the date of the change,</li> </ul> <p>the date on which the change takes place;</p> <p>(c) in a case where—</p> <ul style="list-style-type: none"> <li>(i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and</li> <li>(ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,</li> </ul> <p>the date of the death or separation;</p> <p>(d) except where paragraph (a), (b) or (c) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;</p> <p>(e) in any other case, the date on which the application is received at the offices of the authority.</p> |
| 69A.2 | <p>For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—</p> <p>(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or</p> <p>(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.</p>   |
| 69A.3 | <p>Where the defect in an application by telephone</p> <p>(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance;</p> <p>(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.</p>  |
| 69A.4 | <p>The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.</p>   |
| 69A.5 | <p>The conditions are that—</p> <p>(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or</p> <p>(b) where an application is not on approved form or further information requested by authority applies;</p> <p>(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;</p> <p>(ii) the applicant supplies whatever information or evidence was requested within one month</p>  |

- of the request; or,  
in either case, within such longer period as the authority may consider reasonable; or
- (d) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in United Kingdom, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in United Kingdom, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than
- (a) in the case of an application made by a pensioner, the seventeenth reduction week following the date on which the application is made, or
  - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
- the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- 69A.8 Sub-paragraph (7) applies in the case of a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit.
- 70.0 Submission of evidence electronically**
- 70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim
- 71.0 Use of telephone provided evidence**
- 71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim
- 72.0 Evidence and information<sup>23</sup>**
- 72.1 Subject to paragraph (2), a person who makes an application, or a person to whom a reduction under an authority's scheme has been awarded, shall furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and shall do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 72.2 Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (4) applies.
- 72.3 Where a request is made under sub-paragraph (1), the authority shall;
- (a) inform the applicant or the person to whom a reduction under its scheme has been

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<sup>23</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- awarded of his duty to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

72.4 This sub-paragraph applies to any of the following payments—

- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Bombings Relief Charitable Fund, the WLMEF or the LET;
- (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 29(9)(b) or (c) (non-dependant deductions) or paragraph 2(b) or (c) of Schedule 4 (second adult's gross income) other than a payment under the Independent Living Fund (2006).

72.5 Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

#### **73.0 Amendment and withdrawal of claim<sup>24</sup>**

- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the offices of the authority.
- 73.2 Where the application was made by telephone in accordance with this scheme, the amendment may also be made by telephone.
- 73.3 Any application amended in accordance with paragraph (1) or (2) will be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.
- 73.5 Where the application was made by telephone in accordance with this scheme, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.

#### **74.0 Duty to notify changes of circumstances<sup>25</sup>**

- 74.1 Subject to paragraph (2), if at any time between the making of an application to an authority and a decision being made on it there is a change of circumstances which the applicant (or any

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<sup>24</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>25</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- person acting on his behalf) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under that authority's scheme, that person is under a duty to notify that change of circumstances by giving notice to the authority;
- (a) in writing; or
  - (b) by telephone;
    - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
    - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
  - (c) by any other means which the authority agrees to accept in any particular case.
- 74.2 The duty imposed on a person by sub-paragraph (1) does not extend to notifying changes in;
- (a) the amount of a council tax payable to the authority;
  - (b) the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or who has an award of universal credit, in circumstances which affect the amount of income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit.
- 74.3 Notwithstanding paragraph (2)(b) or (c) an applicant is required by paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he ceases to be a child or young person.

**Sections 75- 90**

**Decisions, decision notices and awards of Council Tax Support**

**75.0 Decisions by the authority<sup>26</sup>**

- 75.1 An authority must make a decision on an application for a reduction under its scheme within 14 days or as soon as reasonably practicable thereafter.

**76.0 Notification of decision<sup>27</sup>**

- 76.1 The authority must notify in writing any person affected by a decision made by it under this scheme
- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
  - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- 76.2 Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—
- (a) informing the person affected of the duty imposed by paragraph 74.1;
  - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.
- 76.3 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- 76.4 The written statement referred to in paragraph 76.3 must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- 76.5 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (6).
- 76.6 This sub-paragraph applies to—
- a)the applicant;
  - b)in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
    - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
    - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
    - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise, a person appointed by the authority under paragraph 68.2.
  - c) a person appointed by the authority under paragraph 68.3

**77.0 Time and manner of granting council tax support<sup>28</sup>**

<sup>26</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>27</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>28</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement:
- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
  - (b) where:
    - (i) such a reduction is not possible; or
    - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
    - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.
- 77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).
- 77.3 In a case to which paragraph (1)(b) refers:
- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
    - (i) must be paid to that person if he so requires; or
    - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
  - (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
  - (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.
- 77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

#### **78.0 Persons to whom support is to be paid<sup>29</sup>**

- 78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.
- 78.2 Where a person other than a person who is entitled to a reduction under an authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

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<sup>29</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**79.0 Shortfall in support / reduction<sup>30</sup>**

- 79.1 Where, on the revision of a decision allowing a reduction under an authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;
- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
  - (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

**80.0 Payment on the death of the person entitled<sup>31</sup>**

- 80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

**81.0 Offsetting**

- 81.1 Where a person has been allowed or paid a sum of council tax support under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

**82 – 90.0 Not used**

<sup>30</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

<sup>31</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

**Sections 91 – 94**

**Collection, holding and forwarding of information for Council Tax Support purposes**

**91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)**

- 91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013
- 91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protection requirements<sup>32</sup>.

**92.0 Collection of information**

- 92.1 The authority may receive and obtain information and evidence relating to claims for council tax support, the council may receive or obtain the information or evidence from–
- (a) persons making claims for council tax support;
  - (b) other persons in connection with such claims;
  - (c) other local authorities; or
  - (d) central government departments including the DWP and HMRC
- 92.2 The authority may verify relevant information supplied to, or obtained.

**93.0 Recording and holding information**

- 93.1 The authority may
- (a) make a record of such information; and
  - (b) hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax support.

**94.0 Forwarding and Checking of information**

- 94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax support to which the relevant information relates, being
- (i) a local authority;
  - (ii) a person providing services to a local authority; or
  - (iii) a person authorised to exercise any function of a local authority relating to council tax support.
- 94.2 By law, we may check the information you have provided, or information provided about you by someone else, against other information we already have. We may also ask other agencies, organisations, local authorities or government departments to give us information they have about you. This is to make sure the information you have given us is accurate, and to prevent or detect crime and to protect public funds.

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<sup>32</sup> Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

**Sections 95 – 98**

**Revisions, Written Statements, Termination of Council Tax Support**

## **95.0 Persons affected by Decisions**

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;
- a. a claimant;
  - b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
    - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
    - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
    - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
  - c. a person appointed by the authority under this scheme;

## **96.0 Revisions of Decisions**

- 96.1 Subject to the provisions in this scheme, a relevant decision (the original decision) may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;
- (i) one month of the date of notification of the original decision; or
  - (ii) such extended time as the authority may allow.
- 96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;
- i) one month of the date of notification of the additional information; or
  - (ii) such extended time as the authority may allow

## **97.0 Written Statements**

- 97.1 Subject to the provisions in the scheme, the authority may upon request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Support.

## **98.0 Terminations**

- 98.1 The authority may terminate, in whole or in part the Council Tax Support where it appears to the authority that an issue arises;
- a. whether the conditions for entitlement to Council Tax Support are or were fulfilled; or
  - b. whether a decision as to an award of such a support should be revised or superseded.
  - c. where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

## **Section 99**

**Appeals against the authority's decisions**

- 99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>33</sup>**
- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- a. the person's entitlement to a reduction under its scheme, or
  - b. the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- a. consider the matter to which the notice relates;
  - b. notify the aggrieved person in writing;
    - i. that the ground is not well founded, giving reasons for that belief; or
    - ii. that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act<sup>34</sup>.

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<sup>33</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>34</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014

## **Section 100**

### **Procedure for applying for a discretionary reduction**

**100.0 Procedure for an application to the authority for a reduction under section 13A (1) (a) section 13A(1)(c) of the 1992 Act<sup>35</sup>**

100.1 Full details of how to apply for a discretionary reduction can be found in the Council's Council Tax and Business Rates Discretionary Discount Scheme.

100.2 The Council may make an additional discretionary award, which could be granted in accordance with either S13A (1)(a) or S13A (1)(c) of the Local Government Finance Act 2012

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<sup>35</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Section 101 – 106A<sup>36</sup>**

**Electronic Communication**

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<sup>36</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

**101.0 Interpretation**

- 101.1 In this Part;
- “information” includes an application, a certificate, notice or other evidence; and  
“official computer system” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

**102.0 Conditions for the use of electronic communication**

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of:
- authenticating the identity of the sender of the communication;
  - electronic communication;
  - authenticating any application or notice delivered by means of an electronic communication; and
  - subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

**103.0 Use of intermediaries**

- 103.1 The authority may use intermediaries in connection with;
- the delivery of any information by means of an electronic communication; and
  - the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

**104.0 Effect of delivering information by means of electronic communication**

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed:
- by this section; and
  - by or under an enactment,
- are satisfied.
- 104.2 The authority may determine that any information is to be treated as delivered on a

different day (whether earlier or later) from the day provided for in sub-paragraph (1).

- 104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **105.0 Proof of identity of sender or recipient of information**

- 105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of:
- the sender of any information delivered by means of an electronic communication to an official computer system; or
  - the recipient of any such information delivered by means of an electronic communication from an official computer system,
- the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

#### **106.0 Proof of delivery of information**

- 106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
  - any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- 106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- 106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

#### **106A.0 Proof of content of information**

- 106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

**Section 107**

**Counter Fraud and Compliance**

## **107.0 Counter Fraud and compliance**

- 107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;
- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
  - b. Carry out investigations fairly, professionally and in accordance with the law; and
  - c. Ensure that sanctions are applied in appropriate cases
- 107.2 The authority believes that it is important to minimise the opportunity for fraud and;
- a. will implement rigorous procedures for the verification of claims for council tax support;
  - b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
  - c. will actively tackle fraud where it occurs in accordance with this scheme;
  - d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
  - e. will in all cases seek to recover all outstanding council tax.
- 107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

## **Schedule 1**

### **Applicable Amounts<sup>37</sup>**

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<sup>37</sup> The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

### **Personal Allowance**

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

| <b>Column 1<br/>Person or Couple</b>   | <b>Column 2</b> |
|--|-----------------|
| 1. A Single applicant who;<br>a) is entitled to main phase employment and support allowance            | £74.70          |
| b) is aged not less than 25  | £74.70          |
| c) is aged not less than 18 but less than 25   | £59.20          |
| 2. Lone Parent   | £74.70          |
| 3. Couple;<br>a) Where the applicant is entitled to the main phase of employment and support allowance | £117.40         |
| b) Where one member is aged not less than 18   | £117.40         |
| c) Polygamous Addition   | £42.70          |

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

| <b>Column 1<br/>Child or Young Person</b>  | <b>Column 2</b> |
|--|-----------------|
| Person in respect of the period—<br>(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday; | £68.60          |
| (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.                                | £68.60          |
| (c) third or subsequent dependent child or young person whose date of birth falls on or after 1 <sup>st</sup> April 2017   | NIL             |

(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

### **Family Premiums**

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;

- b. in any other case, £17.65;
- c. **No family premium will be awarded where an application for reduction is received on or after 1<sup>st</sup> May 2016 or where the applicant would have become entitled to the family premium on or after 1<sup>st</sup> May 2016.**
  - i) Sub paragraph (c) shall not apply to a person who, on 30th April 2016, is entitled to Council Tax Reduction and is:
    - a. a member of a family of which at least one member is a child or young person; or
    - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
  - (c) (i) above does not apply if—
    - (a) sub-paragraph 3 c (i) (a) or (b) of that paragraph ceases to apply; or
    - (b) the person makes a new claim for Council Tax Reduction;

#### **Premiums**

- 4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
- 5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6. (1) The following premiums, namely—
  - a. severe disability premium to which paragraph 10 applies;
  - b. an enhanced disability premium to which paragraph 11 applies;
  - c. a disabled child premium to which paragraph 12 applies; and a
  - d. carer premium to which paragraph 13 applies,
 may be applicable in addition to any other premium which may apply under this Schedule
- 7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
  - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
  - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.
 (2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

#### **Disability Premium**

- 8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

#### **Additional Condition for the Disability Premiums**

- 9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

**Severe Disability Premiums**

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

**Enhanced Disability Premium**

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

**Disabled Child Premium**

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

**Carer Premium**

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

**Persons in receipt of concessionary payments**

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

**Persons in receipt of benefit for another**

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

**Amounts of Premium**

16. For the purposes of this Schedule, the following amounts shall apply;

| Premium   | Amount  |
|---|---|
| <b>Disability Premium</b><br>a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006   | £35.10  |
| b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006  | £50.05  |
| <b>Severe Disability Premium</b><br>a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006   | £67.30  |
| b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006<br>i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);<br>ii. in a case where there is no one in receipt of such an allowance | £67.30<br>£134.60   |
| <b>Disabled Child Premium</b>   | £65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 |
| <b>Carer Premium</b>  | £37.70 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006                     |

| Premium                            | Amount  |
|------------------------------------|---|
| <b>Enhanced Disability Premium</b> | <p>(a) £26.67 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied;</p> <p>(b) £17.20 in respect of each person who is neither–</p> <ul style="list-style-type: none"> <li>(i)a child or young person; nor</li> <li>(ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied;</li> </ul> <p>(c) £24.60 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.</p> |

#### The components

17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
18. The amount of the work-related activity component is £29.70. The amount of the support component is £39.40. The component **will not** apply where the applicant has been awarded Employment and Support Allowance on or after 1<sup>st</sup> April 2017 **and** been placed in the Work Related Activity Group.

#### Transitional Addition

19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

#### Amount of transitional addition

20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

**Schedule 2**

**Not Used**

### **Schedule 3**

#### **Sums to be disregarded in the calculation of earnings<sup>38</sup>**

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<sup>38</sup> The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

1. In the case of a claimant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged–
  - a) where–
    - (i) the employment has been terminated because of retirement; and
    - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions, any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
  - b) where before the first day of entitlement to council tax support the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except–
    - (i) any payment of the nature described in
      - (aa) paragraph 25.1(e), or
      - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
    - (ii) any award, sum or payment of the nature described in
      - (aa) paragraph 25.1(g)or(h),or
      - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals), including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
  - c) where before the first day of entitlement to council tax support–
    - (i) the employment has not been terminated, but
    - (ii) the claimant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
2. In the case of a claimant who, before first day of entitlement to council tax support;
  - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
  - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,  
any earnings paid or due to be paid in respect of that employment except;
    - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
    - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of a claimant who has been engaged in remunerative work or part- time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of a claimant's family and of a polygamous marriage) if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the claimant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
- (a) the claimant is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
  - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the claimant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the claimant and, subject to sub-paragraph (2), where the claimant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the claimant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of a claimant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
- (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
  - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the claimant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the claimant, £20 of earnings derived from one or more employments as—
- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
  - (c) an auxiliary coastguard in respect of coast rescue activities;
  - (d) a person engaged part-time in the manning or launching of a life boat;

- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001; but, notwithstanding section 15 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant it shall not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the claimant's partner is engaged in employment;
- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the claimant's earnings disregarded under this paragraph exceed £20;
  - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the claimant's earnings disregarded under this paragraph exceed £20.
9. Where the claimant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single claimant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.
10. In a case to which none of the paragraphs 3 to 9 applies, £5.
- 10A.**
- (1) Where;
    - (a) the claimant (or if the claimant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
    - (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
    - (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

  - (2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the claimant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.
  - (3) Notwithstanding section 15 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).
  - (4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.
  - (5) This sub-paragraph applies to a person who is;
    - (a) in receipt of a contributory employment and support allowance;
    - (b) in receipt of incapacity benefit;
    - (c) in receipt of severe disablement allowance; or
    - (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975  - (6) 'Exempt work' means work of the kind described in;
    - (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
    - (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether a claimant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person

or their partner is also undertaking other work.

- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
- 11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the claimant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 12. Where a claimant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
- 15. Any earnings of a child or young person.
- 16. (1) In a case where the claimant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
  - (2) The conditions of this sub-paragraph are that–
    - (a) the claimant, or if he is a member of a couple, either the claimant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
    - (b) the claimant–
      - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
      - (ii) is a member of a couple and
        - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
        - (bb) his applicable amount includes a family premium; or
      - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
      - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
        - (aa) the claimant's applicable amount includes a disability premium, the work-related activity component or the support component ;
        - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
    - (c) the claimant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
  - (3) The following are the amounts referred to in sub-paragraph (1);
    - (a) the amount calculated as disregardable from the claimant's earnings under paragraphs 3 to 10A of this Schedule;
    - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and

(c) £17.10

- (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
- 17.** In this Schedule ‘part-time employment’ means employment in which the person is engaged on average for less than 16 hours a week.

#### **Schedule 4**

**Sums to be disregarded in the calculation of income other than earnings<sup>39</sup>**

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<sup>39</sup> The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

- 1.** Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2.** Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3.** Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
- 2.** Any payment in respect of any expenses incurred or to be incurred by a claimant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 32.0 (notional income).
- 2A.** Any payment in respect of expenses arising out of the applicant's participation as a service user
- 3.** In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
- 4.** Where a claimant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
- 5.** Where the claimant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the claimant's income.
- 6.** Where the claimant, or the person who was the partner of the claimant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
- 7.** Any disability living allowance or personal independence payment
- 8.** Any concessionary payment made to compensate for the non-payment of;
  - (a) any payment specified in paragraph 7 or 10;
  - (b) income support;
  - (c) an income-based jobseeker's allowance.
  - (d) an income-related employment and support allowance.
- 9.** Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
- 10.** Any attendance allowance.
- 11.** Any payment to the claimant as holder of the Victoria Cross or of the George Cross or any analogous payment.
- 12.** (1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to;
    - (i) regulations made under section 518 of the Education Act 1996(d) (payment of school expenses; grant of scholarships etc);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980

- (power to assist persons to take advantage of educational facilities);  
 (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
- (b) corresponding to such an education maintenance allowance, made pursuant to;  
 (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or  
 (ii) regulations made under section 181 of that Act; or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;  
 (a) regulations made under section 518 of the Education Act 1996;  
 (b) regulations made under section 49 of the Education (Scotland) Act 1980; or  
 (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the claimant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;  
 (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;  
 (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or  
 (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.  
 (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.
- 15** (1) Subject to sub-paragraph (2), any of the following payments;  
 (a) a charitable payment;  
 (b) a voluntary payment;  
 (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the claimant;  
 (d) a payment under an annuity purchased;  
 (i) pursuant to any agreement or court order to make payments to the claimant; or  
 (ii) from funds derived from a payment made, in consequence of any personal injury to the claimant; or  
 (e) a payment (not falling within sub-paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the claimant in consequence of any personal injury to the claimant.  
 (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by—  
 (a) a former partner of the claimant, or a former partner of any member of the

- claimant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the claimant's family.
- 16.** 100% of a) and b) and £10 of any of the following, namely
- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
- (a) widowed mother's allowance paid pursuant to section 37 of the Act;
  - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the claimant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
- (2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
  - (b) any council tax or water charges which the claimant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the claimant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
- (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;
  - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
  - (c) the student's student loan,
- an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 20.** (1) Where the claimant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
  - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary

awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the claimant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
- (a) the weekly amount of the payments; or
  - (b) the amount by way of a personal allowance for a single claimant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.

21. Any payment made to the claimant by a child or young person or a non-dependant.
22. Where the claimant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the claimant in respect of the occupation of the dwelling by that person or a member of his family—
  - (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
  - (b) where the aggregate of any such payments is £20 or more per week, £20.
23. (1) Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
  - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
  - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.

(2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
24. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the claimant which is used by the third party to provide benefits in kind to the claimant.
25. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
26. (1) Any payment made to the claimant in respect of a person who is a member of his family—
  - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)

- (b) not used
- (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the claimant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
- (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
  - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
  - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the claimant or his partner for a person ('the person concerned'), who is not normally a member of the claimant's household but is temporarily in his care, by—
- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the claimant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the claimant's care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the claimant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;

|            |   |
|------------|---|
|            | <ul style="list-style-type: none"> <li>(a) on a loan which is secured on the dwelling which the claimant occupies as his home; or</li> <li>(b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.</li> </ul>   |
| (2)        | A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to— <ul style="list-style-type: none"> <li>(a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and</li> <li>(b) meet any amount due by way of premiums on— <ul style="list-style-type: none"> <li>(i) that policy; or</li> <li>(ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the claimant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).</li> </ul> </li> </ul>   |
| <b>31.</b> | Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.   |
| <b>32.</b> | Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013   |
| <b>33.</b> | Any payment under Part 10 of the Act (Christmas bonus for pensioners).  |
| <b>34.</b> | Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.   |
| <b>35.</b> | The total of a claimant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of claimant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.   |
| <b>36.</b> | <ul style="list-style-type: none"> <li>(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).</li> <li>(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of— <ul style="list-style-type: none"> <li>(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;</li> <li>(b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or</li> <li>(c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.</li> </ul> </li> <li>(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;</li> </ul> |

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, London Bombings Relief Charitable Fund, WLMEF and the LET.

- 37.** Any housing benefit.
- 38.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 39. - 40.** not used
- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in subparagraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where a claimant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the claimant's former partner, or the claimant's partner's former partner.
- (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in subparagraph (1).
- 48A.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the claimant's family, except where the person making the payment is the claimant or the claimant's partner.
- (2) In paragraph (1)  
 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
- (a) the Child Support Act 1991;
  - (b) the Child Support (Northern Ireland) Order 1991;
  - (c) a court order;
  - (d) a consent order;
  - (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
- 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.
- 49.** Not used
- 50.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 51.** Any guardian's allowance.
- 52.** (1) If the claimant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a)

(unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the claimant's family.

- (2) If the claimant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the claimant's family.
- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55** (1) Any payment which is  
(a) made under any of the Dispensing Instruments to a widow, widower or  
(b) surviving civil partner of a person;  
(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and  
(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.  
(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any council tax support or council tax benefit to which the claimant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the claimant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person–  
(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;  
(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received. (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).  
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the claimant or where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.  
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in

the sport in respect of which the award was made.

- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1)Any payment made by a local authority or by the Welsh Ministers to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.  
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Not used
- 65.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 66.** Any payment of child benefit.
- 67.** Any bereavement support payment under section 30 of the Pensions Act 2014

## **Schedule 5**

### **Capital to be disregarded<sup>40</sup>**

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<sup>40</sup> The amounts in this schedule shall be amended in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the claimant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of claimant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the claimant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the claimant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the claimant to complete the purchase.
4. Any premises occupied in whole or in part-
  - (a) by a partner or relative of a single claimant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where a claimant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the claimant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the claimant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.  
 (2) The assets of any business owned in whole or in part by the claimant where-
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax support is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the

circumstances to enable him to become so engaged or re-engaged.

- (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
- (3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
  - (b) an income-related benefit under Part 7 of the Act;
  - (c) an income-based jobseeker's allowance;
  - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (e) working tax credit and child tax credit;
  - (f) an income-related employment and support allowance
- but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.
- (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is
- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
  - (b) received by the claimant in full on or after 14th October 2001,
- sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax support, for the remainder of that award if that is a longer period.
- (3) For the purposes of sub-paragraph(2),'the award of council tax support' means-
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
  - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the claimant;
  - (i) is the person who received the relevant sum; or
  - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.
10. Any sum
- (a) paid to the claimant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
  - (b) acquired by the claimant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.
11. Any sum—
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a

- condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the claimant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the claimant with the intention of reducing his capital in order to secure entitlement to council tax support or to increase the amount of that support.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the claimant or claimant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the claimant or the claimant's partner in consequence of any personal injury to the claimant or, as the case may be, the claimant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the claimant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the claimant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the claimant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which a claimant no longer possesses a payment or a part of it include where the claimant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the claimant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the claimant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the claimant's care, and

- (b) is aged 18 or over, and (c) continues to live with the claimant.
- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the claimant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the claimant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
  - (b) the payment is made either;
    - (i) to that person's parent or step-parent; or
    - (ii) where that person at the date of the payment is a child ,a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
- but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which subparagraph (1) refers, where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
  - (b) the payment is made either;
    - (i) to that person's parent or step-parent; or
    - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
- but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund , the Caxton Foundation, the London Bombings Relief Charitable Fund, the WLMEF and the LET.

25. (1) Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.  
  
(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the claimant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.
26. Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
27. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
28. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme

- 33.** The value of the right to receive any rent except where the claimant has a reversionary interest in the property in respect of which rent is due.
- 34.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- 35.** Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
- 36.** Not used.
- 37.** Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
- 38.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used–
- (a) to purchase premises intended for occupation as his home; or
  - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the claimant to commence occupation of those premises as his home.
- 39.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
- 40.** (1) Any payment or repayment made–
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
  - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
  - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
- 41.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a

scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

43. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
44. Not used
45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
46. (1) Subject to sub-paragraph (2), where a claimant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax support), the whole of his capital.  
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the claimant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax support), sub-paragraph (1) shall not have effect.
47. (1) Any sum of capital to which sub-paragraph (2) applies and
  - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
  - (b) which can only be disposed of by order or direction of any such court; or
  - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.  
(2) This sub-paragraph applies to a sum of capital which is derived from;
  - (a) an award of damages for a personal injury to that person; or
  - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
48. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
  - (a) award of damages for a personal injury to that person; or
  - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
49. Any payment to the claimant as holder of the Victoria Cross or George Cross.
50. Not used
51. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
52. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).  
  
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the claimant or, where the claimant is a member of a family, any other member of his family, or any council tax or water charges for which that claimant or member is liable.  
  
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
    - (i) regulations made under section 518 of the Education Act 1996;
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
    - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
  - (b) corresponding to such an education maintenance allowance, made pursuant to;
    - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
    - (ii) regulations made under section 181 of that Act; or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
  - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
  - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**53A.-53B.** Not used

- 54.** In the case of a claimant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the claimant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—
- (a) the claimant;
  - (b) the claimant's partner;
  - (c) the claimant's deceased spouse or deceased civil partner; or
  - (d) the claimant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.
- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a member of a claimant's family who is
- (a) a diagnosed person;
  - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
  - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and

- ending—
- (i) two years after that date; or
  - (ii) on the day before the day on which that person—
- (aa) ceases receiving full-time education; or
  - (bb) attains the age of 20,
- whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a member of a claimant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
  - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
  - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
  - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
- (i) two years after that date; or
  - (ii) on the day before the day on which that person
- (aa) ceases receiving full-time education; or
  - (bb) attains the age of 20,
- whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
  - (b) being a member of a diagnosed person's family;
  - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
- 'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
- 'trust payment' means a payment under a relevant trust.
- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse or deceased civil partner or the claimant's partner's deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
  - (b) had suffered property loss or had suffered personal injury; or
  - (c) was a parent of a child who had died,
- during the Second World War.

- 59 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the claimant or his partner relating to a service, which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
61. Any payment made to the claimant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
62. Any payment made to the claimant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
63. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).
64. Any bereavement support payment under section 30 of the Pensions Act 2014

**Schedule 6**  
**Council Tax Reduction Scheme**

For working age claimants , at the end of the assessment, a percentage reduction of 27.11% will be applied with the exception of the claimants listed in section 59A.2 who will have a percentage reduction of 13.56% applied.

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# Agenda Item 9

|                                 |  |
|---------------------------------|--|
| <b>Report to:</b>               | <b>COUNCIL</b>   |
| <b>Relevant Officer:</b>        | Alan Cavill, Director of Communications and Regeneration   |
| <b>Relevant Cabinet Member:</b> | Councillor Lynn Williams, Leader of the Council and Cabinet Member for Tourism, Arts and Culture |
| <b>Date of Meeting:</b>         | 1 February 2023  |

## **BLACKPOOL LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES - ADOPTION**

### **1.0 Purpose of the report:**

- 1.1 To appraise members of the findings of the Inspector's Report on the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) including the Inspector's recommended Main Modifications to the Local Plan Part 2 to make the document sound and an appropriate basis for the planning of the Borough (refer Appendix 9a); and the Additional (minor) Modifications to the Local Plan Part Two set out in Appendix 9b to this report.
- 1.2 To consider the recommendations of the Executive from its meeting on 23 January 2023 to adopt the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies including the Modifications referred at a) and b) above. A text version only of the Adoption version of the LPP2 is presented at Appendix 9c(i) along with the amended Policies Map (Appendix 9c(ii)). The Decision Notice EX1/2023 from that meeting can be found via this link- [Decision Notice](#)

### **2.0 Recommendation(s):**

- 2.1 To accept the Inspector's findings and his recommendations including the Main Modifications as set out in Appendix 9a; accept the additional (minor) modifications to the Local Plan Part Two as set out in Appendix 9b and adopt the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies with the Main Modifications and additional (minor) modifications as set out in Appendix 9c(i) and the amended Policies Maps at Appendix 9c(ii);

2.2 To authorise the Director of Communications and Regeneration to undertake the necessary steps for the adoption process to be completed and that delegated powers be given to Head of Planning Strategy to make any final modifications to improve readability; correct any factual matters or typographical errors; and the final presentation of the document.

**3.0 Reasons for recommendation(s):**

3.1 To progress Blackpool Local Plan Part 2: Site Allocations and Development Management Policies which forms part of the statutory planning framework, to adoption to support Blackpool's future regeneration and growth.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

**4.0 Other alternative options to be considered:**

4.1 The Local Plan has been produced in line with the planning regulations.

**5.0 Council priority:**

5.1 The relevant Council priority is both:

- “The economy: Maximising growth and opportunity across Blackpool”
- “Communities: Creating stronger communities and increasing resilience”

**6.0 Background information**

6.1 The Council is now at the Adoption Stage in the plan making process following receipt of the Inspector's report and his recommendations (Appendix 9a refers). As members will be aware, the Local Plan Part Two is a key document and forms part of the statutory planning framework for Blackpool which will facilitate the physical, economic and social change which is seen by the Council and its partners as essential to Blackpool's future.

6.2 The Local Plan Part Two aligns with strategic policy set out in the Blackpool Local Plan Part 1: Core Strategy (adopted January 2016) and allocates sites for development, including for housing employment, and mixed use including retail; and sites for protection; as well as setting out a suite of development management policies to guide appropriate development. The Local Plan Part Two covers the period to 2027 and will be used to determine planning applications. It replaces in full the '[saved policies](#)' in the [2006 Blackpool Local Plan](#).

- 6.3 In developing the Local Plan Part Two there were a number of stages that we were required to go through, each stage providing an opportunity for the community and other stakeholders to be involved in choosing the right planning policies for Blackpool.
- 6.4 Earlier stages of the Local Plan Part Two included a [Regulation 18 Consultation on a Scoping Document](#) during June/July 2017; informal consultation [on proposed site allocations and draft development management policies](#) early in 2019; and the [Publication Version \(Proposed Submission\) Regulation 19](#) document consulted upon during February through to April 2021.
- 6.5 As part of the Local Plan Part Two preparation a significant amount of evidence and supporting documents have been produced including:
- **Sustainability Appraisal (SA)** which is a legal requirement under the Planning and Compulsory Purchase Act 2004. The SA evaluates the likely social, economic and environmental effects of the policies and proposals in the plan. The SA is produced throughout the preparation process and has informed policy at every stage of the preparation process.
  - **Habitat Regulations Assessment (HRA) screening** which is required by Law to protect European Sites of Biological Importance in the region. Again like the Sustainability Appraisal the Habitat Regulations Assessment screening process has informed policy in the Local Plan Part Two to ensure that there are no significant adverse effects likely to occur.
  - An updated **Infrastructure Delivery Plan (IDP)** which identifies the infrastructure required to support the delivery of the Local Plan Part Two.
  - **Background evidence documents** which develop a detailed understanding of key issues to inform and justify policy in the plan.

Supporting documents to the Local Part Two can be viewed on the Council website at the following link: [Blackpool Council planning | Local plan part 2 submission](#)

- 6.6 The Council formally submitted the Local Plan Part Two Publication Version (Proposed Submission) (Regulation 19) and supporting documentation for independent examination to

the Secretary of State in June 2021. In approving the Proposed Submission document back in February 2021, full Council formally requested that the Inspector appointed to examine the plan recommend any necessary modifications to the Plan to make the Plan satisfy the appropriate requirements and soundness pursuant to the section 20 (7CC) of the Planning and Compulsory Purchase Act 2004.

- 6.7 Planning Inspector Luke Fleming was appointed to hold the Examination and the formal hearings took place between 6 and 10 December 2021.
- 6.8 The hearings were structured around the ‘Matters and Issues’ (Documents [EL1001a](#) and [EL001b](#) refer) published by the Inspector following his scrutiny of the Plan prior to the Examination, as well as his consideration of relevant representations received from public and private sector organisations, the development industry, landowners and the local community.
- 6.9 Arising from the discussions which were had at the Examination hearings, the Inspector requested further justification for removal of land from the Green Belt at the Blackpool Airport Enterprise Zone; an update to the Employment Land evidence base and the Infrastructure Delivery Plan.
- 6.10 The Inspector also suggested some wording amendments to various policies and some supporting text to provide further clarification and explanation. The wording amendments formed the proposed main modifications to the Plan and were subject to Sustainability Appraisal and Habitats Regulations Assessment screening followed by further public consultation along with the aforementioned documents for a period of 6 weeks from 27 July to 7 September 2022.
- 6.11 Following the consultation on the Main Modifications the Inspector considered the representations to the Main Modifications in the context of all representations and evidence heard at the Examination hearings before producing a draft report for fact checking by the Council. Having responded to the fact checking report, the Council received the final report on the examination into the Local Plan Part Two on 4 November 2022. The report was published on 11 November 2022 in accordance with the regulations.
- 6.12 **The Inspector’s Findings and Recommendations**  
The findings and recommendations of the Inspector are set out in detail in **Appendix 9a** to this report including a number of **Main Modifications**.

The report contains the Inspector's assessment of the Local Plan Part Two in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). The Inspector states that his report deals with main issues. It does not respond to every point or issue raised by representors, nor does it refer to every policy, policy criterion or allocation in the Local Plan Part Two.

In the **Assessment of the Duty to Cooperate** (Section 20(5)(c) of the 2004 Act section 33A) the Inspector considers that where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan with Fylde and Wyre Borough Councils, Lancashire County Council (LCC) and all prescribed bodies and that the duty to co-operate has therefore been met.

In the **Assessment of Other Aspects of Legal Compliance** the Inspector recommends that in the interests of effectiveness and legal compliance main modifications **MM01, MM02 and MM44** are needed which add an appendix to the plan to list the replaced 2006 'saved policies'; include additional text to the introduction clarifying the Local Plan Part Two does not include any strategic policies; and reference to the Climate Change Emergency Action Plan.

6.13 In the **Assessment of Soundness**<sup>1</sup> in summary the Inspector report states the following:

- **Housing** - overall the distribution of housing proposed in the Site Allocation and Development Management Plan accords with the Core Strategy. However main modification **MM03** is necessary to update the site allocations table in **Policy HSA1** to reflect the most up to date evidence on site capacity and supply. The Inspector is also satisfied that subject to some site-specific modifications set out in **MM35 to MM43** (pages 17 to 18 of the Inspector's report), the housing allocations are soundly based, capable of being developed and provide a sufficient supply of homes.
- **Employment Development, the Blackpool Airport Enterprise Zone and the Green Belt** - having considered the evidence, the Inspector considers exceptional circumstances exist to justify altering the Green Belt boundary to facilitate the proposed employment, housing and infrastructure development in the Blackpool Airport Enterprise Zone (EZ). However main modifications are necessary to Policies DM7<sup>2</sup> and DM8<sup>3</sup> and their associated justification with **MM10** and **MM11** explaining why it is essential to remove

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<sup>1</sup> In order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

<sup>2</sup> DM7 – Provision of Employment Land and Existing Employment Sites

<sup>3</sup> DM8 – Blackpool Airport Enterprise Zone

land from the Green Belt to facilitate economic development; and to clarify how much land has been removed from the green belt. In addition **MM11** also clarifies the relationship with the Enterprise Zone Masterplan; specifies the dependence on critical infrastructure; and specifies green belt compensatory improvements. With the modifications the allocation is considered effective and consistent with national policy. Overall the Inspector considers that the Site Allocation and Development Management Plan provides a sufficient supply of employment land to achieve the objectives of the Core Strategy and the Enterprise Zone.

- **Other green belt proposals** – Policy SLA1: Land Safeguarded for Future Development Needs seeks to remove land from the Green Belt at Faraday along with other proposed changes to the green belt boundary to address some anomalies (paragraph 2.23 of the SADMP). However the Inspector considers that exceptional circumstances do not exist to justify these changes. Therefore Policy SLA1 and the justification text is not justified or consistent with national policy. **MM05** is therefore necessary to delete Policy SLA1 and paragraphs 2.20 to 2.24 as they are not sound.
- **Retail** - the mixed-use allocation in Blackpool Town Centre (the former Syndicate Site) for new retail development, a car park and other uses appropriate for the Town Centre location, is justified.
- **Allotments** - Policy ASA1 allocates land for an allotment north of the Golf Driving Range accessed from Fleetwood Road to address a deficiency identified in the Open Space Assessment evidence base. However MM04 is necessary in the interests of effectiveness to ensure the policy makes reference to the geographical application on the policies map.
- **Gypsy, Travellers and Travelling Show People** - the Inspector concurs that the need identified in the 2016 study for such sites have been met through planning permissions and there is no need to allocate a site in the Local Plan Part Two.

With respect to the **Development Management Policies** the Inspector considers that subject to the recommended modifications, (Appendix 9a refers) the Local Plan Part Two sets out positively prepared development management policies which are consistent with the Core Strategy, justified, effective and consistent with national policy. The modifications recommended by the Inspector can be summarised as follows:

- **DM1: Design Requirements for new Build Housing Development** – MM06 clarifies that the requirement for 20% of new build houses to meet nationally described standards (NDSS) should only be applied to sites of 5 dwellings and above and subject to site specific viability;

- **DM3: Supported Accommodation and Housing for Older People** – MM07 is needed for effectiveness to clarify with respect to property within a block; the determination of accessibility and how 400m is defined;
- **DM4: Student Accommodation** – MM08 clarifies what is meant by a public transport route; how 800 metres would be measured; how a sequential assessment would be undertaken; and to ensure developments provide internal spaces which through their layout and size lead to acceptable living conditions;
- **DM5: Residential Conversions and Sub-divisions** – MM09 requires proposals to provide internal spaces which through their layout and size would lead to acceptable living conditions; and to have '*regard to*' Nationally Described Space Standards and the Council's adopted floorspace and amenity standards;
- **DM9: Blackpool Zoo** – MM12 requires the supporting text to recognise the adjacent Stanley Park is a Registered Park and Garden;
- **DM10: Promenade and Seafront** – MM13 is necessary for effectiveness and includes clarification as to the definition of a landmark feature and to ensure wording is consistent with NPPF;
- **DM13: Betting Shops, Adult Gaming Centres and Pawnbrokers in the Town Centre** – MM14 clarifies that 400m will be measured as the crow flies;
- **DM16: Hot Food Takeaways** – This policy seeks to promote healthier communities by restricting new hot food takeaways in or within 400 metres of wards where there are more than 15% of year 6 pupils or 10% of reception age pupils which are classified as obese by Public Health England. Policy DM16 is considered to be justified by the unique challenges facing Blackpool subject to MM15 and MM45 which provide a clear monitoring approach and clarify how 400 metres will be measured;
- **DM17: Design Principles and DM18: High Speed Broadband** – MM16 is needed to ensure DM17 has regard to heritage assets and their setting and is consistent with NPPF; and MM17 clarifies the reference to commercial development in DM18;
- **DM19: Strategic Views** – MM18 is needed to clarify in policy and supporting text what is a strategic view; to remove reference to other features; and remove repetition which is considered to be dealt with by other policy;

- **DM21: Landscaping** – MM19 removes the reference in policy to the Greening Blackpool Supplementary Planning Document as the document does not form part of the development plan;
- **DM22: Shopfronts and DM23: Security Shutters** – MM20 and MM21 are recommended to fully recognise the advertisement consent regime in both these policies and their justifications; and to clarify what is meant by principal signage in part 1 d of Policy DM22;
- **Policy DM25: Public Art** – MM22 recommends the addition of a viability and feasibility clause to the policy to provide flexibility to ensure that the delivery of development is not prejudiced;
- **DM27: Conservation Areas, DM29: Stanley Park and DM30: Archaeology** – MM23 to MM25 are needed to ensure consistency with national policy and legislation regarding heritage assets;
- **DM31: Surface Water Management** – MM26 ensures the maximum surface water run-off rates which are development requirements are set out in the policy as opposed to the supporting text;
- **DM32: Wind Energy** – MM27 is needed for effectiveness to ensure criteria d and g require mitigation if any harmful impacts are identified following assessment;
- **DM33: Coast and Foreshore** - MM28 is needed for legal compliance and effectiveness to reference the geographic application and the relationship with the Marine Plan;
- **DM35: Biodiversity** – MM29 makes reference to the best and most versatile agricultural land and biodiversity net gain to ensure consistency with national policy and legislation and for effectiveness;
- **DM36: Controlling Pollution and Contamination** – MM30 and MM47 address effectiveness making reference to biodiversity impacts off site; and clarifying that impacts must not be to unacceptable levels after mitigation;
- **DM37: Community Facilities** - MM31 adds detail to the justification explaining the type and detail of evidence required to demonstrate there is no longer a need for the facility and is necessary for Policy DM37 to be effective;

- **DM41: Transport Requirements for new Development** – MM33 introduces flexibility on a case-by-case basis so as to ensure the policy does not prejudice the delivery of development in the interests of effectiveness; and
- **DM42: Aerodrome Safeguarding** – MM34 to ensure that account is taken of consultations with the Ministry of Defence; and that there should be no adverse impact on safety or interference with communication systems.

### **Other Matters**

With respect to infrastructure, the Inspector considers that overall, the Council's approach makes sufficient provision for infrastructure and is justified, effective and consistent with national policy, particularly paragraph 20(b) and (c) of the National Planning Policy Framework

With respect to monitoring, subject to **MM45** which adds additional indicators necessary to monitor the effectiveness of Policy DM16, the Inspector considers the Council's monitoring framework for the plan to be effective.

With respect to viability, the Inspector considers that the Council's viability assessment robustly demonstrates, based on reasonable and available information, that the cumulative impact of the policies in the Site Allocations and Development Management will not compromise development viability. Subject to flexibility on site-specific requirements where necessary and the Council being proactive in seeking public sector funds, the Inspector is satisfied the development sites proposed in the Local Plan Part Two could be viably developed over the plan period.

### **Additional (minor) Modifications**

In addition, a list of additional (minor) modifications to the plan considered necessary, have also been prepared. These additional (minor) modifications are set out in Appendix 9b to this report. These modifications were not required to be formally considered by the Inspector and relate to typographical errors, accuracy and to reflect current position and clarity.

Appendix 9c(i) to this report provides a text only draft of the adoption version of the Local Plan Part Two incorporating the Inspector's modifications along with the minor (additional) modifications. The introduction to the document has also been redrafted to reflect the

adoption stage of the document. Following adoption the final formatting and presentation of the document will be completed.

**6.14 Next Stages**

As required by legislation, once the Local Plan Part Two is adopted it needs to be made available as soon as reasonably practical by publishing on the Council's website and a printed copy needs to be made available for inspection.

- 6.15 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

- 7.1 Appendix 9a – Inspector's Report to Blackpool Council including Main Modifications in the Appendix to the Report

Appendix 9b – Additional (Minor) Modifications

Appendix 9c(i) – Blackpool Local Plan Part 2: Site Allocations and Development Management Policies

Appendix 9c(ii) – Policies Maps (including Modifications)

**8.0 Financial considerations:**

- 8.1 The work is being undertaken within existing budgetary provisions.

**9.0 Legal considerations:**

- 9.1 The Local Plan Part Two when adopted by the Council will be a key spatial document forming part of the Council's statutory Local Plan. The Local Plan Part Two satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

**10.0 Risk management considerations:**

- 10.1 The Local Plan Part Two is a key document which forms part of the statutory planning framework to enable and assist the delivery of Blackpool's future development requirements. Without its progress acquisition, land assembly and planning approval for key regeneration and development projects will be undermined and delayed. It is an imperative to progress the Local Plan Part Two through to adoption as soon as possible to ensure the Council has a planning framework that is directing development within the borough which reflects the community and elected members priorities and needs and to avoid national policy being the

principle basis for making decisions. The latter could lead to an increase in appeals if applications are received proposing development which is not in line with the priorities and needs of Blackpool.

**11.0 Equalities considerations:**

- 11.1 An [Equality Analysis](#) was undertaken for Local Plan Part Two to ensure the document takes account of all relevant and appropriate equality considerations.

**12.0 Sustainability, climate change and environmental considerations:**

- 12.1 It is a requirement of the plan making process as set out in National Planning Policy Framework that planning measures are included to address climate change mitigation and adaptation. The Local Plan Part Two will assist in implementing the Blackpool Council Climate Change Strategy and Action Plan.

**13.0 Internal/external consultation undertaken:**

- 13.1 Extensive consultation has taken place during the preparation of the Local Plan Part Two as required by the Planning Regulations and in line with the [Statement of Community Involvement](#). The outcome of the consultations has informed subsequent iterations of Local Plan Part Two.

**14.0 Background papers:**

- 14.1 The Examination Library and various submitted documents can be accessed on the Blackpool Council Website under the following links:

[Evidence base \(blackpool.gov.uk\)](#)

[Blackpool Council planning | Local plan part 2 submission](#)

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## Report to Blackpool Council

**by Luke Fleming B.Sc. (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Date: 4 November 2022

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies**

The Plan was submitted for examination on 18 June 2021

The examination hearings were held between 6 and 10 December 2021

File Ref: PINS/J2373/429/7

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## **Abbreviations used in this report**

|       |  |
|-------|--|
| BAEZ  | Blackpool Airport Enterprise Zone  |
| CS    | Blackpool Local Plan Part 1: Core Strategy (2012-2027)   |
| HRA   | Habitats Regulations Assessment  |
| LCC   | Lancashire County Council  |
| MM    | Main Modification  |
| NDSS  | National Described Space Standard  |
| NPPF  | National Planning Policy Framework   |
| PPG   | Planning Practice Guidance   |
| SA    | Sustainability Appraisal   |
| SADMP | Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (Proposed Submission) Regulation 19 January 2021 |

## Non-Technical Summary

This report concludes that the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (Proposed Submission) Regulation 19 January 2021 (SADMP) provides an appropriate basis for the planning of Blackpool, provided that a number of main modifications (MMs) are made to it. Blackpool Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering the SA, HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Deleting land safeguarded for future development needs in the Green Belt, deleting other minor Green Belt boundary alterations and reducing the amount of land released from the Green Belt for development at the Blackpool Airport Enterprise Zone (BAEZ).
- Rewording policies to ensure they are positively prepared, effective and consistent with the Council's Core Strategy and the National Planning Policy Framework (NPPF); and
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the SADMP in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether SADMP's preparation has complied with the duty to co-operate. It then considers whether the SADMP is compliant with the legal requirements and whether it is sound. Paragraph 35 of the NPPF makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound and legally compliant plan. The SADMP, submitted in June 2021 is the basis for my examination. It is the same document as was published for consultation in February 2021.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested (EL1.002a) that I should recommend any MMs necessary to rectify matters that make the SADMP unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02** etc, and are set out in full in the Appendix.
4. Following the examination hearing, the Council prepared a schedule of proposed MMs and carried out SA and HRA of them (EL5.002 to EL5.006). The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the plans identified as Blackpool Local Plan 2012-2027 Publication Policies Map Blackpool Borough

(SD002) and Blackpool Local Plan 2012-2027 Publication Policies Map Blackpool Town Centre (SD003).

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the MMs (EL5.004). When the SADMP is adopted, in order to comply with the legislation and give effect to the SADMP's policies, the Council will need to update the adopted policies map to include all the changes proposed in that document.

## **Context of the Plan**

8. The SADMP is a Part 2 Plan, its purpose is to meet the aims of the strategic Blackpool Local Plan Part 1: Core Strategy (2012-2027) (CS) and deliver the development identified within it. The CS sets out the level and distribution of development in the borough. As this is a Part 2 Plan, I am not required to re-examine the strategic issues addressed by and found sound in the CS. The SADMP supersedes all of the saved policies of the Blackpool Local Plan (2006) and will be used to assess development proposals in the borough.
9. Located on the northwest coast, the Plan area comprises the Blackpool resort, Promenade and Town Centre with adjoining urban areas and with relatively small areas of countryside and Green Belt on the inland edges of the borough.
10. Blackpool has good road, rail and air connections with Blackpool Airport located on the southern borough boundary with Fylde. Rapid growth after the arrival of the railway, led to a rich variety of Victorian architecture including the Blackpool Tower, Blackpool Piers' and areas of terraced housing. However, decline in tourism in more recent years has led to significant economic challenges and high levels of deprivation in parts of the borough triggering the need for a number of policy interventions.

11. The BAEZ, designated just after the CS was published under regulation 19 is one such intervention. It represents a significant opportunity to enhance the economic prospects of the borough and the wider Fylde Coast.

## **Public Sector Equality Duty**

12. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including amongst other things the approach to gypsies and travellers and accessible and adaptable housing.

## **Assessment of Duty to Co-operate**

13. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the SADMP's preparation. The SADMP seeks to implement the spatial vision, goals and key objectives of the CS. As such, the strategic matters have already been appropriately considered within the CS (where the duty to cooperate was found to be met).
14. The SADMP has been prepared through constructive, active and ongoing engagement with Fylde and Wyre Borough Councils, Lancashire County Council (LCC) and all prescribed bodies. The Council's Duty to Cooperate Statement of Common Ground (DC001) includes an agreed Memorandum of Understanding which has guided on going cooperation on agreed strategic priorities which have informed the SADMP.
15. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

16. The SADMP has been prepared broadly in accordance with the Council's Local Development Scheme (SD013). This was updated (EL4.005) after the examination hearing to provide a more accurate timetable for the adoption of the SADMP and the review of the Council's Development Plan, particularly its strategic policies.

17. Consultation on the SADMP and the MMs was carried out in compliance with the Council's Statement of Community Involvement (SD012). This was updated to reflect challenges and new regulations associated with Covid-19.
18. The Council carried out a SA of the SADMP, prepared a report of the findings of the appraisal, and published the report along with the SADMP and other submission documents under regulation 19 (SD005 and SD005a). An addendum to the SA was produced to assess the MMs (EL5.005).
19. The Habitats Regulations Appropriate Assessment Screening Report May 2021 (SD006) has considered the implications of the SADMP's policies and allocations on European sites in the vicinity of the borough. It sets out why an Appropriate Assessment is not necessary concluding that none of the policies or associated allocation sites would have a likely significant effect on any of the relevant European sites alone, or in combination. Natural England are satisfied with this position.
20. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the borough. It also includes policies designed to secure that the development and use of land in the borough contributes to the mitigation of, and adaptation to, climate change.
21. CS goal one seeks to achieve sustainable regeneration, diversification and growth. This is supported by key objective six which seeks to address climate change issues by managing flood risk, protecting water quality, reducing energy use and encouraging renewable energy sources. Specific CS Policies which seek to respond to climate change include CS5, CS6, CS9, CS10, CS13. Relevant SADMP Policies include DM1, DM8, DM17, DM21, DM31, DM32, DM33, DM35 and DM41.
22. However, in the interests of effectiveness and legal compliance main modifications (**MM01, MM02 & MM44**) are needed to add an appendix to show how the saved policies will be replaced and include additional text to the introduction which makes clear the SADMP does not include any strategic policies and also make reference to the Climate Change Emergency Action Plan. The SADMP complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing, I have identified four main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the SADMP.

### **Issue 1 – Is the overall approach to housing, economic growth, the Green Belt, Retail, Gypsy and Traveller Accommodation and Allotments in the SADMP consistent with the CS and national policy?**

#### **Changes in circumstances since the adoption of the CS (the BAEZ)**

24. The BAEZ is located in South Blackpool and centred around Blackpool Airport. It became operational in 2016 after the CS was published under regulation 19. As such its implications and opportunities are not fully reflected in the CS.
25. However, the BAEZ Topic Paper (EL4.002a) notes it is one of the largest enterprise zones in the UK. With business incentives such as rate relief and enhanced Capital Allowance, it provides a major opportunity to encourage existing business expansion and attract new businesses to the area.
26. The BAEZ aims to be the premier business location in the northwest as part of the Lancashire Advanced Manufacturing and Energy cluster as noted in the Northern Powerhouse Industrial Strategy. It is expected local business growth at the BAEZ will deliver much needed local long-term sustainable employment opportunities positively transforming the overall economic prospects of Blackpool and the Fylde Coast.
27. If this is to be achieved, accessible high-quality buildings with large footprints are needed (EL4.002a). However, suitable serviced developable land for such buildings is not currently available in the borough or the BAEZ. The evidence (EL4.002a, EL4.002b, EL4.002c, EL4.002d and EL4.003) also shows that significant access and highway infrastructure improvements are needed to relieve congestion and improve overall accessibility in and around the BAEZ

to enhance its attractiveness to enterprise.

28. The Council's Infrastructure Delivery Plan (EL4.003) and EL4.002a shows that accessibility issues could be overcome by a number of local highway upgrades. However, the most substantial of these is the provision of a new link road connecting Amy Johnson Way with Common Edge Road. This would create a new BAEZ Eastern Gateway which would improve connectivity to the strategic road network.
29. Highway infrastructure investment and the associated provision of new suitably sized accessible serviced employment land in a timely manner are both integral to achieving the aims and objectives of the BAEZ and boosting the Blackpool economy.

## **CS, National Policy and the SADMP's Approach**

### **Spatial Strategy**

30. Policy CS1 of the CS makes clear that development will be focussed on inner area regeneration with supporting growth at South Blackpool. The justification text of Policy CS1 of the CS, states that the town centre must be a focus for future economic growth, development and investment in order to successfully position it as the first-choice shopping destination for Fylde Coast residents and an attractive place to visit and do business.
31. CS Policy CS3 identifies land in South Blackpool as a strategic priority and opportunity. Policy CS24 of the CS promotes employment development in South Blackpool focussed on development at the Blackpool Airport Corridor which is now part of the BAEZ. It identifies the opportunity for the redevelopment of existing employment sites within South Blackpool to provide high quality modern business / industrial facilities and proposals for major new business / industrial development to support sub-regional economic growth.

### **Housing**

32. Between 2012 and 2027, CS Policy CS2 requires the provision of 4,200 new homes on sites in the urban areas and within the South Blackpool Growth Area.
33. Policy HSA1 of the SADMP allocates a range of sites to deliver 1,419 dwellings up to 2027. Nine of the Council's housing allocations are located in the inner areas, with three allocations in South Blackpool.

These are added to by other sites in the urban area which became available since the CS was adopted, such as surplus public open space and commercial and educational sites which are no longer needed for those purposes. Overall, the distribution of housing proposed in the SADMP accords with the CS spatial strategy.

34. However, a number of the sites allocated and listed in Policy HSA1 have now either been completed or have had permission granted for a different capacity. Thus, **MM03** is necessary to amend the table in Policy HSA1 and the justification for effectiveness, to remove sites which have been completed and to reflect the most up to date evidence on site capacity and supply generally as detailed in the Council's latest Housing Topic Paper (EL4.006).

### **Employment Development, the BAEZ and the Green Belt**

35. CS Policy CS3 seeks to strengthen the local economy by safeguarding around 180 hectares of land in Blackpool for employment use. Informed by the Employment Land Study (2013) 31.5 hectares of employment land was found to be needed for development up to 2027. This was based upon a take up of 1.75 hectares per annum (including a 20% flexibility allowance). However, the same evidence found the realistic supply in Blackpool was only around 17.8 hectares. This left a shortfall of around 13.7 hectares which was met in neighbouring Fylde.
36. Policy CS6 of the CS makes clear that national policy will be used to protect the Green Belt and states that there will be no planned strategic review of the existing Green Belt boundary during the plan period. However, as set out above, the BAEZ was not operational at the time the CS was published and the BAEZ boundary adjoins and overlaps the Green Belt to the south of Blackpool.
37. Policy DM7 of the SADMP identifies the sites which would meet the need for employment land set out in the CS. Those sites provide for around 21 hectares of available land and are located in accordance with the spatial strategy. However, the sites include an allocation of 9 hectares of employment land in the BAEZ, in addition to that planned for in the CS and that provided for in Fylde.
38. This proposed employment land allocation of 9 hectares is dealt with in detail in Policy DM8. It is directly linked to an adjacent housing allocation of some 1.4 hectares (HSA1.13). Both form part of a wider 14 hectare parcel of the land which is within the BAEZ which is proposed to be removed from the Green Belt to facilitate its development as part of the overall delivery objectives for the BAEZ.

39. Paragraph 140 of the NPPF states Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of Plans.
40. The additional 9 hectare of employment land would compensate for the losses of employment land to other uses in Blackpool over the plan period. It would also provide land for serviced plots in a desirable location and of a size not available anywhere else in the borough or the BAEZ having the potential to increase annual employment land take up for the remainder of the plan period (EL4.002a).
41. Furthermore, the specific parcel of land is essential to facilitate the creation of the link road connecting the BAEZ to Common Edge Road and the creation of the new Eastern Gateway. The proposed 1.4 hectare housing allocation is necessary to support the viability of the required infrastructure investment.
42. Therefore, without this specific proposed release from the Green Belt of land at the BAEZ for employment, housing and associated infrastructure, the ability to achieve the overall aims and objectives of the BAEZ would be significantly compromised. This would have significant negative economic consequences for Blackpool, one of the country's most deprived boroughs and the wider Fylde Coast.
43. Therefore, in the absence of reasonable alternatives, and given the benefits associated with local housing and economic growth at this particular location, it is concluded that exceptional circumstances exist in principle to justify the release of land from the Green Belt at the BAEZ. I go on to consider environmental capacity and site-specific exceptional circumstances under issue 2 below.
44. However, part of the land proposed for release from the Green Belt at the BAEZ would not deliver housing, employment or highway infrastructure and instead would accommodate sports facilities, which already have the benefit of planning permission and are under construction (discussed in detail under issue 2). There are no exceptional circumstances for this land to be removed from the Green Belt, instead this should remain part of the Green Belt and form the new permanent Green Belt edge of the settlement.
45. Therefore, overall, I am satisfied, having considered the evidence, exceptional circumstances exist to justify altering the Green Belt boundary to facilitate the proposed employment, housing and infrastructure development in the BAEZ although its necessity should be more explicitly explained in the SADMP. However, the

same exceptional circumstances do not exist with regard to the land proposed to be used for recreational purposes at the BAEZ.

46. MMs are therefore necessary to Policies DM7 and DM8 and their associated justifications to explain why it is essential to remove land from the Green Belt to facilitate the delivery of economic development at the BAEZ and reduce the amount of land to be removed from the Green Belt at this location from around 14 hectares to approximately 10 hectares. **MM10** and **MM11** would address these issues and are necessary in the interests of ensuring consistency with national policy, appropriate justification and effectiveness.
47. The adjusted Green Belt boundary at the BAEZ as reflected in the EL5.004 will need to be detailed on the Council's policies map. Furthermore, in the interests of clarity and effectiveness, the extent of the Green Belt release and its relationship with the BAEZ should also be detailed on a map appended to the SADMP (**MM46**).

### **Other Green Belt Proposals**

48. Policy SLA1 seeks to remove land from the Green Belt for it to be safeguarded for development beyond the plan period. However, neither the SADMP nor the evidence in the Council's Local Green Belt Review Assessment (EB021) demonstrates what it would be safeguarded for. The exceptional circumstances identified above are specifically related to the BAEZ. EB021 is not a comprehensive strategic review of the borough's Green Belt and contains no justification for why this location has been selected when considered against other areas of the borough's Green Belt. Thus, the selection of this location for removal from the Green Belt is not justified without fully considering other alternatives and how they compare in terms of the Green Belt purposes. The same applies to the proposed Green Belt boundary changes referred to as "several minor anomalies" in paragraph 2.23 of the SADMP. Exceptional circumstances also do not exist to justify these changes.
49. Therefore, Policy SLA1 and the justification text is not justified or consistent with national policy. **MM05** is therefore necessary to delete Policy SLA1 and paragraphs 2.20 to 2.24 as they are not sound. The Council will need to reflect these changes on its policies map.

## Retail

50. The SADMP allocates a mixed-use site in Blackpool Town Centre for new retail development, a car park and other uses appropriate for the Town Centre location, following the recommendations in the Council's retail study (EB017), and subject to an impact assessment (EB015) which found no harmful impact on Blackpool Town Centre overall. This allocation is justified.

## Gypsy and Traveller Accommodation

51. The Fylde Coast Authorities agree that the need identified in the Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update (2016) (EB008) has been met by granting planning permissions and there is therefore no need to identify a site for such purposes in the SADMP. I concur.

## Allotments

52. The Council's Open Space Assessment (EB022) identifies a deficiency in allotment provision to the north of the borough. Policy ASA1 addresses this by allocating land for this purpose and in that location. However, **MM04** is necessary in the interests of effectiveness to ensure the policy makes reference to the geographical application on the policies map.

## Conclusion

53. In summary, it is concluded that subject to the above MMs the overall approach to housing, economic growth, the Green Belt, retail, gypsy and traveller accommodation and allotments in the SADMP is consistent with the CS and national policy.

## **Issue 2 - Are the sites allocated for employment and housing justified and deliverable and do they provide a sufficient supply?**

54. The SADMP includes one employment allocation (Policies DM7 and DM8). For the reasons discussed at length above the allocation of this site is justified.
55. Policy HSA1 allocates 29 sites for housing development. Of those, at the time of the regulation 19 consultation 14 were without planning permission. Site proformas to guide the development of

such sites are included in Schedule 1 of the SADMP. The Council has carried out an assessment of potential housing site options based on its Strategic Housing Land Availability Assessment (EB004) which is explained in the Housing Topic Paper (EB003) and is reasonable and proportionate. Robust reasons for selecting the allocated housing sites and rejecting others are set out in section 4 of EB003.

56. The site assessment process has been informed by relevant technical evidence, SA and the need to locate development in accordance with the spatial strategy. I consider that the site selection process is robust and has led to an appropriate selection of allocations. All of the site allocations in the SADMP have landowners and or developers who are engaged with the Council to bring them forward for development.
57. Having considered all the evidence and representations, I am satisfied that the site allocations within the SADMP are soundly based and capable of being developed, subject to some site-specific modifications. These are necessary to ensure that the Policies adequately reflect the evidence, would be effective and accord with national policy. On this basis it is not necessary for me to refer to every site, only those that require modifying, which I deal with below.
58. Policy DM8 – BAEZ –This policy seeks to support and guide the delivery of development in the BAEZ over the plan period. However, the BAEZ also includes land in Fylde and it is not clear from the policy or its justification that Policy DM8 relates only to land within the BAEZ which is within Blackpool.
59. The delivery of the BAEZ is guided by a detailed masterplan and relies on a number of items of critical infrastructure improvements for it be delivered. However, the relationship of the Local Plan with the masterplan for the BAEZ and the dependence on critical infrastructure should be specified in Policy DM8 and explained in the justification for effectiveness.
60. The boundary of the BAEZ is detailed on the submission policies map and covers existing commercial premises and mainly playing fields, some of which would be removed from the Green Belt to accommodate new development necessary to realise the economic growth potential of the BAEZ as detailed above. However, the

Council have granted planning permission<sup>1</sup> for schemes which would collectively provide a new sports and social facilities building, carparking and a range of sports pitches leading to improved provision overall. These facilities are on the southern extent of the BAEZ and would effectively form the new Green Belt edge, as I have already found their removal from the Green Belt is not justified in principle.

61. Nevertheless, the Council's Local Green Belt Assessment (EB021) did recommend the site at the BAEZ is released from the Green Belt. It notes the relevant section of the Green Belt punches into Blackpool's urban area and is surrounded by established business / industrial sites including an airport. I concur, and subject to appropriate mitigation and detailed design, the harm to the Green Belt associated with the removal of the land from the Green Belt to facilitate development at the BAEZ could be reduced to acceptable levels through landscaping and other mitigation. Furthermore, the presence of Blackpool Airfield will inevitably ensure that a significant amount of land surrounding the proposed Green Belt release remains open. Thus, when balanced against the economic development need discussed above, I am led to conclude that the proposed development can be accommodated without having significant effects on the purposes of the Green Belt and the overall integrity of the Green Belt within the Borough. Overall, I find exceptional circumstances exist to justify the site's removal from the Green Belt.
62. Green Belt compensatory improvements would be required and there are a number of opportunities for Green Belt enhancement nearby specifically as part of a package of measures associated with the sports facilities, within the BAEZ to be retained within the Green Belt. However, to ensure consistency with national policy and in the interests of effectiveness these measures will need to be specified in Policy DM8.
63. **MM11** would address all these issues, thus subject to such, the allocation is effective, justified and consistent with national policy. With this allocation as detailed under Issue one, the SADMP would provide a sufficient supply of employment land increasing the prospect of achieving the economic growth objectives of the CS and the BAEZ.

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<sup>1</sup> Council Reference 20/0564 & 20/0108

64. HSA1.1 – Former Mariners Public House, Norbeck Road – Planning permission has been granted for a scheme including 34 dwellings, and **MM35** is therefore necessary to adjust the site capacity in Schedule 1, in the interests of effectiveness.
65. HSA1.2 - Former Bispham High School, Bispham Road, Blackpool – This site consists of a demolished school with associated playing fields. It is located in the Greenlands Ward where the Council's Open Space Assessment (EB022) notes a quantitative surplus of this type of open space. The Council have worked with Sport England on a Playing Pitch Strategy which contains measures to compensate for playing pitch losses to result in an overall improved provision in the area. However, **MM36** is necessary to add wording to ensure the loss of playing fields is replaced by equivalent or better provision in the area in the interests of effectiveness and to ensure consistency with national policy.
66. HSA1.4 - Land rear of 307-339 Warley Road, Blackpool - An area of open land to the rear of existing dwellings in a residential area. For effectiveness the development considerations in Schedule 1 should make clear that access to the rear of the existing dwellings must be retained (**MM37**).
67. HSA1.5 - Land at Chepstow Road/Gateside Drive and land at Dinmore Avenue/Bathurst Avenue, Grange Park – Since submission, planning permission has been granted for a development including 131 dwellings. Part of the site is playing fields and open space. However, there is a quantitative surplus of the relevant types in the Park Ward. Subject to **MM38** which would update the delivery details to reflect the planning permission and make clear that open space must be replaced with equivalent or better provision, the allocation is effective and consistent with national policy.
68. HSA1.6 – Land at Coleridge Road / George Street, Blackpool – Planning permission has been granted for a scheme including 8 dwellings, and **MM39** is therefore necessary to adjust the site capacity in Schedule 1, in the interests of effectiveness.
69. HSA1.7 – 190 – 194 Promenade, Blackpool – This site is within the setting of a number of heritage assets. **MM40** is necessary for effectiveness and consistency with national policy to ensure a heritage impact assessment is undertaken and taken into account in any scheme.

70. HSA1.9 – Car Park, Bethesda Road, Blackpool – MMs are necessary to adjust the schedule text to recognise the site's existing car park use in the interests of effectiveness (**MM41 & MM42**).
71. HSA1.13 – Land at Jepson Way / Common Edge Road, Blackpool – This site is enabling housing associated with the BAEZ also referenced and directly related to Policy DM8 as discussed above. However, a MM is needed to add wording to ensure the loss of playing fields is replaced by equivalent or better provision in the area in the interests of effectiveness and to ensure consistency with national policy (**MM43**).
72. Including all these housing sites, the SADMP would provide the borough with way in-excess of 5 years of deliverable housing land supply as detailed in the Council's updated housing topic paper (EL4.006). At least 10% of the housing requirement has been provided to date on sites no larger than one hectare, particularly from windfall conversions and changes of use sites as required by Policy CS2 of the CS and the evidence (EB003 & EL4.006) indicates this is likely to continue.

## **Conclusion**

73. In conclusion, subject to the aforementioned modifications, the sites allocated for employment and housing are justified and deliverable and provide a sufficient supply.

## **Issue 3 - Are the SADMP's development management policies justified, effective and consistent with national policies**

### **Housing**

74. Policy DM1 seeks to secure 20% of any new housing to meet the needs of elderly or disabled residents or be easily adaptable in line with the Optional Standard M4(2) or M4(3) of the Building Regulations.
75. Blackpool has an above average percentage of households which include persons with a form of disability and the Council's housing register shows a disproportionate amount of housing need among elderly and disabled residents. Whilst the Plan would still not meet the need estimated for such accommodation, the requirement for

20% has been shown generally to not prejudice the viability of development through the Council's Viability Assessment (EB002) and will therefore optimise delivery without being a barrier to development.

76. The needs for adaptable housing and the mix of M4(2), M4(3) a and b will be informed by the Council's housing strategy with advice from relevant Officers sought on a scheme-by-scheme basis. However, this is not made clear in the SADMP and it will require evidence to be provided in support of proposals. Furthermore, the costs associated with meeting each of these standards can vary significantly and thus the Council will need to apply this policy requirement flexibly based on exceptional site-specific circumstances so as not to prejudice the delivery of development.
77. Policy DM1 also seeks to ensure 20% of all new homes meet the national described space standard (NDSS). The relevant Planning Practice Guidance (PPG) says evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed.
78. The CS notes there is an extremely unbalanced and dysfunctional housing supply, with significant over supply of small, poor-quality bedsits, flats or housing in multiple occupation, with much of the accommodation in the inner area unsuitable for families and undesirable to anyone who can afford to choose better. Therefore, internal space and reasonably sized rooms, such that they offer quality family accommodation, is clearly a particular issue in Blackpool.
79. The Council assessed all housing schemes granted planning permission since 2013 (some 30 schemes) and found that only 3.1% of all those dwellings met the NDSS. This is a reasonable sample irrespective of when the NDSS was introduced, and it shows that without intervention the types of homes delivered in Blackpool could result in cramped living accommodation and fail to address the need for quality family accommodation noted in the CS.
80. On this basis, a proportion of 20% of all new housing would go some way towards ensuring at least some properties are delivered which meet the NDSS and is justified. However, for effectiveness a threshold of five dwellings is needed because this is the minimum

number for a site to deliver one dwelling to the required standard. Furthermore, for the same reasons as the adaptable standard, flexibility is also needed to ensure that the requirement is applied exceptionally subject to site specific viability. **MM06** would address all these issues, subject to it, Policy DM1 is justified, effective and consistent with national policy.

81. Policy DM3 seeks to ensure supported accommodation and housing for older people is appropriately designed and located. The approach is justified in terms of seeking to achieve balanced communities where housing provides an appropriate quality of life for its intended occupants. However, **MM07** is needed for effectiveness, to clarify the definition of a block in part 2 a of the policy and to make clear in the justification how the Council will determine the level of accessibility, as referred to in part 1 c of the policy. Amendment is also necessary for effectiveness to the justification text to explain how 400 metres will be measured in relation to part 2 b of the policy. Thus, subject to **MM07**, Policy DM3 is justified and effective.
82. The Council's approach to managing development involving student accommodation is set out in Policy DM4. However, part b of the policy requires proposals for such accommodation to be within 800 metres of a learning centre or, if not, a sequential approach is to be applied considering sites close to public transport routes.
83. However, clarification is necessary as to what is meant by a public transport route, how 800 metres would be measured and how a sequential assessment would be undertaken. Furthermore, part 1 e of Policy DM4 seeks to deal with the effect of limited floorspace by requiring proposals to accord with the Council's Student Advice Note. Additionally, that note does not form part of the Development Plan and instead, the policy should be amended to address the issue, which is to ensure developments provide internal spaces which through their layout and size lead to acceptable living conditions. **MM08** would overcome these issues and is therefore necessary for effectiveness.
84. In Blackpool there are many buildings, particularly older holiday accommodation which have the potential to be converted to dwellings. Policy DM5 seeks to ensure such conversions deliver high quality accommodation and do not lead to over concentrations of small poor-quality housing in the inner area. However, part b of

Policy DM5 should be amended to require proposals to provide internal spaces which through their layout and size lead to acceptable living conditions, removing reference to adhering to the NDSS and the Council's adopted floorspace and amenity standards. The justification should be amended to only have regard to these standards as they do not form part of the development Plan. **MM09** would address these issues and make clear this policy applies only to conversions and sub-divisions and is therefore needed to ensure Policy DM5 is justified and effective.

## Economy

85. Policy DM9 sets out a positive framework for development at Blackpool Zoo as identified on the submission policies map. However, whilst it is justifiable to seek to ensure any new development does not harm the setting of the adjoining Stanley Park Conservation Area, **MM12** is necessary in the interests of effectiveness and consistency with national policy to ensure the policy also recognises Stanley Park is a registered park and garden.
86. The Promenade and Seafront are the focal point for tourists and the Promenade is the town's largest outdoor recreational space. Policy DM10 seeks to improve the appearance and economic function of the Promenade and Seafront including among other things supporting development that involves new high quality landmark features. However, a MM is necessary in the interests of effectiveness to clarify that a landmark feature is one which is easily recognised and can assist with way finding. It is also necessary to ensure the policy wording is consistent with paragraph 197 of the NPPF and to note the geographical application of the policy on the policies map. **MM13** would address all these issues in the interests of consistency with national policy and effectiveness.
87. Policy CS4 of the CS identifies Blackpool Town Centre as defined on the policies map as the focus for new retail and other town centre uses. Policies DM11 and DM12 specify the uses which will be permitted in the primary and secondary frontages consistent with paragraph 86(b) of the NPPF. The primary and secondary frontages are defined on the Council's submission policies map and follow the recommendations of the Council's Retail Study (EB017 and EB017a). Policies DM11 and DM12 are soundly based.
88. The Council's evidence (EB010) shows high concentrations of betting shops, adult gaming centres and pawnbrokers in parts of

Blackpool. This evidence demonstrates this can have negative consequences for the vitality and viability of centres and the well-being of communities. Policy DM13 therefore, justifiably seeks to manage these concentrations outside of the defined primary and secondary frontages. However, for effectiveness a MM is needed to make clear that 400 metres would be measured as the crow flies to clarify how the policy would be applied. Subject to **MM14**, Policy DM13 is justified, effective and consistent with national policy.

89. In line with Policy CS4 of the CS Policy DM14 of the SADMP sets out a positive framework for managing new development in Blackpool's District and Local Centres. Clifton Retail Park does not fulfil the same function as either a Local or District Centre and therefore does not need to be explicitly recognised in Policy DM14. Policy DM14 is sound.
90. Policy DM16 seeks to promote healthier communities by restricting new hot food takeaways in or within 400 metres of wards where there are more than 15% of year 6 pupils or 10% of reception age pupils which are classified as obese by Public Health England.
91. The 2015 and 2019 Indices of Deprivation ranked Blackpool as the most deprived local authority area in the country (EB001). This is based on data indicators used from seven domains which include income and health and is compelling. The Local Authority Health Profile 2019 shows the health of people in Blackpool is generally worse than the England average. It shows life expectancy for men is 12.3 years lower and for women 10.1 years lower than the national average with obesity among the local population being a contributory factor. The Blackpool Joint Strategic Needs Assessment confirms that 75% of adults in Blackpool are overweight (compared to 63% in England) and 31% of adults in Blackpool are obese (compared to 27% in England) and confirms that obesity is an important factor contributing to the inequality gap in life expectancy in Blackpool residents.
92. The Council's Healthy Weight Declaration (EL4.001) commits the Council to working with other bodies on a range of actions including reducing unhealthy weight in Blackpool. It also recognises the potential for the planning system to contribute towards such as part of a broad multi-disciplinary package of measures.

93. Paragraph 92 of the NPPF states that planning policies should aim to achieve healthy places which enable and support healthy lifestyles through a range of measures including access to healthier food. The PPG says planning policies may need to have regard to issues which include evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations and over-concentration of certain uses within a specified area.
94. Public Health England has identified on average that there are around 96 hot food takeaways per 100K population, whereas EB009 shows 217 or 196 (excluding the Promenade) per 100K population in Blackpool with 12 of its 21 wards having more than 10% more hot food takeaways than the national average. However, that evidence indicates there is no direct correlation or clustering around schools and therefore supports the Council's approach. Setting thresholds based on the obesity of reception age and year 6 children is reasonable as the choices and behaviours learned are more likely than not to be carried through to later adult life.
95. Public Health England maintain data on child excess weight and obesity at ward-level which is freely available and updated annually, the thresholds are reasonably set at a level that should Policy DM16 be effective alongside other measures, obesity levels could reasonably be expected to fall below the threshold making hot food takeaways permissible in some wards over the plan period. In any event, the evidence shows the borough is already very well served. Moreover, Policies DM11, DM12 and DM14 permit restaurants and cafes within use class E(b) within the primary and secondary frontages of Blackpool Town Centre, District Centres and Local Centres.
96. However, the effects of Policy DM16 will need to be closely monitored to understand whether or not the policy is effective and the monitoring framework does not currently include clear mechanisms for achieving such. **MM15** and **MM45** are therefore necessary for effectiveness to include clear indicators necessary to measure its effectiveness over the plan period and to inform any review of the policy approach. **MM15** is also needed for effectiveness to make clear how 400 metres is to be measured. Subject to these main modifications Policy DM16 is justified by the unique challenges facing Blackpool. Subject to these MMs it is effective and consistent with national policy.

## Design

97. The Council's key design principles for development in the borough are set out in Policy DM17. However, **MM16** is necessary to ensure proposals have regard to heritage assets and their settings to ensure consistency with national policy.
98. Policy DM18 seeks to ensure new development facilitates high speed broadband connections where possible. However, the reference to commercial development is unclear. **MM17** would address this by specifying the relevant use classes and is therefore necessary in the interests of effectiveness.
99. Views, such as those of Blackpool Tower, shape the unique identity of the borough. Policy DM19 justifiably seeks to protect and enhance such views and others which give Blackpool its distinctive character. However, MMs are needed to the justification text and policy to clarify what constitutes a strategic view and remove reference to a number of specific features so as to ensure each scheme responds to its context. Furthermore, criteria c, d and e unnecessarily duplicate the provisions of Policies DM26, DM27 and DM28. **MM18** would resolve all these issues in the interests of effectiveness.
100. Policy DM21 aims to ensure new development provides appropriate landscaping to contribute towards enhancing the borough's green and blue infrastructure network where practicable. However, for reasons already given requiring development to accord with a supplementary planning document is not justified. **MM19** would address this and subject to such Policy DM21 is sound.
101. Criteria for development involving shopfronts and advertisements are set out in Policies DM22 and DM24 respectively. However, the display of advertisements is regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) with considerations of such confined to issues of amenity and public safety. MMs are therefore needed to fully recognise the advertisement consent regime in both these policies and their justifications to ensure Policies DM22 and DM24 are legally compliant, justified, effective and consistent with national policy (**MM20** and **MM21**). **MM20** would also clarify, in the interests of effectiveness, what is meant by principal signage in part 1 d of Policy DM22.

102. Policy DM25 requires new appropriate development to deliver or make contributions to public art projects. However, flexibility through the addition of a viability and feasibility clause is needed to ensure that such does not prejudice the delivery of development. **MM22** would address this in the interests of effectiveness.
103. Policies DM27, DM29 and DM30 set out requirements for proposals which affect Conservation Areas, Stanley Park a grade II registered historic park and garden and archaeology respectively. However, MMs are needed to ensure the detailed wording of Policies DM27 and DM30 reflect national policy and legislation with regard to heritage assets and that Policies DM27 and DM29 note their geographical application on the policies map. **MM23, MM24** and **MM25** would overcome these issues and are necessary to ensure legal compliance, consistency with national policy and effectiveness.

## Environment

104. Much of Blackpool is served by combined sewerage systems of some age. This means sewerage infrastructure regularly reaches capacity, leaving water unable to drain and other problems such as drainage into the sea affecting bathing water quality among other things. Policy DM31 justifiably seeks to ensure new development is designed following the surface water drainage hierarchy. However, the maximum surface water run-off rates specified in the justification text are development requirements which should be clearly set out in policy for effectiveness (**MM26**).
105. Policy DM32 identifies the borough as an area of search for small scale wind turbines (up to 20 metres tall) subject to a number of criteria which is justified by the evidence (EB030 and EB031) and consistent with the approach in the CS. However, criteria d and g only require developers to assess impact on heritage assets and air traffic safety and radar. Instead, for effectiveness, these criteria should also require mitigation if any harmful impacts are identified following assessment. **MM27** would address these issues and is therefore necessary in the interests of effectiveness.
106. Policy DM33 seeks to protect Blackpool's coast and foreshore from harm. However, **MM28** is necessary to reference the associated geographic application on the policies map as well as to clarify the relationship with the Marine Plan in the justification text, in the interests of legal compliance and effectiveness.

107. Policy DM35 aims to ensure development proposals appropriately assess and mitigate any biodiversity impacts. However, the Policy should make reference to best and most versatile agricultural land and biodiversity net gain both to ensure consistency with national policy and legislation and effectiveness (**MM29**).
108. The Council's approach to controlling pollution and contamination is set out in Policy DM36. However, the policy should make reference to and clarify the extent of the existing Blackpool Air Quality Management Area in the interests of effectiveness. It should also make reference to biodiversity impacts off site and make clear that impacts must not be to unacceptable levels after mitigation. **MM30** and **MM47** would address these issues for effectiveness.
109. Policy DM37 seeks to guard against the unnecessary loss of valued facilities and services where loss would reduce the ability to meet community day to day needs subject to specific criteria. This is consistent with paragraph 93 of the NPPF. However, criterion b requires proposals for redevelopment to non-community facilities to be supported by a demonstration that there is no longer a need for such without explaining the type and detail of the evidence the Council will require. **MM31** would address this by adding further detail to the justification text and is therefore necessary for Policy DM37 to be effective.
110. Policy DM38 applies to proposals which would result in the loss of allotments or community gardens. However, both are identified on the policies map which should be referenced in the policy in the interests of effectiveness (**MM32**).

## Transport

111. Transport requirements for new development are set out in Policy DM41. However, there may be circumstances where new development cannot meet all specific requirements. For example due to site-specific constraints. In which case some flexibility will be required on a case-by-case basis so as to ensure the policy does not prejudice the delivery of development in the interests of effectiveness (**MM33**).
112. Policy DM42 makes clear proposals within the aerodrome safeguarding area will be subject to consultation with the Ministry of Defence. However, it is ineffective as it does not specify that

account should be taken of such consultation and that there should be no adverse impact on safety or interference with communication systems. **MM34** would address this by adding further detail to the justification text and policy.

## **Conclusion**

113. In conclusion, subject to the aforementioned modifications, the SADMP sets out positively prepared development management policies which are consistent with the CS, justified, effective and consistent with national policy.

## **Issue 4 - Is the SADMP based on a robust assessment of required supporting infrastructure, does it set out effective mechanisms for monitoring and implementation and is it viable?**

### **Infrastructure**

114. The Infrastructure Delivery Plan Update (2020) and the 2022 update (SD008 and EL4.003) set out a range of projects which can reasonably be expected to be delivered when envisaged to support the delivery of the development proposed in the SADMP. The delivery of infrastructure projects will be closely monitored over the plan period through the arrangements which govern the BAEZ and the Council's overall approach to monitoring the delivery of its Local Plan. Overall, the Council's approach makes sufficient provision for infrastructure, and is justified, effective and consistent with national policy, particularly paragraph 20(b) and (c) of the NPPF.

### **Monitoring**

115. In accordance with paragraph 33 of the NPPF, the Monitoring and Implementation section of the Local Plan sets out clear performance indicators against which the effectiveness of the policies will be monitored. It also clearly explains the need to keep the SADMP under review and what actions will be taken if policies are not being implemented as expected. Reasonable targets and trigger points for action are specified where practicable. The actions identified if policies are not being implemented as expected are reasonable and proportionate. Subject to **MM45** which would add additional indicators necessary to monitor the effectiveness of Policy DM16 (see issue 3) the Council's monitoring framework is effective.

## **Viability**

116. The Local Plan Viability Assessment (2020) (EB002) assesses a range of appropriate housing sites and development scenarios which are reflective of the sites included in the SADMP. It shows a mixed picture, particularly that residential development is generally viable in the urban edge, but less so in the urban inner core with variation between brownfield and greenfield sites in the urban edge. It also demonstrates through sensitivity analysis that modest changes to value and / or cost will result in significant changes to viability and any potential surplus for planning policy requirements or planning contributions.
117. The findings also identify that commercial development in the borough also has viability challenges. However, the unique circumstances of the BAEZ with incentives for businesses such as rate relief and enhanced Capital Allowance will assist viability. The Council is also committed to seeking public sector funding to enhance the viability of sites over the plan period. On this basis, subject to flexibility on site-specific requirements where necessary and proactivity in seeking public sector funds, I am satisfied the development sites proposed in the SADMP could be viably developed over the plan period.
118. Overall, the SADMP's policies, incorporating the MMs discussed above are sufficiently flexible in that they will allow requirements to be relaxed if they are shown to be undermining the delivery of development in the borough. The Council's viability assessment robustly demonstrates based on reasonable and available information that the cumulative impact of the policies in the SADMP will not compromise development viability.

## **Conclusion**

119. In conclusion, subject to the aforementioned modifications, the Plan is based on a robust assessment of required supporting infrastructure, it sets out effective mechanisms for monitoring and implementation and is viable.

## **Overall Conclusion and Recommendation**

120. The SADMP has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance

with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

121. The Council has requested that I recommend MMs to make the SADMP sound and/or legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix, the SADMP satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*L Fleming*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

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

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and **bold underlining** for additions of text.

The paragraph numbering below refers to the submission local plan and does not take account of the deletion or addition of text.

| Ref            | Policy/<br>Paragraph                        | Main Modification   |  |  |                   |  |        |   |      |              |
|----------------|---|---|--|--|-------------------|--|--------|---|------|--------------|
| MM01           | 1.1   | <p>The Site Allocations and Development Management Policies Document is Part 2 of the Blackpool Local Plan and is a key planning document which allocates sites for development, safeguarding or protection and sets out a suite of development management policies to guide appropriate development. <b><u>This document does not contain any strategic policies and supersedes all saved policies within the Blackpool Local Plan 2006, as detailed in Appendix A.</u></b></p>  |  |  |                   |  |        |   |      |              |
| MM02           | 1.15  | <p>The Local Plan Evidence Base helps us to develop a detailed understanding of key issues and characteristics of Blackpool and the Fylde Coast, and is used to inform and justify the policies in the plan. Additional evidence base has been developed to support the allocations and development management policies set out in the Local Plan Part 2. These documents along with other supporting documents are listed at Appendix A and can be found at evidence base [opens a new window]. In addition other Council strategies and declarations have been taken into account including:</p> <ul style="list-style-type: none"><li>• Blackpool Council Plan 2019-2024</li><li>• Green and Blue Infrastructure Strategy (2019)</li><li>• Blackpool Council Declaration on healthy weight (2016)</li><li>• Blackpool Council Declaration of a climate emergency (2019)</li><li>• <b><u>Blackpool's Climate Emergency Action Plan (2021)</u></b></li></ul> |  |  |                   |  |        |   |      |              |
| MM03           | HSA1  | <table border="1"><thead><tr><th colspan="2">Site Reference</th><th>Site Area<br/>(ha)</th><th>No. of dwellings<br/>expected to be<br/>delivered <u>2021-19</u><br/><u>-2027</u></th></tr></thead><tbody><tr><td>HSA1.1</td><td>Former Mariners Public House, Norbreck Road</td><td>0.20</td><td><u>34</u> 35</td></tr></tbody></table>   | Site Reference   |  | Site Area<br>(ha) | No. of dwellings<br>expected to be<br>delivered <u>2021-19</u><br><u>-2027</u> | HSA1.1 | Former Mariners Public House, Norbreck Road | 0.20 | <u>34</u> 35 |
| Site Reference |   | Site Area<br>(ha)   | No. of dwellings<br>expected to be<br>delivered <u>2021-19</u><br><u>-2027</u> |  |                   |  |        |   |      |              |
| HSA1.1         | Former Mariners Public House, Norbreck Road | 0.20  | <u>34</u> 35   |  |                   |  |        |   |      |              |

| Ref | Policy/<br>Paragraph | Main Modification   |      |                |  |
|-----|----------------------|---|------|----------------|--|
|     |                      | HSA1.2 Former Bispham High School & land off Regency Gardens  | 9.10 | 176            |  |
|     |                      | HSA1.3 Land at Bromley Close  | 0.22 | 12             |  |
|     |                      | HSA1.4 Land rear of 307-339 Warley Road   | 0.33 | 14             |  |
|     |                      | HSA1.5 Land at Chepstow Road/Gateside Drive and land at Dinmore Avenue/Bathurst Avenue, Grange Park | 5.62 | <u>131</u> 160 |  |
|     |                      | HSA1.6 Land at Coleridge Road/George Street   | 0.14 | <u>8</u> 14    |  |
|     |                      | HSA1.7 190-194 Promenade  | 0.12 | 15             |  |
|     |                      | HSA1.8 South King Street  | 0.59 | 47             |  |
|     |                      | HSA1.9 Bethesda Road Car Park   | 0.13 | 13             |  |
|     |                      | HSA1.10 Whitegate Manor, Whitegate Drive  | 0.31 | 16             |  |
|     |                      | HSA1.11 Land off Kipling Drive  | 0.27 | 14             |  |
|     |                      | HSA1.12 Land at Rough Heys Lane   | 0.67 | 27             |  |
|     |                      | HSA1.13 Land at Enterprise Zone, Jepson Way   | 1.42 | 57             |  |
|     |                      | HSA1.14 Site B, Former NS & I Site, Preston New Road  | 3.31 | 90             |  |
|     |                      | HSA1.15 Land at Warren Drive  | 3.12 | <u>71</u> 86   |  |
|     |                      | HSA1.16 Land at Ryscar Way  | 2.06 | 47             |  |
|     |                      | HSA1.17 Land at 50 Bispham Road   | 0.09 | 12             |  |
|     |                      | HSA1.18 41 Bispham Road and land to the rear of 39-41 Bispham Road                                  | 0.35 | 16             |  |
|     |                      | HSA1.19 Kings Christian Centre, Warley Road   | 0.12 | 15             |  |
|     |                      | HSA1.20 Land off Coopers Way  | 1.22 | 45             |  |
|     |                      | HSA1.21 Land at Coleridge Road/ Talbot Road   | 0.29 | 25             |  |
|     |                      | HSA1.22 7-11 Alfred Street  | 0.04 | 14             |  |
|     |                      | HSA1.23 Foxhall Village Phases 2(S), 3 & 4  | 2.97 | 192            |  |
|     |                      | HSA1.24 Site A, Former NS & I Site, Preston New Road  | 5.11 | 83             |  |
|     |                      | HSA1.25 Site of Co-operative Sports and Social Club, Preston New Road                               | 1.57 | <u>22</u> 45   |  |
|     |                      | HSA1.26 9-15 Brun Grove (Blackpool Trim Shops)  | 0.18 | 10             |  |
|     |                      | HSA1.27 Waterloo Road Methodist Church, Waterloo Road   | 0.14 | 12             |  |
|     |                      | HSA1.28 Land at 200 – 210 Watson Road   | 0.89 | 39             |  |

| Ref | Policy/<br>Paragraph | Main Modification   |   |      |    |  |
|-----|----------------------|---|---|------|----|--|
|     |                      | HSA1.29   | 585 – 593 New South Promenade and 1 Wimbourne Place | 0.40 | 88 |  |
|     | 2.3-2.5 and Table 1  | <p>2.3 In addition to the sites allocated in Policy HSA1, the Core Strategy housing requirement will be met through completions over the period 01 April 2012 – 31 March 2021 49, sites with planning permission including sites at identified South Blackpool Housing Growth locations, apartments as part of mixed use proposals at Town Centre Strategic Sites and a windfall allowance.</p> <p>2.4 Table 1 shows the housing supply position. The identified supply is approximately <u>4338</u> 4,544 dwellings, which exceeds the housing requirement and ensures that there is a flexible portfolio of housing sites that can be delivered throughout the plan period. The Housing Topic Paper provides further detail and includes a housing trajectory, which sets out the expected rate of housing delivery over the plan period.</p> <p>2.5 It is a requirement of the NPPF to identify a five year housing land supply from the intended date of adoption of the plan. A five year supply has been identified for the period 01 April 2021 49 – 31 March 2026 24 and will be updated annually to ensure that a five year supply is maintained over the plan period.</p> <p><b>Table 1: Housing Supply Summary</b></p> |   |      |    |  |

| Ref   | Policy/<br>Paragraph | Main Modification   |                            |
|---|----------------------|---|----------------------------|
|   |                      | <b>Source</b>   | <b>Number of Dwellings</b> |
|   |                      | Completions 1 April 2012 - 31 March 2021 <sup>1</sup> 49  | <b>1803</b> 1,307          |
|   |                      | New build dwellings with extant permission at 31 March 2021<br>19 (including 541 584 dwellings on allocated sites)  | <b>1054</b> 1,177          |
|   |                      | New build dwellings with permission granted 01 April 19 – 30<br>Sept 2019 (including 145 dwellings on allocated sites)  | 175                        |
|   |                      | Permitted conversions/changes of use (10 or more dwellings)<br>at 31 March 2021 49  | <b>119</b> 140             |
|   |                      | Permitted conversions/changes of use granted 01 April 19 – 30<br>Sept 2019 (10 or more dwellings)   | 105                        |
|   |                      | Windfall Allowance for conversions/changes of use (9 or less<br>dwellings) and new build dwellings over period 1 April 2021 49<br>– 31 March 2027   | <b>600</b> 800             |
|   |                      | Allocated housing sites without planning permission   | <b>612</b> 690             |
|   |                      | Additional supply from Town Centre Strategic Sites  | 150                        |
|   |                      | <b>Total Housing Supply</b>   | <b>4338</b> 4,544          |
| <sup>1</sup> Completions during 2020-2021 have been significantly impacted due to the Covid-19 Pandemic |                      |   |                            |
| MM04  | ASA1                 | Land to the north of the Golf Driving Range, accessed from Fleetwood Road is allocated for a new allotment, <u>as identified on the Policies Map.</u>   |                            |
| MM05  | SLA1                 | <p>2.20 In order that Green Belt boundaries should be long lasting, land at Faraday Way between the existing urban area and the Green Belt is safeguarded for future development needs beyond the plan period. Paragraph 139 of NPPF states that planning permission for the permanent development of safeguarded land will only be granted following a Local Plan Review.</p> <p>2.21 Paragraph 85 of NPPF require plans to identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.</p> <p>2.22 This policy identifies one area of Safeguarded Land within Blackpool Borough and outlines the restrictions on development that will be pursued over the period of the Local Plan.</p> |                            |

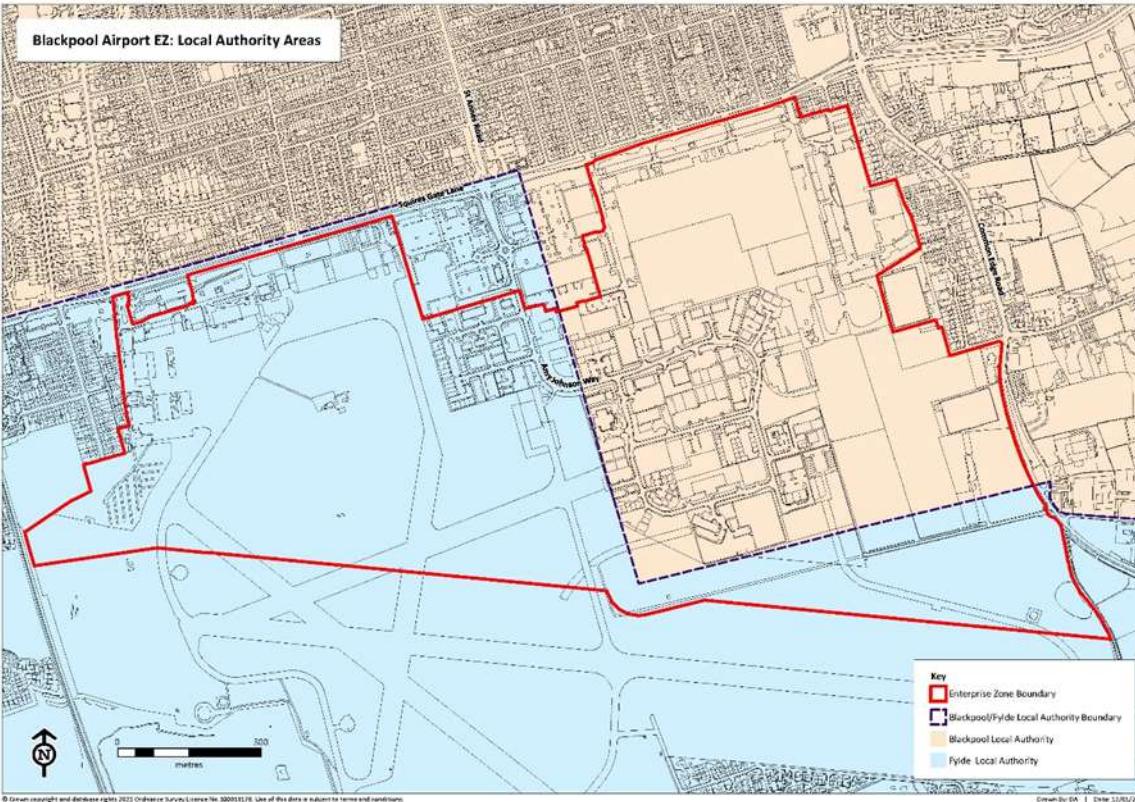
| Ref  | Policy/<br>Paragraph                     | Main Modification  |
|------|--|--|
|      |  | <p>Policy SLA1: Land Safeguarded for Future Development Needs</p> <p>Development will not be permitted on Safeguarded Land as shown on the Policies Map until a review of the Local Plan is undertaken.</p> <p>2.23 The Local Green Belt Review Topic Paper (2020) highlighted several minor anomalies regarding the detailed local Green Belt boundaries. It recommended some amendments that relate to a very small proportion of the overall green belt across the Fylde Coast and does not amount to any strategic change to the Green Belt.</p> <p>2.24 One such amendment was to existing Green Belt at Faraday Way to follow natural field boundaries. Due to Blackpool's highly constrained nature, there may be a need to allocate this land that is no longer Green Belt for development needs in the future. Therefore it is safeguarded until a review of the Blackpool Local Plan is carried out.</p>   |
| MM06 | DM1                                      | <ol style="list-style-type: none"> <li>1. As a minimum, 20% of all new build dwellings on a site <b>sites of five dwellings or more</b> must meet the Nationally Described Space Standard (or any future successor);</li> <li>2. Housing designs and layouts must:             <ol style="list-style-type: none"> <li>a. respond to the topography, local character and distinctiveness of a site <b>the area</b> and be well integrated into existing development by respecting the established streetscene, building lines and patterns of development, in order to maintain or establish a strong sense of place. Exceptions may be made for housing proposals of high quality and innovative design, which raises the overall design quality of an area and contributes positively to the distinctiveness of a place;</li> </ol> <p><b>8. Proposals that are not in accordance with the above measures will only be permitted where there is clear evidence that it would not be feasible or it would directly prejudice viability. In such circumstances an application should be supported by an open book viability assessment.</b></p> </li> </ol> |
|      | New sub-heading and paragraph after 3.28 | <p><b>Accessible and Adaptable Housing</b></p> <p><b>Accessible and adaptable housing should be provided on schemes of ten dwellings or more, forming at least 10% of housing provision. This housing should be designed to meet technical standards M4(2) or M4(3) of the Building Regulations (or as updated). Housing meeting part M4(3) of Building Regulations should be secured through liaison with the Council's Housing Manager and through developers working with Registered Providers on a case-by-case basis.</b></p>   |
| MM07 | DM3                                      | <ol style="list-style-type: none"> <li>1. Proposals for supported accommodation (falling under Sui Generis or Use Class C2) and housing for older people (falling under Use Class C2 or C3) will be permitted where the development meets all of the following criteria:</li> </ol>  |

| Ref  | Policy/<br>Paragraph | Main Modification  |
|------|----------------------|--|
|      |                      | <p>c. the site has a good <b>high</b> level of accessibility to public transport, shops, services and community facilities appropriate to the intended occupiers</p> <p>2. In order to protect the character and amenities of residential areas and avoid any undue concentration of Supported Accommodation and/or Housing for Older People (other than older person independent living schemes (use class C3)):</p> <p>a. no more than 10% of any <b>properties within</b> one block will be permitted in such use</p>   |
|      | 3.45                 | <p><b>Proposals for supported accommodation must have high levels of accessibility, which</b> <del>D</del>Depending on the needs of occupiers of specialist accommodation, <b>generally means that</b> they may need to be located close to or on bus routes to essential services such as education, health care and family support, <b>having regard to the accessibility questionnaire in Appendix G3.</b> Therefore it is important that the accommodation provided is situated in an area which will support the needs of the future occupiers.</p>   |
|      | 3.56                 | <p>A Management Plan should be submitted with all applications to ensure that full consideration has been given to the proper management of the accommodation, in the interests of the future occupants, the residential amenity of neighbouring properties. Details of what should be included in a Management Plan <b>include:</b> <del>can be found in Appendix B.</del></p> <ul style="list-style-type: none"> <li>• <b><u>an emergency contact;</u></b></li> <li>• <b><u>waste management;</u></b></li> <li>• <b><u>behaviour and noise management;</u></b></li> <li>• <b><u>security;</u></b></li> <li>• <b><u>travel management and cycle parking;</u></b></li> <li>• <b><u>repairs and maintenance;</u></b></li> <li>• <b><u>health and safety.</u></b></li> </ul> |
|      | 3.57                 | <p>To support the Council's wider aims to create more balanced and healthy local communities and in order to avoid over-concentrations of Supported Accommodation and/or Housing for Older People (excluding older person independent living schemes (use class C3)) which can impact on the character and function of residential areas, no more than 10% of <b>properties in</b> any one block will be permitted in such uses and no similar specialist uses will be permitted within 400 metres, <b>as the crow flies,</b> of a similar existing premises.</p>  |
| MM08 | DM4                  | <p>1. Proposals for student accommodation will be permitted subject to:</p>  |

| Ref  | Policy/<br>Paragraph             | Main Modification   |
|------|----------------------------------|---|
|      |                                  | <p>b. being located within 800 metres <b>walking distance</b> of the relevant learning centre. Where an application site is beyond 800m a sequential approach must be undertaken with preference given to sites on or close to public transport routes <b>which provide a high level of accessibility to the relevant learning centre</b>;</p> <p>e. the proposal <b>providing internal spaces which through their layout and size lead to acceptable living conditions having regard to the relevant guidance</b>; meeting the floorspace standards set out in the Student Accommodation Advice Note;</p>  |
|      | 3.62                             | <p>Students tend to spend a significant amount of time in their bedrooms studying and in addition to standard bedroom furniture, a student bedroom requires study space. As such, a standard single bedroom size outlined in the National Technical Housing Standards is not appropriate for student accommodation. <b>Proposals should have regard to</b> the minimum floorspace standards for student accommodation in Blackpool <del>are</del> set out in the Student Accommodation Advice Note and <b>within the New Homes from Old Places SPD</b> (or as updated).</p>   |
|      | 3.64                             | <p>The University Centre is predominantly arts based and students often have to carry heavy or bulky equipment to and from their accommodation. With that in mind, 800 metres (1The Institution of Highways and Transportation - Providing for Journeys on foot, 2000 table 3.2) is considered to be a reasonable walking distance for students and this is the walking distance referred to in the Student Accommodation Advice Note which has successfully been implemented in the past. <b>The 800 metres should be measured as the most direct and safe walking route. Where an application is beyond the 800 metres, sites with a high level of public transport accessibility to the University Centre will be prioritised. In accordance with the Residential Accessibility Questionnaire at Appendix G3, sites are considered to have a high level of public transport accessibility if they are within 200 metres of a bus stop.</b></p> |
| MM09 | DM5                              | <p>1. Proposals for the sub-division and/or change of use of existing buildings for residential use will only be permitted where:</p> <p>b. the proposed units are all fully self-contained and satisfy the Nationally Described Space Standards (or any future successor) <del>and</del>. <b>Proposals should also have regard to</b> the Council's adopted floorspace and amenity standards;</p> <p>2. Within the Inner Area as defined on the Policies Map, <b>development proposals for the sub-division and/or change of use of existing buildings for residential use</b> will not be permitted where:</p>  |
| MM10 | DM7 – Policy and supporting text | <p><b>Policy DM7: Provision of Employment Land and Existing Employment Sites</b></p> <p>1. Proposals for new development or redevelopment of existing premises will be permitted in accordance with the specified uses for each employment area as identified on the Policies Map:</p>  |

| Ref | Policy/<br>Paragraph | Main Modification  |   |                         |
|-----|----------------------|--|---|-------------------------|
|     |                      | Employment Area  | Available Land (Ha)<br>(as at March 2021<br>+9) | Appropriate Use Classes |
|     |                      | Blackpool Airport Enterprise Zone <sup>10.8</sup>  | <u>14.15</u> 16.1                               | B2, B8, E(g)            |
|     |                      | Vicarage Lane  | 0.02  | B2, B8, E(g)            |
|     |                      | Clifton Road   | 2.5   | B2, B8, E(g)            |
|     |                      | Preston New Road (NS&I)  | 0   | E(g)                    |
|     |                      | Chiswick Grove   | 0   | B2, B8, E(g)            |
|     |                      | Mowbray Drive  | 0.3   | B2, B8, E(g)            |
|     |                      | Devonshire Rd / Mansfield Rd   | 0   | B2, E(g)                |
|     |                      | Moor Park  | 0   | B2, B8, E(g)            |
|     |                      | North Blackpool Technology Park  | 2   | B2, B8, E(g)            |
|     |                      | Warbreck Hill  | 0   | E(g)(i)                 |
|     |                      | <b>Total</b>   | <b>18.97</b>                                    |                         |
|     |                      | 2. Proposals for non B and E(g) uses will not be permitted except for those which are in accordance with Policy DM8: Blackpool Airport Enterprise Zone.  |   |                         |
|     |                      | 3. <b><u>Employment land at the Blackpool Airport Enterprise Zone includes around 9 hectares released from the Green Belt justified by exceptional circumstances in line with NPPF (2021) Paragraph 140.</u></b>   |   |                         |
|     |                      | 3.83 The main industrial/business areas identified in the policy provide a range of employment related uses that make an important contribution to Blackpool's employment offer and the local economy and will be retained as safeguarded employment land. Proposals for non-B or E(g) uses will not be permitted. The only exception to this is at the Enterprise Zone for proposals that accord with policy DM8.   |   |                         |
|     |                      | 3.84 The Core Strategy sets out the requirement for 31.5 hectares of new employment land over the plan period from 2012 to 2027. The sites to meet this need are included in this policy <sup>9</sup> . <b><u>The Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (Feb 2022) recognises that significant safeguarded employment land has been developed for alternative uses since the start of the plan period. Furthermore, employment land take-up during this time has been around half of what was expected (0.62 ha per annum compared to 1.2 ha per annum).</u></b> |   |                         |

| Ref  | Policy/<br>Paragraph             | Main Modification   |
|------|----------------------------------|---|
|      |                                  | <p>3.85 <u>Taking account of the above</u>, around nine hectares of additional employment land is identified at the <u>Blackpool Airport Enterprise Zone which compensates for the loss of less attractive employment land and will stimulate an increase in annual employment land uptake by providing attractive and accessible employment land in the Blackpool Airport Enterprise Zone. Robust justification for the additional employment land facilitated by the release of around 9ha of land from the Green Belt is set out in the Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (Feb 2022)</u>. This is set out in further detail within Policy DM8.</p> <p><sup>10</sup><sup>8</sup> Incorporates Blackpool Business Park; Squires Gate Industrial Estate and Sycamore Estate.<br/> <sup>11</sup><sup>9</sup> Along with around 14 hectares of employment land in Fylde provided through the Duty to Co-operate and acknowledged in the adopted Fylde Local Plan (2018)</p> |
| MM11 | DM8 – Policy and supporting text | <p>3.86 Blackpool Airport Enterprise Zone (EZ) was approved in November 2015 and the site became operational in April 2016. The status of the EZ is valid for 25 years and provides business incentives of rate relief up to £275,000 over a period of five years and Enhanced Capital Allowance.<sup>10</sup><sup>12</sup></p> <p>3.87 The site covers 144 hectares of which around 62 hectares lie within Blackpool Borough and 82 hectares in Fylde (Figure 4). <u>The site and incorporates the existing Category III airport buildings and surrounding business and employment lands; areas of open space and sports playing fields. The site also benefits from excellent access to the M55 via Progress Way and onward connectivity to the national motorway network and with local train, bus and tram routes connecting the Fylde Coast and beyond.</u></p> <p><b>Figure 4: Blackpool Airport Enterprise Zone</b></p>  |

| Ref | Policy/<br>Paragraph | Main Modification   |
|-----|----------------------|---|
|     |                      |  <p data-bbox="595 1087 1763 1095">© Crown copyright and database rights 2022 Ordnance Survey. Licence No. 000012176. Use of this data is subject to terms and conditions.</p> <p data-bbox="1650 1079 1763 1087">Drawn By: EA   Date: 11/02/2022</p> <p data-bbox="595 1111 1763 1127">Key:</p> <ul style="list-style-type: none"> <li data-bbox="1549 952 1763 968">Enterprise Zone Boundary</li> <li data-bbox="1549 976 1763 992">Blackpool/Fylde Local Authority Boundary</li> <li data-bbox="1549 1000 1763 1016">Blackpool Local Authority</li> <li data-bbox="1549 1024 1763 1040">Fylde Local Authority</li> </ul> <p data-bbox="595 1111 1763 1127">3.88 The area is already well-established as a hub for business and commercial activity and has a history in aviation engineering, having previously been the manufacturing site for Vickers Wellington and Hawker Hunter military aircraft. Today, one of the airfield's key uses is in helicopter transportation to key energy generation sites in the Irish Sea, as well as being home for some 260 existing businesses including the Lancashire Energy HQ - a training base for the energy sector.</p> <p data-bbox="595 1135 1763 1151">3.89 The following policy <b>relates to land within Blackpool's administrative boundary; and</b> protects the designation of the site <b>and supporting</b> the delivery of the EZ.</p> |

|  |  |
|--|--|
|  | <p><b>Policy DM8: Blackpool Airport Enterprise Zone</b></p> <ol style="list-style-type: none"><li>1. <del>The <b>That part</b> boundary of <b>the</b> Blackpool Airport Enterprise Zone (EZ) <b>which lies within Blackpool Borough</b> is identified on the Policies Map.</del></li><li>2. The Council supports the sustainable development of the EZ to create more businesses and jobs and attract international investment with positive benefits for the sub-regional economy and increasing the contribution to national growth. In supporting development at the EZ, the viable long-term operation of Blackpool Airport must be maintained.</li><li>3. <del><b>The overall delivery of the EZ is guided by a masterplan, informed by local plan policy and establishing the development and design framework for the site determining the appropriate mix, quantum and location of development including landscaping, green infrastructure and biodiversity net gain to deliver the objectives of the EZ.</b></del></li><li>3.4. <del><b>Guided by the Masterplan, T</b></del>he following uses at the EZ will be supported:<ol style="list-style-type: none"><li>a. Target sectors comprising energy industry, advanced manufacturing and engineering, aviation and aerospace, food and drink manufacture and the digital and creative sector;</li><li>b. Outside the target sectors other B2, B8 and E(g) uses will be considered where this promotes job creation and industry diversification provided it does not compromise the development of the target sectors;</li></ol></li><li>e. <del>5. In the south east quadrant supporting facilities and services, excluding hot food takeaway uses (sui generis), to serve the EZ business community in this location limited to:</del><ol style="list-style-type: none"><li>i. convenience store no greater than 275m<sup>2</sup> gross;</li><li>ii. café or sandwich shop no greater than 275m<sup>2</sup> gross;</li><li>iii. children's day nursery.</li></ol></li><li>d. <del>the relocation and enhancement of the existing playing pitches and associated new changing facilities</del></li><li>e. <del>Enabling housing development at site allocation HSA1.13 identified on the Policies Map ;</del></li></ol> |
|--|--|

| Ref | Policy/<br>Paragraph | Main Modification   |
|-----|----------------------|---|
|     |                      | <p>4. The overall delivery of the EZ is guided by an agreed Blackpool Airport Enterprise Zone Masterplan. In line with local plan policy, the Masterplan will establish the development and design framework for the site and determine the appropriate mix, quantum and location of development to deliver the objectives of the EZ;</p> <p>5. A Design Framework, including building, landscape, green infrastructure, sustainable urban drainage and incorporating cycle and pedestrian connectivity, will be required setting out the design principles for the site and taking into account the objectives of the Blackpool Green and Blue Infrastructure Strategy and Action Plan;</p> <p><b><u>6. To enable the objectives of the EZ to be delivered, the Green Belt boundary is amended as identified in Appendix E to release around 10.3 hectares of land to allow the first phase of development to be undertaken by 2027 to include:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>serviced plots for employment development in line with point 4 above and Policy DM7;</u></li> <li>b. <u>enabling housing development (Site Allocation HSA1.13);</u></li> <li>c. <u>a new link road and associated existing highways improvements to provide an eastern gateway access into the EZ from Common Edge Road;</u></li> <li>d. <u>providing compensatory improvements to offset the impact of removing land from the Green Belt through improvements to the remaining Green Belt including:</u> <ul style="list-style-type: none"> <li>i. <u>the relocation and enhancement of the existing playing pitches and provision of new changing facilities and vehicle parking, to remain within the Green Belt with improved access</u></li> <li>ii. <u>new and/or enhanced green infrastructure including landscaping and biodiversity net gain; and</u></li> </ul> </li> <li>e. <u>supporting infrastructure.</u></li> </ul> <p>6.7. To aid the delivery process, if requested, Blackpool Council will work with Fylde Borough Council, Lancashire County Council, <u>National Highways England</u> and other stakeholders to produce a Local Development Order.</p> |

| Ref | Policy/<br>Paragraph | Main Modification   |
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|     |                      | <p>3.90 Blackpool Airport EZ is located in the south of the Borough off Squires Gate Lane. That part of the EZ, which lies within Blackpool, includes Sycamore Industrial Estate, Squires Gate Industrial Estate and Blackpool Business Park, as well as land used for sport playing fields in the southeast corner of the site. Blackpool Retail Park, which fronts onto Squires Gate Lane, is not included in the EZ designation, nor is the airport runway; the latter is excluded so as not to preclude future development to accommodate larger commercial aircraft (<b>Figure 4 refers</b>).</p> <p>3.91 The <b>EZ</b> site has been a major business and industrial area for many years and has provided important employment opportunities with 1,800 employees already based on the site. It is envisaged that EZ status will attract an additional 180 businesses and create <b>3,000 5,000</b> new jobs over its 25 year lifespan supporting the local and sub-regional economy; and providing sustainable economic growth and prosperity within Lancashire which is fundamental to the Lancashire Enterprise Partnership's ambitions.</p> <p><del>3.92 The site benefits from excellent access to the M55 via Progress Way. Whilst the site is well located its accessibility and connectivity to the local road network will be improved, with additional highway junctions on Squires Gate Lane and Common Edge Road, to further access the site and support its delivery. In addition access by sustainable modes of transport is a key requirement of Core Strategy Policy CS27 South Blackpool Transport and Connectivity and the requirements of this policy will need to be met in delivering the masterplan for the site. In support of the masterplan, both a Transport Assessment and Framework Travel Plan were produced in early 2019 covering all development phases. The former addresses the traffic and transport implications of the proposal, including the access arrangements, and the latter has been drafted to encourage more sustainable travel patterns to the site. The proposed internal link road will be designed to accommodate a potential bus route through the site. A commitment to enable a bus service to route via the EZ link road is necessary to improve the public transport accessibility, particularly to some of the units within the EZ that are furthest from the nearest bus stops. Walking and cycling connectivity will also be improved.</del></p> <p><b><u>3.92 A Masterplan<sup>11</sup> has been developed to provide a strategic framework and direction for the development and delivery of the EZ over its lifespan. The role of the Masterplan is to establish the development and design framework for the site including the appropriate mix, quantum and location of development; accessibility in and around the site including public transport, cycling and pedestrian connectivity; building design principles; landscaping and green infrastructure requirements which needs to include providing opportunities for biodiversity net gain. As the site evolves and develops, updated iterations of the Masterplan will be produced to ensure the Masterplan accurately reflects and supports EZ development and responds to the evolving economic climate.</u></b></p> <p><b><u>3.93 Over its 25 year lifespan the aim of the EZ is to transform the economic base of Blackpool &amp; the Fylde Coast and position itself as a premier business location in the North West. In line with EZ objectives, Policy DM8</u></b></p> |

| Ref | Policy/<br>Paragraph | Main Modification   |
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|     |                      | <p><u>highlights the target sectors which will assist in this economic growth and diversification. Other business and industrial uses will also be supported provided these uses do not undermine development related to the target sectors.</u></p> <p>3.93 <u>3.94 In addition, Policy DM8 also allows for the provision of local scale shops and services to serve the expanding EZ business community in the southeast (SE) quadrant of the site. Acceptable uses are a small convenience store, a café or sandwich shop, each unit no greater than 275 sqm gross; and a children's day nursery. Hot food takeaways (sui generis) will not be permitted, as reducing health inequalities in Blackpool, including reducing obesity is a key Council objective, and r Restricting the number of new hot food takeaways in the Borough is part of the overall policy approach by the Council to tackling <u>obesity</u> this matter and is <u>justified in</u> underpinned by the evidence base.<sup>2</sup> the 'Managing the Location of Hot Food Takeaways' evidence base document (December 2020 update).</u></p> <p>3.94 <u>The existing playing pitch facilities, which provide a valuable community resource, will be relocated further south within the site. Supported by new changing facilities, the relocated pitches will provide upgraded playing facilities including a new 3G pitch increasing the carrying capacity for sport at this location. These enhanced sporting facilities align with the health and wellbeing priorities of the Public Health Authority and key objectives in the Core Strategy.</u></p> <p>3.95 <u>To assist in the timely delivery of the EZ and to ensure that the employment benefits across the EZ are realised, around 10.3 hectares of land has been released from the Green Belt in the southeast corner of the site. This released land will enable the first phase of EZ development identified in Point 6 of DM8 to be realised by 2027, capitalising on currently available funding streams; and generating income from the employment and housing development to fund essential EZ infrastructure securing the long term financial viability of the site. The employment development will also boost the uptake of employment land in the Borough and assist in meeting the Core Strategy employment land take-up target of 2.2ha per annum. The detailed justification for the Green Belt release is set out in the Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (Feb 2022).</u></p> <p>3.95 <u>Residential development is located very close to the boundaries of the EZ to the east, north and west and has co-existed alongside the existing employment area, in particular in the north and east, for many years. Included in the business case and the subsequent masterplan and to assist the delivery of the EZ, Site Allocation HSA1.13 (up to 57</u></p> |

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|     |                      | <p>dwellings) has been identified on the eastern boundary alongside existing residential development, providing the most suitable land use at this location and continuity of residential frontage to Common Edge Road. Any additional residential development over and above this specified allocation within the EZ will also have to clearly demonstrate that it is needed to deliver the EZ priorities and objectives.</p> <p><b><u>3.96 In addition to employment development, a housing site on the eastern boundary of the EZ has been allocated allowing up to 57 dwellings in proximity to existing residential development to be developed by 2027. This housing is enabling development contributing to underpinning the financial viability of the EZ.</u></b></p> <p>3.96 A design framework incorporating landscaping and green infrastructure is required to ensure a key objective of the EZ Masterplan is realised in delivering ‘a high quality and sustainable urban environment where cutting edge architecture is complemented with healthy, safe and connected spaces to create an interesting, active and engaged place to work and do business’.</p> <p><b><u>3.97 As part of the first phase of development, a new link road and associated existing road improvements will be provided creating an eastern gateway from Common Edge Road into the EZ linking to Amy Johnston Way. This will open up access to the industrial heartland of the EZ and new development opportunities by providing access to new serviced employment plots and the housing site. The new road will also link through to the EZ Business Hub to relieve existing traffic congestion at the current single point of entry into the EZ from Squires Gate Lane<sup>12</sup> and provide the opportunity to improve public transport accessibility within and through the site.</u></b></p> <p>3.97 In developing the framework, policies DM21: Landscaping, DM25: Public Art along with Core Strategy policies CS6: Green Infrastructure, CS7: Quality of Design and CS9: Water Management in particular will need to inform the framework. These policies clearly set out the advantages to the economy in providing quality design, green infrastructure and public realm, impacting positively through enhanced built and natural environment, whilst at the same time supporting the local health and cultural wellbeing. In developing the framework sustainable urban drainage should be integral to the proposals.</p> <p><b><u>3.98 To allow the new link road, serviced employment plots and housing site to be brought forward, the existing playing pitches and changing facilities within the site at Common Edge Road, which provide a valuable community resource, will be relocated further south within the site but remaining within the Green Belt (Appendix E refers). The new relocated sporting facilities will comprise enhanced playing pitches for football and rugby</u></b></p> |

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|      |                      | <p><u>league including a new 3G football pitch as well as new and upgraded changing facilities. Accessibility to the enhanced sporting facilities within the remaining Green Belt will also be improved including upgraded pedestrian access and cycling and parking facilities. These enhanced sporting facilities and improved accessibility, along with improved green infrastructure and landscaping with biodiversity net gain within the remaining Green Belt will provide the appropriate required compensatory measures for the loss of Green Belt land within the EZ.</u></p> <p><b>3.99 The first phase of development to 2027 requires substantial supporting infrastructure. The key elements of this infrastructure are set out in the updated Infrastructure and Delivery Plan (February 2022). The infrastructure includes within the new link road, ducting capacity for a local district heating system and accommodating a major fibre optic telecommunications cable. It also includes making provision for a Local Full Fibre Network (LFFN); extending the existing gas mains network; a new primary sub-station, the diversion of the 33kva electricity cable and a series of smaller network sub-stations; a new water main and foul drainage connection and a surface water drainage system incorporating large scale drainage attenuation.</b></p> <p><sup>10</sup><sup>12</sup> ECA allows businesses to recuperate their investment in fixed plant and machinery by reductions in Corporation Tax of Euro 125 million currently available to November 2023.</p> <p><sup>11</sup> <u>Blackpool Airport Masterplan 2018 and updated Masterplan Plan 2020</u></p> <p><sup>12</sup> <u>Blackpool Airport Enterprise Zone Masterplan Plan 2020 refers</u></p> |
| MM12 | DM9                  | 1. Development proposals for lands within Blackpool Zoo as identified on the Policies Map will only be permitted if they preserve or enhance the character and appearance of the parkland setting of the Zoo grounds and of the adjoining Stanley Park Conservation area <u>and Registered Park and Garden</u> .  |
| MM13 | DM10                 | <p>1. Development proposals which further improve the appearance and economic function of the Promenade and Seafront east of the tram tracks, between the Pleasure Beach and North Pier, <u>as identified on the Policies Map</u>, will be supported where they involve:</p> <p>4. Appropriate improvements and development on the pier decks and platforms which underpin the sustainable future of the piers and which preserve <u>or enhance</u> their character <u>or appearance and result in no harm to their significance</u> will be supported <u>in principle</u>.</p>   |

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|      | New footnote         | <b><u>A landmark is a building or feature that is easily recognised and that can assist wayfinding</u></b>  |
| MM14 | 3.121                | In assessing the likely impacts of a proposal, regard will be given to the type of use, proposed opening hours, size of premises and operation and servicing. The Council will also consider whether the proposal is likely to increase or create a negative cumulative impact in the surrounding area. As such none of the specified uses in the policy will be permitted where they will be adjacent to each other; and there must be at least two units in other uses between other betting shops, adult gaming centres or pawnbrokers. In addition there can be no more than three (in total) betting shops, adult gaming centres or pawnbrokers within 400m of each other, <b><u>measured as the crow flies</u></b> .  |
|      | 3.122                | These specified uses will not be permitted in the Town Centre's primary and secondary frontages, as set out in policies DM12- <b><u>11</u></b> and DM13- <b><u>12</u></b> .   |
| MM15 | 3.149                | <p>In 2018, the Government announced ambitions to reduce obesity in children nationally by 50% by 2030, which would result in approximately 5% of reception aged children and 10% of children in year 6 having obesity nationally in 2030. In order to support the Government in its ambitions to reduce obesity in childhood and to improve the health of children in Blackpool, the Council has adopted the approach taken by other authorities in restricting new hot food takeaways in or within 400m of wards where there are 10% of reception children and 15% of children in Year 6 with obesity. <b><u>400m is approximately a 5-10 minute walk and should be measured as the most direct and safe walking route.</u></b></p> <p><b><u>Planning applications will be assessed against the most up to date childhood obesity data by ward, which is published by Public Health England, as part of the National Child Measurement Programme. Along with other Local Plan Policies and Blackpool's Public Health Strategies, the effectiveness of Policy DM16 along with the current childhood obesity levels, will be monitored through the Annual Authority Monitoring Report using the data gathered through the indicators set out in the Monitoring Framework at Appendix H.</u></b></p> |
| MM16 | DM17                 | <p>2. Development should have regard to the following characteristics of the local area:</p> <p>b. heritage assets and features <b><u>their setting</u></b>;</p>  |
| MM17 | DM18                 | 1. Proposals for new build residential and <b><u>commercial business (Class B2, B8 and E(g))</u></b> development must demonstrate how they will provide future occupiers with potential for full fibre broadband connectivity. Development proposals must therefore:  |
|      | 3.167                | In addition to the wider economic benefits of ensuring that residents and business occupiers ( <b><u>i.e. Class B2, B8 and E(g) employment uses</u></b> ) 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.  |

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| MM18 | DM19 and supporting text | <p>3.168 Local <b>Strategic</b> views of assets of particular importance such as historic or distinctive buildings <b>and landscapes</b> help to shape the identity of a place. New development should safeguard and enhance important views of <b>such</b> landmark buildings and landscapes. , particularly listed and locally listed buildings and buildings and spaces within Conservation Areas.</p> <p>3.169 In and around Blackpool Town Centre, views of historic buildings such as (but not limited to) <b>Views of</b> Blackpool Tower <b>and the seafront and coastline</b> the Winter Gardens and the Grand Theatre are particularly sensitive to changes in their setting <b>given that the Tower is the focal point of the Promenade and the seafront and coastline serves as a shop window to the resort</b>. as are new landmark buildings like Festival House and public spaces such as the Tower Festival Headland and St John's Square.</p> <p>3.170 This policy aims to enable appropriate development in locations which will enhance Blackpool's offer without detracting from <b>these</b> established strategic views.</p> <p><b>Policy DM19: Strategic Views</b></p> <ol style="list-style-type: none"> <li>1. Development should protect and enhance views of the following buildings and features of strategic importance: <ol style="list-style-type: none"> <li>a. Blackpool Tower – views from the seafront, from the piers and along main transport corridors leading into the Town Centre;</li> <li>b. along the seafront and coastline;</li> <li>c. into and within conservation areas;</li> <li>d. views of listed and locally listed buildings;</li> <li>e. views of buildings which provide a landmark and assist with wayfinding.</li> </ol> </li> <li>2. Development that has a detrimental impact on these strategic views will not be permitted.</li> </ol> <p>3.171 <b>The seafront and coastline provide the main focal point of Blackpool as a seaside resort and</b> Blackpool Tower is a nationally recognised landmark of significant historical and cultural importance that dominates Blackpool's skyline. It <b>The Tower</b> can be seen from many locations throughout the town and across the wider Fylde Coast area. Views of the Tower are particularly prominent from the seafront, from the three piers and on main transport routes leading into the Town Centre. <b>New development should be sensitively designed and located so as not to obscure or interfere with these views and take into account the predominant height of surrounding buildings.</b></p> <p>3.172 Previous, inappropriate development has damaged views of significant historic buildings in the town such as views of St John's Church in St John's Square and views of the Winter Gardens on the approach from Victoria Street.</p> |

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|      |                      | <p><b><u>3.172 New development can make a positive contribution to views of Blackpool Tower and the seafront and coastline but where development is likely to compromise these views, it will be resisted.</u></b></p> <p>3.173 The scale, mass or height of existing buildings and structures which detract from <b>a strategic view</b> an important view will not be accepted as a precedent for their redevelopment where there is an opportunity to improve the view with more sensitively scaled and massed development.</p> <p>3.174 New development which would improve and enhance strategic views will be supported, subject to other planning policy requirements.</p> |
| MM19 | DM21                 | e. where appropriate, contribute towards tree planting in the town in accordance with the <del>Greening Blackpool SPD</del> (or any subsequent update)  |
| MM20 | DM22                 | d. include <b>principal</b> signage only at fascia level, <b>or within existing areas of principal signage within existing shopfronts</b> , and in proportion to the shopfront and fascia;  |
|      | 3.212                | In order to improve the appearance of the Town Centre, District and Local Centres, the Council will seek a reduction in the size of fascia's of excessive dimensions (height, width and depth), which are out of proportion or scale with the shopfront, cover original features or are considered to have a detrimental effect on the appearance of the building or the street scene.<br><b><u>Principal (main) signage should normally comprise a fascia sign that is in proportion to the shopfront and fascia or where no fascia exists, in appropriate locations within existing shopfronts.</u></b>   |
| MM21 | 3.225                | This policy seeks to ensure that advertisements are well designed and placed and are appropriate in their setting and cause no harm to <del>residential</del> amenity or negatively impact on highway safety. <b><u>The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or as amended). This policy is set within the context of these regulations.</u></b>   |
|      | 3.235                | The Council takes a proactive approach to preserving or enhancing the townscape and public realm. Where existing advertisements with deemed consent are considered to harm <b>have substantial injury to</b> the character and amenity of a building or local area the Council will, where appropriate seek removal of these advertisements, which may include serving of discontinuance notices  |
| MM22 | DM25                 | 4. Where it is not appropriate to deliver a public art project as part of a specific development, financial contributions will be sought to make appropriate provision for public art, <b>unless it can be demonstrated that this would not be viable or feasible.</b>  |

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| MM23 | DM27                 | <p>1. Proposals within or affecting the setting of any of Blackpool's conservation areas <b>as identified on the Policies Map</b>, should <b>preserve</b> <b>conserve</b> or enhance those elements that make a positive contribution to their special character <b>and</b> <b>or</b> appearance including its setting, <b>having regard to the Council's Conservation Area Appraisals</b>, <b>as identified within the conservation area appraisal</b>.</p> <p>2. Demolition, or other unacceptable harm to the significance of a building or feature that makes a positive contribution to the significance of the Conservation Area, will only be permitted where this harm is outweighed by the public benefits of the proposal. Such proposals must be accompanied by clear details of the proposal and justify the harm in line with national policy through a heritage statement. Where a heritage statement fails to adequately explain and justify the proposal and its impact on the significance of the heritage asset <b>as a whole</b>, this may be used by the Council as grounds to justify refusal of the scheme.</p> <p>3. Proposals should:</p> <p>b. <b>Conserve Preserve</b> or enhance features making a positive contribution. In particular, design, massing and height of any building should closely relate to adjacent buildings and should not have an unacceptable impact on townscape and landscape;</p> |
| MM24 | DM29                 | <p>1. Development proposals within or affecting the setting of Stanley Park, <b>as identified on the Policies Map</b>, should:</p>  |
| MM25 | DM30                 | <p>1. Development which would result in harm to or loss of the significance of archaeological sites including <b>a</b> scheduled monument (<b>or a site of national significance</b>), will not be permitted unless it can be clearly demonstrated that the public benefits which cannot be met in any other way would clearly outweigh the harm.'</p>  |
|      | Paragraph 3.278      | <p>Where it can be demonstrated that the substantial public benefits of any proposals outweigh the harm to a non-designated archaeological site <b>scheduled monument (or site of national significance)</b>, consideration will be given to the significance of remains and measure sought to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. Where this is not justified, the developer will be required to:</p> <p>a) make adequate provision for excavation and recording before and / or during development</p> <p>b) demonstrate how the public understanding <math>\leftrightarrow</math> <b>and</b> appreciation of the site can be improved.</p>  |
| MM26 | DM31                 | <p>2. On greenfield sites applicants will be required to demonstrate that the current natural discharge rate is replicated as a minimum. <b>The starting point for this will be a maximum greenfield run-off rate for greenfield sites.</b></p> <p>3. On previously developed sites applicants should target a reduction from pre-existing discharges of surface water to a target of greenfield rates and volumes so far as reasonably practicable, <b>with a starting point of a minimum of a 30%</b></p>   |

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|      |                      | <u>reduction in run-off rates</u> . In critical drainage areas the greenfield standard will be expected, <u>with a minimum of a 50% reduction in run-off rates</u> .  |
| MM27 | DM32                 | d. the <u>proposal would not lead to an adverse</u> impact on any heritage asset and their setting, including strategic views; <u>has been assessed</u> ;<br><br>g. all <u>assessments of</u> impacts on air traffic safety, radar and communications <u>have been assessed and consulted upon consultation</u> with the appropriate bodies <u>have not identified any adverse impacts</u> ;  |
| MM28 | DM33                 | Development proposals will be supported which secure further improvements to bathing water quality or flood protection. Development proposals that would adversely affect the appearance, integrity or environmental quality of the beach and foreshore will be resisted. <u>The Coast and Foreshore is identified on the Policies Map.</u>   |
|      | 3.311                | <b><u>The North West Marine Plan extends from the mean high water springs to the territorial limit</u></b> At its landward extent, a marine plan will apply up to the mean high water mark. Marine plans are being developed on a rolling programme. The North West Marine Plan, which includes Blackpool, is currently being prepared and will be delivered by 2021, with a 20 year view of activities. Each plan will be monitored with three yearly reviews. <u>Planning applications within the Coast and Foreshore designation will also need to be considered against the North West Inshore Marine Plan. All authorisation and enforcement decisions must be made in accordance with the marine plan, and all decisions which are capable of affecting the marine area must have regard to the marine plan.</u>  |
| MM29 | DM35                 | 1. Development proposals will be required to:<br><br>a. result in no loss or harm to biodiversity through avoidance, adequate mitigation <u>either on site or off site</u> or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;<br><br>b. minimise the impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancement and habitat creation where opportunities exist <u>in line with relevant legislation and guidance</u> .<br><br>SSSIs<br><br>2. Development will not be permitted in or adjacent to a Site of Special Scientific Interest where it would adversely affect, directly or indirectly, its wildlife and nature conservation importance. <u>The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.</u> |

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|      |   | <p>Protected Species</p> <p>4. Development will not be permitted if <u>after mitigation or compensation</u> 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.</p> <p><b>Agricultural Land</b></p> <p><b>5. Development which is likely to lead to the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) will not be permitted unless supported by other policies in the plan or it is demonstrated that the loss is outweighed by other planning considerations.</b></p> |
|      | 3.320   | The Environment Bill 2019 introduced the concept of Biodiversity Net Gain, which relates to the protection, preservation and enhancement of habitats. Developers will be required to consider the increase to existing biodiversity in respect of any new development <u>in line with the relevant Biodiversity Net Gain legislation and guidance</u> .  |
|      | Additional sub-heading and text after paragraph 3.331 | <p><b>Agricultural Land</b></p> <p><b>Although Blackpool Borough is largely built up and urban in nature, there are some small areas of agricultural land (classed as the best and most versatile agricultural land) to the east of the Borough towards Staining and across the Marton Moss area. It is important that the loss of this best and most versatile agricultural land is minimised.</b></p>  |
| MM30 | DM36  | <p>1. Development will be permitted where in isolation or in conjunction with other planned or committed developments it can be demonstrated that the development:</p> <p>a. Will be compatible with adjacent existing uses and would not lead to significant <u>unacceptable</u> adverse effects on health, amenity, safety and the operation of surrounding uses and for occupants, or users of the development itself <u>or designated sites of importance for biodiversity</u>, 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;</p>   |

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|      |                           | <p>c. Will not give rise to a deterioration of air quality in <del>a the</del> defined Air Quality Management Area <u>in Blackpool Town Centre</u> or result in the declaration of a new AQMA. Where appropriate an air quality impact assessment will be required to support development proposals;</p> <p>e. Will not <del>cause pose a any</del> risk of pollution <u>to controlled waters (surface or ground water) and will, where required, include mitigation and/or remediation to prevent any unacceptable levels of water pollution.</u><br/> <del>to surface or ground water and mitigation will be required to prevent any harm where necessary.</del></p>  |
|      | Paragraph 3.336           | <p>In considering planning applications for developments and uses that would have a potentially adverse impact on their surroundings, the Council will seek to control the location of such activities and land uses and restrict their development in close proximity to residential, educational, institutional, recreational and other environmentally sensitive areas <u>such as designated sites of importance for biodiversity</u>. Where necessary the Council will require measures to be undertaken to mitigate any unacceptable effects of development. These measures might include remediating contaminated land, screening, landscaping, sound insulation or changing the layout of the site. <u>In certain circumstances the Council would expect an Air Quality Impact Assessment to accompany a planning application, which would identify any impacts on air quality and mitigation, as set out in national guidance. Whilst there isn't a definitive guide to when such an impact would be required, this would typically be where a development is in an area where air quality is known to be of concern; and/or if the development would be likely to give rise to a negative impact on air quality. The requirement for an impact assessment should be agreed with the Council prior to the submission of an application.</u></p> |
|      | New paragraph after 3.336 | <u>At the time of adoption there is one Air Quality Management Area declared in Blackpool Town Centre. This is located in the north of Blackpool Town Centre in the area around Talbot Road and Dickson Road (see Appendix F for map)</u>   |
| MM31 | New paragraph after 3.340 | <u>The loss of a community facility will only be supported when the applicant has submitted evidence to demonstrate that there is no longer a need for the facility in its current use or as an alternative community use. The evidence required will depend on the nature of the community use and this must be agreed with the Council prior to the submission of an application. The scope of evidence required will be determined by the nature of the use, but will generally look at how community needs are being met elsewhere, how long the property has been vacant, how long it has been marketed for and the economic viability of the community use.</u>   |
| MM32 | DM38                      | 1. Planning permission will not be granted for development that would result in the loss of existing allotments and community gardens, <u>as identified on the Policies Map</u> , unless:   |
| MM33 | DM41                      | 2. Transport Assessments and Travel Plans will be required in accordance with <u>having regard to</u> the thresholds set out in Appendix <u>G2 D2</u> .   |

| Ref  | Policy/<br>Paragraph                | Main Modification  |  |                     |
|--|-------------------------------------|--|--|---------------------|
|  | 3.365                               | The thresholds for Transport Assessments and Travel Plans are set out in Appendix <u>G2 D2 which provides guidance for when these are required. In certain circumstances flexibility around these thresholds can be considered on a case-by-case basis.</u> Transport Statements will be required if below the Transport Assessment threshold, but above 500m <sup>2</sup> gross floor area. For both, the latest Planning Practice Guidance should be used and the scope should be agreed with the Local Highway Authority. All proposals over 500m <sup>2</sup> gross floor area, or with ten or more residential units, will be expected to demonstrate through a Transport Assessment or Transport Statement how accessibility by walking, cycling and public transport can be enhanced to improve the accessibility and connectivity or address concerns in some other manner, for example by financially supporting a local bus service. |  |                     |
| MM34   | New paragraph after 3.368           | <u>Safeguarded areas for Warton Aerodrome are determined in accordance with The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Storage Areas) Direction 2002 (as updated). The relevant safeguarding areas for Warton Aerodrome (also located in Fylde Borough), are identified by the Ministry of Defence (MOD). The safeguarded area reflects the need to restrict the height of built development in wider zones, including in Blackpool, in order to ensure safety for both aircraft crew and people on the ground. It also reflects the need to prevent interference to communication systems.</u>   |  |                     |
|  | DM42                                | The Blackpool Airport Authority <u>and the Ministry of Defence (MOD)</u> will be consulted on all development proposals <u>as appropriate</u> within the aerodrome safeguarding area/zones shown on the Policies Map <u>to ensure there is no adverse impact on airport safety at Blackpool Airport or Warton Aerodrome.</u>   |  |                     |
|  | New paragraph after 3.369           | <u>The MOD statutory aerodrome safeguarding zones surrounding Warton Aerodrome, which extend across parts of Blackpool, are shown on the Policies Map. The aerodrome height consultation zone protects the aerodrome's outer horizontal obstacle limitation surface and requires that the MOD is consulted upon applications for development that are 91.4m or greater in height. In addition to this, a significant area of Blackpool is covered by the statutory birdstrike safeguarding consultation zone. Within this the MOD should be consulted upon applications for waste management sites, the creation of water bodies, quarry restorations or other forms of development that would entail the creation of habitat that could be attractive to large or flocking birds hazardous to air traffic.</u>  |  |                     |
| Schedule 1                                   |                                     |  |  |                     |
| MM35   | HSA1.1 Former Mariners Public House | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px; width: 30%;">Number of dwellings expected to be delivered</td><td style="padding: 5px; width: 70%; text-align: center;"><u>35</u> <u>34</u></td></tr> </table>  | Number of dwellings expected to be delivered | <u>35</u> <u>34</u> |
| Number of dwellings expected to be delivered | <u>35</u> <u>34</u>                 |  |  |                     |
| MM36   | HSA1.2                              | <ul style="list-style-type: none"> <li>• Part of the eastern section of the site is identified as playing fields (albeit a lapsed site) that was associated with the previous school use. Further information can be found in the Playing Pitch Strategy (PPS) Update Draft – December</li> </ul>  |  |                     |

| Ref  | Policy/<br>Paragraph                               | Main Modification   |  |                |
|--|--|---|--|----------------|
|  |  | <p>2020. Mitigation through a Section 106 agreement will be required. The monies to be invested informed by the draft PPS and Action Plan.</p> <p><b><u>Consideration of paragraph 99 of the NPPF and Sport England's Playing Field Policy Exception E4 is required to secure appropriate mitigation, informed by the Council's adopted Playing Pitch Strategy when the site comes forward through the planning process.</u></b></p>  |  |                |
| MM37   | HSA1.4   | <p>Key Development Considerations</p> <p>Additional bullet point:</p> <ul style="list-style-type: none"> <li>• <b><u>The development of the site is required to maintain access to the rear of the properties on Warley Road (nos. 307 – 339)</u></b></li> </ul>  |  |                |
| MM38   | HSA1.5   | <table border="1" data-bbox="601 620 1185 716"> <tr> <td data-bbox="601 620 893 716">Number of dwellings expected to be delivered</td><td data-bbox="893 620 1185 716">160 <u>131</u></td></tr> </table> <ul style="list-style-type: none"> <li>• Part of the site is identified as playing fields (albeit a lapsed site) that was associated with a previous school use. It has not had formal pitch marking for over 18 years. Further information can be found in the Playing Pitch Strategy (PPS) Update Draft (December) 2020. Mitigation through a Section 106 agreement will be required. The monies to be invested informed by the draft PPS and Action Plan. <b><u>Consideration of paragraph 99 of the NPPF and Sport England's Playing Field Policy Exception E4 is required to secure appropriate mitigation, informed by the Council's adopted Playing Pitch Strategy when the site comes forward through the planning process.</u></b></li> </ul> | Number of dwellings expected to be delivered | 160 <u>131</u> |
| Number of dwellings expected to be delivered | 160 <u>131</u>                                     |   |  |                |
| MM39   | HSA1.6   | <table border="1" data-bbox="601 1002 1185 1097"> <tr> <td data-bbox="601 1002 893 1097">Number of dwellings expected to be delivered</td><td data-bbox="893 1002 1185 1097">14 <u>8</u></td></tr> </table>   | Number of dwellings expected to be delivered | 14 <u>8</u>    |
| Number of dwellings expected to be delivered | 14 <u>8</u>  |   |  |                |
| MM40   | HSA1.7<br>Bullet 4: Key Development Considerations | <p>The development of the site should be carried out <b><u>in accordance with the heritage impact assessment which includes</u></b> to an appropriate height and design to enhance those views.</p>   |  |                |
| MM41   | HSA1.9   | <p>Housing Delivery:</p>  |  |                |

| Ref  | Policy/<br>Paragraph                                   | Main Modification  |
|------|--|--|
|      |  | The site is owned by the local authority. It is a small site where properties have been cleared <u>currently in use as a car park</u> and the site is considered developable over the plan period.   |
| MM42 | HSA1.9   | <p>Key Development Considerations:</p> <ul style="list-style-type: none"> <li>This is a cleared brownfield site <u>currently used as a car park</u></li> </ul>   |
| MM43 | HSA1.13 Land at Jepson Way/Common Edge Road, Blackpool | <ul style="list-style-type: none"> <li>The site currently has designations including protected playing fields and public open space. The playing fields and football club will be relocated to the south as identified in the Enterprise Zone masterplan. The re-provision of sporting facilities is detailed in the Playing Pitch Strategy (PPS) Update Draft (December) 2020. <u>Consideration of paragraph 99 of the NPPF and Sport England's Playing Field Policy Exception E4 is required to secure appropriate mitigation for the existing playing field land informed by the Council's adopted Playing Pitch Strategy.</u></li> </ul> |

| Appendices   |   |   |                                       |
|--|---|---|---------------------------------------|
| Ref  | Main Modification   | Superseded by<br>adopted Core Strategy<br>Policy          | Superseded by<br>SADMP Policy         |
| MM44   | New Appendix A: Replacement of Saved Blackpool Local Plan Policies                        |   |                                       |
| <b>Appendix A - Replacement of Saved Blackpool Local Plan Policies</b> |   |   |                                       |
|  | <b>2006 Saved Local Plan Policy</b>   | <b>Superseded by<br/>adopted Core Strategy<br/>Policy</b> | <b>Superseded by<br/>SADMP Policy</b> |
| <b>Reshaping the Resort</b>  |   |   |                                       |
| RR1  | Visitor Attractions   | CS21  | DM10                                  |
| RR2  | Visitor Accommodation   | CS21, CS23  |                                       |
| RR4  | Amusement Arcades and Funfairs  | CS21  | DM10                                  |
| RR7  | Promenade Frontages within the Resort Core  | CS17, CS21, CS23  |                                       |
| RR8  | Resort Neighbourhoods   | CS12, CS23  |                                       |
| RR9  | Resort Neighbourhoods - Development Proposals Involving the Loss of Holiday Accommodation | CS12, CS23  |                                       |

|  |  |            |                 |
|--|--|------------|-----------------|
| RR10   | Resort Neighbourhoods - Change of Use to Holiday Accommodation             | CS12, CS23 |                 |
| RR11   | Central Promenade and Seafront   |            | DM10            |
| RR12   | Other Promenade Areas  |            | DM10            |
| RR13   | Central Corridor   | CS5, CS22  |                 |
| RR14   | Lytham Road/Bloomfield Road, Chapel Street, Central Drive and Dickson Road | CS5, CS22  |                 |
| RR15   | Blackpool Zoo  |            | DM9             |
| RR16   | Norbreck Castle  | CS23       |                 |
| <b>Establishing a Thriving Sub-Regional Centre</b> |  |            |                 |
| SR1  | Hounds Hill  | Deleted    |                 |
| SR2  | Winter Gardens   | CS18       |                 |
| SR3  | Blackpool North Transport Development Area                                 | CS19       |                 |
| SR3A   | New Car Park   | Deleted    |                 |
| SR4  | Cookson Street/King Street   | Deleted    |                 |
| SR5  | Principal Retail Core  | CS4        | DM11            |
| SR6  | Retail/Cafe Zone   | CS4        | DM12            |
| SR7  | Mixed Use Zone   | CS4        |                 |
| SR8  | Leisure Zone   | CS4        | DM10            |
| SR9  | Use of Upper Floors  | CS4        | DM6, DM11, DM12 |
| SR10   | Town Centre Traffic Distribution and Access to Car Parking                 | CS5        | DM41            |
| SR11   | Pedestrian, Cyclist and Public Transport Priority                          | CS5        | DM41            |
| <b>Lifting Quality in the Built Environment</b>    |  |            |                 |
| LQ1  | Lifting the Quality of Design  | CS7        | DM1, DM17       |
| LQ2  | Site Context   | CS7        | DM1, DM17       |
| LQ3  | Layout of Streets and Spaces   |            | DM17            |
| LQ4  | Building Design  |            | DM17            |
| LQ5  | Public Realm Design  |            | DM17            |
| LQ6  | Landscape Design and Biodiversity  |            | DM21, DM35      |
| LQ7  | Strategic Views  |            | DM19            |
| LQ8  | Energy and Resource Conservation   | CS10       |                 |

|   |   |           |           |
|---|---|-----------|-----------|
| LQ9                                     | Listed Buildings                                      |           | DM26      |
| LQ10                                    | Conservation Areas                                    |           | DM27      |
| LQ11                                    | Shopfronts  |           | DM22      |
| LQ12                                    | Security Shutters                                     |           | DM23      |
| LQ13                                    | Advertisements and Signs                              |           | DM24      |
| LQ14                                    | Extensions and Alterations                            |           | DM20      |
| LQ15                                    | Telecommunications Development                        | Deleted   |           |
| <b>Homes for Every Need</b>             |   |           |           |
| HN2                                     | New Housing Allocations                               | CS2, CS25 | HSA1      |
| HN3                                     | Phasing   | CS2       |           |
| HN4                                     | Windfall Sites  | CS2       |           |
| HN5                                     | Conversions and Sub-divisions                         |           | DM5       |
| HN6                                     | Housing Mix   | CS13      |           |
| HN7                                     | Density   | CS13      |           |
| HN8                                     | Affordable and Specialist Needs Housing               | CS14      |           |
| HN9                                     | Gypsies and Travelling Showmen                        | CS16      |           |
| <b>Balanced and Healthy Communities</b> |   |           |           |
| BH1                                     | Neighbourhoods  | CS12      |           |
| BH2                                     | Talbot and Brunswick Priority Neighbourhood           | CS12      |           |
| BH3                                     | Residential and Visitor Amenity                       | CS7       |           |
| BH4                                     | Public Health and Safety                              |           | DM36      |
| BH5                                     | Protection of Public Open Space                       | CS6       |           |
| BH6                                     | New Open Space Provision                              | CS6       |           |
| BH7                                     | Playing Fields and Sports Grounds                     | CS6       |           |
| BH8                                     | Open Land Meeting Community and Recreational<br>Needs | CS6       |           |
| BH9                                     | Allotments  |           | DM38      |
| BH10                                    | Open Space in New Housing Developments                |           | DM1, DM21 |
| BH11                                    | Shopping and Supporting Uses - Overall Approach       | CS4       |           |
| BH12                                    | Retail Development and Supporting Town Centre Uses    | CS4       |           |
| BH13                                    | District Centres                                      |           | DM14      |
| BH14                                    | Local Centres   |           | DM14      |

|  |  |                  |            |
|--|--|------------------|------------|
| BH15   | Change of Use of Premise Outside the Defined Centres                         | CS4              |            |
| BH16   | Shopping Development Outside Existing Frontages                              | CS4              |            |
| BH17   | Restaurants, Cafes, Public Houses, Hot Food Take-Aways                       | CS4              | DM14, DM16 |
| BH18   | Amusement Centres  |                  | DM13       |
| BH19   | Neighbourhood Community Facilities   |                  | DM37       |
| BH20   | Provision of New Community Facilities  | CS11, CS12, CS15 | DM37       |
| BH21   | Protection of Community Facilities   |                  | DM37       |
| BH22   | Victoria Hospital  |                  | DM39       |
| BH23   | Blackpool and Fylde College  |                  | DM40       |
| BH24   | Residential Institutions and Community Care<br>Residential Use               |                  | DM3        |
| <b>Diversifying the Local Economy</b>          |  |                  |            |
| DE1  | Industrial and Business Land Provision                                       | CS3, CS24        | DM7, DM8   |
| DE2  | Industrial Improvement Zones   | Deleted          |            |
| DE3  | Mixed Use Industrial Zones   | Deleted          |            |
| DE4  | Outside the Defined Industrial/Business Estates                              | Deleted          |            |
| <b>Conserving the Natural Environment</b>      |  |                  |            |
| NE1  | Development within Green Belt  | CS6              |            |
| NE2  | Countryside Areas  |                  | DM34       |
| NE3  | Replacement Dwellings and Extensions in the Countryside                      |                  | DM34       |
| NE4  | SSSIs  |                  | DM35       |
| NE5  | Other Sites of Nature Conservation Value                                     |                  | DM35       |
| NE6  | Protected Species  |                  | DM35       |
| NE7  | Sites and Features of Landscape, Nature Conservation and Environmental Value |                  | DM35       |
| NE8  | Urban Greenspace   | CS6              |            |
| NE9  | The Coast and Foreshore  |                  | DM33       |
| NE10   | Flood Risk   | CS9              | DM31       |
| <b>Accessibility and Safe Journeys for All</b> |  |                  |            |
| AS1  | General Development Requirements   |                  | DM41       |

|                             |   |         |      |
|-----------------------------|---|---------|------|
| AS2                         | New Development with Significant Transport Implications |         | DM41 |
| AS3                         | Provision for Walking and Cycling                       |         | DM41 |
| AS4                         | Provision for Public Transport                          | CS5     | DM41 |
| AS5                         | Traffic Management                                      |         | DM41 |
| AS6                         | Road Schemes  | Deleted |      |
| AS7                         | Aerodrome Safeguarding                                  |         | DM42 |
| <b>Planning Obligations</b> |   |         |      |
| PO1                         | Planning Obligations                                    | CS11    |      |

| Ref  | Main Modification  |
|------|--|
| MM45 | Appendix G: Monitoring Framework (was Appendix E) - New indicators to monitor DM16: Hot Food Takeaways |

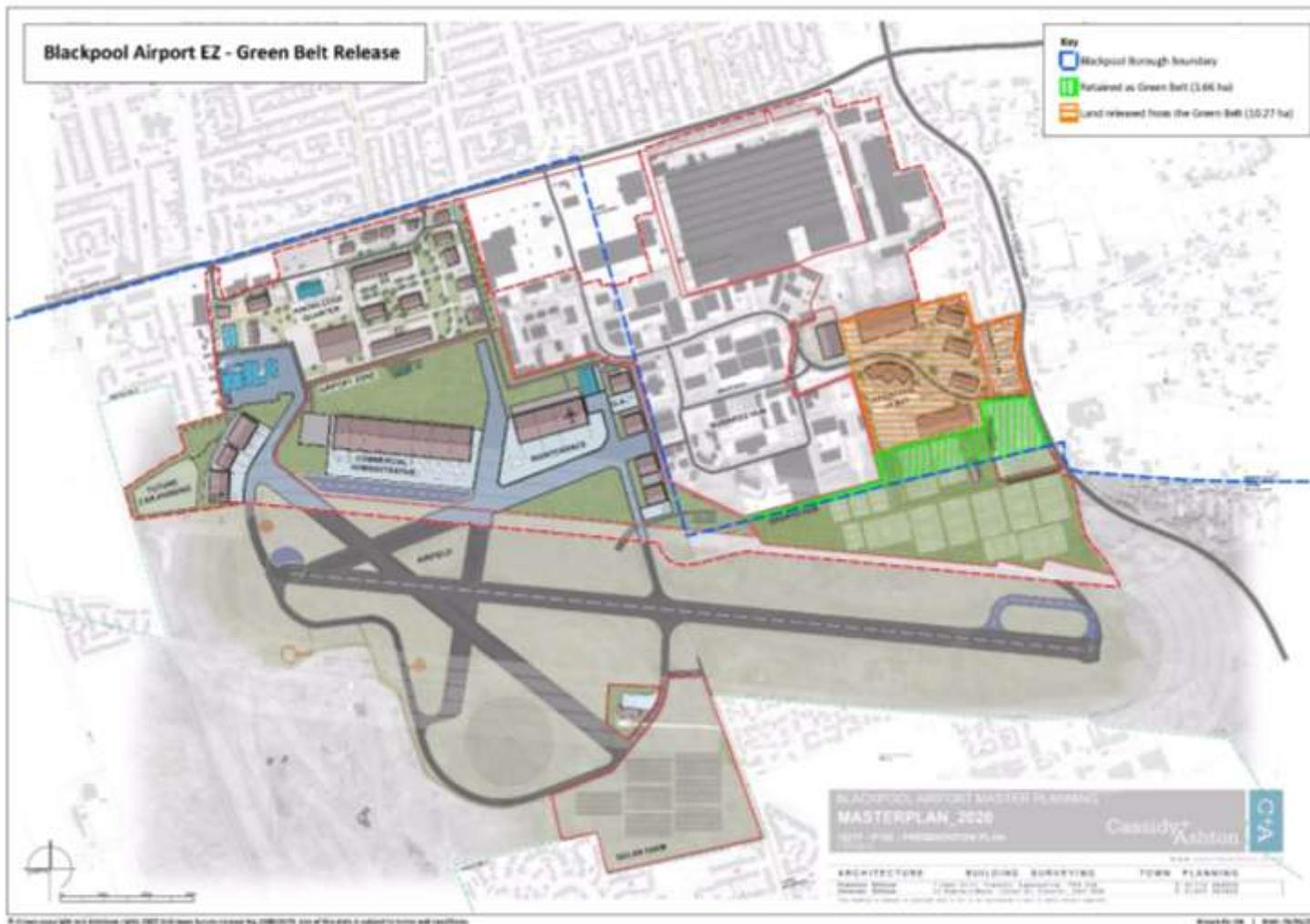
| Core Strategy Policy                   | Objective | Related DM Policies                | Monitoring  |  |  |   | Implementation  |  |
|--|-----------|------------------------------------|---|--|--|---|---|--|
|  |           |                                    | Indicator   | Target / Policy Outcome  | Potential Risk   | Contingency   | Implementation / Delivery Mechanism   | Key Delivery Partners  |
| CS4: Retail and Other Town Centre Uses | 3, 8, 15  | DM11, DM12, DM13, DM14, DM15, DM16 | <p>Amount (sqm) of completed retail development (A1 use class) and percentages completed in the defined Town Centre, District Centres, and Local Centres</p> <p>Amount (sqm) of completed other town centre uses* (by use class) and percentages completed in the defined Town Centre, District Centres, and Local Centres</p> <p>Amount (sqm) of retail and other town centre use development completed in out-of-centre<sup>1</sup> locations</p> <p>Position of Blackpool Town Centre in the National (UK) retail rankings (linked to the number of national multiple retailers)</p> <p>Composition of units/ floorspace in the town centre (convenience/comparison/sevice).</p> | <p>Focus new major retail development in Blackpool Town Centre. Support retail / other town centre uses (as appropriate) in the Town, District and Local Centres</p> <p>Support other town centre uses (where appropriate to the scale, role and function of the centre) in Town, District and Local Centres</p> <p>Focus new major retail development in Blackpool Town Centre</p> <p>Positive movement in the retail rankings /increase the number of higher end national multiple retailers</p> <p>Allow for new comparison goods floorspace of up to 16,390 sqm to 2021.</p> | <ul style="list-style-type: none"> <li>•Further downturn in the economy may make new investment difficult to secure</li> <li>•Limited availability of suitable sites or units to accommodate future requirements</li> <li>•Pressure for out-of-centre development</li> <li>•Expenditure captured by competing destinations (including out-of-centre) and online shopping</li> <li>•Loss of retail space due to new regulations allowing more flexible PD rights</li> </ul> | <ul style="list-style-type: none"> <li>•Work closer with key partners</li> <li>•Analyse cause of vacancies and identify measures to reduce the proportion of vacancies</li> <li>•In consultation with agents review the supply and demand for retail space and other uses in the Town Centre, District and Local Centres</li> <li>•Consider a review of the Blackpool Town Centre Strategy</li> <li>•Consider a review of policy</li> </ul> | <ul style="list-style-type: none"> <li>•Site Allocations and Development Management document</li> <li>•Blackpool Town Centre Strategy (2013)</li> <li>•Individual planning applications and development management process</li> <li>•Developer Contributions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Town Team</li> <li>▪ Blackpool Town Centre Business Improvement District (BID)</li> <li>▪ Town Centre Steering Group</li> <li>▪ Commercial Developers/ Agents</li> <li>▪ Property Landlords</li> <li>▪ Retailers and occupiers of units</li> <li>▪ Public Health Blackpool and the National Child Measurement Programme</li> </ul> |

<sup>1</sup> As stated in the NPPF, main town centre uses refer to "retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities (not intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)" (page 53).

<sup>2</sup> As stated in the NPPF, "unless they are identified as centres (local form, existing out-of-centre developments, surrounding or including main town centre uses, do not constitute town centres" (page 57).

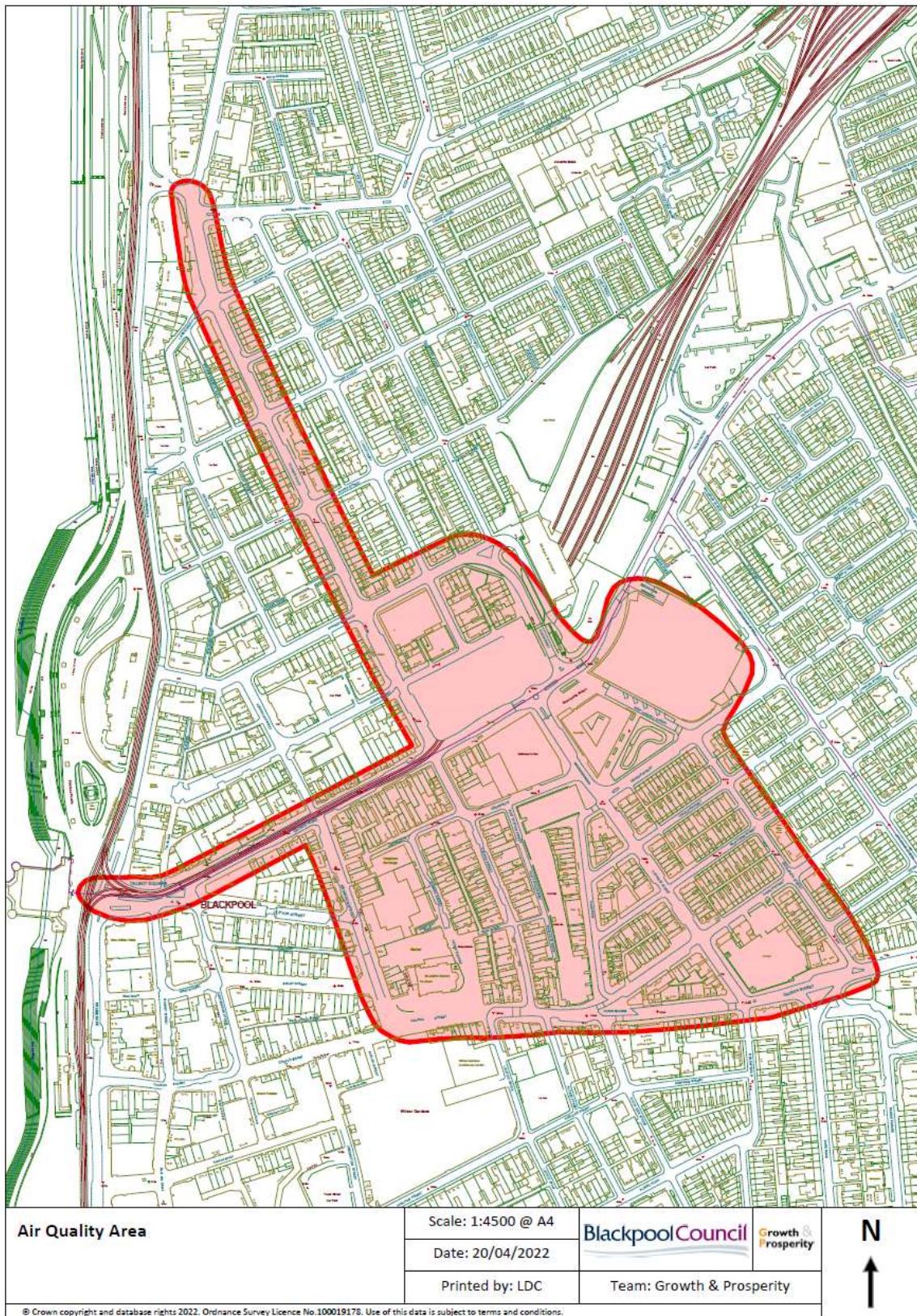
| Ref  | Main Modification                      |
|------|--|
| MM46 | New Appendix E: Green Belt Release Map |

### Appendix E: Blackpool Airport Enterprise Zone Green Belt Release Map



| Ref  | Main Modification                                  |
|------|--|
| MM47 | New Appendix F: Map of Air Quality Management Area |

## Appendix F: Air Quality Management Area





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## Blackpool Local Plan Part 2

### Schedule of Proposed Additional (Minor) Modifications

July 2022

Page 303



**Blackpool Council**

## Introduction

This Schedule sets out a number of changes to the [Blackpool Local Plan Part 2: Site Allocation and Development Management Policies Publication Version \(Proposed Submission\) Regulation 19 – January 2021 \(SD001\)](#). These changes are considered to be minor in nature and do not materially affect any of the Local Plan's policies or interpretation of them. They are additional modifications for the Council to make on adoption of the Local Plan and will not be considered by the Inspector.

However, these are changes that the Council has identified as being necessary. Therefore, any comments relating to them can be provided for the Council's attention using the unique 'AdMod Ref'.

This Schedule should be read alongside the Schedule of Proposed Main Modifications, Schedule of Proposed Changes to the Publication Policies Map and the SA and HRA Addendums. The deadline for making comments on this document is Wednesday 7<sup>th</sup> September at 5pm.

| Additional Modification Reference | Section       | Policy/Paragraph No. | <b>Proposed Changes</b><br><u>Strikethrough</u> - deleted text<br><u><b>Bold Underline</b></u> - New or amended text  |
|-----------------------------------|---------------|----------------------|---|
| AdMod01                           | Contents Page | List of Appendices   | <p>Schedule 1: Housing Allocations without Planning Permission</p> <p><b><u>Appendix A: Replacement of Saved Blackpool Local Plan Policies</u></b></p> <p>Appendix <u>B</u>: Evidence Base List</p> <p>Appendix <u>C</u>: Mixed Use Site Information</p> <p>Appendix <u>D</u>: Allotment Site Allocation Information</p> <p><b><u>Appendix E: Blackpool Airport Enterprise Zone Green Belt Release Map</u></b></p> <p><b><u>Appendix F: Air Quality Management Area Map</u></b></p> <p>Appendix <u>G1</u>: Parking Standards</p> <p>Appendix <u>G2</u>: Transport Assessment (TA) and Travel Plan (TP) Thresholds</p> <p>Appendix <u>G3</u>: Residential Development Accessibility Questionnaire</p> <p>Appendix <u>G4</u>: Non-Residential Development Accessibility Questionnaire</p> <p>Appendix <u>H</u>: Monitoring and Implementation Framework</p>   |
| AdMod02                           | Introduction  | 1.6-1.8              | <p>We consulted on the Regulation 18 Scoping Document during Summer 2017 setting out the list of policies that we suggested should be included in the Local Plan Part 2. We then consulted on an Informal Paper during January and February 2019 which set out proposed site allocations, designations and development management policies. All the representations received to the consultations, along with our response to the issues raised, can be found in the <a href="#">Consultation Statement</a> [opens a new window].</p> <p><b>This Publication Document (Regulation 19) (Proposed Submission) has been informed by previous consultation as well as up-to-date evidence and policy guidance. It is the version of the Local Plan Part 2 that the Council will seek to adopt, and therefore policies will be given weight in decision-taking in accordance with Paragraph 48 of NPPF 2019. It represents the final consultation stage in the document's preparation.</b></p> |

| Additional Modification Reference | Section      | Policy/Paragraph No. | <b>Proposed Changes</b><br><u>Strikethrough</u> - deleted text<br><u>Bold Underline</u> - New or amended text   |
|-----------------------------------|--------------|----------------------|---|
|                                   |              |                      | <p>After considering the comments received to this consultation, we will then submit Part 2 and supporting documents to the Secretary of State for the Examination in Public (subject to any major issues), which will be chaired by an independently appointed Inspector. The Inspector's report will inform the final Local Plan Part 2 document which we expect to adopt in 2021. Figure 2 highlights the key stages in the document's preparation.</p> <p><b><u>There were a number of stages we had to follow in preparing the Local Plan Part 2 (Figure 2). Each stage presented an opportunity for the community and other stakeholders to be involved in the local plan process.</u></b></p> <p>*Figure 2 to be updated accordingly</p> |
| AdMod03                           | Introduction | 1.9-1.14             | Text deleted  |
| AdMod04                           | Introduction | 1.15                 | The Local Plan Evidence Base helps us to develop a detailed understanding of key issues and characteristics of Blackpool and the Fylde Coast, and is used to inform and justify the policies in the plan. Additional evidence base has been developed to support the allocations and development management policies set out in the Local Plan Part 2. These documents along with other supporting documents are listed at Appendix <b><u>B</u></b> A and can be found at evidence base [opens a new window].....   |
| AdMod05                           | Introduction | 1.16                 | This Publication Document <b><u>The Local Plan Part 2</u></b> has been subject to a Sustainability Appraisal (SA) by external consultants Arcadis, to ensure we meet the requirements of the plan making process. This SA process has been continuous commencing with the production of a SA Scoping Document back in 2017, and <u>including includes</u> SA of the Informal Consultation Paper (January 2019), <b><u>SA of the Publication Version (April 2021), and Main Modifications SA Addendum (July 2022)</u></b> .  |

| Additional Modification Reference | Section   | Policy/Paragraph No. | <b>Proposed Changes</b><br><u>Strikethrough</u> - deleted text<br><u>Bold Underline</u> - New or amended text   |
|-----------------------------------|---|----------------------|---|
| AdMod06                           | Introduction  | 1.17                 | <p>Arcadis also undertook the Habitats Regulation Assessment which is required by law to protect European Sites of Biological Importance in the region. The latest HRA <u>Screening Report (November 2020 May 2021) and subsequent addendum (July 2022)</u> has have been produced for the Publication document <u>Local Plan Part 2</u> and required no further modifications to the Local Plan Part 2 <u>concluded that none of the policies or associated allocation sites were considered to have a likely significant effect on any of the European sites.</u></p> |
| AdMod07                           | Introduction  | 1.22                 | <p>The Monitoring and Implementation Framework set out in Appendix E of the Core Strategy has been updated to include links to relevant Development Management Policies and can now be found in Appendix <u>H E</u> of this document.....</p>   |
| AdMod08                           | Policy MUSA1: Town Centre Mixed Use Site            | 2.13                 | <p>The former Syndicate site located on Church Street is identified as a mixed use site on the Policies Map. It is a 0.24 ha site for ground floor convenience retail with a multi-storey car park above. The site is currently in council ownership. <u>Further detail on the site allocation can be found at Appendix C.</u></p>  |
| AdMod09                           | Policy ASA1: Allotment Site                         | 2.18                 | <p>The proposed site forms part of the Warren Drive/Deerhurst Road Natural and Semi-natural greenspace category in the OSA. The quality assessment carried out as part of the OSA scores the site as poor in terms of various factors such as signage, entrances, access for all abilities, car parking, cycling provision, facilities and activities, clear sightline, shelter and lighting. The allocation will have little effect on the open character of the wider area. <u>Further detail on the site allocation can be found at Appendix D.</u></p>              |
| AdMod10                           | Development Management Policies – Introductory text | 3.1                  | <p>The Development Management policies in this section provide a more detailed policy context for the consideration of development proposals, as well as setting out standards and principles against which planning applications can be assessed. These policies will help to deliver the vision and objectives of the Local Plan Part 1: Core Strategy and</p>  |

| Additional Modification Reference | Section  | Policy/Paragraph No. | <b>Proposed Changes</b><br><u>Strikethrough</u> - deleted text<br><u>Bold Underline</u> - New or amended text   |
|-----------------------------------|--|----------------------|---|
|                                   |  |                      | conform to the strategic policies in the Core Strategy, in many instances, strengthening and elaborating on them to provide for their practical application. The links between the strategic policies and the development management policies are shown in the Monitoring and Implementation Framework at Appendix <u>H E</u> .   |
| AdMod11                           | Design Requirements for New Housing Development                              | 3.19                 | 3.19 Wall-mounted meter boxes in prominent positions will not be acceptable. Their obtrusive appearance is often made worse by associated pipes and cables and the inevitable loss, over time of the meter box doors. Meter boxes should be sunk into the ground - taking them out of sight or placed in visually secluded places. Electric Vehicle charging facilities should be provided in garages, car ports or on side elevations of properties with driveways. However, it is acknowledged that Electric Vehicle charging infrastructure may, in some cases need to be located on the front elevation (on a mid-terraced house for example). DM41 and Appendix <u>G1 D1</u> set out Electric Vehicle charging requirements in new developments, including changes of use. |
| AdMod12                           | DM13: Betting Shops, Adult Gaming Centres and Pawnbrokers in the Town Centre | Header               | <u>Amusement Centres, Betting Shops and Pawnbrokers in the Town Centre</u><br><u>Betting Shops, Adult Gaming Centres and Pawnbrokers in the Town Centre</u>   |
| AdMod13                           | DM17: Design Principles  | 3.162                | The quality and type of materials used in new development can make a significant difference to the appearance and quality of a building and whether it enhances or detracts from the character of an area. Materials should be carefully selected to ensure they are both fit for purpose in a harsh marine climate, particularly in areas close to the Promenade and that they help the building fit into the surrounding townscape. <u>In order for new development to be as sustainable as possible and to keep as much material</u>   |

| Additional Modification Reference | Section  | Policy/Paragraph No. | <b>Proposed Changes</b><br><u>Strikethrough</u> - deleted text<br><u>Bold Underline</u> - New or amended text  |
|-----------------------------------|--|----------------------|--|
|                                   |  |                      | <u>out of landfill, wherever possible, materials should be re-claimed or be recycled and should be re-useable or recyclable at the end of the lifetime of the development.</u>   |
| AdMod14                           | DM25: Public Art                                 | 3.237                | NPPG advises <u>Government guidance has advised</u> that 'Public art and sculpture can play an important role in making interesting and exciting places that people can enjoy using'.  |
| AdMod15                           | DM25: Public Art                                 | Footnotes 20 and 21  | 20 NPPF Paragraph 8 ( <u>July 2019 July 2021</u> )<br>21 NPPF paragraph 93 ( <u>July 2019 July 2021</u> )  |
| AdMod16                           | DM41: Transport Requirements for New Development | Point 1e and 2       | e. car, cycle and motorcycle parking is provided in accordance with the parking standards set out in Appendix <u>G1 D1</u> ;<br><br>2. Transport Assessments and Travel Plans will be required in accordance with the thresholds set out in Appendix <u>G2 D2</u> .  |
| AdMod17                           | DM41: Transport Requirements for New Development | 3.357                | Furthermore, developers should have high regard for highway safety, be mindful of traffic congestion, fully consider the access and parking needs (refer to Parking Standards in Appendix <u>G1 D1</u> ) of all users by all modes; and the impact on the environment and on people's health. The impact on local air quality should be taken into account in line with the requirements set out in policy Policy DM36: Controlling Pollution and Contamination.                         |
| AdMod18                           | DM41: Transport Requirements for New Development | 3.364                | To help inform any mitigation measures, accessibility questionnaires, for both residential and non-residential development, should be submitted to the Local Planning Authority for certain types development 31; or where requested as part of the pre-application process. Accessibility questionnaires should be completed as accurately as possible and can be found at Appendix <u>G3 D3</u> for residential development and Appendix <u>G4 D4</u> for non-residential development. |

| Additional Modification Reference | Section  | Policy/Paragraph No.            | <b>Proposed Changes</b><br><u>Strikethrough</u> - deleted text<br><u>Bold Underline</u> - New or amended text  |             |  |             |  |             |   |
|-----------------------------------|--|---------------------------------|--|-------------|--|-------------|--|-------------|---|
| AdMod19                           | DM41: Transport Requirements for New Development   | 3.365                           | The thresholds for Transport Assessments and Travel Plans are set out in Appendix <u>G2</u> D2....   |             |  |             |  |             |   |
| AdMod20                           | Appendix A   | -                               | New evidence base to add: <table border="1" data-bbox="983 589 2030 732"> <tr> <td data-bbox="983 589 1123 663"><u>2022</u></td><td data-bbox="1123 589 2030 663"><u>Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (February 2022)</u></td></tr> <tr> <td data-bbox="983 663 1123 706"><u>2022</u></td><td data-bbox="1123 663 2030 706"><u>Infrastructure and Delivery Plan – Update (February 2022)</u></td></tr> <tr> <td data-bbox="983 706 1123 732"><u>2022</u></td><td data-bbox="1123 706 2030 732"><u>Addendum to the Housing Topic Paper 2021 (July 2022)</u></td></tr> </table> | <u>2022</u> | <u>Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (February 2022)</u> | <u>2022</u> | <u>Infrastructure and Delivery Plan – Update (February 2022)</u> | <u>2022</u> | <u>Addendum to the Housing Topic Paper 2021 (July 2022)</u> |
| <u>2022</u>                       | <u>Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (February 2022)</u> |                                 |  |             |  |             |  |             |   |
| <u>2022</u>                       | <u>Infrastructure and Delivery Plan – Update (February 2022)</u>                                     |                                 |  |             |  |             |  |             |   |
| <u>2022</u>                       | <u>Addendum to the Housing Topic Paper 2021 (July 2022)</u>  |                                 |  |             |  |             |  |             |   |
| AdMod21                           | Appendix D1 (now G1) Parking Standards   | 2.05                            | In order to encourage the take-up of electric vehicles, the latest technology should be adopted in new development, <u>as set out below</u> .  |             |  |             |  |             |   |
| AdMod22                           | Appendix D1 (now G1) Parking Standards   | 2.06                            | Provision of dedicated parking bays/charging infrastructure in new development (including conversions) <u>is required as follows:</u>  |             |  |             |  |             |   |
| AdMod23                           | Appendix D1 (now G1) Parking Standards   | Additional paragraph after 2.08 | <u>To ensure flexibility the quantum and specification of EV charging infrastructure should be agreed on a case-by-case basis.</u>   |             |  |             |  |             |   |



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

**Adopted February 2023**



**Blackpool Council**



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- Appendix G2: Transport Assessment (TA) and Travel Plan (TP) Thresholds
- Appendix G3: Residential Development Accessibility Questionnaire
- Appendix G4: Non-Residential Development Accessibility Questionnaire
- Appendix H: Monitoring and Implementation Framework

# 1 Introduction

## What is the Local Plan Part 2: Site Allocations and Development Management Policies Document?

1.1 The **Site Allocations and Development Management Policies Document** is Part 2 of the Blackpool Local Plan and is a key planning document which allocates sites for development, safeguarding or protection and sets out a suite of development management policies to guide appropriate development. This document does not contain any strategic policies and supersedes all saved policies within the Blackpool Local Plan 2006, as detailed in Appendix A.

## Blackpool's Planning Policy Framework

1.2 The Blackpool Local Plan 2012 – 2027 comprises two parts:

- **Part 1 is the Core Strategy** [opens a new window] which was adopted January 2016
- **Part 2 is the Site Allocations and Development Management Policies Document.**



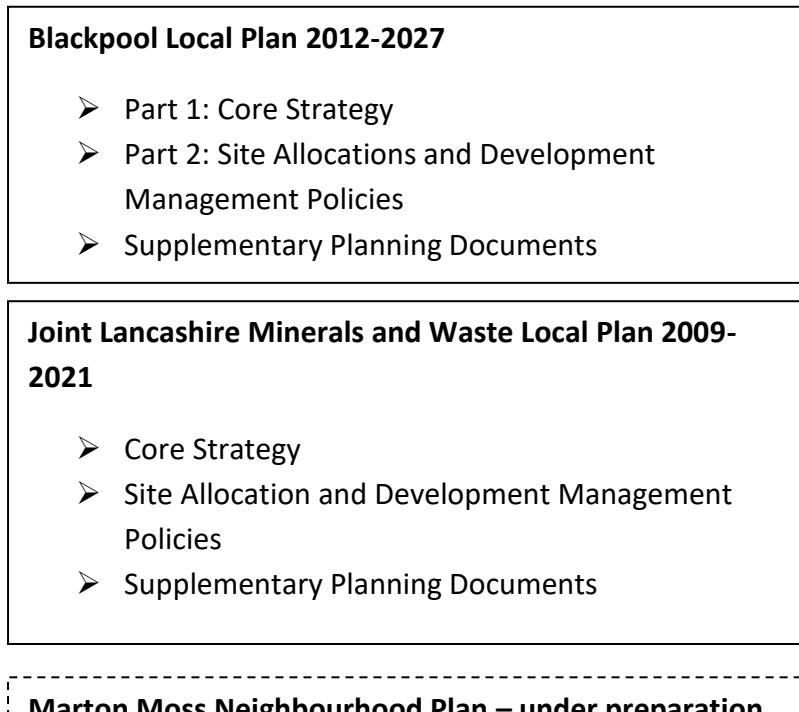
1.3 The Local Plan is used to determine planning applications and priorities for the Borough over the 15 year plan period (2012-2027).



1.4 Alongside the Blackpool Local Plan, Lancashire County Council and the two Unitary Authorities of Blackpool and Blackburn with Darwen have prepared a [Joint Lancashire Minerals and Waste Local Plan](#) [opens a new window], which consists of a number of documents.

1.5 In addition to the above, the Council formally designated the Marton Moss Neighbourhood Area and Marton Moss Neighbourhood Forum on 26th March 2019. Preparation of the **Marton Moss Neighbourhood Plan** is currently being undertaken. Once the neighbourhood plan is made, it will form part of the Development Plan.

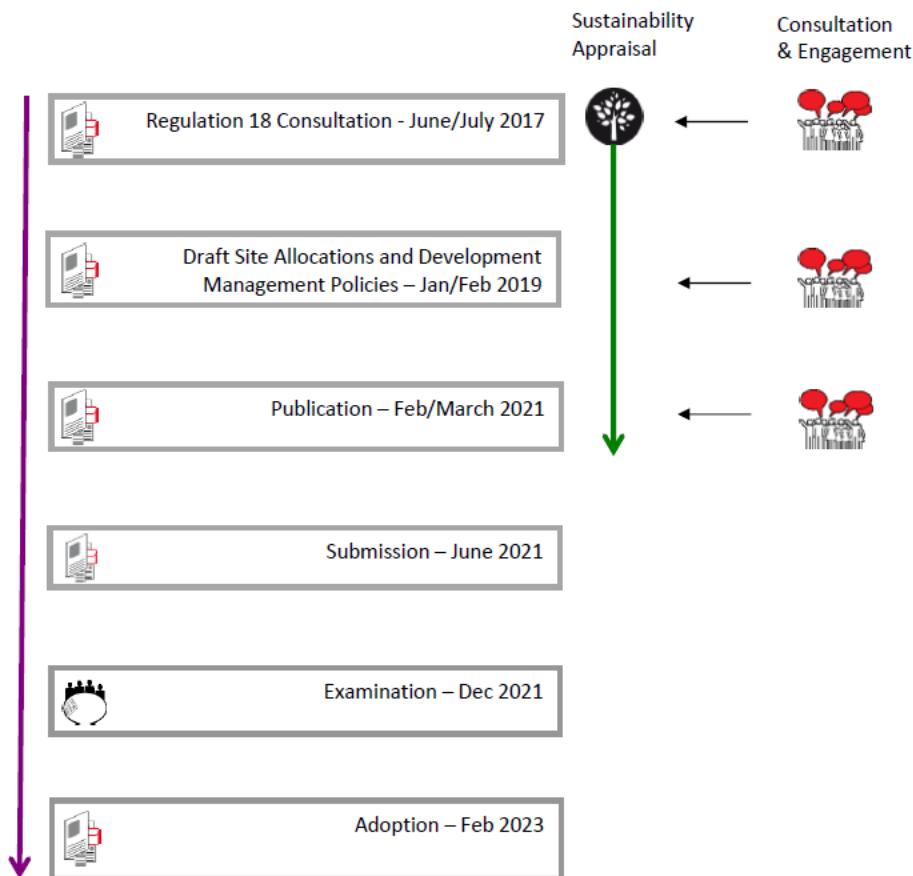
**Figure 1: Blackpool's Planning Policy Framework**



#### **Preparing the Local Plan Part 2**

1.6 There were a number of stages we had to follow in preparing the Local Plan Part 2 (Figure 2). Each stage presented an opportunity for the community and other stakeholders to be involved in the local plan process.

**Figure 2: Blackpool Local Plan Part 2 Preparation Stages and Milestones**



### Supporting Documents

1.7 The Local Plan evidence base helps us to develop a detailed understanding of key issues and characteristics of Blackpool and the Fylde Coast, and is used to inform and justify the policies in the plan. Additional evidence base has been developed to support the allocations and development management policies set out in the Local Plan Part 2. These documents along with other supporting documents are listed at Appendix B and can be found at [evidence base](#) [opens a new window]. In addition other Council strategies and declarations have been taken into account including:

- Blackpool Council Plan 2019-2024
- Green and Blue Infrastructure Strategy (2019)
- Blackpool Council Declaration on healthy weight (2016)
- Blackpool Council Declaration of a climate emergency (2019)
- Blackpool's Climate Emergency Action Plan (2021)

## **Sustainability Appraisal**

1.8 This Local Plan Part 2 has been subject to a Sustainability Appraisal (SA) by external consultants Arcadis, to ensure we meet the requirements of the plan making process. This SA process has been continuous commencing with the production of a SA Scoping Document back in 2017, and includes SA of the Informal Consultation Paper (January 2019), SA of the Publication Version (April 2021) and Main Modifications SA Addendum (July 2022).

## **Habitats Regulation Assessment**

1.9 Arcadis also undertook the Habitats Regulation Assessment which is required by law to protect European Sites of Biological Importance in the region. The HRA Screening Report (May 2021) and subsequent addendum (July 2022) have been produced for the Local Plan Part 2 and concluded that none of the policies or associated allocation sites were considered to have a likely significant effect on any of the European sites.

## **Wider Policy and Strategy Context**

1.10 Blackpool lies within the Fylde Coast sub-region, along with Fylde and Wyre (two-tier areas covered by Lancashire County Council and the Borough Councils of Fylde and Wyre). The sub-region demonstrates a high level of self-containment in terms of housing markets, travel to work patterns and economic functionality; and the Fylde Coast authorities have been working together on strategic planning issues for many years. It has been important to address cross-boundary issues in a collaborative way, to ensure Blackpool's Local Plan aligns with the policy framework of neighbouring authorities, and co-operate with them on strategic planning issues.

1.11 As part of the Duty to Co-operate, a Memorandum of Understanding (MOU) (2015 update) is a document jointly created by Blackpool Council, Wyre Council, Fylde Council and Lancashire County Council which formalises the dialogue that takes place between the four authorities, providing for cross-border co-operation and collaboration regarding relevant strategic matters to the area and ensuring that the requirements of the statutory Duty to Co-operate are met.

1.12 A Statement of Common Ground accompanies the Local Plan Part 2 and sets out how the Council has co-operated with neighbouring authorities and prescribed bodies set out in the Local Planning Regulations (2012).

1.13 Beyond the sub-region, Blackpool and the Fylde Coast area is part of the Lancashire Enterprise Partnership (LEP). The LEP was established in April 2011, to provide strategic leadership for directing economic growth and priorities across Lancashire. Blackpool Council works with the LEP as part of the Duty to Co-operate. This has included the preparation of the Lancashire Growth Plan and the Lancashire Strategic Economic Plan (SEP), which sets out the growth ambitions for Lancashire as a whole for the next 10 years. The three Fylde Coast authorities established the Blackpool Fylde and Wyre Economic Prosperity Board for the Fylde Coast in 2018 with a remit to help shape and drive economic development across the sub-area.

## **Monitoring and Implementation**

1.14 The Monitoring and Implementation Framework set out in Appendix E of the Core Strategy has been updated to include links to relevant Development Management Policies and can now be found in Appendix H of this document. It will be used to determine whether the Blackpool Local Plan is effective in meeting its spatial vision, goals and objectives and that it can deliver its intended outcomes. It sets out key indicators, targets or intended policy outcomes, potential risks to delivery, contingencies to address changes or shortfalls, and also identifies the implementation and delivery mechanisms and partners that will help to achieve the Core Strategy Spatial Vision.

## 2 Site Allocations

### Housing

2.1 Policy CS2 of the Core Strategy, sets out Blackpool's housing requirement to build 4,200 new homes between 2012 and 2027. It states that these homes will be located on:

- **Sites within the existing urban area, including major regeneration sites;**
- **Sites within the South Blackpool Growth area; and**
- **Windfall sites** (sites which become available unexpectedly and are not specifically identified as part of the Local Plan process. They normally comprise previously developed sites)

2.2 The Local Plan Part 2 ensures that a sufficient supply of sites is available to deliver these homes, in accordance with Policy CS2. Policy HSA1 sets out housing allocations located within the existing urban area that will contribute towards meeting this requirement. The allocations comprise sites with and without planning permission. In the case of the former, this is to ensure that the principle of housing development is maintained over the plan period. The NPPF requires local authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including sites held in public ownership. Reflecting national policy, the Council has been proactive in the selection of sites and has identified land in both public and private ownership for allocation. The Housing Topic Paper (2019) provides further detail on the approach taken to selecting the housing sites.

## Policy HSA1: Housing Site Allocations

The following sites identified on the Policies Map are allocated for residential development over the plan period. The allocations without planning permission are subject to the key development considerations set out in **Schedule 1**.

| <b>Site Reference</b> |  | <b>Site Area (ha)</b> | <b>No. of dwellings expected to be delivered 2021-2027</b> |
|-----------------------|--|-----------------------|--|
| HSA1.1                | Former Mariners Public House, Norbreck Road  | 0.20                  | 34   |
| HSA1.2                | Former Bispham High School & land off Regency Gardens  | 9.10                  | 176  |
| HSA1.3                | Land at Bromley Close  | 0.22                  | 12   |
| HSA1.4                | Land rear of 307-339 Warley Road   | 0.33                  | 14   |
| HSA1.5                | Land at Chepstow Road/Gateside Drive and land at Dinmore Avenue/Bathurst Avenue, Grange Park | 5.62                  | 131  |
| HSA1.6                | Land at Coleridge Road/George Street   | 0.14                  | 8  |
| HSA1.7                | 190-194 Promenade  | 0.12                  | 15   |
| HSA1.8                | South King Street  | 0.59                  | 47   |
| HSA1.9                | Bethesda Road Car Park   | 0.13                  | 13   |
| HSA1.10               | Whitegate Manor, Whitegate Drive   | 0.31                  | 16   |
| HSA1.11               | Land off Kipling Drive   | 0.27                  | 14   |
| HSA1.12               | Land at Rough Heys Lane  | 0.67                  | 27   |
| HSA1.13               | Land at Enterprise Zone, Jepson Way  | 1.42                  | 57   |
| HSA1.14               | Site B, Former NS & I Site, Preston New Road   | 3.31                  | 90   |
| HSA1.15               | Land at Warren Drive   | 3.12                  | 71   |
| HSA1.16               | Land at Ryscar Way   | 2.06                  | 47   |
| HSA1.17               | Land at 50 Bispham Road  | 0.09                  | 12   |
| HSA1.18               | 41 Bispham Road and land to the rear of 39-41 Bispham Road                                   | 0.35                  | 16   |
| HSA1.19               | Kings Christian Centre, Warley Road  | 0.12                  | 15   |
| HSA1.22               | 7-11 Alfred Street   | 0.04                  | 14   |
| HSA1.23               | Foxhall Village Phases 2(S), 3 & 4   | 2.97                  | 192  |
| HSA1.25               | Site of Co-operative Sports and Social Club, Preston New Road                                | 1.57                  | 22   |
| HSA1.26               | 9-15 Brun Grove (Blackpool Trim Shops)   | 0.18                  | 10   |
| HSA1.27               | Waterloo Road Methodist Church, Waterloo Road  | 0.14                  | 12   |

|  |  |      |             |
|--|--|------|-------------|
| HSA1.29                                  | 585 – 593 New South Promenade and<br>1 Wimbourne Place | 0.40 | 88          |
| <b>Total supply from allocated sites</b> |  |      | <b>1153</b> |

2.3 In addition to the sites allocated in Policy HSA1, the Core Strategy housing requirement will be met through completions over the period 01 April 2012 – 31 March 2021, sites with planning permission including sites at identified South Blackpool Housing Growth locations, apartments as part of mixed use proposals at Town Centre Strategic Sites and a windfall allowance.

2.4 Table 1 shows the housing supply position. The identified supply is approximately 4338 dwellings, which exceeds the housing requirement and ensures that there is a flexible portfolio of housing sites that can be delivered throughout the plan period. The Housing Topic Paper provides further detail and includes a housing trajectory, which sets out the expected rate of housing delivery over the plan period.

2.5 It is a requirement of the NPPF to identify a five year housing land supply from the intended date of adoption of the plan. A five year supply has been identified for the period 01 April 2021 – 31 March 2026 and will be updated annually to ensure that a five year supply is maintained over the plan period.

**Table 1: Housing Supply Summary**

| Source   | Number of Dwellings |
|--|---------------------|
| Completions 1 April 2012 - 31 March 2021 <sup>1</sup>  | 1803                |
| New build dwellings with extant permission at 31 March 2021 (including 541 dwellings on allocated sites)                                 | 1054                |
| Permitted conversions/changes of use (10 or more dwellings) at 31 March 2021   | 119                 |
| Windfall Allowance for conversions/changes of use (9 or less dwellings) and new build dwellings over period 1 April 2021 – 31 March 2027 | 600                 |
| Allocated housing sites without planning permission  | 612                 |
| Additional supply from Town Centre Strategic Sites   | 150                 |
| <b>Total Housing Supply</b>  | <b>4338</b>         |

<sup>1</sup> Completions during 2020-2021 have been significantly impacted due to the Covid-19 Pandemic

## **Self-build and Custom Housebuilding**

2.6 The Government is committed to increasing housing supply and wants to see greater diversity in the housing market. As part of this ambition, it wants to enable more people to commission or build their own home.

2.7 The Self-build and Custom Housebuilding Act 2015 requires local authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for those individuals to occupy. There is a duty on the Council to grant sufficient development permissions in respect of serviced plots of land to meet the demand evidenced by the register. Demand for self and custom build plots in the Borough is currently limited, as evidenced by the Blackpool Self and Custom Build Register. The Council is meeting the demand as evidenced by the register and this is reported on annually in the Housing Monitoring Report and Authority Monitoring Report. Further information can be found on the [Council's website](#) [opens a new window].

## **Providing for the Needs of Gypsies, Travellers and Travelling Showpeople**

2.8 Local planning authorities are required to make provision for traveller sites to meet objectively assessed needs, working collaboratively with neighbouring authorities. The Fylde Coast authorities jointly published a Gypsy and Traveller Accommodation Assessment (GTAA) in 2014, which set out pitch and plot targets for the sub-region and for the individual authorities. Since adoption of the Core Strategy the Government have changed the definition of travellers<sup>2</sup> and the GTAA was updated in 2016 to reflect this.

2.9 Utilising the new definition, the updated Fylde Coast GTAA indicated that there was a need for five additional pitches for travellers in Blackpool and five additional plots for travelling showpeople over the period 2016 to 2031. Since publication of the GTAA, this need has been addressed in the sub-region through additional permissions granted in Blackpool and Fylde for traveller pitches and travelling showpeople plots. Further detail is provided in the Gypsy Traveller and Travelling Showpeople Topic Paper (2019).

2.10 Policy CS16 of the Core Strategy sets out criteria to provide the basis for determining any subsequent planning applications for traveller pitches or travelling showpeople plots that come forward in Blackpool.

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<sup>2</sup> [Governments Planning Policy for Traveller Sites](#) [opens a new window]

## **Town Centre Mixed Use Site**

2.11 Paragraph 85 of NPPF states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed.

2.12 The Blackpool Retail, Leisure and Hotel Study (2018) identified the potential to provide an additional foodstore towards the northern periphery of Blackpool Town Centre should a site within or on the edge of the centre become available. The scale of potential foodstore would fit within the 1,500 to 2,500 sq.m (gross) bracket, ensuring that the turnover of which would not unreasonably impact on the existing Sainsbury's foodstore at Talbot Gateway.

### **Policy MUSA1: Town Centre Mixed Use Site**

Land at Church Street (former Syndicate site) is allocated for a mixed use development including a discount food store (up to 2500 sq m gross) and a multi-storey car park.

2.13 The former Syndicate site located on Church Street is identified as a mixed use site on the Policies Map. It is a 0.24 ha site for ground floor convenience retail with a multi-storey car park above. The site is currently in council ownership. Further detail on the site allocation can be found at Appendix C.

2.14 An impact assessment has been undertaken to ensure that this additional retail floorspace complements, rather than competes with the substantial investment made at Talbot Gateway whilst seeking to attract shoppers and residents nearby back into the town centre, instead of travelling to other foodstores in the Borough to meet their shopping needs.

2.15 With respect to the multi-storey car park, the Council has committed to provide additional car parking capacity within Blackpool Town Centre responding to the recommendations of the Strategic Parking Review undertaken by AECOM in 2016.

## Allotment Site

2.16 The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

### **Policy ASA1: Allotment Site**

Land to the north of the Golf Driving Range, accessed from Fleetwood Road is allocated for a new allotment, as identified on the Policies Map.

2.17 The Open Space Assessment (OSA) (2019) recognises a lack of allotment provision in the north of the Borough. In response, the Council is allocating an additional allotment site. This aligns with the Council's health and well-being agenda promoting outdoor activity and healthy eating.

2.18 The proposed site forms part of the Warren Drive/Deerhurst Road Natural and Semi-natural greenspace category in the OSA. The quality assessment carried out as part of the OSA scores the site as poor in terms of various factors such as signage, entrances, access for all abilities, car parking, cycling provision, facilities and activities, clear sightline, shelter and lighting. The allocation will have little effect on the open character of the wider area. Further detail on the site allocation can be found at Appendix D.

2.19 This new allotment will be delivered by Blackpool Council in partnership with the [Allotments Federation](#) [opens a new window].

### **3 Development Management Policies**

3.1 The Development Management policies in this section provide a more detailed policy context for the consideration of development proposals, as well as setting out standards and principles against which planning applications can be assessed. These policies will help to deliver the vision and objectives of the Local Plan Part 1: Core Strategy and conform to the strategic policies in the Core Strategy, in many instances, strengthening and elaborating on them to provide for their practical application. The links between the strategic policies and the development management policies are shown in the Monitoring and Implementation Framework at Appendix H.

# Housing

## Design Requirements for New Build Housing Developments

3.2 Good housing design is a key aspect of sustainable development, creates better places in which to live and helps to make development more acceptable to local communities. This issue has been recognised nationally with the recent establishment of the ‘Building Better, Building Beautiful Commission’ to tackle the challenge of poor-quality design and build of homes and places.

3.3 It is essential that new housing developments make a positive contribution towards Blackpool’s overall housing stock. Blackpool has an over-supply of sub-standard smaller dwellings and a limited choice of good quality accommodation suitable for families. One of the Council’s key priorities is to rebalance the housing market and lift the quality of all new accommodation that comes forward in Blackpool, with a focus on good quality family housing in neighbourhoods where people want to live.

3.4 Core Strategy Policy CS7: Quality of Design sets out the requirements for all new development to achieve high quality design. This policy provides further detail in relation to new build housing developments.

### Policy DM1: Design Requirements for New Build Housing Developments

1. As a minimum, 20% of all new build dwellings on sites of five dwellings or more must meet the Nationally Described Space Standard (or any future successor);
2. Housing designs and layouts must:
  - a. respond to the topography, local character and distinctiveness of the area and be well integrated into existing development by respecting the established streetscene, building lines and patterns of development, in order to maintain or establish a strong sense of place. Exceptions may be made for housing proposals of high quality and innovative design, which raises the overall design quality of an area and contributes positively to the distinctiveness of a place;
  - b. safeguard the privacy, sunlight, daylight, outlook and amenity of the occupiers of neighbouring properties and future occupiers of the development;
  - c. provide adequate private, defined and useable amenity space for existing and new occupants. Private amenity space should be at least the equivalent size of the footprint of the house or reflect garden sizes in the area. Depending on the character of the wider area, where possible, all new build dwellings should include amenity space at the front of the property;

- d. provide appropriate secure waste and recycling storage at the rear of all dwellings or within a garage. Housing development with excessive bin drag distances will not be permitted<sup>3</sup>;
  - e. provide a water butt of at least 200 litres for each dwelling, which will collect water from the main roof. The water butt should not be located where it would be visible from the highway. Grey water harvesting in new flat development will be negotiated on a case by case basis;
  - f. sensitively incorporate utilities infrastructure into the development. Other than electric vehicle infrastructure, utilities infrastructure will not normally be acceptable on a prominent elevation in the streetscene.
3. Where provided, garages must have minimum internal dimensions of 6 metres by 3 metres and driveways must be at least 5.5 metres long and at least 3 metres wide. New dwellings without garages should have secure cycle storage provision internally or at the rear of the property. Car parking spaces should be provided at the side of the dwelling if not integral. Where this is not possible, car parking spaces at the front of a property must be less than half the width of the plot or less than 50% of the front garden area. All car parking spaces and on-street parking bays must be enhanced by landscaping.
4. The design and orientation of roofs should assist the potential siting and efficient operation of solar technology and the layout and orientation of dwellings should take account of the need to minimise energy consumption.
5. It is the expectation that renewable low carbon energy generation will be explored for all new housing development with consideration given to the incorporation of renewable energy technology including solar technology and/or air or ground source heat pumps.
6. On new build sites of 10 dwellings or more, at least 10% of dwellings should be designed to be accessible and adaptable in accordance with technical standard M4(2) or suitable for wheelchair users in accordance with M4(3) of the Building Regulations (or as updated).
7. New housing development should be tenure-blind so that affordable housing cannot be distinguished from market homes in terms of size, design and materials and should not be clustered.
8. Proposals that are not in accordance with the above measures will only be permitted where there is clear evidence that it would not be feasible or it would

<sup>3</sup> Manual for Streets states that refuse stores shouldn't be more than 30m from collection point

directly prejudice viability. In such circumstances an application should be supported by an open book viability assessment.

3.5 The NPPF states that planning policies should ensure that new developments are sympathetic to the local character and history of a place. This is often overlooked in residential developments where standard house types and layouts are often used throughout the country, with little regard to local character and distinctiveness. The NPPF also states that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.

### **Nationally Described Space Standard (NDSS)**

3.6 The Nationally Described Space Standards (NDSS) set out minimum gross internal floor areas and associated requirements, including for storage and takes into account commonly required furniture and the spaces needed for different activities and moving around. In some new housing developments in Blackpool, the bedroom sizes in some standard house types fail to meet the NDSS resulting in three bed homes without an adequately sized double bedroom and single bedrooms unsuitable for a full size single bed and other furniture or space to play or study. Using the minimum bedroom sizes in the NDSS, some standard house types in recent developments would provide a 3 bedroom dwelling only suitable for 2 people as only 2 of the bedrooms meets the minimum floorspace standards in the NDSS for single bedrooms.

3.7 New homes should have adequately sized rooms and efficient room layouts which are functional and fit for purpose to meet the changing needs of occupiers. To ensure that new build housing development is of a good quality and suitable for all types of families at any stage in their lives, as a minimum, 20% of new build dwellings on a site are required to meet the NDSS or any future successor.

### **Local Character and Distinctiveness**

3.8 The NPPF and the Building for Life 12 standards confirm that development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types, boundary treatments, details and landscaping features and materials to create attractive, welcoming and distinctive places to live, work and visit.

3.9 New housing development must take account of the local context, character and distinctiveness which includes brickwork, stonework, materials, building lines and patterns of development and other relevant local details such as the scale and density of existing dwellings in the area and the topography of the site. For example, the Inner Area of Blackpool is characterised by terraced housing with stone ground floor bays, red Accrington brick or rendered elevations and slate roofs arranged in a grid iron pattern. These characteristics should be taken into account when

justifying the scheme's design, pattern and scale of development and materials being proposed. However, housing proposals which demonstrate innovative design may be appropriate, where they would raise standards of design, enhance the immediate setting and respond sensitively to any defining characteristics of the surrounding area such as the housing schemes at Rigby Road and Queens Park.

3.10 Housing designs and layouts that fail to respond appropriately to their context will not be permitted. A lack of existing positive local character will not be justification for nondescript or placeless development.

#### **Safeguard privacy, sunlight, daylight, outlook and amenity**

3.11 Being overlooked, having insufficient sunlight and daylight, having poor outlook and poor amenity generally can have a detrimental impact on mental health and wellbeing. In order to provide acceptable living standards for both occupiers of existing neighbouring development and the future occupiers of the proposed development, regard should be given to the amenities of all in relation to these issues.

3.12 Private amenity space such as rear gardens and balconies should be screened to give a reasonable level of privacy for the occupiers and their neighbours. Good levels of sunlight and daylight reduces the reliance of electric lighting and mechanical extraction or ventilation, reducing energy consumption. Main habitable rooms should have an outlook over a street or a landscaped garden area rather than a back alley or onto a wall in close proximity. Access to backland sites should not be directly adjacent to an existing dwelling as noise from vehicular movements is likely to be detrimental to residential amenity, even if the access meets the requirements of Policy DM41 in terms of highway safety and other traffic considerations.

#### **Gardens and Amenity Space**

3.13 Gardens can have a positive impact on health and wellbeing and often contribute positively to the character and appearance of the built environment, as well as making an important contribution towards Green and Blue Infrastructure (GBI). Private domestic gardens can perform a wide variety of GBI functions such as providing habitats for wildlife and areas for private recreation, trapping air pollutants, absorbing noise and infiltrating/intercepting water to reduce surface water flooding.

3.14 In accordance with Core Strategy Policy CS6, where possible, all new build dwellings should include front (where appropriate depending on the character of the wider area) and rear gardens which are practical and useable in terms of their size and shape. Care should also be taken to ensure the space offers good amenity which is not overshadowed by neighbouring development. Requiring private amenity space of an equivalent size to the footprint of the house or which reflects garden sizes in the area, will ensure that sufficient and meaningful amenity space is available to meet the needs of future residents and will contribute towards the development's green infrastructure. Housing development will also be expected to provide public open space and green

infrastructure such as SuDS and trees in accordance with Policy DM21 and the Greening Blackpool SPD.

### **Waste Provision**

3.15 Waste and recycling bins stored at the front of properties detract from the street scene and in some parts of Blackpool, particularly in the higher density areas, there is a proliferation of waste and recycling storage bins left unsecured in front gardens.

3.16 Insufficient or unsecure refuse storage leads to overflowing bins or bins which have blown over, creating opportunities for scavenging gulls, a particular problem in seaside towns, resulting in litter on the pavements and backstreets, which is both unsightly and a risk to the environment and to public health.

3.17 These issues can be designed out in new development, if appropriate secure waste and recycling storage provision is made to the rear of properties, or garages are designed to accommodate such storage. Housing designs and layouts that are likely to result in waste and recycling bins being left at the front of properties will not be permitted.

### **Domestic Grey Water Storage**

3.18 Installing water butts in housing development allows the collection and re-use of grey water which can be used to wash a car or water the garden, lowering the demand on mains water supplies, reducing surface water runoff flowing into the drains and reducing metered bills. Water butts should be installed at the side or rear of the property depending on the design of the roof.

### **Utilities Infrastructure**

3.19 Wall-mounted meter boxes in prominent positions will not be acceptable. Their obtrusive appearance is often made worse by associated pipes and cables and the inevitable loss, over time of the meter box doors. Meter boxes should be sunk into the ground - taking them out of sight or placed in visually secluded places. Electric Vehicle charging facilities should be provided in garages, car ports or on side elevations of properties with driveways. However, it is acknowledged that Electric Vehicle charging infrastructure may, in some cases need to be located on the front elevation (on a mid-terraced house for example). DM41 and Appendix G1 set out Electric Vehicle charging requirements in new developments, including changes of use.

3.20 Soil pipes and rainwater goods and other plant must also be sensitively integrated into the development at the initial design stage. Details of the siting of meter boxes, soil pipes and rainwater goods and plant should be submitted with a planning application. In the absence of this information, conditions may be imposed on a planning permission requiring that these details are provided prior to the commencement of development.

## Affordable Housing

3.21 Core Strategy Policy CS14 and the Affordable Housing SPD sets out the requirement for affordable housing. Far too often, affordable housing in new development is clustered in poorer quality, higher density terraces, tucked away at the back of a housing site.

3.22 In order to create inclusive, balanced and sustainable communities, affordable housing should be indistinguishable from market housing, should provide an appropriate housing mix and should occur throughout the development rather than being clustered together in one location.

## Garages and Driveways

3.23 In recent decades, car sizes have increased noticeably whilst the size of domestic garages have remained unchanged. For example the average family car and larger cars have increased by over 20% over the last 38 years, with smaller cars increasing by over 40% in size.

3.24 With the growing size of cars, garages have had insufficient space to accommodate them. This has resulted in garages being used for general storage or converted into additional living space, putting pressures on on-street parking and having cars parked in front of the building line, to the detriment of visual amenity and highway safety. Similarly, driveways of insufficient depth and width are either underused or result in vehicles overhanging the pavement.

3.25 In order to ensure that garages and driveways are fit for purpose and can accommodate modern cars, bicycles, facilitate the charging of electric vehicles and allow for bin storage and access to collection points, the internal dimensions of garages in new build housing development must be at least 6m x 3m and driveways must be at least 5.5m x 3m. The minimum dimensions for garages and the length of driveways has been required and implemented successfully in the Extending Your Home SPD for garage side extensions, across all three of the Fylde Coast authorities since 2007 and the same standards should be applied for new build housing.

3.26 It is important that car parking spaces in front of a dwelling do not dominate the front elevation in the interests of good design, residential amenity and to allow space for a front garden. Front gardens not only improve the appearance of an area, they also function as green infrastructure, which is beneficial to health and well-being, assist in reducing surface water run-off and provide habitats for wildlife. As such, car parking spaces should normally be less than half the width of the front elevation. Where this isn't possible, alternative on or off-site green infrastructure provision will be negotiated in mitigation, on a case by case basis.

## Sustainable Design and Renewable and Low Carbon Energy Generation

3.27 Reducing the energy requirements of new development can be achieved through all stages of design, from the site layout and the orientation of buildings to the efficient design of the buildings themselves. Careful design of a building and the design and specification of built elements can balance heat loss and overheating in new buildings. Mitigation measures such as building orientation, external shutters, the correct shading of windows on south and west

elevations, using passive stack or cross ventilation, green-roofs for thermal mass and the choice of materials and design of outer walls can all assist in reducing the need and use of energy.

3.28 Opportunities for renewable and low carbon energy generation should be explored for all housing development with consideration given to incorporating renewable energy technology including solar technology and/or ground source heat pumps.

### **Accessible and Adaptable Housing**

3.29 Accessible and adaptable housing should be provided on schemes of ten dwellings or more, forming at least 10% of housing provision. This housing should be designed to meet technical standards M4(2) or M4(3) of the Building Regulations (or as updated). Housing meeting part M4(3) of Building Regulations should be secured through liaison with the Council's Housing Manager and through developers working with Registered Providers on a case-by-case basis.

## **Residential Annexes**

3.30 Residential annexes are a form of development that allows relatives to live with their family with a degree of independence. An annexe can provide future security as families plan for ageing relatives and young adults who, for example, return to live at home after university. However, the Council acknowledges that this type of accommodation needs to be carefully controlled.

### **Policy DM2: Residential Annexes**

1. Proposals for residential annexes must take into account the layout, design and physical relationship with the main dwelling and must:
  - a. be subservient / subordinate to the main dwelling in terms of size and scale;
  - b. have design and layout which provides a functional link with the main dwelling;
  - c. be within the curtilage as the main dwelling and share its vehicular access;
  - d. be designed in such a manner easily to enable the annex to be used at a later date as an integral part of the main dwelling;
  - e. have no boundary demarcation or sub division of garden areas between the annex and main dwelling;
  - f. have adequate parking and amenity space and bin storage for the needs of the annex occupants and existing residents;
  - g. use materials sympathetic to the main dwelling.
2. A Section 106 agreement, tying the occupation of the annexe to the existing dwelling will be required.

3.31 A residential annex is accommodation ancillary to the main dwelling within a residential curtilage and must be used for this purpose. It is acknowledged that an extension of the house or conversion of an outbuilding may provide an opportunity to accommodate elderly or sick relatives whilst giving them some degree of independence. However, the annex should form part of the same planning unit and should not be used as a self-contained dwelling, separate from the original dwelling house, (i.e. the occupants should be a dependant relative(s) or be employed at the main dwelling, perhaps sharing facilities such as a kitchen). The annex should also remain in the same ownership as the main dwelling and this will be secured through a Section 106 Agreement.

3.32 The layout, design and physical relationship between the house and the proposed annex will be important considerations in determining such planning applications, as will the size and scale of the accommodation to be provided.

## **Supported Accommodation and Housing for Older People**

3.33 **Supported Accommodation** ensures those with support needs can lead a healthy and fulfilling life within their own home and community. Supported housing services range widely, but they all play a crucial role in providing a safe and secure home with support for people to live independently. **Housing for Older People** refers to those people over or approaching retirement age, including the active, newly retired, through to the very frail. This type of housing can include accessible adaptable general needs homes, specialised housing with support and nursing homes.

3.34 Policy DM3 provides specific criteria to ensure that there is a sufficient supply of a range of good quality and well managed accommodation for older people and people with specialist needs close to their own communities.

### **Policy DM3: Supported Accommodation and Housing for Older People**

1. Proposals for supported accommodation (falling under Sui Generis or Use Class C2) and housing for older people (falling under Use Class C2 or C3) will be permitted where the development meets all of the following criteria:
  - a. there is a demonstrable need for the type of accommodation in Blackpool and is targeted at meeting the needs of local residents and supported by the relevant commissioning managers where appropriate;
  - b. the site or property is suitable to meet the needs of the intended occupiers, carers and visitors;
  - c. the site has a high level of accessibility to public transport, shops, services and community facilities appropriate to the intended occupiers;
  - d. sufficient good quality and accessible landscaped amenity areas for residents and visitors to enjoy;
  - e. contributes positively to the creation and maintenance of healthy and balanced communities;
  - f. the scale and intensity of the use would not have a harmful effect on the amenities of the occupiers of adjacent properties;
  - g. the proposal maintains or enhances the residential character of the surrounding neighbourhood;
  - h. a detailed Management Plan is submitted.
2. In order to protect the character and amenities of residential areas and avoid any undue concentration of Supported Accommodation and/or Housing for Older People (other than older person independent living schemes (use class C3)):

- a. no more than 10% of any properties within one block will be permitted in such use
- b. no supported accommodation or housing for older people will be permitted where there is evidence of an existing property meeting similar needs within 400 metres.

### **Supported Accommodation**

3.35 Supported Accommodation is any housing where accommodation is provided alongside care, support or supervision to help people live as independently as possible in the community. This includes:

- Accommodation for young people, e.g. children's residential care homes and semi-independent living for 16-18yr olds
- Accommodation for older persons
- People with learning, mental health and physical disabilities
- Emergency accommodation, e.g. for people at risk of homelessness or domestic abuse
- Rehabilitation accommodation, e.g. for people recovering from homelessness or drug or alcohol dependency; or offenders and ex-offenders

3.36 Supported accommodation also includes include hostels, care homes and other types of accommodation that is built, adapted or managed to meet specialist needs. This type of development may also offer accommodation on a temporary or longer term basis.

3.37 C2 uses and hostels<sup>4</sup> (Use Class sui generis) are typically more intensive than C3 residential uses and over concentrations of C2 and sui generis uses can also be detrimental in residential areas due to increased pressures on parking, increased comings and goings and increased noise and refuse.

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<sup>4</sup> Hostels are a sui generis use which means they are a use class of their own. Hostels provide short term, shared, and often specialist accommodation with an element of care or management and are usually aimed at specific groups of people.

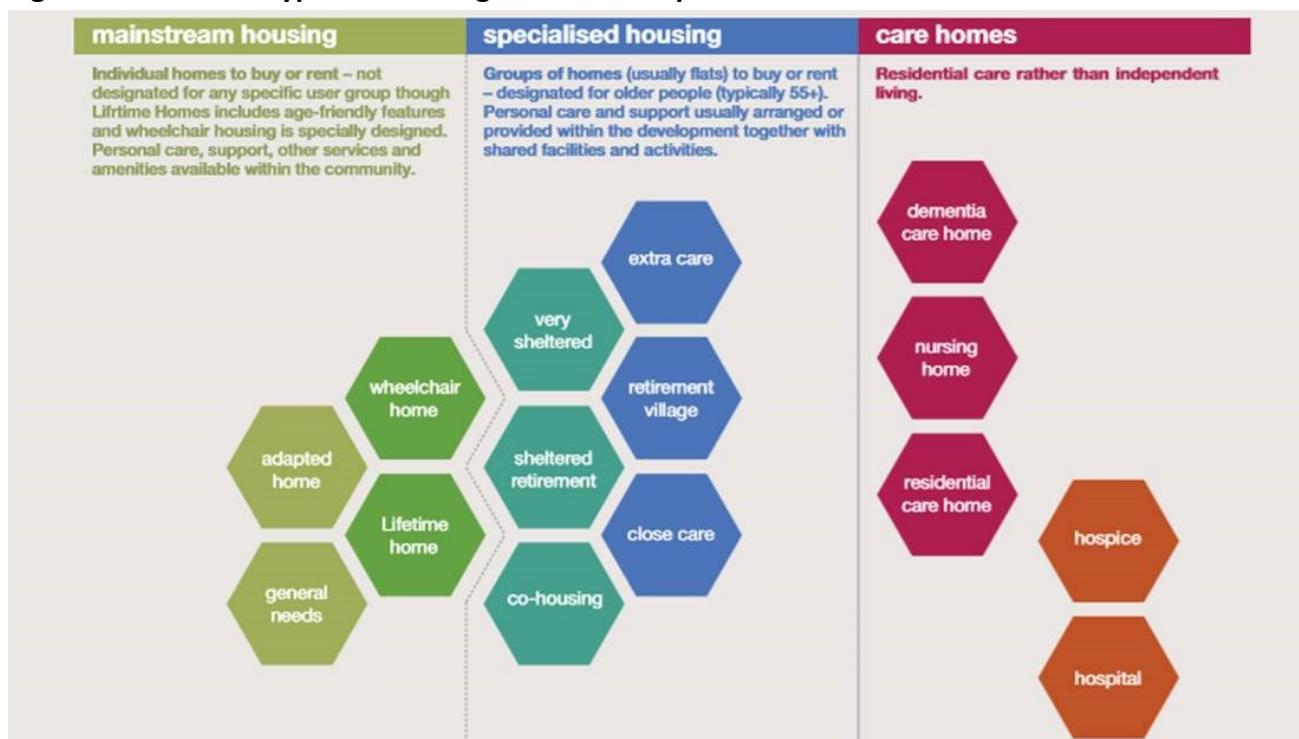
## Housing for Older People

3.38 In the UK, the number of people living over and above the age of 65 is increasing at a faster rate than all other age groups<sup>5</sup> and in Blackpool is projected to rise from 28,700 in 2017 to 33,200 in 2030. This equates to almost a quarter of Blackpool's total population<sup>6</sup>.

3.39 Blackpool Council's published older person's accommodation strategy – Blackpool Council's Housing Plan for the Ageing Population (2017-'20)<sup>7</sup>, identifies a shortage of specialist housing stock for older people in the Borough.

3.40 The term 'older people' usually refers to those people over or approaching retirement age, including the active, newly retired, through to the very frail. Housing needs can range from accessible adaptable general needs homes to the full range of retirement homes, specialised housing with support through to nursing homes (see figure 3).

**Figure 3: Different Types of Housing for Older People**



## Demonstrating local need

3.41 The Care Act 2014<sup>8</sup> places a duty on all local authorities to meet the need for residential care and nursing home bed spaces within their own community and this is also the preferred

<sup>5</sup> The Office of National Statistics (ONS) projects an increase of 39% in people aged 65 and over living in England by 2030 (v's 2014). It is projected the number of people aged 80 and above will more than double by 2037 and the number of people aged over 90 will triple.

<sup>6</sup>[Projecting Older People Population Information](#)

<sup>7</sup>[Blackpool Councils Housing Plan for the Ageing Population June 2017](#)

<sup>8</sup>[Care Act 2014 \[opens a new window\]](#)

approach as set out in the care home market study 2017<sup>9</sup>. The level of provision of Supported Accommodation and Housing for Older People should therefore reflect the needs of the community they serve.

### **Housing for Older People**

3.42 Any new proposals for Housing for Older People should support the aims and objectives of the Council's Older Persons Strategy.

3.43 Proposals to provide residential care homes for the elderly should be supported by the relevant Commissioning Manager (health and social care or local authority) and align to Commissioning Plans and relevant standards.

### **Supported Housing**

3.44 Applications for supported housing must demonstrate that the facility is necessary to meet the needs of existing Blackpool residents to ensure that local areas do not make a disproportionate level of provision to meet needs which arise from outside the Blackpool area. The abundance of large inexpensive property in Blackpool has encouraged an increased number of such properties accommodating adults and children with specialist needs from other local authority areas and this is having significant financial implications for the Council and other service providers.

3.45 It is the developer's responsibility to provide evidence of local need and early consultation with the Council's Adult or Children's Services Department (or any other relevant authority) is required.

### **Accessibility to public transport, shops, services and community facilities**

3.46 Proposals for supported accommodation must have high levels of accessibility, which depending on the needs of occupiers of specialist accommodation, generally means that they may need to be located close to or on bus routes to essential services such as education, health care and family support, having regards to the accessibility questionnaire in Appendix G3. Therefore it is important that the accommodation provided is situated in an area which will support the needs of the future occupiers.

3.47 Accommodation for older or less mobile people should be located close to local amenities in order to enable and support residents to continue living independently. Developers are encouraged to take into account Housing our Ageing Population Panel for Innovation (HAPPI)<sup>10</sup> design principles when developing accommodation for older people.

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<sup>9</sup> [Care Home Market Study \[opens a new window\]](#)

<sup>10</sup> [HAPPI report](#)

## **Meeting the needs of the intended occupiers, carers and visitors**

3.48 Living in supported accommodation can lead to social isolation, so it is important that there are sufficient on-site facilities such as communal space, communal kitchen and dining facilities, laundry and drying facilities, opportunities for recreation and sufficient car parking for residents, staff and visitors.

3.49 Homes designed with older people in mind might include a secure place to park and charge a mobility scooter, sufficient circulation space, accessible bathrooms and door widths that can accommodate a wheelchair or a hoist.

## **Amenity areas**

3.50 Good quality communal amenity areas which include green infrastructure and soft landscaping, are important elements in ensuring the quality of the overall development and assist in establishing residential character.

3.51 It is also important for people to have access to good quality amenity spaces as they are beneficial to both physical and mental wellbeing. This is of particular importance in supported accommodation and housing for older people, where poor physical health or trauma can impact negatively on mental health.

## **Healthy and balanced communities**

3.52 The Inner Area of Blackpool is already densely populated and experiences a high concentration of acute deprivation levels with extreme social, health and economic inequalities. The housing stock in the Inner Area is heavily skewed towards single person occupancy in the form of bedsits, HMO type accommodation, hostels and small one-bedroom flats and a lack of family housing. This has led to an extremely dense and unbalanced housing stock which attracts low income and vulnerable households, leading to high levels of deprivation, crime, anti-social behaviour and unstable, fragmented and transient communities. All new development in the Inner Area, including C2 uses and hostels, should contribute positively to the creation and maintenance of healthy and balanced communities.

## **Amenities of neighbours and residential character**

3.53 This policy recognises the desirability of integrating such uses within the community, but aims to ensure that Use Class C2 uses and hostels are not located where they would be inappropriate and cause undue harm to the existing character of an area or residential amenity.

3.54 Proposals should not cause harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Supported accommodation and care homes are normally most appropriately located in larger detached properties set in their own grounds. The development of such uses in smaller detached or large semidetached or terraced

houses will not be acceptable, unless the amenity of adjoining occupiers can be safeguarded against loss of amenity due to noise and disturbance.

3.55 Where a proposal relates to a site in an area which already contains premises in similar use, and/or houses in multiple occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area.

3.56 Boundary walls should be re-instated and external alterations may be required to establish residential character.

### **Management Plan**

3.57 A Management Plan should be submitted with all applications to ensure that full consideration has been given to the proper management of the accommodation, in the interests of the future occupants, the residential amenity of neighbouring properties. Details of what should be included in a Management Plan include:

- an emergency contact;
- waste management;
- behaviour and noise management;
- security;
- travel management and cycle parking;
- repairs and maintenance;
- health and safety.

### **Safeguarding the character and amenities of residential areas**

3.58 To support the Council's wider aims to create more balanced and healthy local communities and in order to avoid over-concentrations of Supported Accommodation and/or Housing for Older People (excluding older person independent living schemes (use class C3)) which can impact on the character and function of residential areas, no more than 10% of properties in any one block will be permitted in such uses and no similar specialist uses will be permitted within 400 metres, as the crow flies, of a similar existing premises.

3.59 The block is defined as the following:

- The frontage in which the application property is located within.
- Street frontages can vary greatly in length. A block is therefore considered as a maximum should not extend beyond 100 metres in either direction from any proposed development application site.

- Where there are clear breaks in the property frontage, such as adjoining roads or other major intervening uses, then the definition of the length of a block may be less – but as a minimum should not be less than 75 metres.

## **Student Accommodation**

3.60 The demand for student accommodation in Blackpool is principally generated by the Blackpool and the Fylde College's University Centre on Bennett Avenue which offers higher education arts based courses. The Bispham and Gateway Campuses offer further education courses to students who typically already live in or around Blackpool. Existing student accommodation focused around the University Centre is typically converted holiday accommodation and house shares.

3.61 This policy sets out how applications for new student accommodation will be assessed.

### **Policy DM4: Student Accommodation**

1. Proposals for student accommodation will be permitted subject to:
  - a. a demonstration of quantitative and qualitative need;
  - b. being located within 800 metres walking distance of the relevant learning centre. Where an application site is beyond 800m a sequential approach must be undertaken with preference given to sites on or close to public transport routes which provide a high level of accessibility to the relevant learning centre;
  - c. the suitability of the premises and the proposed layout;
  - d. the effect on the character of the local area and adjacent properties, including the impact of the intensity of the use;
  - e. the proposal providing internal spaces which through their layout and size lead to acceptable living conditions having regard to the relevant guidance;
  - f. the submission of a management plan for the operation of the premises; and
  - g. an occupancy condition to protect the accommodation from becoming an HMO.

3.62 Within this local context and to ensure we manage the provision of new student accommodation applications must demonstrate that there is both a quantitative and qualitative need. It is the developer's responsibility to provide evidence of need and early consultation with Blackpool and Fylde College (or alternative learning centre) is recommended. To demonstrate need, the developer must provide a written statement from the learning centre, which confirms the willingness of the Accommodation Officer to add the property to the learning centres accredited register.

3.63 Students tend to spend a significant amount of time in their bedrooms studying and in addition to standard bedroom furniture, a student bedroom requires study space. As such, a standard single bedroom size outlined in the National Technical Housing Standards is not appropriate for student accommodation. Proposals should have regard to the minimum floorspace

standards for student accommodation in Blackpool set out in the Student Accommodation Advice Note and within the New Homes from Old Places SPD (or as updated).

3.64 A Management Plan should be submitted with an application for new student accommodation to ensure that full consideration has been given to the proper management of the accommodation, in the interests of the future student occupants, the residential amenity of neighbouring properties and the appearance of the streetscene. The Management Plan should include details relating to the following:

- An emergency contact
- Waste management
- Behaviour and noise management
- Security
- Travel management and parking
- Repairs and Maintenance
- Health and Safety

3.65 The University Centre is predominantly arts based and students often have to carry heavy or bulky equipment to and from their accommodation. With that in mind, 800 metres ([The Institution of Highways and Transportation - Providing for Journeys on foot, 2000](#) table 3.2) is considered to be a reasonable walking distance for students and this is the walking distance referred to in the Student Accommodation Advice Note which has successfully been implemented in the past. The 800 metres should be measured as the most direct and safe walking route. Where an application is beyond the 800 metres, sites with a high level of public transport accessibility to the University Centre will be prioritised. In accordance with the Residential Accessibility Questionnaire at Appendix G3, sites are considered to have a high level of public transport accessibility if they are within 200 metres of a bus stop.

3.66 Existing properties in the area around the University Centre are generally larger than the average house, given that many were purpose built holiday accommodation. It is therefore considered that these types of properties close to the University Centre are more suitable for use as student accommodation than established family homes further afield.

3.67 Whilst ‘studentification’ isn’t a particular problem in Blackpool, surplus student accommodation is vulnerable to being used more intensively as poor quality housing for general occupation by vulnerable transient people whose chaotic lifestyles and social problems can destabilise local communities.

## **Residential Conversions and Sub-divisions**

3.68 Blackpool has a significant number of older properties where there is potential for conversion to residential use, particularly the existing large stock of holiday accommodation. The Council recognises that conversions to residential use provide an important source of additional housing and the Core Strategy housing requirement figure (Policy CS2) includes an allowance for 100 dwellings per annum for residential conversions. It is important that any new conversion that comes forward is of a high quality and provides a good standard of residential accommodation.

### **Policy DM5: Residential Conversions and Sub-divisions**

1. Proposals for the sub-division and/or change of use of existing buildings for residential use will only be permitted where:
  - a. the building is not safeguarded for an alternative use under another policy in the Local Plan;
  - b. the proposed units are all fully self-contained and satisfy the Nationally Described Space Standards (or any future successor). Proposals should also have regard to the Council's adopted standards;
  - c. the size and layout of properties proposed for single family use is consistent with such occupation;
  - d. applications for the conversion of properties from non-residential uses to residential use include appropriate proposals to establish residential character and maximise residential amenity;
  - e. utilities infrastructure is sensitively positioned avoiding any front elevation.

#### **Inner Area:**

2. Within the Inner Area as defined on the Policies Map, proposals for the sub-division and/or change of use of existing buildings for residential use will not be permitted where:
  - a. the proposal involves extensions to the property or utilising the roof space or basement for residential use; or
  - b. it would further intensify existing over-concentrations of flat accommodation.

#### **Houses in Multiple Occupation:**

3. Proposals for the conversion of existing dwellings or other buildings into houses in multiple occupation (HMOs) will not be permitted in any part of the Borough.

3.69 All planning applications for conversion to residential use must accord with Policy CS13 of the Core Strategy which sets out the requirements for new housing including conversions in terms of housing mix, density and floorspace standards.

3.70 The New Homes from Old Places (Residential Conversions) SPD and the Nationally Described Housing Standards define the Council's standards for accommodation including floorspace, layout and amenity space, ensuring any changes to residential use result in good quality, self-contained living accommodation.

3.71 Applications for the conversion of properties from non-residential uses such as from holiday accommodation, will need to include appropriate proposals to establish residential character and maximise residential amenity. This includes the removal of inappropriate additions, reinstatement of bay windows, erection of boundary walls, creation of front and rear garden space and appropriate green infrastructure.

3.72 New utilities infrastructure such as meter boxes, soil pipes and rainwater goods must be sensitively positioned, particularly avoiding any front elevation so as not to detract from the appearance of the building. Details should be submitted with a planning application or conditions may be imposed requiring that these details are provided prior to the commencement of development.

### **Inner Area**

3.73 Blackpool's Inner Area is characterised by a significant oversupply of poor quality one-person accommodation in the form of HMOs, bedsits and small flats (Fylde Coast Strategic Housing Market Assessment 2013). This concentration of small, poor quality housing in the Inner Area has resulted in an extremely dysfunctional and unbalanced housing supply and led to a wide variety of social problems including high levels of crime, anti-social behaviour and unstable, fragmented communities with high levels of transience. The Inner Area of Blackpool presents one of the most testing social and economic challenges in the country.

3.74 A key aim of the Core Strategy is to rebalance the housing stock within the inner areas. Therefore to tackle the oversupply of bedsits and small flats and to promote the development of sustainable neighbourhoods, detailed assessments will be made of the existing mix of properties in the area where the proposed conversion is located and a review undertaken of the most up to date census information. Proposals which would further intensify existing over-concentrations of flat accommodation will be resisted.

3.75 In addition, given the already intensively developed nature of the Inner Area, property extension including roof-lifts, dormers and the use of basements for the purposes of creating additional flat accommodation is considered unacceptable as it leads to a further intensification of such uses in these densely developed neighbourhoods.

### **Houses in Multiple Occupation - HMOs**

3.76 HMOs represent a poor standard of residential accommodation which greatly contributes to the issues identified in paragraph 3.73. The majority of this building stock is poor quality and in need of investment and renewal. This type of accommodation is unsuitable for families and undesirable to anyone who can afford to choose better. Due to the existing predominance of HMOs and the key objectives of the overall housing strategy to rebalance the housing market in Blackpool, any new proposals for HMOs across the Borough will be refused other than in exceptional circumstances.

## **Residential Use in the Town Centre**

3.77 Residential use can make an important contribution to the vitality and viability of a town centre, increasing footfall rates throughout the day and into the evening providing a walking catchment that can help sustain the town's retail, commercial and leisure offer more effectively. Policy DM6 sets out additional locations within the wider town centre where residential development will be encouraged.

3.78 Blackpool is in an enviable situation with significant regeneration projects taking place in the Town Centre. These include new conference facilities at the Winter Gardens; cinema development in the heart of the town centre; major leisure development on the former Central Station site and potential additional office development within the Talbot Gateway Central Business District. All these major projects are adding to the existing cultural offer of the Winter Gardens and Grand Theatre and an improving restaurant and café sector. In addition, the town centre is supported by excellent links to rail, tram, bus networks and cycle routes.

3.79 To build economic resilience, increase the town centre's vitality and viability and the delivery of additional homes, residential development is identified as an acceptable use on upper floors in the primary and secondary frontages (refer to policies DM11 and DM12); and an element of residential is proposed as part of the mixed-use development within the Leisure Quarter and Central Business District Strategic Sites. To further promote residential development DM6 identifies additional locations in the Town Centre where residential use is acceptable in principle.

### **Policy DM6: Residential uses in the Town Centre**

1. Proposals for upper floor residential use will be supported within the Town Centre as defined on the Policies Map provided they are in accordance with other policies in the Local Plan.
2. Proposals for residential development in the Town Centre which includes the ground floor frontage will be supported in the following locations provided they meet the policy requirements of the remainder of the Local Plan:
  - Springfield Road
  - Cookson Street
  - Edward Street
  - Caunce Street – North Side only
  - Milbourne Street
  - Lord Street (1-15)
  - Abingdon Street (north of Talbot Road)
  - Queen Street (east of Abingdon Street)

3.80 The streets referred to in the policy are in the periphery of the town centre and are considered the most appropriate to convert to residential, including the ground floors. This approach is further supported by the town centre health check in the Blackpool Retail, Leisure and Hotel Study 2018 which acknowledged that many of the retail units located towards the Cookson Street and King Street areas are limited in their commercial contribution to the town centre and suggested that consideration could be given to promoting alternative land uses such as residential.

3.81 It is vital that high quality residential accommodation is provided and where this involves conversion this should be in accordance with the Council's New Homes from Old Places Supplementary Planning Document and other policies in the Local Plan. Proposals which do not satisfy these standards and do not result in good quality living accommodation will be unacceptable. Where new build residential development is proposed this will need to accord with relevant policies in the Local Plan and associated guidance.

# Economy

## Provision of Employment Land and Existing Employment Sites

3.82 Policy CS3 of the Core Strategy identifies the requirement to safeguard around 180 hectares of existing business/industrial land for Use Class B2, B8 and E(g) employment use. In addition, the policy promotes enhancement of these sites with new B and E(g) Class employment development on remaining available land and through opportunities for redevelopment. These areas are identified on the Policies Map.

3.83 In support of Policy CS3, Policy DM7 provides detail on the appropriate use classes within these identified business/industrial areas.

### Policy DM7: Provision of Employment Land and Existing Employment Sites

1. Proposals for new development or redevelopment of existing premises will be permitted in accordance with the specified uses for each employment area as identified on the Policies Map:

| Employment Area                                 | Available Land (Ha)<br>(as at March 2021) | Appropriate Use Classes |
|---|---|-------------------------|
| Blackpool Airport Enterprise Zone <sup>11</sup> | 14.15                                     | B2, B8, E(g)            |
| Vicarage Lane                                   | 0.02                                      | B2, B8, E(g)            |
| Clifton Road                                    | 2.5                                       | B2, B8, E(g)            |
| Preston New Road (NS&I)                         | 0   | E(g)                    |
| Chiswick Grove                                  | 0   | B2, B8, E(g)            |
| Mowbray Drive                                   | 0.3                                       | B2, B8, E(g)            |
| Devonshire Rd / Mansfield Rd                    | 0   | B2, E(g)                |
| Moor Park                                       | 0   | B2, B8, E(g)            |
| North Blackpool Technology Park                 | 2   | B2, B8, E(g)            |
| Warbreck Hill                                   | 0   | E(g)(i)                 |
| Total   | 18.97                                     |                         |

2. Proposals for non B and E(g) uses will not be permitted except for those which are in accordance with Policy DM8: Blackpool Airport Enterprise Zone.

<sup>11</sup> Incorporates Blackpool Business Park; Squires Gate Industrial Estate and Sycamore Estate.

3. Employment land at the Blackpool Airport Enterprise Zone includes around 9 hectares released from the Green Belt justified by exceptional circumstances in line with NPPF (2021) Paragraph 140.

3.84 The main industrial/business areas identified in the policy provide a range of employment related uses that make an important contribution to Blackpool's employment offer and the local economy and will be retained as safeguarded employment land. Proposals for non-B or E(g) uses will not be permitted. The only exception to this is at the Enterprise Zone for proposals that accord with policy DM8.

3.85 The Core Strategy sets out the requirement for 31.5 hectares of new employment land over the plan period from 2012 to 2027. The sites to meet this need are included in this policy<sup>12</sup>. The Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (Feb 2022) recognises that significant safeguarded employment land has been developed for alternative uses since the start of the plan period. Furthermore, employment land take-up during this time has been around half of what was expected (0.62 ha per annum compared to 1.2 ha per annum).

3.86 Taking account of the above, around nine hectares of additional employment land is identified at the Blackpool Airport Enterprise Zone which compensates for the loss of less attractive employment land and will stimulate an increase in annual employment land uptake by providing attractive and accessible employment land in the Blackpool Airport Enterprise Zone. Robust justification for the additional employment land facilitated by the release of around 9ha of land from the Green Belt is set out in the Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (Feb 2022).

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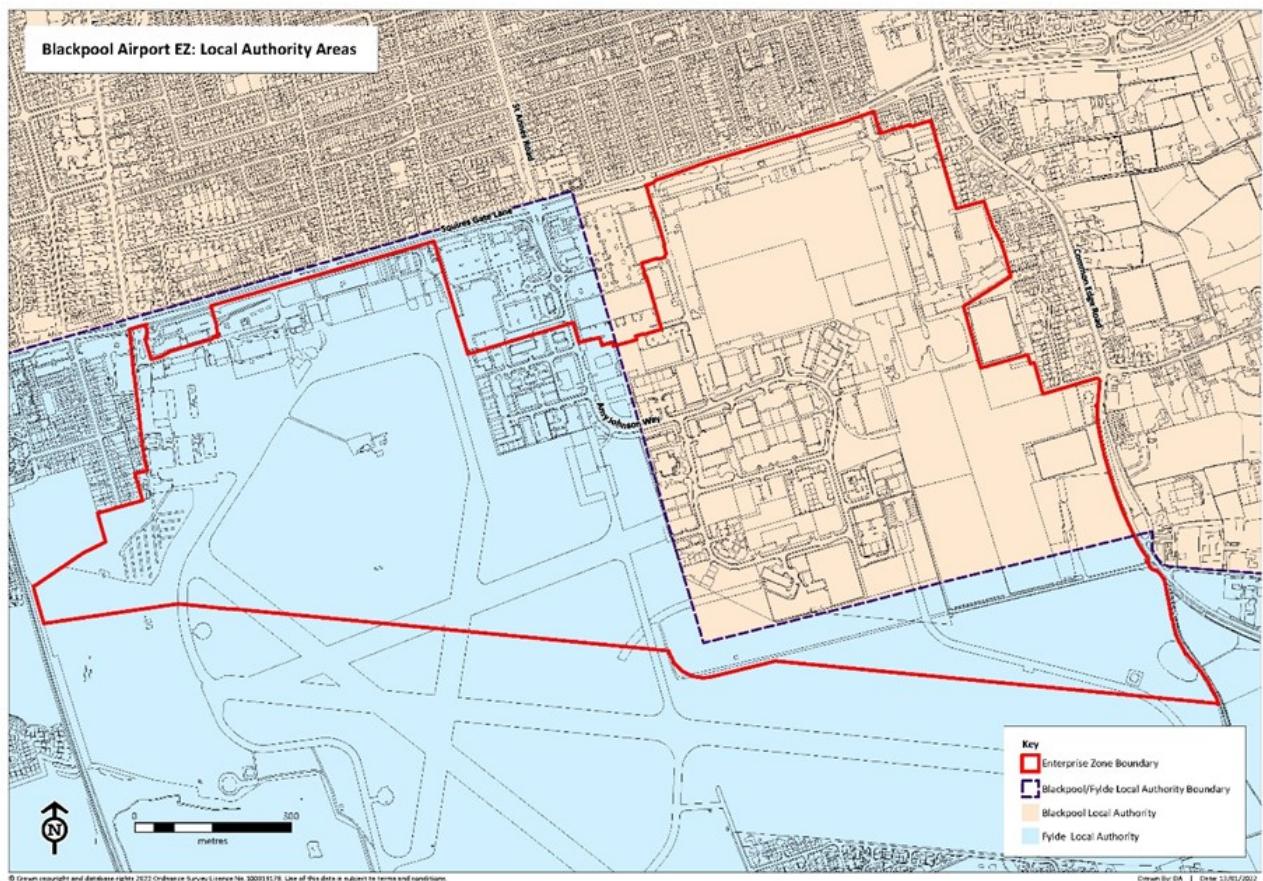
<sup>12</sup> Along with around 14 hectares of employment land in Fylde provided through the Duty to Co-operate and acknowledged in the adopted Fylde Local Plan (2018)

## Blackpool Airport Enterprise Zone

3.87 Blackpool Airport Enterprise Zone (EZ) was approved in November 2015 and the site became operational in April 2016. The status of the EZ is valid for 25 years and provides business incentives of rate relief up to £275,000 over a period of five years and Enhanced Capital Allowance.<sup>13</sup>

3.88 The site covers 144 hectares of which around 62 hectares lie within Blackpool Borough and 82 hectares in Fylde (Figure 4) and incorporates the existing Category III airport buildings and surrounding business and employment lands; areas of open space and sports playing fields. The site also benefits from excellent access to the M55 via Progress Way and onward connectivity to the national motorway network and with local train, bus and tram routes connecting the Fylde Coast and beyond.

**Figure 4: Blackpool Airport Enterprise Zone**



3.89 The area is already well-established as a hub for business and commercial activity and has a history in aviation engineering, having previously been the manufacturing site for Vickers Wellington and Hawker Hunter military aircraft. Today, one of the airfield's key uses is in helicopter

<sup>13</sup> ECA allows businesses to recuperate their investment in fixed plant and machinery by reductions in Corporation Tax of Euro 125 million currently available to November 2023.

transportation to key energy generation sites in the Irish Sea as well as being home for some 260 existing businesses including the Lancashire Energy HQ - a training base for the energy sector.

3.90 The following policy relates to land within Blackpool's administrative boundary; and protects the designation of the site supporting the delivery of the EZ.

#### **Policy DM8: Blackpool Airport Enterprise Zone**

1. That part of the boundary of Blackpool Airport Enterprise Zone (EZ) which lies within Blackpool Borough is identified on the Policies Map.
2. The Council supports the sustainable development of the EZ to create more businesses and jobs and attract international investment with positive benefits for the sub-regional economy and increasing the contribution to national growth. In supporting development at the EZ, the viable long term operation of Blackpool Airport must be maintained.
3. The overall delivery of the EZ is guided by a masterplan, informed by local plan policy and establishing the development and design framework for the site determining the appropriate mix, quantum and location of development including landscaping, green infrastructure and biodiversity net gain to deliver the objectives of the EZ.
4. Guided by the Masterplan, the following uses at the EZ will be supported:
  - a. Target sectors comprising energy industry, advanced manufacturing and engineering, aviation and aerospace, food and drink manufacture and the digital and creative sector;
  - b. Outside the target sectors other B2,B8 and E(g) uses will be considered where this promotes job creation and industry diversification provided it does not compromise the development of the target sectors;
5. In the south east quadrant supporting facilities and services, excluding hot food takeaway uses (*sui generis*), to serve the EZ business community in this location limited to:
  - i. convenience store no greater than 275m<sup>2</sup> gross;
  - ii. café or sandwich shop no greater than 275m<sup>2</sup> gross;
  - iii. children's day nursery;

6. To enable the objective of the EZ to be delivered, the Green Belt boundary is amended as identified in Appendix E to release around 10.3 hectares of land to allow the first phase of development to be undertaken by 2027 to include:

  - a. serviced plots for employment development in line with point 4 above and policy DM7;
  - b. enabling housing development (Site Allocation HSA1.13);
  - c. a new link road and associated existing highways improvements to provide an eastern gateway access into the EZ from Common Edge Road;
  - d. providing compensatory improvements to offset the impact of removing land from the Green Belt through improvements to the remaining Green Belt including:

    - i. the relocation and enhancement of the existing playing pitches and provision of new changing facilities and vehicle parking, to remain within the Green Belt with improved access
    - ii. new and/or enhanced green infrastructure including landscaping and biodiversity net gain; and
  - e. supporting infrastructure.
7. To aid the delivery process, if requested, Blackpool Council will work with Fylde Borough Council, Lancashire County Council, National Highways and other stakeholders to produce a Local Development Order.

3.91 Blackpool Airport EZ is located in the south of the Borough off Squires Gate Lane. That part of the EZ which lies within Blackpool includes Sycamore Industrial Estate, Squires Gate Industrial Estate and Blackpool Business Park, as well as land used for sport playing fields in the south east corner of the site. Blackpool Retail Park which fronts onto Squires Gate Lane is not included in the EZ designation, nor is the airport runway, the latter is excluded so as not to preclude future development to accommodate larger commercial aircraft (Figure 4 refers).

3.92 The EZ site has been a major business and industrial area for many years and has provided important employment opportunities with 1,800 employees already based on the site. It is envisaged that EZ status will attract an additional 180 businesses and create 5,000 new jobs over its 25 year lifespan supporting the local and sub-regional economy; and providing sustainable economic growth and prosperity within Lancashire which is fundamental to the Lancashire Enterprise Partnership's ambitions.

3.93 A Masterplan<sup>15</sup> has been developed to provide a strategic framework and direction for the development and delivery of the EZ over its lifespan. The role of the Masterplan is to establish the development and design framework for the site including the appropriate mix, quantum and location of development; accessibility in and around the site including public transport, cycling and pedestrian connectivity; building design principles; landscaping and green infrastructure requirements which needs to include providing opportunities for biodiversity net gain. As the site evolves and develops, updated iterations of the Masterplan will be produced to ensure the Masterplan accurately reflects and supports EZ development and responds to the evolving economic climate.

3.94 Over its 25 year lifespan the aim of the EZ is to transform the economic base of Blackpool & the Fylde Coast and position itself as a premier business location in the North West. In line with EZ objectives, Policy DM8 highlights the target sectors which will assist in this economic growth and diversification. Other business and industrial uses will also be supported provided these uses do not undermine development related to the target sectors.

3.95 In addition, Policy DM8 allows for the provision of local scale shops and services to serve the EZ business community in the south east (SE) quadrant of the site. Acceptable uses are a small convenience store, a café or sandwich shop, each unit no greater than 275 sqm gross; and a children's day nursery. Hot food takeaways (*sui generis*) will not be permitted, as reducing health inequalities in Blackpool, including reducing obesity is a key Council objective. Restricting the number of new hot food takeaways in the Borough is part of the overall policy approach by the Council to tackling obesity and is justified in the 'Managing the Location of Hot Food Takeaways' evidence base document (December 2020 update).

3.96 To assist in the timely delivery of the EZ and to ensure that the employment benefits across the EZ are realised, around 10.3 hectares of land has been released from the Green Belt in the southeast corner of the site. This released land will enable the first phase of EZ development identified in Point 6 of DM8 to be realised by 2027, capitalising on currently available funding streams; and generating income from the employment and housing development to fund essential EZ infrastructure securing the long term financial viability of the site. The employment development will also boost the uptake of employment land in the Borough and assist in meeting the Core Strategy employment land take-up target of 2.2ha per annum. The detailed justification for the Green Belt release is set out in the Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper (Feb 2022).

3.97 In addition to employment development, a housing site on the eastern boundary of the EZ has been allocated allowing up to 57 dwellings in proximity to existing residential development to be developed by 2027. This housing is enabling development contributing to underpinning the financial viability of the EZ.

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<sup>15</sup> Blackpool Airport Masterplan 2018 and updated Masterplan Plan 2020

3.98 As part of the first phase of development, a new link road and associated existing road improvements will be provided creating an eastern gateway from Common Edge Road into the EZ linking to Amy Johnston Way. This will open up access to the industrial heartland of the EZ and new development opportunities by providing access to new serviced employment plots and the housing site. The new road will also link through to the EZ Business Hub to relieve existing traffic congestion at the current single point of entry into the EZ from Squires Gate Lane<sup>17</sup> and provide the opportunity to improve public transport accessibility within and through the site.

3.99 To allow the new link road, serviced employment plots and housing site to be brought forward, the existing playing pitches and changing facilities within the site at Common Edge Road, which provide a valuable community resource, will be relocated further south within the site but remaining within the Green Belt (Appendix E refers). The new relocated sporting facilities will comprise enhanced playing pitches for football and rugby league including a new 3G football pitch as well as new and upgraded changing facilities. Accessibility to the enhanced sporting facilities within the remaining Green Belt will also be improved including upgraded pedestrian access and cycling and parking facilities. These enhanced sporting facilities and improved accessibility, along with improved green infrastructure and landscaping with biodiversity net gain within the remaining Green Belt will provide the appropriate required compensatory measures for the loss of Green Belt land within the EZ.

3.100 The first phase of development to 2027 requires substantial supporting infrastructure. The key elements of this infrastructure are set out in the updated Infrastructure and Delivery Plan (February 2022). The infrastructure includes within the new link road, ducting capacity for a local district heating system and accommodating a major fibre optic telecommunications cable. It also includes making provision for a Local Full Fibre Network (LFFN); extending the existing gas mains network; a new primary sub-station, the diversion of the 33kva electricity cable and a series of smaller network sub-stations; a new water main and foul drainage connection and a surface water drainage system incorporating large scale drainage attenuation.

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<sup>17</sup> Blackpool Airport Enterprise Zone Masterplan Plan 2020 refers

## **Blackpool Zoo**

3.101 Blackpool Zoo is one of Blackpool's key visitor attractions and covers 13 hectares, providing a home to over 1,350 animals from all over the world. It has the only gorilla enclosure in the north-west and one of the best sea lion displays in the UK. The Zoo has undergone significant levels of investment in recent years including improved animal enclosures and entrance facilities which have substantially improved the visitor experience.

### **Policy DM9: Blackpool Zoo**

1. Development proposals for lands within Blackpool Zoo as identified on the Policies Map will only be permitted if they preserve or enhance the character and appearance of the parkland setting of the Zoo grounds and of the adjoining Stanley Park Conservation area and Registered Park and Garden.
2. The Council will promote and encourage proposals for the Zoo which provides for:
  - a. an improved setting and facilities for the viewing of zoo animals;
  - b. the proper care and welfare of zoo animals;
  - c. visitor car parking and ancillary visitor facilities including refreshment and small-scale retail outlets selling zoo related merchandise.
3. Development for purposes not directly related to the main use of the site as a zoo will only be permitted in exceptional circumstances if it can be demonstrated that the proposed development is an appropriate adjunct to the zoo use, would enhance its appeal as a visitor attraction, and would not occupy land that might reasonably be required for essential zoo development and visitor facilities.

3.102 Core Strategy policy CS21: Leisure and Business Tourism recognises the contribution the Zoo makes to the overall resort offer, complementing those leisure facilities that are in the Resort Core and Town Centre.

3.103 Any new development at the Zoo must be integral and appropriate to the main zoo use and not detract from the parkland setting of the zoo and preserve and enhance the character and appearance of the wider Stanley Park Conservation Area and surrounding large areas of open space. The Zoo is located close to the Grade II\* Listed Stanley Park and any potential impact will be assessed against policy DM29: Stanley Park.

## Promenade and Seafront

3.104 The Promenade can be viewed as the largest outdoor recreation space in the town and very much the public face of Blackpool. It is one of the town's key leisure assets and is an important setting for a number of the towns' major heritage buildings and structures. The Promenade is also at the heart of the visitor economy in Blackpool along with the Resort Core and Town Centre. It is the focus for visitors, both day-trippers and guests staying in the resort and is a highly sustainable location for tourism investment.

3.105 Over the last decade there has been significant public sector investment on the Promenade including attractive new sea defences, public art and landscaping, an upgraded tramway and five new headlands which have created space for activities and events. The Promenade is a focal point for popular events such as the Annual Air Show, World Fireworks Championships, various concerts, festivals, events and rallies and of course, the Promenade is home to the world famous Blackpool Illuminations and the Lightpool Festival.

3.106 The Promenade between North and South Pier (including the Golden Mile) has an eclectic character of ice cream parlours, souvenir shops and stalls selling burgers, donuts and candy floss and this is all part of the seaside offer. Despite the public sector interventions, three decades of decline in visitor numbers has meant that parts of the Promenade have become associated with a poor quality, low-value seasonal offer which does not appeal to the 21st Century tourist market. It is therefore vitally important for the Council to continue to raise the quality of the built environment to improve all aspects of the visitor offer and people's experience on the Promenade and DM10 sets out the requirements for future development along the Promenade and seafront.

### Policy DM10: Promenade and Seafront

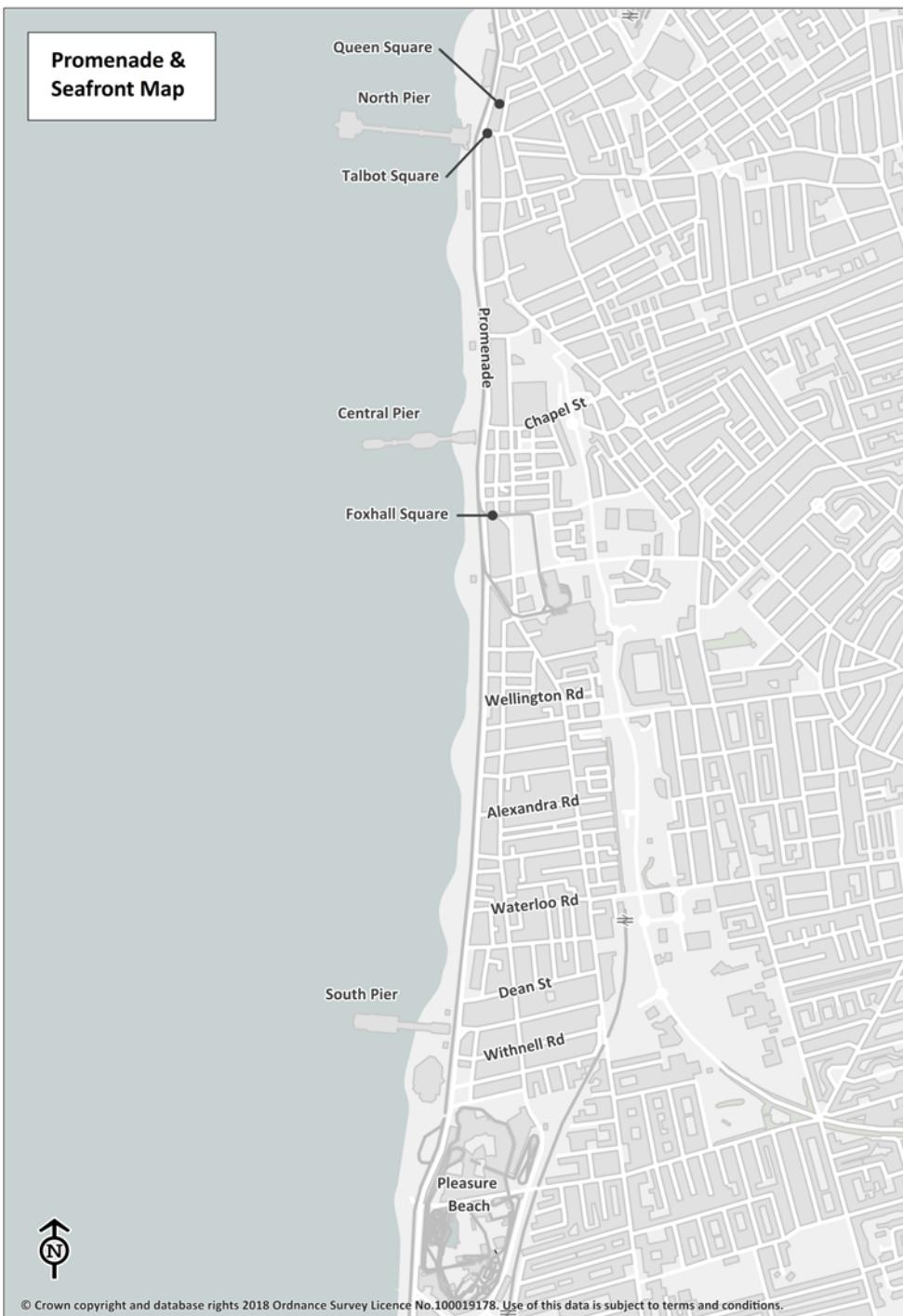
1. Development proposals which further improve the appearance and economic function of the Promenade and Seafront east of the tram tracks, between the Pleasure Beach and North Pier, as identified on the Policies Map, will be supported where they involve:
  - a. re-development of existing poor quality, seasonal and transient uses with quality cultural and leisure facilities and holiday accommodation;
  - b. quality improvements and enhancements to buildings and frontages;
  - c. new high quality landmark buildings<sup>18</sup>;
  - d. high quality public realm, landscaping and green infrastructure, lighting and security;
  - e. conserving, enhancing and securing sustainable futures for the town's heritage assets.

<sup>18</sup> A landmark is a building or feature that is easily recognised and that can assist wayfinding.

2. Piecemeal development on the forecourts of commercial buildings on the Promenade between the Pleasure Beach and North Pier will not be permitted.
3. Excluding the pier heads, pier decks and platforms, new development on land to the west of the tram track will not be permitted, other than green infrastructure; essential infrastructure, ancillary shelters, seating, public art and public realm improvements.
4. Appropriate improvements and development on the pier decks and platforms which underpin the sustainable future of the piers and which preserve or enhance their character or appearance and result in no harm to their significance will be supported.
5. Appropriate high quality improvements and development at the pier heads will be supported provided the proposals are comprehensive. Piecemeal proposals will not be accepted.

3.107 The character of the Promenade within the Resort Core, between the Pleasure Beach and Queens Square (refer Figure 5) changes in terms of land uses, density and scale of development and design quality.

**Figure 5: Map showing the Promenade and Seafront**



3.108 Between the Pleasure Beach and South Pier, the character is very much focused on tourism and leisure and is the location of the Pleasure Beach theme park, Sandcastle Water Park, South Pier and Promenade. There is limited opportunity for development in this area other than extensions and alterations to the existing leisure assets. Any such development should be of the highest quality and respect the setting of the Grade II listed White Tower building at the Pleasure Beach as appropriate.

3.109 Between Withnell Road and Foxhall Square, the Promenade is dominated by independently owned hotels which help to sustain the resort's tourism economy. However many of these commercial properties over the decades have extended their businesses which has impacted on the integrity of the built form with in parts, poor quality rooflifts and front sun lounge extensions and other inappropriate additions or changes to architectural features. The Council in striving to raise the quality of the built form will support the removal of inappropriate features and the development of high quality extensions. Where upper floor bays have remained intact on the property, these need to be taken into account in the design of any proposal.

3.110 The Promenade between Withnell Road and Wellington Road is characterised by a mix of three and four storey hotels with deep forecourts, many of which have been hard surfaced to provide car parking. Between Withnell Road and Alexandra Road there are examples of past ad hoc development on hotel forecourts including burger bars, rock stalls, palm reader kiosks and fancy good stalls. The majority of these facilities clutter the frontages, are of a poor quality and impact negatively on the visitor experience. To the north of Wellington Road, as far as Foxhall Square, the area is characterised by a mix of three and four storey hotels with smaller forecourts, most of which are enclosed by dwarf walls along the public footpath. To improve the visual quality of this stretch of the Promenade, as well as contributing to a greener Blackpool, the Council will support the reinstatement of front boundary walls, the removal of poor quality kiosks and food vans and the re-introduction of soft landscaping.

3.111 North of Foxhall Square there is a mix of single, two and three storey buildings catering for the tourist economy, including cafés, amusement centres, bingo halls and fancy goods stalls. Development which improves the quality of the built form and tourism offer will be supported in principle in this area.

3.112 On approach to the Town Centre, the scale of development increases and includes larger leisure and tourism facilities such as Madame Tussauds, the Sealife Centre, Coral Island and Blackpool Tower. Proposals which improve the quality of the built environment and provide an appropriate setting to the Grade 1 Listed Blackpool Tower.

3.113 North of Blackpool Tower to Queens Square the character of the Promenade changes again and is aimed more towards the evening economy including bars, clubs and restaurants. Proposals which improve the quality of the built environment and provide an appropriate setting to the Town Centre Conservation Area will be supported in principle.

3.114 The Promenade west of the tram tracks has a spacious and open feel with largely unrestricted views of the sea and the piers. However, there are incidences of inappropriate development, particularly around the pier heads. Past development around the pier heads has generally been piecemeal and of poor quality, creating clutter and apart from detracting from the piers themselves, distracts from one of the towns major assets – the coastline and foreshore.

3.115 In order to maintain the open character of the Promenade between the Pleasure Beach and North Pier and to maintain strategic views of the sea, coast and foreshore, new development on land to the west of the tram tracks will not be permitted other than essential infrastructure, ancillary shelters and seating for pedestrians and cyclists using the Promenade.

3.116 Whilst the Promenade has recently been protected against flooding with the construction of the new sea defences, the three piers remain vulnerable to rising sea levels as a result of climate change. This is an issue which has been recognised internationally when the piers were included on the World Monuments Watch List. Where possible, the Council will assist in protecting the piers and will support proposals which will conserve and enhance these assets.

## **Primary and Secondary Frontages**

3.117 Blackpool Town Centre is the sub-regional centre for the Fylde Coast and provides Fylde Coast residents and visitors with shopping facilities to meet a wide range of needs. The Core Strategy defines the Town Centre boundary with Policy CS4 identifying the Town Centre as the focus for new retail development and other town centre uses, whilst Policy CS17 sets the strategic planning framework for the Town Centre.

3.118 The following policies guide development within the Town Centre's defined Primary and Secondary Frontages.

### **Policy DM11: Primary Frontages**

1. Proposals for the following uses will be permitted within the Primary Frontages as identified on the Policies Map:
  - a. retail (E(a));
  - b. restaurants and cafes (E(b));
  - c. appropriate leisure, residential (C3), hotel (C1) or office (E(g)(i)) uses at upper floor level;
  - d. civic space/open space.
2. Uses that do not fall within (a) to (d) will not normally be permitted.

3.119 The Blackpool Retail, Leisure and Hotel Study (June 2018) provides key evidence informing our retail policies in the Local Plan Part 2<sup>19</sup>. The Primary Frontages include Blackpool's key shopping streets - Hounds Hill Shopping Centre, Victoria Street and some properties on Bank Hey Street. These streets mainly comprise retail uses interspersed with complementary cafes and restaurants. Proposals that would be detrimental to the retail function/character of these main shopping streets will not be permitted.

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<sup>19</sup> [Blackpool Retail Study June 2018](#) [opens a new window]

### **Policy DM12: Secondary Frontages**

1. Proposals for the following uses will be permitted within the Secondary Frontages as identified on the Policies Map:
  - a. retail (E(a));
  - b. professional and financial services (E(c));
  - c. restaurants and cafes (E(b));
  - d. leisure;
  - e. hotel (C1);
  - f. residential (C3) or office (E(g)(i)) uses at upper floor level;
  - g. civic space/open space.
2. Uses that do not fall within (a) to (g) will not normally be permitted.

3.120 Blackpool's secondary frontages include parts of Church Street, Bank Hey Street, Albert Road, and Corporation Street which accommodate a mix of uses with retail use less dominant. There are currently a significant number of vacancies within these streets and it is hoped that increasing the flexibility of uses in these areas will encourage and reposition the streets in terms of the offer that they provide and improve their vitality and viability.

## **Betting Shops, Adult Gaming Centres and Pawnbrokers in the Town Centre**

3.121 Blackpool has a high concentration of betting shops, pawnbrokers and adult gaming centres per capita compared to national averages. This over representation can restrict the retail choice available and can have an impact on the health and finances of more vulnerable members of the local community, particularly in the Inner Area which suffers from significant levels of deprivation. In response to this, Policy DM13 seeks to manage the number and concentration of such uses in the Town Centre.

### **Policy DM13: Betting Shops, Adult Gaming Centres and Pawnbrokers in the Town Centre**

1. To ensure that Blackpool Town Centre's shopping areas (beyond the primary and secondary frontages) provide a diverse and balanced range of shop units, the council will seek to manage the concentration of amusement centres, betting shops and pawnbrokers.
2. Any proposal for a new betting shop, adult gaming centre or pawnbrokers will only be permitted where it can be demonstrated that the proposal:
  - a. will not impact adversely on the amenity, character and function of an area;
  - b. will not have a detrimental impact on the vitality of the town centre;
  - c. will not result in negative cumulative impacts due to an unacceptable concentration of such uses in one area, ensuring that:

#### **Linear concentrations:**

- i. None of the specified uses in the policy are adjacent to each other; and
- ii. There are at least two units in other uses between other betting shops, adult gaming centres or pawnbrokers; or

#### **Area concentrations:**

- iii. There are no more than three (in total) betting shops, adult gaming centres or pawnbrokers within 400m of each other

3.122 To ensure that the Town Centre shopping areas remain diverse and balanced, the Council is seeking to limit the amount and concentration of betting shops, adult gaming centres and pawnbrokers within the Town Centre. It is recognised that these particular uses can impact on the vitality and viability of the high street and potentially on the health and wellbeing of a community. Further information can be found in the related Topic Paper.

3.123 This approach will also help the Council address strategic and borough wide objectives in relation to improving health and well-being and wider regeneration. The Council will resist applications for such uses where they would cause unacceptable harm to the character, function and amenity of an area or negatively impact on the health and well-being of the borough's residents.

3.124 In assessing the likely impacts of a proposal, regard will be given to the type of use, proposed opening hours, size of premises and operation and servicing. The Council will also consider whether the proposal is likely to increase or create a negative cumulative impact in the surrounding area. As such none of the specified uses in the policy will be permitted where they will be adjacent to each other; and there must be at least two units in other uses between other betting shops, adult gaming centres or pawnbrokers. In addition there can be no more than three (in total) betting shops, adult gaming centres or pawnbrokers within 400m of each other, measured as the crow flies.

3.125 These specified uses will not be permitted in the Town Centre's primary and secondary frontages, as set out in policies DM11 and DM12.

## District and Local Centres

3.126 Blackpool's district and local centres play an important role in providing shopping facilities and other services to the communities they serve. This is recognised in Policy CS4 of the Core Strategy which provides the overarching retail policy for the Borough and sets out the Council's objectives to sustain and enhance the vitality and viability of these centres.

### Policy DM14: District and Local Centres

1. The Council will support proposals that safeguard and enhance the role of the district and local centres defined on the Policies Map.
2. Proposals for shops (Class E(a)), offices (falling under Class E(c)), cafes and restaurants (Class E(b)) and pubs/bars/drinking establishments (*sui generis*) appropriate to the scale and function of the centre and which would reinforce the centre's role will be supported.
3. The expansion of shopping and other commercial uses into adjoining residential streets by the piecemeal conversion of individual properties will not be permitted. Proposals to extend the shopping frontage of these centres will only be allowed if they involve frontages that are abutting an existing shopping frontage, are in scale with the existing centre and can be achieved without harming residential amenity.
4. Proposals for uses not described in 2. above (including residential and *sui generis* uses) will only be permitted in exceptional circumstances where they would not undermine the retail function, role and character of the centre. Any proposal that creates an over-concentration of uses not identified in 2. above or has a significant adverse effect on the amenity of existing residents will not be permitted.
5. The impact of any proposal on the retail function of a centre will consider:
  - a. the use proposed and its compatibility with nearby uses;
  - b. the current vitality and viability of the centre;
  - c. the use proposed and whether it would lead to an over concentration of uses not described in 2. above ;
  - d. the site's location and prominence within the centre;
  - e. the level of vacancies within the centre;
  - f. the need to maintain a retail core within the centre;
  - g. the viability of the continued use of the property as a use described in 2. above

6. Any proposal for a Hot Food Takeaway use (*sui generis*) must also accord with Policy DM16 'Hot Food Takeaways'.

3.127 Blackpool's District and Local Centres are identified on the Policies Map. These centres operate successfully and this policy seeks to protect and enhance them.

3.128 **District Centres** provide for a range of convenience shopping, comparison shopping, pubs/restaurants, office uses and other service uses. They are also a focus for social and community uses for Blackpool's neighbourhoods.

3.129 The district centres are:

- South Shore (Waterloo Road)
- Bispham
- Highfield Road
- Whitegate Drive
- Layton

3.130 **Local Centres** provide for day-to-day convenience shopping needs and other supportive uses readily accessible by a walk-in local catchment and the Council recognises their importance. Proposals that would lead to the loss of convenience and other retailing from local centres would particularly disadvantage the elderly and less mobile members of the community.

3.131 There may be exceptional circumstances when an appropriate alternative use is considered within a District or Local Centre. It must be robustly demonstrated that the proposal will not undermine the remaining retail/service function of the centre, having regard to the criteria set out in the policy.

## **Threshold for Impact Assessment**

3.132 The Blackpool Retail, Leisure and Hotel Study (2018) recognises that out of centre retail developments are greatly impacting on the vitality and viability of Blackpool Town Centre. This is reflected in the Town Centre's 9% reduction in comparisons goods market share since 2011. One of the reasons for this is the increased attractiveness of the Borough's out of centre shopping destinations such as Blackpool Retail Park.

3.133 The Study highlights the need to protect Blackpool's Town, District and Local Centres from further trade diversion and to drive up the market share of the Town Centre to promote their vitality and viability and encourage more sustainable shopping patterns across the Borough. To support this, the Study recommends the introduction of a requirement for Local Thresholds for Impact Assessment for new retail and leisure planning applications.

### **Policy DM15: Threshold for Impact Assessment**

1. An Impact Assessment is required for retail and leisure proposals including the formation of mezzanine floors; changes of use and variations of condition to remove or amend restrictions which are not located in a defined centre where:
  - a. the proposal provides a floorspace greater than 500 sq.m gross; or
  - b. the proposal is located within 800 metres of the boundary of a District Centre and is greater than 300 sq.m gross; or
  - c. the proposal is located within 800 metres of the boundary of a Local Centre and is greater than 200 sq.m gross.
2. The scope and content of any Impact assessment shall be agreed with the Local Planning Authority.

3.134 In accordance with the requirements of paragraph 89 of the NPPF, it is appropriate to identify thresholds for the scale of edge of centre and out of centre retail and leisure development which should be subject to an impact assessment.

3.135 Based on the findings of the 2018 Study and the recommendations provided with regard to protecting Blackpool Town Centre from trade diversion and further shifts in shopping patterns to out of centre floorspace, DM15 sets out appropriate local thresholds for impact assessment to be applied to Blackpool's Town Centre, District Centres and Local Centres.

3.136 In implementing a local threshold policy, it is considered more appropriate to apply a range of thresholds in accordance with the type of centre to which the proposed development is proximate. The thresholds will not only apply to new floorspace, but also to changes of use and variations of condition to remove or amend restrictions on how units operate in practice.

3.137 The supporting information and justification of the proposed thresholds can be found in the Blackpool Retail, Leisure and Hotel Study (2018) and the Local Centre Assessment Review (2018).

3.138 The extent and content of an impact assessment will be agreed with the Local Planning Authority at pre-application stage to ensure that an appropriate level of information is submitted with a planning application.

## Hot Food Takeaways

3.139 Reducing health inequalities in Blackpool, including reducing levels of obesity, is a key Council objective and one way this can be achieved is to encourage healthy eating. Living in an environment with large concentrations of hot food takeaways that provide cheap, convenient, energy dense food, encourages unhealthy eating habits.

3.140 In recognition of supporting the health and well-being of the resident population of Blackpool, the Council in 2016 signed a Healthy Weight Declaration and in doing so has shown a commitment to reducing unhealthy weight in Blackpool.

3.141 Whilst it is acknowledged that Blackpool is a tourist destination and fast food such as fish and chips is synonymous with a popular seaside offer, local communities, particularly in and around the Inner Area, are exposed to exceptionally high numbers of hot food takeaways and this is having a detrimental impact on health.

3.142 This policy sits alongside other planning policies and local authority and public health initiatives to reduce levels of obesity and improve the health and wellbeing of Blackpool's residents. The policy seeks to prevent the establishment of new hot food takeaways in areas where there are high levels of childhood obesity.



### Policy DM16: Hot Food Takeaways

To promote healthier communities, permission will not be granted for hot food takeaways in or within 400 metres of wards where there is more than 15% of the year 6 pupils or 10% of reception pupils with obesity.<sup>20</sup>

3.143 The Foresight report '**Tackling obesities: future choices**' remains the most comprehensive investigation into obesity and its causes. It confirms that changing dietary behaviours to reduce excess energy intake is central to tackling obesity. Eating out of the home has been associated with higher intakes of energy and fat and lower intakes of micronutrients. In particular, there is evidence that the consumption of hot food take-away foods and fast-foods are determinants of

<sup>20</sup> [Public Health Map](#) [opens a new window]

excess weight gain. The popularity and prevalence of eating out of home, including the consumption of take-away foods and fast-foods, has risen considerably over the last few decades.

3.144 NICE (2010) Guidance on prevention of cardiovascular disease outlines that food from hot food takeaways and the ‘informal eating out sector’ comprises a significant part of many people’s diet and indicates that local planning authorities should exercise their powers to prevent the establishment of new hot food takeaways, where there is local evidence that hot food takeaways are causing harm. It recommends that local planning authorities should be encouraged to restrict planning permission for hot food takeaways as well as consider the concentration of hot food takeaways in specific areas to address disease prevention.

3.145 The NPPF confirms that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles where this would address identified local health and well-being needs.

3.146 One of the key objectives in the Core Strategy is to improve the health and well-being of Blackpool’s residents and reduce health inequalities by maintaining good access to health care and encouraging healthy active lifestyles.

3.147 The National Child Measurement Programme (NCMP) records children’s weight in Reception and Year 6 annually. Nationally, obesity levels have trebled in the last 30 years and in Blackpool, a quarter of reception age children, over a third of Year 6 children and three quarters of adults are either overweight or obese and these levels are significantly worse than the national averages.

3.148 Levels of obesity in childhood are greater in the most deprived areas and it is in these areas where there are clusters of hot food takeaways. In Blackpool, rates of obesity in childhood are nearly double in the most deprived wards compared to the least deprived wards.

3.149 In England, there is an average of 96.5<sup>21</sup> hot food takeaways per 100,000 head of population. In Blackpool, excluding hot food takeaways on the Promenade which primarily cater for tourists, there are 196.5 hot food takeaways per 100,000 head of population (as of March 2018). Including the units on the Promenade, Blackpool has 217 hot food takeaways per 100,000 head of population (as of March 2018).

3.150 Wards with the highest number of hot food takeaways (excluding units on the Promenade) include:

- Talbot ward which has 54 units serving a population of 6461 population which equates to 804 units per 100,000
- Bloomfield ward which has 48 units serving a population of 6712 which equates to 715 units per 100,000.

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<sup>21</sup> 2018 figures

- Claremont ward which has 32 units serving a population of 7312 which equates to 438 units per 100,000

3.151 These are the three most deprived wards in Blackpool and amongst the most deprived areas in England and the rates of obesity in childhood in these wards is significantly above the national average of 19.3%<sup>22</sup> by between 5 and 8%.

3.152 In 2018, the Government announced ambitions to reduce obesity in children nationally by 50% by 2030, which would result in approximately 5% of reception aged children and 10% of children in year 6 having obesity nationally in 2030. In order to support the Government in its ambitions to reduce obesity in childhood and to improve the health of children in Blackpool, the Council has adopted the approach taken by other authorities in restricting new hot food takeaways in or within 400m of wards where there are 10% of reception children and 15% of children in Year 6 with obesity. 400m is approximately a 5-10 minute walk and should be measured as the most direct and safe walking route.

3.153 Planning applications will be assessed against the most up to date childhood obesity data by ward, which is published by Public Health England, as part of the National Child Measurement Programme. Along with other Local Plan Policies and Blackpool's Public Health Strategies, the effectiveness of Policy DM16 along with the current childhood obesity levels, will be monitored through the Annual Authority Monitoring Report using the data gathered through the indicators set out in the Monitoring Framework at Appendix H.

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<sup>22</sup> 2019 figures

# Design

## Design Principles

3.154 The National Design Guide was published in October 2019, and confirms that the long-standing, fundamental principles for good design are that it is ‘fit for purpose, durable, and brings delight.’

3.155 Core Strategy Policy CS7 describes why securing high quality design in Blackpool is vital in creating attractive, successful and sustainable places in which people want to live, work and visit. Compromises in design quality are likely to have long term negative impacts on the town’s economic, social and environmental sustainability.

3.156 All aspects of design in new development must be properly addressed from broad issues such as layout, scale and massing of buildings to more detailed issues such as architectural coherence, context and use of materials that are fundamental to the quality of the townscape. In this context DM17 sets out further detailed design requirements in all new development.

### Policy DM17: Design Principles

1. All development should be of a high quality, and should enhance and respond to any positive character of the local area to create well designed, attractive and distinctive neighbourhoods in Blackpool.
2. Development should have regard to the following characteristics of the local area:
  - a. the topography and landscape features;
  - b. heritage assets and their setting;
  - c. the pattern, size and arrangement of streets, buildings and building lines;
  - d. the scale, height, massing and roofscapes;
  - e. vertical and horizontal rhythms created by windows and other architectural features;
  - f. materials, boundary treatments and landscaping.
3. New development should:
  - a. have a consistent architectural style across the whole building;
  - b. provide a human scale at street level;
  - c. have sufficient texture, depth and detailing to provide visual interest;
  - d. provide active frontages on all elevations with a street presence;

- e. not be dominated by car parking in front of the development;
  - f. be designed to prevent crime or the fear of crime;
  - g. not be less than four storeys in scale on the Promenade or within the Town Centre unless the character of the site and its surroundings suggests that four storeys would be inappropriate.
4. The materials used in developments should:
- a. be appropriate to the location and context in terms of their colour, texture, pattern and elements of detailing;
  - b. maintain a high quality visual appearance in the long term;
  - c. wherever possible be re-used or recycled and be re-usable or recyclable.
5. Particular attention should be paid to the design of new buildings:
- a. in sensitive locations such as those affecting heritage assets; or
  - b. that would be highly visible due to the prominence of the location or the scale of the development proposed.

### **Local character and distinctiveness**

3.157 The NPPF states that planning policy should ensure that new developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Policies should also require development to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and instinctive places.

3.158 It is important that developments are designed to protect and take advantage of any distinctive characteristics that make a positive contribution to an area. The first priority should be to contribute to a successful place overall, rather than considering the design of the development in isolation.

3.159 Respecting local character will often involve reflecting factors such as the existing scale of buildings and their design features, materials and boundary treatments in new developments. However, this may not always be appropriate, for example where it would draw attention away from a listed building or any other important landmark that is distinctive and a contributor to local identity. There may also be situations where a contrast to prevailing characteristics can enhance appreciation of those characteristics rather than detract from them, but such developments need to be very carefully designed to ensure that they are a positive rather than a negative feature and do not appear incongruous.

## **Architecture and the Built Form**

3.160 The architectural design of buildings should be of high quality which contributes to an attractive and useable townscape. Individual elements of a building or a site may seem appropriate in isolation, but if they do not work together successfully then the building or site may detract from rather than enhance the area. Providing a scale which people can relate to will be particularly important, and this may involve the size and shape of buildings, as well as the use of architectural detailing to break up the overall mass.

3.161 Developments that create dead frontages tend to reduce the amount of natural surveillance, visual interest and activity in the street, affecting the usability and attractiveness of those spaces. It is important that people can easily understand and navigate their way around the built environment without crime or fear of crime, and this is aided by locating entrances on main street frontages and by making all street frontages active.

3.162 The placement of development on a site is also a critical consideration. For example, locating a large building at the rear of the site, well behind the building line with car parking and delivery bays dominating the frontage and with no soft landscaping is considered to be poor design.

3.163 The NPPF states that planning policy should seek to increase densities in Town Centres and other locations well served by public transport. In response to this and the local character of the town, Policy DM17 requires all new development within the town centre and on the Promenade (between Abercorn Place in the south to Carlin Gate in the north) to be four or more storeys (where appropriate). As Blackpool is a town which is predominantly built up to its boundaries, this approach will maximise the efficient use of land and promote the vitality and viability of the resort, in particular emphasising the important function of Blackpool Town Centre through larger scale development driving economic growth and investment. By ensuring that all new development in these locations is of such a scale this will diversify the range of uses including opportunities for new housing and employment on upper floors. The use of taller buildings will require careful consideration in relation to the setting of heritage assets and strategic views (Policy DM26-30 and DM19 refer).

## **Designing out Crime**

3.164 Crime and fear of crime have a considerable impact on both the life of individuals and their wider community. It is well documented that good planning and design have a major role to play in reducing crime. Design is one element that can influence the occurrence of crime - both positively and negatively. The aim of 'Designing Out Crime' is to reduce the vulnerability of people and property to crime by removing opportunities that may be provided inadvertently by the built environment. It also aims to reduce fear of crime and in doing so, helps to improve people's quality of life.

3.165 Applicants are encouraged to approach the designing out crime officers from Lancashire Constabulary, at an early stage in the design process to ensure that development incorporates ‘crime prevention through environmental design’ principles.

## Materials

3.166 The quality and type of materials used in new development can make a significant difference to the appearance and quality of a building and whether it enhances or detracts from the character of an area. Materials should be carefully selected to ensure they are both fit for purpose in a harsh marine climate, particularly in areas close to the Promenade and that they help the building fit into the surrounding townscape. In order for new development to be as sustainable as possible and to keep as much material out of landfill, wherever possible, materials should be re-claimed or be recycled and should be re-usable or recyclable at the end of the lifetime of the development.

## Design and Access Statements

3.167 A Design and Access Statement is required to accompany and support a planning application for major development<sup>23</sup> and within a Conservation Area for proposals for new housing or development of more than 100sqm. The Statement provides a framework for applicants to explain their design concept and accessibility approach and how a proposed development is a suitable response to the site and its setting. It should also explain how relevant Local Plan policies have been taken into account, any consultation undertaken in relation to access issues and how the outcome of this consultation has informed the proposed development.

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<sup>23</sup> [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(page 5\)](#) defines ‘major development’

## **High Speed Broadband for New Developments**

3.168 Access to full fibre broadband is vital in today's world. It is intrinsic to growing a sustainable local economy, vital for education and home working and increases community cohesion through digital communication.

3.169 Paragraph 112 of NPPF identifies that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies should support the expansion of electronic communications networks, including full fibre broadband connections and prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

### **Policy DM18: High Speed Broadband for New Developments**

1. Proposals for new build residential and business (Class B2, B8 and E(g)) development must demonstrate how they will provide future occupiers with potential for full fibre broadband connectivity. Development proposals must therefore:
  - a. Demonstrate early engagement with infrastructure providers
  - b. Be accompanied by a 'Broadband Statement' that explains the current internet connectivity in the site's locality and the potential for the site to be provided with full fibre broadband, including an assessment of the feasibility of providing full fibre infrastructure to each individual premise/dwelling (FTTP). The level of detail required in the Broadband Statement should be proportionate to the scale of the development proposed; and
  - c. Make provision for new premises to be provided with full fibre broadband, or if this is not feasible at the time of the application, undertake all reasonable actions to enable a full fibre connection at a future date.

3.170 The overarching vision for Blackpool Council's ICT/Digital Strategy 2017–2022 and mission for the Council's ICT Service is to 'make Blackpool digital'. The Council seeks to enable Blackpool to be a digital place with thriving digital skills and access, digital services, high speed connectivity, smart infrastructure, smart sensors and strong cyber defences enabling Blackpool to have a thriving economy with a particular emphasis on tourism. The Council is working in partnership with the Department of Culture Media and Sport (DCMS) to implement the recommendations of the recent publication of the Future Telecoms Infrastructure Review 2018 which is targeting Full Fibre Broadband to all UK properties by 2033. Blackpool Council has developed a Broadband co-operative

through multiple Full Fibre Providers which will support the delivery of Full Fibre Broadband. Consultation with the co-operative before developers submit a planning application is strongly encouraged.

3.171 In addition to the wider economic benefits of ensuring that residents and business occupiers (i.e. Class B2, B8 and E(g) employment uses) 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.

## **Strategic Views**

3.172 Strategic views of assets of particular importance such as historic or distinctive buildings and landscapes help to shape the identity of a place. New development should safeguard and enhance important views of such buildings and landscapes.

3.173 Views of Blackpool Tower and the seafront and coastline are particularly sensitive to changes in their setting given that the Tower is the focal point of the Promenade and the seafront and coastline serves as the shop window to the resort.

3.174 This policy aims to enable appropriate development in locations which will enhance Blackpool's offer without detracting from these established strategic views.

### **Policy DM19: Strategic Views**

1. Development should protect and enhance views of the following buildings and features of strategic importance:
  - a. Blackpool Tower – views from the seafront, from the piers and along main transport corridors leading into the Town Centre;
  - b. along the seafront and coastline;
2. Development that has a detrimental impact on these strategic views will not be permitted.

3.175 The seafront and coastline provide the main focal point of Blackpool as a seaside resort and Blackpool Tower is a nationally recognised landmark of significant historical and cultural importance that dominates Blackpool's skyline. The Tower can be seen from many locations throughout the town and across the wider Fylde Coast area. Views of the Tower are particularly prominent from the seafront, from the three piers and on main transport routes leading into the Town Centre.

3.176 New development can make a positive contribution to views of Blackpool Tower and the seafront and coastline but where development is likely to compromise these views, it will be resisted.

3.177 The scale, mass or height of existing buildings and structures which detract from a strategic view will not be accepted as a precedent for their redevelopment where there is an opportunity to improve the view with more sensitively scaled and massed development.

3.178 New development which would improve and enhance strategic views will be supported, subject to other planning policy requirements.

## **Extensions and Alterations**

3.179 Extensions and alterations account for a significant proportion of planning applications in the Borough. Well-designed extension and alterations can enhance the appearance and value of a property. On the other hand, an unsympathetic extension can detract from the property itself, create problems for neighbouring residents, and affect the general appearance of the whole area.

3.180 Core Strategy Policy CS7 sets out the overarching policy in terms of general design requirements. Policy DM20 provides further detail in relation to extensions and alterations.

### **Policy DM20: Extensions and Alterations**

1. Extensions and alterations must be well designed, sited and detailed in relation to the original building and adjoining properties. Past, unsympathetic alterations and extensions of other properties should not be regarded as a precedent for further similar proposals.
2. Materials will need to match or be complementary to the original building.
3. Roof lifts will not be permitted. Roof extensions will be acceptable where they will not:
  - a. be detrimental to the appearance or undermine the unity, roofscape or the townscape quality of the original and nearby buildings;
  - b. result in over-intensive development of a property with inadequate levels of private amenity space.
4. Rear extensions will not be permitted where they would result in inadequate levels of private amenity space being provided.
5. Front extensions beyond the main front wall of a property will not be permitted where they would disrupt a uniform building line.
6. Extensions which have an unacceptable impact on neighbour amenity in terms of loss of privacy, loss of outlook, loss of sunlight or daylight or have an overbearing impact will not be permitted.
7. Extensions which result in a loss of green infrastructure, car parking or servicing areas will need to be robustly justified and appropriately mitigated.

3.181 The Council is committed to supporting development that allows everyone in Blackpool the opportunity to make the most of their property in a positive way. However, extensions and alterations should be designed in a way that positively responds to the character of the host building and neighbouring properties and should respect locally distinct forms and detailing.

3.182 Some areas of Blackpool, particularly in the Inner Area neighbourhoods, are intensively developed with little or no private amenity space to the rear of properties. Proposals should not result in an inadequate level of private amenity space or exacerbate an existing deficiency.

3.183 Rooflifts have been used in the past as a way of extending holiday accommodation by the addition of an extra storey. Usually they consist of building up the outer walls of a property and replacing the pitched roof with a flat roof, sometimes at a higher level than the original ridge. Rooflifts are generally out of scale and character with the original property and particularly when used on front elevations, have a detrimental effect on the streetscene. Where upward extension of a property is acceptable, roof extensions should take the form of a dormer, where the use of roof space is allowed by the introduction of windows set within and framed by the existing roof. The dormer's materials and design should be in character with the existing building and roof style.

3.184 There are many examples of inappropriate front extensions and sun lounges in Blackpool, particularly on the Promenade and in current and former holiday accommodation areas. This type of inappropriate extension to the front of properties can be visually obtrusive and detract from the appearance of the original building. The existence of poor quality extensions and alterations will not be seen as a precedent for further poor quality development.

3.185 For the case of house extensions the 'Extending Your Home' SPD (and any subsequent update) provides additional design guidance that should be followed.

3.186 Green infrastructure which would be lost as a result of extensions will need to be replaced or mitigated, for example through the use of a green roof or wall or additional tree planting on or off site. Any loss of car parking or servicing areas should be justified and a demonstration that the loss will not increase pressures on street parking or the safe servicing of the development.

## **Landscaping**

3.187 The protection and improvement of the natural environment is one of the core objectives of the planning system. The NPPF confirms that good quality landscaping and green infrastructure can create visually attractive places with multiple benefits to the economy, the environment and health and can avoid increased vulnerability to the range of impacts arising from climate change.

3.188 Core Strategy Policy CS6 requires development to incorporate or enhance green infrastructure and where this is not possible, a financial contribution will be sought to make appropriate provision for open space and green infrastructure off-site.

3.189 Policy DM21 requires new development to enhance the Borough's green and blue infrastructure taking account of the requirements in the latest Green and Blue Infrastructure Strategy and Action Plan and the findings and recommendations in the Open Space Assessment 2019.

### **Policy DM21: Landscaping**

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, at least two replacement trees 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 towards the provision of trees off-site will be required;
  - b. where appropriate, include a landscaped buffer of appropriate depth and length which prioritises native species, unless there are site specific constraints which indicate this requirement cannot be achieved. In such cases, the use of green walls and green roofs will be encouraged;
  - c. use landscaping to screen and soften the appearance of hard surfaced areas, including surface level car parks and servicing areas;

- d. provide appropriate, high quality boundary treatments which encourage and enables the passage of wildlife and consider the inclusion of hedges rather than impenetrable fencing and walls
  - e. where appropriate, contribute towards tree planting in the town
  - f. demonstrate, where appropriate, how the landscaping scheme connects to the wider green infrastructure and ecological networks in Blackpool and the neighbouring Authorities.
2. 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).
  3. Proposals involving the hard surfacing of more than 50% of a residential garden will not normally be permitted.
  4. Proposals for major development and public spaces which will attract large crowds should include well designed Hostile Vehicle Mitigation (HVM) measures which are integrated sensitively and seamlessly into the townscape.

### **Economic benefits**

3.190 To improve the desirability and attractiveness of Blackpool as a place to live, work and visit investment in the town's green infrastructure will be a priority, particularly in the inner neighbourhoods and the town centre. This will involve maintaining and improving our major parks, and open space; creating new green spaces and green links, improving access to our green and open space including the promenade; and softening the streetscape of our residential areas with trees and pocket parks bringing nature back into the heart of the resort.

3.191 The term landscape does not just include the wider countryside and green spaces, but urban spaces such as civic squares, public realm, street trees and all other outside spaces at every scale, including residential gardens. Trees and other green infrastructure are integral in creating places with a sense of character and local distinctiveness.

3.192 People are attracted to green and pleasant environments which encourage them to stay longer, adding vibrancy to a place and increasing potential for commercial success. Having a diverse, well managed landscape can also increase house and property values and attract investment.

3.193 Quality landscaping goes hand in hand with good quality and sustainable design and landscaping should be included as an integral part of the overall design of a development and should not be an afterthought.

3.194 Landscaping around buildings is important not only as a setting for the building in its context but also to provide amenity space, to soften the appearance of car parking and servicing areas and to assist with surface water drainage. The benefits of good quality landscapes which increase or introduces opportunities for biodiversity cannot be overstated and trees in particular are vital economic, environmental and social assets.

3.195 Priority consideration should be given to trees and hedgerows that are present on or adjacent to a development site. Development layouts should be designed to ensure that retained trees flourish and are able to reach maturity, thereby providing maximum environmental and amenity benefits, with minimum maintenance requirements. Retained trees, which are poorly related to buildings, can cause structural problems, distress or financial loss to occupants even if not affecting the trees directly. Therefore, development layouts may not be acceptable if they would result in undue pressure for felling or unsightly, heavy pruning of trees in the future.

### **Environmental benefits**

3.196 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) requires public authorities to have regard to the conservation of biodiversity, including restoring or enhancing a population or habitat. The NPPF encourages environmental and biodiversity net gains from development and the Government has announced that net gain will become mandatory in the emerging Environment Bill, to ensure that new developments enhance biodiversity and help deliver thriving natural spaces for communities, which can improve human health and wellbeing.

3.197 Biodiversity has historically been undervalued and population growth and climate change are likely to increase pressures on the declining natural environment in Blackpool. It is vital therefore that development acknowledges and addresses these pressures and that measures are put in place to protect and enhance the natural environment and minimise the impacts of development.

3.198 Providing landscaping (including within residential curtilages) which includes native species, enhances biodiversity, encourages pollinators, creates habitats, improves health and wellbeing, reduces pollution and mitigates the effects of climate change. The connectivity of habitats via green corridors is a key consideration and areas where there are hedgerows are particularly important. Every development should take opportunities to protect, improve, enhance and link existing green infrastructure and should introduce well designed and robust landscaping to help ‘green’ the town, assist with surface water drainage and increase opportunities for biodiversity.

3.199 Attempts to secure benefits to biodiversity on a site by site basis will contribute to the protection and/or enhancement of green infrastructure in all appropriate development in Blackpool, with a cumulative ecosystem benefit.

## **Social benefits**

3.200 The social benefits that green infrastructure can provide are substantial and a shortage of green infrastructure in Blackpool has had a negative impact on the physical and mental health of residents.

3.201 Good quality landscaping which incorporates public art and green and blue infrastructure, can encourage physical activity such as walking and cycling which benefits both physical and mental health and increase cognitive function and reduces stress. Providing adequate buffers between developments can also reduce the impacts of development on neighbouring uses and make proposals more acceptable in terms of visual and noise impacts.

3.202 At their best, green spaces can promote a sense of civic pride and can help facilitate social interaction, inclusion and community cohesion and reduce anti-social behaviour.

## **Tree planting and landscaping in new development**

3.203 The Green and Blue Infrastructure Strategy and Action Plan 2018 confirms that Blackpool has less tree cover than any other town and identifies the need to plant 10,000 trees and to 'green' the town centre and the Inner Area.

3.204 Given this significant shortfall in green infrastructure and tree cover in Blackpool and the high value of mature trees, where a development would unavoidably result in the loss of a category A, B or C of BS 5837 tree, it must be replaced by two trees of an appropriate maturity and species. Ideally the replacement trees would be planted on the development site but if this is not practical, the trees may be planted off-site.

3.205 Protecting existing trees and requiring developers to provide onsite trees or contribute to the provision of offsite trees, will furnish towards the provision of an additional 10,000 trees locally and will also assist the Government to meet the objective of increasing overall tree cover to 12% in the UK by 2060, a policy which is outlined in the Government's "A Green Future: Our 25 Year Plan to Improve the Environment".

3.206 Consideration should be given to incorporating green or living roofs or walls into new development or retro-fitting to existing buildings in cases of change of use developments. Not only are green roofs and walls attractive in terms of their aesthetic values and have obvious environmental benefits in terms of habitat creation, gains for biodiversity and improvements to air quality, but also have cost savings as they are highly insulating in terms of noise, heat loss and heat gain and will absorb rain water, reducing the amount of attenuation measures required in new developments.

3.207 Not all landscape features are green but can assist in place making and wayfinding, such as public art and use of surfacing materials. Also, hostile vehicle mitigation (HVM) measures, which are unfortunately necessary in town centres and around areas of high pedestrian traffic and congregation, have the potential to positively contribute to the quality of a place whilst keeping

people safe from hostile vehicle attacks. Highly visible HVM measures not only reduce the quality of the environment, they increase the public perception of risk which can reduce footfall and have a negative economic impact on the local economy. In the interests of public safety and good quality design, HVM measures should be designed sensitively around areas which will attract large crowds. A mixture of HVM Measures such as green and blue infrastructures including fountains and planters, street furniture, public art and retractable measures will be prioritised over more overtly defensive measures such as fixed bollards.

3.208 The Greening Blackpool SPD provides further information and assists developers in incorporating, protecting and enhancing existing trees and landscaping in development.

## **Shopfronts**

3.209 Shopfronts within the Town Centre and district and local shopping centres play a key part in establishing and defining the visual character of the street scene; they add to the overall visual quality of a centre and assist in establishing a strong sense of place and an attractive environment to visit. In addition, good shop front design which respects the integrity of the existing buildings and the street scene as a whole can help to encourage further investment together with more visitors and shoppers, thereby boosting the local economy.

3.210 A key component in the NPPF and the Core Strategy is quality of design and this emphasis has therefore been placed on ensuring high standards of design for all shopfronts, whether traditional or modern, to create streets which have a pleasing appearance and are attractive for residents and visitors.

3.211 Policy DM22 aims to ensure that the town's centres and other shopping destinations are well designed, welcoming places with distinct characters, which encourage shopping locally.

### **Policy DM22: Shopfronts**

1. Proposals for new shopfronts or alterations to existing shopfronts must:
  - a. have regard to the character of the building and the streetscene and create a positive visual impact;
  - b. have a complementary relationship with the upper floor(s) of the building where appropriate;
  - c. have a fascia depth proportionate to the shopfront, adjacent properties and the wider streetscene which retains or reinstates vertical breaks between buildings;
  - d. include principal signage only at fascia level, or within existing areas of principal signage within existing shopfronts, and in proportion to the shopfront and fascia;
  - e. retain features such as pilasters, mullions, toplights, canopies/awnings, doors and stall risers which contribute to the character of the building and the wider area; or introduce such features where appropriate and where they would not obscure architectural details;
  - f. provide independent access to the upper floor(s) where appropriate;
  - g. retain recessed doorways to provide a transition between the street and to provide disabled access;
  - h. provide transparent display windows.

2. Shop units in corner properties should include shopfronts which wrap around the corner and should be designed to have high quality elevations to both frontages to avoid blank walls in the streetscene.
3. The use of uPVC on shopfronts, windows or doors will not be permitted within the Town Centre, District or Local Centres, on Listed or Locally Listed Buildings or in Conservation Areas.
4. Automated Teller Machines (ATMs) will only be permitted in larger shopfronts. An ATM on a shopfront that would be a dominant feature on the frontage will not be permitted. If the ATM is to be placed within a shop window, the ATM should be sensitively positioned and surrounded by clear glazing rather than a solid panel and should not interfere with or result in the removal of original or good quality design features. Illuminated ATM surrounds will not normally be permitted in conservation areas or on listed or locally listed buildings.

3.212 The Council is committed to improving the public realm in the Town Centre, but if the Town Centre is to remain a thriving destination, private sector investment is also required in improving the quality of the shoppers' experience of the Town Centre. In a climate where town centres and high streets are facing a multitude of challenges to their future and viability, including reduced footfall, empty units, on-line shopping and out of centre retail parks, it is imperative that town centres and high streets are attractive places to visit and this includes having quality shopping frontages.

3.213 The unsympathetic replacement of shopfronts and poor quality designs weaken the architectural merit of existing buildings and can detract from the appearance of a street. As a result, these changes can reduce the distinctiveness and appeal of the shopping environment. In parts of Blackpool, shopping units and shopfronts have been developed in a piecemeal fashion with poor quality design and this has led to parts of the town becoming unattractive to shoppers, visitors and potential investors and as a result attracting a high turnover of low end retail uses.

3.214 Timber is the preferred option for new shopfronts, although powder-coated aluminium or steel frames are generally appropriate in more modern buildings. Good quality, well designed and maintained timber shopfronts boost the value of a property, raises the quality and appearance of the area and are more durable and easy to maintain than uPVC.

3.215 uPVC shopfronts are poorer quality and appear more chunky and clumsy compared to slimmer aluminium, steel or timber frames. uPVC shopfronts are also the least sustainable option, they have a much shorter shelf-life than more sustainable alternatives and need replacing more often as they are difficult to repair and maintain and are more difficult to re-cycle than traditional materials.



Examples of a good quality shopping frontages in Cedar Square and Abingdon Street.

3.216 In order to improve the appearance of the Town Centre, District and Local Centres, the Council will seek a reduction in the size of fascia's of excessive dimensions (height, width and depth), which are out of proportion or scale with the shopfront, cover original features or are considered to have a detrimental effect on the appearance of the building or the street scene. Principal (main) signage should normally comprise a fascia sign that is in proportion to the shopfront and fascia or where no fascia exists, in appropriate locations within existing shopfronts.



Examples of a poor quality, cluttered shopfronts, excessive fascia sizes, inappropriately placed ATM, roller shutter housing boxes and refrigeration units.



3.217 To enliven frontages, enable passive surveillance and create interest in the streetscene, all shop frontages should provide good visibility and glazing and should not be blanked out or obscured with vinyl or other advertisements or ATMs. Providing and retaining display windows ensures visibility into the shop, provides animation at street level and assists in creating a pleasant and welcoming built environment which does not promote crime/fear of crime and anti-social behaviour.

## **Security Shutters**

3.218 The Council is aware that shop owners and keepers and insurance companies take security very seriously. Security measures, by their very nature, tend to be highly visible and therefore have the potential to impact upon the appearance of a building and the surrounding streetscene. The Council seeks to enhance the appearance of Blackpool's Town Centre, District and Local Centres and other shopping frontages in general to ensure they remain attractive and welcoming places, not just during the day but also during the evening and night time hours.

3.219 Well-designed security measures do not detract from the design of a shop front, the building and the surrounding streetscene and will lead to the improved appearance of our Town and encourage investment.

3.220 This policy seeks to assist in creating a pleasant and welcoming built environment in Blackpool which doesn't promote crime/fear of crime and anti-social behaviour and to protect active frontages in Blackpool which encourage footfall in shopping areas.

### **Policy DM23: Security Shutters**

1. External shutters will not be permitted:
  - a. within the Town Centre, District Centres or Local Centres;
  - b. on the Promenade;
  - c. on listed or locally listed buildings;
  - d. in Conservation Areas;
  - e. in the Resort Core.
2. Outside of these locations on street frontages, shutters and grilles will be permitted subject to the following criteria:
  - a. the shutters are of an open brick bond design or similar which allow oblique views through the property;
  - b. the shutter, housing box and guides are integrated sympathetically within the fascia;
  - c. the shutter does not obscure architectural features of the building such as stall risers.
3. Solid roller shutters will only be permitted on industrial/ business estates, or where such shutters are appropriate to the character of the building and the wider area.

3.221 As an attractive street frontage benefits trade and the local economy, it is essential that property owners use appropriate security measures which have the minimum adverse effect on the street scene.

3.222 The NPPF confirms that new development should add to the overall quality of an area, be visually attractive, should be sympathetic to local character and history, establishing or maintaining a strong sense of place by creating attractive, welcoming and distinctive places to live and visit. New development should also create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

3.223 Many modern security shutters were originally designed for the security of industrial premises. Whilst they can be fitted relatively easily and cheaply, they have a detrimental effect on townscape and the overall perception of an area and are not suitable in retail areas, on the Promenade, in conservation areas or on listed or locally listed buildings. Solid, or almost solid, external roller shutters have a range of negative effects which outweigh the perceived security benefits. These negative effects include:

- Creating a forbidding, hostile and fort like appearance that gives the impression that the area is a high-risk area prone to crime, creating ‘no-go’ zones for pedestrians, reducing trade and passive surveillance and making properties more vulnerable to attack.
- The creation of unattractive blank frontages where window shopping is precluded during the evening and a deadening effect on the character of the property and the street.
- The reduction or preclusion of internal/external inter-visibility making premises safer for criminals once inside.
- Attraction of unsightly fly posting and graffiti, portraying an overall impression that the area is in decline.
- The concealing of important architectural features of the premises, to the detriment of the character of the host building and the surrounding area.
- Where security shutters are left down during the day, they can reduce the trading potential of surrounding businesses and reduce property values.

3.224 These effects are also particularly damaging for the image of the resort, such as on the Promenade and in the Resort Core, where large concentrations of commercial properties are secured by solid shutters outside operational hours or out of season.

3.225 The Council recognise that there may be instances where property has to be secured in the short term, either because the property is vacant, or due to acts of vandalism or storm damage. In such circumstances the Council is keen to work with the property owner to agree short term measures to secure the property.

3.226 The Council promotes ‘Secured by Design’ principles which include for example, measures such as good lighting, CCTV cameras and alarms and toughened or laminated glazing. Using toughened or laminated glass is a more appropriate security measure and the lighting of interiors

allow the vitality of the street to continue out of hours. This improves the character and safety of the street to the benefit of the local community and retailers alike. These measures can help to increase security and do not normally require planning permission.

## **Advertisements**

3.227 Well-designed, proportioned and sited signs can complement both individual buildings and the overall character of the area. They can add vitality and life to a building, and can be used to enhance architectural features.

3.228 Blackpool has a large amount of poor quality signage and large panel advertisements which harms amenity and local distinctiveness. Most of Blackpool Town Centre and parts of the Promenade are subject to conservation area designation and poor quality advertisements and signage are identified as problematic in conservation area character appraisals such as those for Blackpool Town Centre and Foxhall.

3.229 This policy seeks to ensure that advertisements are well designed and placed and are appropriate in their setting and cause no harm to residential amenity or negatively impact on safety. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or as amended). This policy is set within the context of these regulations.

### **Policy DM24: Advertisements**

1. Proposals for advertisements must preserve or enhance the character of their setting and host building and be of the highest design quality.
2. Proposals for advertisements will be considered having regard to their size, design, position, range of visibility, illumination, location and any cumulative impacts with existing advertisements.
3. Advertisements will be supported where they :
  - a. preserve the character and amenity of the area; and
  - b. preserve or enhance heritage assets and conservation areas.
4. Advertisements will be resisted where they:
  - a. contribute to an unsightly proliferation of signage in the area;
  - b. contribute to street clutter in the public realm;
  - c. cause light pollution to nearby residential properties or wildlife habitats;
  - d. have flashing illuminated elements (other than on large leisure assets on the Promenade or within the Resort Core);
  - e. would obscure more than 50% of otherwise transparent display windows; or
  - f. impact upon public safety.

5. Existing poor quality signage on the host property or other buildings in the area should not be regarded as a precedent for further similar proposals.

3.230 It is acknowledged that outdoor advertising is essential for businesses in Blackpool and has a practical purpose of providing information about goods, services and events. However, this must be balanced with the need for such signs to be well designed and in the right place so that they make a positive contribution to the appearance and character of the streetscene.

3.231 The overall design of individual advertisements, their size, what they are made of, method of illumination, the style or type of the host building, positioning on the building, the appearance and setting of surrounding buildings and their cumulative effect are all important factors in assessing the impact of a single advertisement on amenity and public safety.

3.232 A particular design may be appropriate in one location, on a particular building but the same design may appear discordant on a different building or in a different place. However, Blackpool is a family resort with a quirky character and so interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host buildings and surrounding environment.

3.233 Poor quality advertisements will detract from the architectural or design merit of a building and the character of the wider streetscene where they:

- constitute poor design, such as bulky, 'stuck on' internally illuminated box signs;
- would obscure or cut across positive architectural features of a building;
- are in the form of a continuous fascia spanning two or more distinct buildings;
- are at a high level or are unrelated to the use of that floor of the building, unless this is in the interests of amenity and public safety;
- would result in clutter;
- would result in a top heavy fascia which distorts the proportions of the buildings frontage;
- would obscure views into the building.

3.234 Advertisements in conservation areas and on or near listed and locally listed buildings require particularly detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements on or near a listed or locally listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings.

3.235 In certain circumstances safety can be prejudiced by signage that obstructs the highway or causes distraction to motorists.

3.236 Advertisements will not be considered acceptable where they impact upon public safety, including when they:

- obstruct or impair sight lines to road users at junctions and corners;
- reduce the effectiveness of a traffic sign or signal;
- result in glare and dazzle or distract road users;
- distract road users because of their unusual nature;
- disrupt the free flow of pedestrian movement; or
- endanger pedestrians forcing them to step on to the road.

3.237 Clutter on the forecourt of premises is a particular problem in Blackpool, as are poor quality shop frontages and signage which are harmful to visual amenity and local distinctiveness reducing the attractiveness of areas as shopping destinations.

3.238 There is a clear commitment in the Core Strategy to arrest decline and restore confidence in the town centre and to regenerate its centres. This includes securing positive improvements in the quality of the built, natural and historic environment and replacing poor design with better design. The control of advertisements has an important role in delivering these ambitions.

3.239 The Council takes a proactive approach to preserving or enhancing the townscape and public realm. Where existing advertisements with deemed consent are considered to have substantial injury to the character and amenity of a building or local area the Council will, where appropriate seek removal of these advertisements, which may include serving of discontinuance notices.

3.240 The Council's adopted Signage SPD provides more detailed guidance on advertisements.

## **Public Art**

3.241 The NPPF recognises that supporting the cultural wellbeing of places is part of the social role of the planning system and its aim of achieving sustainable development<sup>24</sup> and that policies and decisions should ‘take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community’<sup>25</sup>. Government guidance has advised that ‘Public art and sculpture can play an important role in making interesting and exciting places that people can enjoy using’.

3.242 Blackpool is the home of British popular culture, with a proud heritage stretching back over 150 years. It is recognised historically as a place where all classes of society came to consume and enjoy the best culture of the day from variety theatre and the Illuminations to the circus.

3.243 The Council is committed to developing a strong sustainable cultural economy recognising the benefits this can bring in terms of skills development and better paid jobs for local people, a unique and attractive tourism offer and ensuring the well-being of local people. Investment in the town’s cultural infrastructure and home grown creative talent and production are key priorities.

3.244 Blackpool is recognised nationally for the quality and reach of its cultural offer built on strong partnerships involving the Council, the cultural sector and key stakeholders locally, regionally and nationally, working together to benefit the town. LeftCoast provides an example of this, one of the Arts Council England’s flagship Creative People and Places projects.

3.245 Culture and well-being are embedded within the Blackpool Local Plan Part 1: Core Strategy, inherent in the Spatial Vision and Objectives, recognising the key contribution they make to the economic, social and environmental well-being of the town and its residents and visitors.

### **Policy DM25: Public Art**

1. New developments 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:

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<sup>24</sup> NPPF Paragraph 8 (July 2021)

<sup>25</sup> NPPF paragraph 93 (July 2021)

- 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 public art project as part of a specific development, financial contributions will be sought to make appropriate provision for public art, unless it can be demonstrated that this would not be viable or feasible.

3.246 Policy DM25 supports the delivery of the requirements of the NPPF and National Planning Practice Guidance (NPPG), the Council Plan and Core Strategy by:

- Socially contributing to health, education and community development initiatives and services;
- Economically generating income from visitors and for the arts sector;
- Environmentally enhancing the design of and access to buildings and the public realm.

3.247 The strategic locations for development referred to in the policy are identified in Policy CS1 of the Core Strategy and comprise Blackpool Town Centre, The Resort Core and Neighbourhoods within the inner areas as a focus for regeneration with supporting growth in South Blackpool helping to meet wider housing and employment needs.

3.248 Blackpool Town Centre with a strong cultural infrastructure, offering exciting public art activities to engage and participate in, has a pivotal role to play in driving the local economy. A critical mass of vibrant cultural venues and organisations, such as the Grundy Art Gallery, Grand Theatre, Winter Gardens, LeftCoast, the new Art B&B and Blackpool Museum will attract visitors and locals into the town centre; with local businesses benefiting from the additional spend generated. Commissioning investment will support these organisations in thriving and providing

high quality public art programmes creating key memorable moments in Blackpool's cycle of events.

3.249 The three strategic sites within the town centre provide considerable opportunity for Public Art – the Talbot Gateway Central Business District, the Winter Gardens and the Leisure Quarter (the former Central Station Site).

3.250 Commissioning ambitious new public art (both permanent and temporary) can contribute significantly to Blackpool's reputation as a desirable place to live, work and visit. Quality spectacular and experiential public art events raise Blackpool's profile locally, regionally and nationally; making a major contribution to re-establishing Blackpool as the sub-regional centre for the Fylde Coast helping to boost the visitor economy.

3.251 Within the **Resort Core** bold and imaginative public art could be commissioned to engage visitors, in particular families and young people through playful, provocative and sensory interventions making the most of up to date technologies. In the **Neighbourhoods within the inner area** the Council with partners is actively addressing the social and economic challenges, to assist in making these neighbourhoods attractive sustainable places to live. Public art projects can enable Blackpool residents (including young people) to experience high quality cultural activities and provide opportunities to develop themselves as makers, participants, audiences and leaders in their community. It can create a space for debate and discussion and provide a way of capturing residents' ideas about the kind of neighbourhood they want to live in.

3.252 In **South Blackpool** opportunities for Public Art projects exist in particular within the **Blackpool Airport Enterprise Zone**. Public art can contribute to the re-invention of the EZ area which has a rich industrial heritage, including the former Wellington bomber factory. Public art can also contribute to the health and well-being of employees working on the site creating spaces that people can enjoy during work breaks.

3.253 Examples of public art projects include:

- projects that expand the tourism, arts, heritage and cultural offer supporting the development of a year-round visitor economy that will further the regeneration and prosperity of the town;
- projects that are part of the planning and creation of places, buildings, spaces and routes supporting the protection and enhancement of the built and natural environment and the provision of high quality design; and
- projects that engage existing and new communities and enable them to celebrate and/or investigate local identity and/or local issues supporting social development, cohesion and wellbeing.

3.254 There may be circumstances where it is not appropriate to deliver a public art project as part of a specific development in these cases the Council will seek a financial contribution. The type of Public Art and level of contribution will depend on the nature of the development proposal, the

characteristics of the site and its surroundings. This will also enable the delivery of public art through complementary strategies such as the Green and Blue Infrastructure Strategy and Action Plan.

3.255 To ensure the provision of public art projects, and to provide further guidance on off-site financial contributions, the Council will prepare an SPD providing additional advice for developers.

## Heritage

3.256 The Council places great importance on preserving the historic environment. Under the Planning (Listed Buildings and Conservation Areas)

as) Act (1990) the Council has a responsibility to have special regard to preserving listed buildings and must pay special attention to preserving or enhancing the character or appearance of conservation areas. The NPPF states that in decision making, local authorities should give great weight to conservation of designated heritage assets in a manner appropriate to their significance. The Council expects that development not only conserves, but also takes opportunities to enhance, or better reveal the significance of heritage assets and their settings.

3.257 Policy CS8 of the Core Strategy sets out the Council's strategic policy in relation to heritage and recognises Blackpool's rich social and built heritage, with the town's success founded on iconic Victorian landmarks.

3.258 Further detailed policy is provided in this section for proposals affecting Listed Buildings, Conservation Areas, Non-Designated Heritage Assets, Stanley Park and sites with archaeological importance.

## Listed Buildings

3.259 Blackpool has 49 buildings statutorily listed for their special historical or architectural interest that represent some of the most important seaside architecture in Britain. The Council's approach to how development impacts on our listed buildings reflects the scarcity and national significance of these designated assets.

### Policy DM26: Listed Buildings

1. The Council will support proposals which sustain and enhance the significance of Blackpool's Listed Buildings including their setting. Great weight will be given to the conservation of those elements that contribute to the significance of the listed building including its setting.
2. Proposals which would cause harm to or loss of a listed building, will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a listed building will only be permitted in exceptional circumstances.
3. Applications for works to listed buildings including new development within its setting must be accompanied by a heritage statement. Where a heritage statement fails to adequately explain and justify the proposal and its impact on the significance of the heritage asset this may be used by the Council as grounds to justify refusal of the scheme.

3.260 Listed Buildings are protected by legislation and Historic England keeps an up-to-date register of all listed buildings and those at risk. Listing protects an irreplaceable part of our cultural heritage from unsympathetic changes and unnecessary destruction. Only a small proportion of buildings in England (about 2.5%) are Listed as being of special architectural or historic interest.

3.261 Applicants are required to submit a heritage statement in support of any application that directly or indirectly impacts on a designated heritage asset. Whilst the information provided should be proportionate to the significance of the asset and nature of the works proposed the statement should as a minimum:

- Explain and justify how the proposal has taken into account the historical significance of the asset.
- An assessment of the impact the proposal will have on the significance of the listed building including its setting

- The extent to which the proposed works would result in public benefits
- The present or future economic viability of the proposal
- Clear details of the proposed works including architectural detailing
- Clear demonstration of how the proposal meets the requirements of national policy and legislation

3.262 It is essential that the custodians of these buildings are aware of their statutory obligations in respect of any proposals. The Council recommends that custodians of listed buildings seek advice from the planning department at an early stage regarding any proposed development or alterations to a listed building.

## **Conservation Areas**

3.263 A conservation area as defined by the Planning (Listed Buildings and Conservation Areas) Act 1990 is '**an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance**'. Conservation areas were first introduced with the Civic Amenities Act in 1967 which gave local authorities the power to designate conservation areas.

3.264 Blackpool has seven conservation areas:

- Blackpool Town Centre
- Stanley Park
- Foxhall
- Raikes Hall
- Marton Moss
- North Promenade
- Layton

3.265 The Council has prepared conservation area appraisals and management plans that provide further guidance on the character of these areas, which are available from the Council's website. These documents will be taken into account as material considerations when assessing planning applications within these areas.

### **Policy DM27: Conservation Areas**

1. Proposals within or affecting the setting of any of Blackpool's conservation areas as identified on the Policies Map, should preserve or enhance those elements that make a positive contribution to their special character or appearance including its setting, having regard to the Council's Conservation Area Appraisals.
2. Demolition, or other unacceptable harm to the significance of a building or feature that makes a positive contribution to the significance of the Conservation Area, will only be permitted where this harm is outweighed by the public benefits of the proposal. Such proposals must be accompanied by clear details of the proposal and justify the harm in line with national policy through a heritage statement. Where a heritage statement fails to adequately explain and justify the proposal and its impact on the significance of the heritage asset as a whole, this may be used by the Council as grounds to justify refusal of the scheme.

3. Proposals should:

- a. Be appropriate to their context including setting, scale, density and physical characteristics;
- b. Preserve or enhance features making a positive contribution. In particular, design, massing and height of any building should closely relate to adjacent buildings and should not have an unacceptable impact on townscape and landscape;
- c. Not have an unacceptable impact on historic street patterns or roofscape;
- d. Not result in harm to public or open spaces;
- e. Retain individual features of interest, including doorways, cobbles, trees, hedges, railings and garden walls;
- f. Reinforce distinctiveness of the area, reflecting the local pallet of materials and local building styles;
- g. Retain, repair, reinstate and enhance traditional shopfronts.

3.266 Whilst Conservation Areas may contain Listed Buildings, all elements that contribute positively to the special character of the conservation area, including amongst other features buildings, walls, railings, open spaces and trees should be protected and where appropriate enhanced.

3.267 In this respect the Council will generally seek to retain buildings or other structures which make a positive contribution to the character or appearance of a conservation area. Demolitions will only be allowed where the building or structure does not positively contribute to the character or appearance of the area, where it is beyond reasonable economic repair or where proposals would remove a negative element in the conservation area. Even where demolition meets the tests of the NPPF, consent will not be given unless acceptable and detailed plans for a redevelopment or restoration scheme has been approved by the Council and a contract for the carrying out of those works has been entered in to.

## **Non-Designated Heritage Assets**

3.268 The Council maintains a local list of over 200 non-designated heritage assets. Impacts from development affecting non-designated heritage assets or their setting are material planning considerations.

### **Policy DM28: Non-Designated Heritage Assets**

1. Proposals which would retain, reuse and repair the significance of Blackpool's non-designated heritage assets will be supported.
2. There will be a presumption in favour of their retention when considering development proposals. Development which would remove, harm or undermine the significance of a non-designated heritage asset will only be permitted where robust evidence can demonstrate that the benefits of the development clearly outweigh the harm.
3. Proposals must be accompanied by a heritage statement, the detail of which is proportionate to the heritage asset affected. Where a heritage statement fails to adequately explain and justify the proposal and its impact on the significance of the heritage asset this may be used by the Council as grounds to justify refusal of the scheme.
4. Where the loss of a non-designated heritage asset is proposed, the following information will be considered:
  - a. The significance of the heritage asset, in isolation and as part of a group as appropriate, its contribution to the character or appearance of the area, and the degree of harm that would result;
  - b. An appropriate level of survey and recording which may also include archaeological investigations;
  - c. The condition of the asset and the cost of any repairs and enhancement works that need to be undertaken;
  - d. The adequacy of efforts made to sustain existing uses or find viable new uses
  - e. The reuse of materials and architectural features in the new development; and
  - f. The public benefit arising from the proposals for the site;

- g. Demonstration that the design of the new proposal is of an increased quality than the one it is replacing.
- 5. Where permission is granted for development which would result in the loss of a non-designated heritage asset, approval will be conditional upon the asset being fully recorded and the information deposited with the Local Planning Authority and the Historic Environment Record.

3.269 Local lists are a way of helping conserve buildings of local, rather than national, importance which make a positive contribution to the character of our streets and the town's history.

Blackpool's local list was initiated by the findings of the historic townscape characterisation exercise in 2008/9 which identified buildings of local architectural and/or historic interest in those areas covered by the project.

3.270 Subsequently the decision was taken to extend the local list to cover the whole borough so that the special interest of all buildings of local significance could be taken into account in planning decisions. The process for local listing has now been established and the lists of buildings which have been formally adopted can be seen on the [heritage pages on the Council's website](#) [opens a new window].

3.271 Applicants are required to submit a heritage statement in support of any application that directly or indirectly impacts on local heritage asset. Whilst the information provided should be proportionate to the significance of the asset and nature of the works proposed the statement should consider as a minimum:

- The significance of the heritage asset, in isolation and as part of a group as appropriate, its contribution to the character or appearance of the area, and the degree of harm that would result;
- The public benefit arising from the proposals for the site;
- The condition of the asset and the cost of any repairs and enhancement works that need to be undertaken;
- The adequacy of efforts made to sustain existing uses or find viable new uses; and
- Appropriate marketing

3.272 Where a heritage statement fails to adequately explain and justify the proposal and its impact on the significance of the heritage asset this may be used by the Council as grounds to justify refusal of the scheme.

3.273 Early pre-application engagement with the Council's Conservation Officer is encouraged.

## **Stanley Park**

3.274 Stanley Park is listed as Grade II\* on the Historic England Register of Parks and Gardens and was constructed between 1924 and 1926 to designs by Thomas Mawson. The Park is a superb example of an early 20th Century public park with contemporary integral sports and leisure facilities.

### **Policy DM29: Stanley Park**

1. Development proposals within or affecting the setting of Stanley Park, as identified on the Policies Map, should:
  - a. sustain and where appropriate, enhance its significance;
  - b. not result in harm to the elements which contribute to its significance including its layout, built or landscape features key views or vistas, its character and appearance and its enjoyment;
  - c. be accompanied by a robust heritage assessment which will demonstrate the impact the proposal will have on its significance including its setting and clear details of the proposed works and how it will sustain and provide opportunities to enhance the significance of the Park and its setting.

3.275 A unique blend of architecture, horticulture and recreation, the park covers around 104 hectares and boasts one of England's finest examples of Art Deco style design in the café building at the centre of the park. The original intention of providing the park was to extend visitor facilities in Blackpool and to control and plan the expansion of Blackpool.

3.276 The Park was laid out in close conformity to the 1922 plans and retains all the principal features of the executed plans and remains relatively untouched with few changes to the overall layout and little change to the built structures within it. In 2019 Stanley Park was voted the best park in the UK described as a 'beautiful tranquil place away from the hustle and bustle of the Blackpool seafront...'

3.277 To ensure this unique facility in Blackpool is conserved and enhanced Policy DM29 sets out clear requirements that development proposals need to meet in order to protect the significance of this historic park.

## **Archaeology**

3.278 The Council is committed to protecting remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate. Despite being a predominately nineteenth century town, Blackpool does have sites of earlier development particularly around Foxhall and in Layton and Bispham. The town has yielded archaeological material from the prehistoric, Roman and medieval periods.

3.279 This policy sets out the requirements where there is known archaeology or reasonable grounds for the potential for archaeology.

### **Policy DM30: Archaeology**

1. Development which would result in harm to or loss of the significance of a scheduled monument (or a site of national significance) will not be permitted unless it can be demonstrated that the public benefits which cannot be met in any other way would clearly outweigh the harm.
2. Where there is knowledge of archaeological remains or reasonable grounds for the potential of archaeology, proposals will be expected to be accompanied by an assessment of the significance of any archaeology prior to the determination of an application for the site and how it will be affected by the proposed development. Where this demonstrates that it is of national significance (equal significance to a Scheduled Monument), proposals which cause harm to or loss will not be supported unless it can be demonstrated that the public benefits which cannot be met in any other way would clearly outweigh the harm.
3. Where proposals affect non-designated archaeology of local significance, this will be a material consideration when determining any planning applications for development.

3.280 Where buried heritage would be affected by development, planning permission is likely to be subject to a condition requiring the implementation of a scheme of archaeological investigation and recording approved by the Local Planning Authority. This may include further stages of evaluation surveys, particularly if trial trenching has not been undertaken at the pre-consent stage; works to mitigate the loss of archaeological remains, such as a watching brief or excavation & mitigation; off-site analysis and publication of the results of the archaeological work; and deposition of the archive with a repository approved by the LPA.

3.281 Where proposals affect non-designated archaeology of local significance, developers need to undertake research at an early stage to identify the significance of the archaeology on the site to inform development proposals and assist in development management decisions.

3.282 Where it can be demonstrated that the substantial public benefits of any proposals outweigh the harm to a scheduled monument (or site of national significance), consideration will be given to the significance of remains and measure sought to ensure mitigation of damage through preservation of the remains *in situ* as a preferred solution. Where this is not justified, the developer will be required to:

- a) make adequate provision for excavation and recording before and / or during development
- b) demonstrate how the public understanding and appreciation of the site can be improved.

# Environment

## Surface Water Management

3.283 A significant proportion of Blackpool has surface water and combined sewerage systems with capacities that reflect historical levels of design storms. However, the rates of runoff and the rainfall volumes have increased and are expected to continue to increase. Surface water flooding occurs when rainwater does not drain away through natural or man-made drainage systems or soak into the ground, but lies on or flows over the ground. In addition, the amount of surface water that enters the sewer network during storm surges can cause spillage into the sea.

3.284 These factors have a detrimental impact on Blackpool's bathing water quality. Under the requirements of the Bathing Water Directive, signs will be required on the beaches providing information on bathing water quality, which could potentially have a detrimental impact upon on Blackpool as a seaside resort. It is therefore essential that runoff rates and volumes are minimised in new developments.

3.285 Core Strategy policy CS9 Water Management sets out the strategic requirement to reduce flood risk, manage the impacts of flooding and mitigate the effects of climate change. This policy provides further detailed policy specifically in relation to surface water management.

### Policy DM31: Surface Water Management

1. Surface water from development sites will be discharged via the most sustainable drainage option available. The discharge of surface water should be in line with the following order of priority, in accordance with National Planning Practice Guidance:
  - a. into the ground (infiltration);
  - b. to a surface water body;
  - c. to a surface water sewer, highway drain, or another drainage system;
  - d. to a combined sewer.
2. On greenfield sites applicants will be required to demonstrate that the current natural discharge rate is replicated as a minimum. The starting point for this will be a maximum greenfield run-off rate for greenfield sites.
3. On previously developed sites applicants should target a reduction from pre-existing discharges of surface water to a target of greenfield rates and volumes so far as reasonably practicable, with a starting point of a maximum of a 30% reduction in run-

off rates. In critical drainage areas the greenfield standard will be expected, with a minimum of a 50% reduction in run-off rates.

4. All new development should:
  - a. include the use of sustainable drainage systems, unless demonstrated to be inappropriate; and
  - b. reduce areas of existing impermeable surfaces.
5. Approved development proposals will be required to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes.

3.286 Sustainable drainage systems (SuDS) comprise a variety of interception and attenuation methods to manage surface water quantities and methods of treatment to improve water quality. They should be applied to new development in all cases.

3.287 SuDS should be considered at the earliest possible opportunity when devising proposals to ensure that they can be fully incorporated into the scheme. SuDS must be designed and installed in line with the latest national and local best practice and guidance in order to minimise demands on surface water sewerage systems and to prevent an increased risk of pollution to watercourses. They must be designed to meet these requirements over the lifetime of the development.

3.288 Landscaping proposals should consider what contribution the landscaping of a site can make to reducing surface water discharge and improving water quality. This can include hard and soft landscaping such as permeable surfaces at the plot level to reduce the volume and rate of surface water discharge.

3.289 The treatment and processing of surface water is not a sustainable solution. Surface water should be managed at source and not transferred. Every option should be investigated before discharging surface water into a public sewerage network. There will be an expectation for surface water to be discharged to ground via infiltration in the first instance. Applicants wishing to discharge to the public sewer will need to submit clear evidence demonstrating why alternative options are not available.

3.290 In order to ensure that flood risk is not increased, it is expected that run-off rates will be minimised. The starting point for this will be a maximum greenfield run-off rate for greenfield sites and a minimum 30% reduction in run-off rates on brownfield sites (50% in critical drainage areas).

3.291 Water management solutions relying on surface water pumping are not considered a viable drainage solution option as mechanical failure will lead to surface water flooding.

3.292 Developers must consider enabling a resilient development and support the 25 year environmental plan using natural processes and maximising natural capital benefits, providing evidence of natural capital benefit and biodiversity net gain.

3.293 Once more details are known on development sites, such as the approach to surface water management and proposed connection points to the foul sewer network, it may be necessary to coordinate the delivery of development with timing for the delivery of infrastructure improvements. It will be necessary to ensure that the delivery of development is guided by strategies for infrastructure which ensure coordination between phases of development over lengthy time periods and by numerous developers.

3.294 Current best practice guidance such as the SUDS Manual and Planning for SUDS (CIRIA C697 and C687) should be followed in the design of developments of all sizes, with design principles that are important to Blackpool set out in this policy. Smaller, more resilient features distributed throughout a development should be used where possible, instead of one large management feature.

## **Wind Energy**

3.295 Policy CS10 of the Core Strategy sets out the requirements for renewable and low carbon energy and the policy highlights that where deemed suitable, Part 2 of the Local Plan will identify areas suitable for wind energy development to reflect the Ministerial Statement of 18 June 2015<sup>26</sup>.

3.296 In response to this, and reflecting the specific reference in the NPPF that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, Policy DM32 identifies the whole of the Borough as an area of search for small scale wind turbines with proposals having to meet stringent criteria to gain planning permission.

### **Policy DM32: Wind Energy**

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:
  - a. the proposed scale of the wind turbine(s) is efficient on power output and that this efficiency is not compromised at the proposed location by turbulence at low levels;
  - 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;
  - c. the impact on the natural environment including designated sites and the countryside area has been assessed and where necessary appropriate mitigation or enhancement provided;
  - d. the proposal would not lead to an adverse impact on any heritage asset and their setting, including strategic views;
  - e. the proposal takes account of the cumulative effect that would result from the proposal in conjunction with permitted and existing renewable energy schemes, including those in neighbouring authorities and there is found to be no significant adverse impact;
  - f. the local road network can satisfactorily accommodate the development proposed;

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<sup>26</sup> [Government guidance on renewable and low carbon energy](#) [opens a new window]

- g. assessments of impacts on air traffic safety, radar and communications and consultation with the appropriate bodies have not identified any adverse impacts;
  - h. there is support from the local community where required, informed by pre-application consultation to ensure any planning impacts identified by the affected community have been fully addressed.
2. Where mitigation measures can be achieved to make any identified impacts acceptable these will be secured through negotiation or the use of conditions or planning obligations.
3. Where a proposal is permitted, a condition will be attached to the planning permission that will require the removal of redundant structures and/or equipment and for the restoration of the site should the site become non-operational.
4. In assessing wind energy proposals, the Council will give positive weight to community-led initiatives or where there is direct benefit to the community through their involvement.

3.297 Government policy for wind energy is set out in Chapter 14 of the NPPF providing revised national policy on wind energy development.

3.298 Opportunities for wind energy generation have been considered in the Blackpool Climate Change and Renewable Energy Study (2010) and in the Lancashire wide Renewable Energy Study undertaken by SQW and Maslen Environmental 2011/12.

3.299 Wind speeds across the Borough are favourable for wind energy generation. However, due to Blackpool's dense urban form and particular local constraints, which includes Blackpool Airport and important strategic views of Blackpool Tower (a Grade 1\* listed Building), the location of larger scale commercial wind turbines in the Borough is not appropriate.

3.300 With respect to small scale turbines, Blackpool currently has six, two located at the Solaris Centre south Promenade<sup>27</sup>; one located south of the Sandcastle<sup>28</sup>, two located at the Enterprise Centre on Lytham Road<sup>29</sup> and one (non-operational) at St Mary's Catholic College<sup>30</sup>. A further 2 small wind turbines have been approved on the Promenade south of the Sandcastle<sup>31</sup>

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<sup>27</sup> 11m to hub height, 13m to blade tip

<sup>28</sup> 14m to blade tip

<sup>29</sup> 6.6m to hub height, 8.4m to blade tip

<sup>30</sup> 11.75m to blade tip

<sup>31</sup> 2 turbines 15m to blade tip

3.301 For the purpose of this policy, small scale wind installations are defined as having a height of up to 20m above ground level to blade tip; are viable at wind speeds of 4.5 m/s at 10m above ground level and typically produce enough energy to supply a small number of buildings.

3.302 Any proposal must meet the requirements of Core Strategy policy including CS6 – Green Infrastructure; Policy CS8 – Heritage; CS9 Water Management; and CS10 – Sustainable Design and Renewable and Low Carbon Energy. Other development management policies provide guidance in relation to noise and vibration, the local road network and impact on strategic views. A detailed assessment will need to be submitted as part of any wind turbine proposal thoroughly addressing the requirements of Policy DM32.

3.303 The development of wind turbines has the potential to cause a variety of negative effects on aviation. These include (but are not limited to) physical obstructions; the generation of unwanted returns on Primary Surveillance Radar (PSR); adverse effects on the overall performance of communication, navigation and surveillance equipment; and turbulence.

3.304 Whilst it is generally the larger, commercial turbines that have the greatest impact on aviation, the installation of other equipment may also affect operations. Smaller turbines can also have a negative impact on aviation and so require assessment. Moreover, the cumulative effects of wind turbines on aviation need to be assessed if developments proliferate in specific areas. Wind turbine developers must understand the potential impact of developments on aviation, and fully engage with the aviation industry at an early stage in the development process to address any potential problems and develop, where appropriate, suitable mitigation solutions. Due to the proximity of Blackpool airport, all areas in Blackpool fall within a consultation zone where discussions should be had with the aviation authorities.

3.305 Wind turbines can also affect Ministry of Defence operations including radar, seismology recording equipment, communications facilities, naval operations and low flying. Developers are required to consult with the Ministry of Defence if a proposed turbine is 11 metres to blade tip or taller and/or has a rotor diameter of 2m or more.

3.306 In addition it is important to highlight the proximity of arable and pasture land which surrounds Blackpool, but lies outside the authority's boundary. Land surrounding Marton Mere and Whyndyke Farm are important for foraging birds including Pink Footed geese, Whooper swan and Bewick's swan. The impact of any proposals in proximity to these foraging lands will need to be assessed and consulted upon with Natural England.

3.307 The Promenade is a key tourism asset for the resort and it has seen a multi-million pound programme of investment over the last decade to reconstruct the sea defences, provide high quality public realm and new event space. The siting of any wind turbines on the seafront will need careful consideration to avoid impacts on the setting and important strategic views of Blackpool Tower and the Promenade as a recreational activity and events space. Any proposal will need to

enhance the Promenade contributing as a public realm feature including the integration of lighting to create visual effects.

3.308 There is a legal requirement to carry out pre-application consultation with the local community for planning applications for wind turbine development involving one or more turbines and following consultation, it must be demonstrated that any planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

3.309 Some sizes and types of wind turbines on domestic properties are covered by permitted development rights under [Schedule 2, Part 14, Class H of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#). This means that in some circumstances, they do not need planning permission to be installed.

## **Coast and Foreshore**

3.310 Blackpool's coastline and foreshore is one of the resort's key assets, well used by both local residents and visitors. Coastlines warrant special protection as they are often sensitive to development due to their open character and the fact that they provide habitats for certain species of plants, animals and birds.

3.311 In order to meet the new Bathing Water Directive, a significant amount of work has been undertaken by the Council, United Utilities and other stakeholders to improve water quality and reduce the risk of flooding.

### **Policy DM33: Coast and Foreshore**

Development proposals will be supported which secure further improvements to bathing water quality or flood protection. Development proposals that would adversely affect the appearance, integrity or environmental quality of the beach and foreshore will be resisted. The Coast and Foreshore is identified on the Policies Map.

3.312 The Council is committed to protecting and enhancing the environment of the coast to ensure that its appearance and environmental quality is maintained or improved. Proposals that would have a detrimental impact on Blackpool's coast and foreshore will be resisted.

3.313 Shoreline Management Plans (SMPs) are part of the Flood and Coastal Erosion Risk Management planning framework. The North West England and North Wales Shoreline Management Plan 2 (SMP) sets the long term policy for the management of the coast and is taken forward through shoreline strategies and schemes. The Management Plan seeks to 'hold the line' along the Fylde Coast which means maintaining the current standard of protection; and the Catchment Flood Management Plan seeks to manage run-off rates and minimise flood risk.

3.314 The Marine Management Organisation (MMO) was established following the Marine and Coastal Access Act 2009. As the marine planning authority for England the MMO is responsible for preparing marine plans for English in-shore and off-shore waters.

3.315 The North West Marine Plan extends from the mean high water springs to the territorial limit. Marine plans are being developed on a rolling programme. The North West Marine Plan, which includes Blackpool, is currently being prepared and will be delivered by 2021, with a 20 year view of activities. Each plan will be monitored with three yearly reviews. All authorisation and enforcement decisions must be made in accordance with the marine plan, and all decisions which are capable of affecting the marine area must have regard to the marine plan.

## **Development in the Countryside**

3.316 The only remaining countryside area in Blackpool is on the eastern edge of the Borough (between Newton Hall and Mythop Road) as identified on the Policies Map. The area is predominantly in agricultural use and adjoins extensive areas of open countryside in neighbouring Fylde Borough. It forms a buffer between Staining and Blackpool and has an open character comprising fields and Biological Heritage Sites.

### **Policy DM34: Development in the Countryside**

1. The intrinsic value and rural character of Blackpool's remaining area of countryside as shown on the Policies Map will be safeguarded.
2. Development in the countryside, shown on the Policies Map, will be limited to:
  - a. agricultural or horticultural purposes;
  - b. outdoor recreational uses appropriate to a rural area;
  - c. extensions and replacement dwellings providing they are in keeping with the scale and open character of the countryside. Any extensions and replacement dwellings in excess of 33% of the original ground floor footprint of the building will not be permitted;
  - d. isolated new homes in the countryside which meet the criteria set out in paragraph 79 of NPPF 2019 (or any future equivalent).

3.317 It is important that the countryside is protected from unacceptable development that would harm its rural character. The intrinsic value and rural character of this remaining small area of countryside in Blackpool Borough needs to be protected from inappropriate development and settlement encroachment. However, certain forms of development are necessary to support rural life and maintain or enhance the rural economy.

3.318 Outdoor recreational uses such as horse stabling and grazing appropriate to a rural area will only be permitted on sites where the use is unlikely to give the need for residential supervision or there is already a residential dwelling on site.

3.319 Enhancements of the wildlife features of the countryside areas that will promote the enjoyment of the natural environment by the public will be encouraged.

3.320 Modest extensions that are sensitively designed and relate well to the existing property and surrounding area will be permitted. Proposed developments that by virtue of their scale, design or

materials would have an adverse impact on the visual amenities and remaining rural character of the designated Countryside Area will be resisted. To avoid over large and conspicuous dwellings, no proposals will be permitted exceeding 33% of the original ground floor building footprint. This approach aligns with that adopted by Fylde Council in their Local Plan bearing in mind that Blackpool Borough's countryside area forms part of the wider expanse of countryside in Fylde Borough. A restriction to the scale of extensions has been successfully applied since the adoption of the 2006 Local Plan and has consistently been supported by Inspectors at appeal.

## **Biodiversity**

3.321 Biodiversity is an important component of a high quality natural and built environment which helps strengthen the connection between people and nature and contributes to health and well-being, improves air quality, provides resilience to climate change and adds amenity value. The Council is committed to maintaining and enhancing the biodiversity and natural distinctiveness of sites with conservation value in Blackpool.

3.322 Core Strategy Policy CS6 highlights that international, national and local sites of biological and geological conservation importance will be protected, having regard to the hierarchy of designated sites and the potential for appropriate mitigation. Measures that seek to preserve, restore and enhance local ecological networks and priority habitats/ species will be required where necessary. This policy expands on policy CS6 for development proposals affecting biodiversity including Sites of Special Scientific Interest (SSSIs), Marton Mere Local Nature Reserve, Biological Heritage Sites and Protected Species.

### **Policy DM35: Biodiversity**

1. 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 in line with relevant legislation and guidance.

### **SSSIs**

2. Development will not be permitted in or adjacent to a Site of Special Scientific Interest where it would adversely affect, directly or indirectly, its wildlife and nature conservation importance. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

### **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.

### **Agricultural Land**

5. Development which is likely to lead to the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) will not be permitted unless supported by other policies in the plan or it is demonstrated that the loss is outweighed by other planning considerations.

3.323 It is vital that development proposals do not adversely impact on exiting biodiversity. The Mitigation Hierarchy will therefore apply with a requirement to consider avoidance, mitigation and compensation in that order<sup>32</sup>.

3.324 The Environment Bill 2019 introduced the concept of Biodiversity Net Gain, which relates to the protection, preservation and enhancement of habitats. Developers will be required to consider the increase to existing biodiversity in respect of any new development in line with relevant Biodiversity Net Gain legislation and guidance.

### **SSSIs**

3.325 Sites of Special Scientific Interest (SSSIs) are statutory sites of nature conservation value designated by Natural England and represent the best of the country's habitats.

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<sup>32</sup> [A cross sector guide to implementing the Mitigation Hierarchy](#) [opens a new page] -

3.326 Presently there is only one such site within Blackpool at Marton Mere. Marton Mere was declared an SSSI by the Nature Conservancy Council in 1979 and renominated in 1984 under the revised legislation contained in the Wildlife and Countryside Act 1981.

3.327 There are strict controls on the operation and use of land within the Council owned SSSI. The site covers 39 hectares and the water area of the Mere itself covers 18 hectares, which is one of the few remaining natural freshwater sites in Lancashire, supporting a great many species of birds throughout the year. The Council will seek to protect the SSSI and consult Natural England on any planning applications likely to affect land in the SSSI.

#### **Other sites of nature conservation value**

3.328 Due to the highly built up nature of Blackpool, there are a limited number of sites of nature conservation interest which increases the importance of protection of any sites where nature conservation interests are identified.

3.329 Biological Heritage Sites make a significant contribution to the biodiversity of Blackpool and will be conserved and protected. Blackpool's Biological Heritage Sites are identified in the Nature Conservation Paper (2012). The majority of the defined sites within Blackpool are within public open space or other areas of land allocated to remain open, many being ponds located on the periphery of the Borough along the town's eastern boundary.

3.330 The Council is committed to maintaining the biodiversity and local distinctiveness of sites of nature conservation interest and will endeavour to safeguard, conserve and enhance any further sites that are identified as adding to the wildlife and amenity value of the network of Biological Heritage Sites.

3.331 Development that could damage or destroy ponds or other local conservation sites will only be permitted if it can be clearly shown that the benefits of development outweigh both the nature conservation value and amenity value of the site.

3.332 Where in exceptional circumstances development is to be approved which could affect a conservation site, appropriate mitigation measures will be required to conserve, as far as possible, the biological value of the site and to provide for replacement habitats where damage is unavoidable.

#### **Protected Species**

3.333 Many species receive special protection under National, European and International legislation. This includes both flora and fauna. Protection by law is afforded to the species and new sites may be found or become important as habitats during the life of the Plan.

3.334 The presence of certain newts, bats, butterflies or other protected species is a material planning consideration when considering development proposals that would be likely to harm the species or its habitat. On such sites an expert on the relevant protected species should carry out a

site survey, with recommendations on how to safeguard the site or how to mitigate the effects of development if this can be acceptably achieved without serious adverse harm to the species involved.

3.335 In Blackpool, a substantial number of the already designated conservation sites are habitats of the Great Crested Newt and Water Vole, which are protected in the UK under the Wildlife and Countryside Act, 1981 and identified as a Priority Species under the UK Post-2010 Biodiversity Framework. The Great Crested Newt is also listed as a European Protected Species under Annex IV of the European Habitats Directive.

### **Agricultural Land**

3.336 Although Blackpool Borough is largely built up and urban in nature, there are some small areas of agricultural land (classed as the best and most versatile agricultural land) to the east of the Borough towards Staining and across the Marton Moss area. It is important that the loss of this best and most versatile agricultural land is minimised.

## **Controlling Pollution and Contamination**

3.337 The planning system contributes to and enhances the natural and physical environment by preventing development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of air, soil, water or noise pollution.

3.338 Section 15 of the NPPF confirms that planning policies should seek opportunities to improve or mitigate impacts on air quality; should ensure development has no significant adverse noise impacts on health and quality of life; should limit the impact of light pollution on local amenity and landscapes; protect and provide net gains in biodiversity; and ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The NPPF is clear that responsibility for securing a safe development rests with the developer and/or landowner.

### **Policy DM36: Controlling Pollution and Contamination**

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, users of the development itself or designated sites of importance for biodiversity, 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;
- b. In the case of previously developed, other potentially contaminated or unstable land, a land remediation scheme can be secured which will ensure that the land is remediated to a standard which provides a safe environment for occupants and users and does not displace contamination;
- c. Will not give rise to a deterioration of air quality in the defined Air Quality Management Area in Blackpool Town Centre or result in the declaration of a new AQMA. Where appropriate an air quality impact assessment will be required to support development proposals;
- d. Where development will result in, or contribute to, a deterioration in air quality, permission will only be granted where any such harm caused is significantly and demonstrably outweighed by other planning considerations and appropriate mitigation measures are provided to minimise any such harm.

- e. Will not pose a risk of pollution to controlled waters (surface or ground water) and will, where required, include mitigation and/or remediation to prevent any unacceptable levels of water pollution.
2. Proposals for the development of hazardous installations/pipelines, modifications to existing sites, or development in the vicinity of hazardous installations or pipelines, will be permitted where it has been demonstrated that the amount, type and location of hazardous substances would not pose unacceptable health and/or safety risks.

3.339 It is the Council's duty to determine planning applications after taking account of advice on public health and safety. Many aspects of pollution control are already regulated through other legislation and statutory bodies and the Council as local planning authority will not seek to duplicate the functions of any pollution control authority.

3.340 The NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

3.341 In considering planning applications for developments and uses that would have a potentially adverse impact on their surroundings, the Council will seek to control the location of such activities and land uses and restrict their development in close proximity to residential, educational, institutional, recreational and other environmentally sensitive areas such as designated sites of importance for biodiversity . Where necessary the Council will require measures to be undertaken to mitigate any unacceptable effects of development. These measures might include remediating contaminated land, screening, landscaping, sound insulation or changing the layout of the site. In certain circumstances the Council would expect an Air Quality Impact Assessment to accompany a planning application, which would identify any impacts on air quality and mitigation, as set out in national guidance. Whilst there isn't a definitive guide to when such an impact would be required, this would typically be where a development is in an area where air quality is known to be of concern; and/or if the development would be likely to give rise to a negative impact on air quality. The requirement for an impact assessment should be agreed with the Council prior to the submission of an application.

3.342 At the time of adoption there is only one Air Quality Management Area declared in Blackpool Town Centre. This is located in the north of Blackpool Town Centre in the area around Talbot Road and Dickson Road (see Appendix F).

# Community

## Community Facilities

3.343 Community facilities provide for the health and well-being, social, educational, recreational, leisure and cultural needs of the community. Such facilities can include libraries, community centres, educational and health centres and public houses. These facilities and services have an important role in developing and maintaining community inclusion and cohesion and help to create and maintain sustainable neighbourhoods. They provide the social infrastructure essential for day-to-day needs as well as helping enrich people's lives.

3.344 The NPPF highlights the role the planning system has in facilitating social interaction and creating healthy, inclusive communities. In this context national guidance seeks to guard against the loss of valued community facilities. Core Strategy policy<sup>33</sup> supports community facilities in order to secure a better quality of life for residents and to deliver sustainable neighbourhoods.

3.345 Policy DM37 therefore seeks to ensure that where appropriate community facilities are protected and where a shortfall is identified that such facilities are encouraged.

### Policy DM37: Community Facilities

#### Existing community facilities

1. Proposals that would lead to the loss of a community facility through demolition or change of use will only be supported where:
  - a. the existing facility would be relocated or replaced in a location to serve the same community, or;
  - b. the applicant can demonstrate that there is no longer a need for the facility in its current use or as an alternative community use.
2. Proposals that would lead to the reduction in size of a community facility will only be supported where there would be an overall benefit to the facility and the community and would ensure viability in the long term.

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<sup>33</sup> Core Strategy Policies CS11 – Planning Obligations, CS12 – Sustainable Neighbourhoods and CS15 – Health and Education

## New community facilities

3. The Council will promote sites and encourage opportunities for new community facilities on appropriate sites, in areas where there is an identified shortfall of provision. Proposals for new local community facilities should be located on sites accessible by sustainable modes of travel.

## Public Houses and Social Clubs

4. Proposals that would lead to the loss of a public house or social club through demolition or change of use will only be supported where:
  - a. the public house or social club is no longer economically viable when considered against CAMRA's Public House Viability Test<sup>34</sup> and that a range of measures have been undertaken to seek to improve viability;
  - b. the public house or social club has been robustly marketed as such at a market rate for a continuous period of at least 18 months;
  - c. no alternative community use has been identified;
  - d. the proposal would not result in the loss of a facility of particular value to the local community in terms of its architectural, social, heritage or cultural importance;
  - e. there is a diverse range of public house or social club provision within the locality;
  - f. the redevelopment of the site would secure an overriding public benefit for the local community.

3.346 Given the limited supply of land in Blackpool for facilities and competing pressures to meet a wide range of needs, it is important to ensure that decisions about community facilities are made in the interests of the communities which they serve. Where development proposals would involve the loss or reduction in community provision, the first consideration should be whether there is still a need for the existing use and how suitable the facility would be for an alternative community use before a non-community use of the site is considered.

3.347 The loss of a community facility will only be supported when the applicant has submitted evidence to demonstrate that there is no longer a need for the facility in its current use or as an alternative community use. The evidence required will depend on the nature of the community use and this must be agreed with the Council prior to the submission of an application. The scope of evidence required will be determined by the nature of the use, but will generally look at how

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<sup>34</sup> [CAMRA Public House Viability Test](#)

community needs are being met elsewhere, how long the property has been vacant, how long it has been marketed for and the economic viability of the community use.

### **Public Houses and Social Clubs**

3.348 The loss of public houses over recent years has increased due to the attractiveness of such sites for alternative uses and previous permitted development rights which allowed pubs to convert to retail use without planning permission. However, the Neighbourhood Planning Act 2017 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2017 now prevents the demolition of public houses, or their conversion to a different use without planning permission.

3.349 The importance of public houses as community assets has also been acknowledged through the NPPF which requires local authorities to ‘plan positively’ for such uses. There is also a body of evidence produced by organisations such as CAMRA (The Campaign for Real Ale), the All Party Parliamentary Beer Group and the Institute for Public Policy Research (IPPR) which also supports this view, the latter highlighting their social and community importance.

3.350 With regards to Blackpool, the town has experienced increased pressure to convert public houses and social clubs, along with associated land such as bowling greens, to other uses. This is of concern to the Council as such facilities can make a valuable contribution to the community by adding character to the area, providing local employment opportunities and a place for social interaction and activity. Public Houses and social clubs provide important facilities/space for recreation and leisure such as live music performances and community events. They have a valued and culturally important role and contribute positively to townscape and local identity and should be protected wherever possible.

3.351 An application involving the loss of a public house or social club will need to be accompanied by [CAMRA’s Public House Viability Test](#) [opens a new window] which demonstrates that despite measures undertaken to improve the facility’s viability, it cannot be made viable in the long term.

3.352 The viability test does not seek to protect the continued existence of each and every pub or social club. It does however provide a fact-based method to rigorously scrutinise and test the future viability against a set of well-accepted measures.

## Allotments and Community Gardens

3.353 Allotments and community gardens have important recreational and health benefits, promoting healthy eating, physical activity and mental wellbeing as well as having nature conservation value.

### Policy DM38: Allotments and Community Gardens

1. Planning permission will not be granted for development that would result in the loss of existing allotments and community gardens, as identified on the Policies Map unless:
  - a. there is no demonstrable need for the allotments/community garden in terms of quality, quantity and accessibility or there is a need but compensatory provision can be made elsewhere nearby; or
  - b. where partial redevelopment of existing allotments/community garden is proposed, this would result in more efficient use and improvements to the remaining allotments in a specific location.

3.354 The Council's allotments and community gardens are identified on the Policies Map. The majority of allotment sites in Blackpool are managed by the Blackpool Federation of Allotments. Community gardens are single pieces of land gardened collectively by a group of people, and include sites to the rear of Fulwood Avenue, rear of 3-15 Lostock Gardens and @theGrange.

3.355 Development that results in the loss of allotments or community gardens will generally be resisted. Any application for the loss of allotments/community gardens will be considered taking into account the impact of losing an allotment/community garden site on the quality, quantity and accessibility of allotments and any deficiency regarding access to allotments and community gardens.

## **Blackpool Victoria Hospital**

3.356 Blackpool Victoria Hospital is the main hospital facility for Blackpool and the wider Fylde Coast and provides vital medical services to the community it serves. This policy provides guidance on appropriate development within the hospital estate.

### **Policy DM39: Blackpool Victoria Hospital**

1. Proposals for the further development and improvement of health facilities and supporting uses at Blackpool Victoria Hospital will be permitted within the area defined on the Policies Map.
2. Any redevelopment proposals must consider the need for further improved accessibility and parking on the hospital site.

3.357 The hospital has undergone a number of improvements over the past decade including a new modern entrance facility and Cardiac Unit. The future strategy for the hospital includes the redevelopment and replacement of existing outdated facilities to make a more efficient use of the site. This includes facilities that support the main function of the hospital including improved medical staff accommodation and supporting office accommodation.

3.358 Parking improvements have been made in the form of two multi-storey car parks and improved circulation around the hospital site. It will remain a priority that any further phased redevelopment must consider the need for continued improved accessibility and parking.

## **Blackpool and the Fylde College – Bispham Campus**

3.359 Blackpool and the Fylde College is a key education provider in Blackpool and delivers both further and higher education courses. The Council recognises the importance of Blackpool and the Fylde College Bispham campus as a focus for further education and also as a social and recreational centre meeting the needs of Blackpool residents.

### **Policy DM40: Blackpool and the Fylde College – Bispham Campus**

Land shown on the Policies Map will be safeguarded for the future development and improvement of facilities at Blackpool and the Fylde College. Development for other purposes will not be permitted.

3.360 The further development and improvement of existing facilities and of remaining land within the site for continued educational use will be supported. Development for other purposes not directly associated with the function of the College will not be permitted.

# Transport

## Transport Requirements for New Development

3.361 Core Strategy policies **CS5: Connectivity** and **CS27: South Blackpool Transport and Connectivity** promote a sustainable and efficient transport network for Blackpool. The following policy provides further highway and transport requirements for all new development.

### Policy DM41: Transport Requirements for New Development

1. New development will only be permitted where the access, travel and safety needs of all affected by the development are met. Proposals must ensure that:
  - a. safe and appropriate connection to the road network is secured for all transport modes requiring access to and within the development;
  - b. convenient, safe and pleasant pedestrian access and cycle routes are provided. Where existing public rights of way, or cycle routes are severed, effective alternative routes must be provided;
  - c. appropriate provision is made for public transport;
  - d. traffic management measures are incorporated to reduce traffic speeds; give pedestrians, people with impaired mobility and cyclists priority; and allow the efficient provision of public transport;
  - e. car, cycle and motorcycle parking is provided in accordance with the parking standards set out in Appendix G1; including the provision of electric vehicle (EV) charging infrastructure; and the layout provides for sufficient levels of servicing and operational space where required;
  - f. additional mitigation measures are factored into the proposal where traffic generated will impact on the surrounding highway network.
2. Transport Assessments and Travel Plans will be required having regard to the thresholds set out in Appendix G2.

3.362 This policy establishes the main requirements relating to highways, transport and parking which will apply to all development. Good accessibility to jobs, shops, education, community recreation and other facilities is fundamental to promoting sustainable communities and the ability to reach a site by different modes of transport and provide genuine choice is essential.

3.363 Opportunities to promote walking, cycling and public transport use should be prioritised to reduce congestion and maximise environmental quality. Transport and highway issues should be considered from the earliest stages of the design process and should take into account the needs of all users, including people with disabilities, the elderly and parents with young children; be integrated with the surrounding road network and must adhere to best practice as agreed with the Local Highway Authority.

3.364 Furthermore, developers should have high regard for highway safety, be mindful of traffic congestion, fully consider the access and parking needs (refer to Parking Standards in Appendix G1) of all users by all modes; and the impact on the environment and on people's health. The impact on local air quality should be taken into account in line with the requirements set out in Policy DM36: Controlling Pollution and Contamination.

3.365 Pedestrian access should be well designed to ensure that footways and crossing-points are safe, particularly for use by children and those with mobility impairments. The development's pedestrian network should connect to the surrounding built and natural environment, providing effective connectivity to public transport and other community facilities.

3.366 Highway design should facilitate cycling by all potential users. This will mean in appropriate cases the provision of specific cycling facilities, or a speed limiting highway design. Such designs must be integrated with the surrounding road network, which should be improved if necessary, providing easy cycling to and from the site. Appropriate provision for cycle storage for potential residents, staff and visitors will be required. Covered and secure cycle parking is required for all developments, where appropriate. Other complementary facilities including lockers, changing rooms, showers and drying rooms should be provided. Where cycle routes or other rights of way are to be severed, these must be re-provided, including crossing facilities to a standard agreed with the Local Highway Authority.

3.367 Traffic management designs within the proposed development should favour a low speed vehicle environment intended to allow pedestrians, cyclists and people with impaired mobility to move about freely and safely within its environs. This is particularly relevant to children, principally but not solely, in residential developments.

3.368 Design proposals should accommodate bus (and where appropriate tram) movements and operations including bus stop siting and supporting on-road parking control. Bus services are generally most effective when operating through developments using separate entry and exit points and this model should be assessed as part of the development design process, where deemed appropriate by the Local Highway Authority. Larger developments need to consider the

nature of existing bus routes and whether they provide sufficient connectivity to relevant destinations, particularly in urban fringe locations.

3.369 To promote the use of electric vehicles, appropriate infrastructure should be accommodated in new development using the latest technology. Such charging provision should be made both within the properties' curtilage and in public parking areas. In the case of housing, all units must be fitted with the infrastructure to facilitate the charging of electric vehicles. In the case of commercial or retail premises staff and visitors should reasonably expect to be able to re-charge (top up) an electric vehicle.

3.370 Transport measures to mitigate the potential impacts of development will be required and developers will be expected to fund off-site works where this is deemed necessary and will be achieved through planning conditions and/or through Section 106/Section 278 agreements. Any measures should be clear and agreed in writing with the Local Highway Authority and the Local Planning Authority as soon as possible in the planning process. Developers are strongly advised to seek pre-application advice from the Council on major proposals.

3.371 To help inform any mitigation measures, accessibility questionnaires, for both residential and non-residential development, should be submitted to the Local Planning Authority for certain types development<sup>35</sup>; or where requested as part of the pre-application process. Accessibility questionnaires should be completed as accurately as possible and can be found at Appendix G3 for residential development and Appendix G4 for non-residential development.

3.372 The thresholds for Transport Assessments and Travel Plans are set out in Appendix G2 which provides guidance for when these are required. In certain circumstances flexibility around these thresholds can be considered on a case-by-case basis. Transport Statements will be required if below the Transport Assessment threshold, but above 500m<sup>2</sup> gross floor area. For both, the latest Planning Practice Guidance should be used and the scope should be agreed with the Local Highway Authority. All proposals over 500m<sup>2</sup> gross floor area, or with ten or more residential units, will be expected to demonstrate through a Transport Assessment or Transport Statement how accessibility by walking, cycling and public transport can be enhanced to improve the accessibility and connectivity or address concerns in some other manner, for example by financially supporting a local bus service.

3.373 Through the travel planning process, businesses and other organisations can minimise car journeys in support of local and national objectives. The developer must commit to the travel plan process, identify how the Travel Plan will be delivered and by whom, with a further commitment to monitor the plan and review it on a regular basis, which should be specified from the outset. The latest Planning Practice Guidance should be used in drawing up Travel Plans.

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<sup>35</sup> All proposals of over 500m<sup>2</sup> gross floor area, or with ten or more residential units

## **Aerodrome Safeguarding**

3.374 Aviation makes a significant contribution to national economic growth, including in relation to small and medium sized airports and airfields (aerodromes). NPPF (paragraph 104) recognises the importance of maintaining a national network of aerodromes and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs.

3.375 Blackpool Airport lies adjacent to Blackpool's southern boundary within Fylde Borough and is an officially safeguarded civil aerodrome. The safeguarded area for the aerodrome extends into Blackpool Borough and is determined in accordance with government circular 1/2003 - advice to local planning authorities on safeguarding aerodromes and military explosives storage areas (as updated).

3.376 Safeguarded areas for Warton Aerodrome are determined in accordance with The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Storage Areas) Direction 2002 (as updated). The relevant safeguarding areas for Warton Aerodrome (also located in Fylde Borough), are identified by the Ministry of Defence (MOD). The safeguarded area reflects the need to restrict the height of built development in wider zones, including in Blackpool, in order to ensure safety for both aircraft crew and people on the ground. It also reflects the need to prevent interference to communication systems.

### **Policy DM42: Aerodrome Safeguarding**

The Blackpool Airport Authority and the Ministry of Defence (MOD) will be consulted on all development proposals as appropriate within the aerodrome safeguarding area/zones shown on the Policies Map to ensure there is no adverse impact on airport safety at Blackpool Airport or Warton Aerodrome.

3.377 Aerodrome safeguarding is necessary to ensure that the operation and development of Blackpool Airport is not inhibited by buildings, structures, erections or works which would infringe on protected surfaces, obscure runway approach lights or have the potential to impair the performance of aerodrome navigation aids, radio aids or telecommunication systems; by lighting which has the potential to distract pilots; or by developments which have the potential to increase the number of birds or the bird hazard risk. The safeguarded area has been certified by the Civil Aviation Authority. Elsewhere in the Borough, proposed buildings and structures over a certain height will also be the subject of consultation with the airport authorities.

3.378 The MOD statutory aerodrome safeguarding zones surrounding Warton Aerodrome, which extend across parts of Blackpool, are shown on the Policies Map. The aerodrome height consultation zone protects the aerodrome's outer horizontal obstacle limitation surface and

requires that the MOD is consulted upon applications for development that are 91.4m or greater in height. In addition to this, a significant area of Blackpool is covered by the statutory birdstrike safeguarding consultation zone. Within this the MOD should be consulted upon applications for waste management sites, the creation of water bodies, quarry restorations or other forms of development that would entail the creation of habitat that could be attractive to large or flocking birds hazardous to air traffic.

## Appendices

## Appendix A: Replacement of Saved Local Plan Policies

| <b>2006 Saved Local Plan Policy</b>   | <b>Superseded by adopted Core Strategy Policy</b> | <b>Superseded by SADMP Policy</b> |
|---|---|-----------------------------------|
| <b>Reshaping the Resort</b>   |   |                                   |
| RR1 Visitor Attractions   | CS21  | DM10                              |
| RR2 Visitor Accommodation   | CS21, CS23  |                                   |
| RR4 Amusement Arcades and Funfairs  | CS21  | DM10                              |
| RR7 Promenade Frontages within the Resort Core  | CS17, CS21, CS23                                  |                                   |
| RR8 Resort Neighbourhoods   | CS12, CS23  |                                   |
| RR9 Resort Neighbourhoods - Development Proposals Involving the Loss of Holiday Accommodation | CS12, CS23  |                                   |
| RR10 Resort Neighbourhoods - Change of Use to Holiday Accommodation                           | CS12, CS23  |                                   |
| RR11 Central Promenade and Seafront   |   | DM10                              |
| RR12 Other Promenade Areas  |   | DM10                              |
| RR13 Central Corridor   | CS5, CS22   |                                   |
| RR14 Lytham Road/Bloomfield Road, Chapel Street, Central Drive and Dickson Road               | CS5, CS22   |                                   |
| RR15 Blackpool Zoo  |   | DM9                               |
| RR16 Norbreck Castle  | CS23  |                                   |
| <b>Establishing a Thriving Sub-Regional Centre</b>  |   |                                   |
| SR1 Hounds Hill   | Deleted   |                                   |
| SR2 Winter Gardens  | CS18  |                                   |
| SR3 Blackpool North Transport Development Area  | CS19  |                                   |
| SR3A New Car Park   | Deleted   |                                   |
| SR4 Cookson Street/King Street  | Deleted   |                                   |
| SR5 Principal Retail Core   | CS4   | DM11                              |
| SR6 Retail/Cafe Zone  | CS4   | DM12                              |
| SR7 Mixed Use Zone  | CS4   |                                   |
| SR8 Leisure Zone  | CS4   | DM10                              |
| SR9 Use of Upper Floors   | CS4   | DM6, DM11, DM12                   |
| SR10 Town Centre Traffic Distribution and Access to Car Parking                               | CS5   | DM41                              |
| SR11 Pedestrian, Cyclist and Public Transport Priority  | CS5   | DM41                              |
| <b>Lifting Quality in the Built Environment</b>   |   |                                   |
| LQ1 Lifting the Quality of Design   | CS7   | DM1, DM17                         |
| LQ2 Site Context  | CS7   | DM1, DM17                         |
| LQ3 Layout of Streets and Spaces  |   | DM17                              |
| LQ4 Building Design   |   | DM17                              |
| LQ5 Public Realm Design   |   | DM17                              |
| LQ6 Landscape Design and Biodiversity   |   | DM21, DM35                        |
| LQ7 Strategic Views   |   | DM19                              |
| LQ8 Energy and Resource Conservation  | CS10  |                                   |
| LQ9 Listed Buildings  |   | DM26                              |
| LQ10 Conservation Areas   |   | DM27                              |

|   |  |                  |            |
|---|--|------------------|------------|
| LQ11                                      | Shopfronts   |                  | DM22       |
| LQ12                                      | Security Shutters                                      |                  | DM23       |
| LQ13                                      | Advertisements and Signs                               |                  | DM24       |
| LQ14                                      | Extensions and Alterations                             |                  | DM20       |
| LQ15                                      | Telecommunications Development                         | Deleted          |            |
| <b>Homes for Every Need</b>               |  |                  |            |
| HN2                                       | New Housing Allocations                                | CS2, CS25        | HSA1       |
| HN3                                       | Phasing  | CS2              |            |
| HN4                                       | Windfall Sites   | CS2              |            |
| HN5                                       | Conversions and Sub-divisions                          |                  | DM5        |
| HN6                                       | Housing Mix  | CS13             |            |
| HN7                                       | Density  | CS13             |            |
| HN8                                       | Affordable and Specialist Needs Housing                | CS14             |            |
| HN9                                       | Gypsies and Travelling Showmen                         | CS16             |            |
| <b>Balanced and Healthy Communities</b>   |  |                  |            |
| BH1                                       | Neighbourhoods   | CS12             |            |
| BH2                                       | Talbot and Brunswick Priority Neighbourhood            | CS12             |            |
| BH3                                       | Residential and Visitor Amenity                        | CS7              |            |
| BH4                                       | Public Health and Safety                               |                  | DM36       |
| BH5                                       | Protection of Public Open Space                        | CS6              |            |
| BH6                                       | New Open Space Provision                               | CS6              |            |
| BH7                                       | Playing Fields and Sports Grounds                      | CS6              |            |
| BH8                                       | Open Land Meeting Community and Recreational Needs     | CS6              |            |
| BH9                                       | Allotments   |                  | DM38       |
| BH10                                      | Open Space in New Housing Developments                 |                  | DM1, DM21  |
| BH11                                      | Shopping and Supporting Uses - Overall Approach        | CS4              |            |
| BH12                                      | Retail Development and Supporting Town Centre Uses     | CS4              |            |
| BH13                                      | District Centres                                       |                  | DM14       |
| BH14                                      | Local Centres  |                  | DM14       |
| BH15                                      | Change of Use of Premise Outside the Defined Centres   | CS4              |            |
| BH16                                      | Shopping Development Outside Existing Frontages        | CS4              |            |
| BH17                                      | Restaurants, Cafes, Public Houses, Hot Food Take-Aways | CS4              | DM14, DM16 |
| BH18                                      | Amusement Centres                                      |                  | DM13       |
| BH19                                      | Neighbourhood Community Facilities                     |                  | DM37       |
| BH20                                      | Provision of New Community Facilities                  | CS11, CS12, CS15 | DM37       |
| BH21                                      | Protection of Community Facilities                     |                  | DM37       |
| BH22                                      | Victoria Hospital                                      |                  | DM39       |
| BH23                                      | Blackpool and Fylde College                            |                  | DM40       |
| BH24                                      | Residential Institutions and Community Care            |                  | DM3        |
|   | Residential Use  |                  |            |
| <b>Diversifying the Local Economy</b>     |  |                  |            |
| DE1                                       | Industrial and Business Land Provision                 | CS3, CS24        | DM7, DM8   |
| DE2                                       | Industrial Improvement Zones                           | Deleted          |            |
| DE3                                       | Mixed Use Industrial Zones                             | Deleted          |            |
| DE4                                       | Outside the Defined Industrial/Business Estates        | Deleted          |            |
| <b>Conserving the Natural Environment</b> |  |                  |            |
| NE1                                       | Development within Green Belt                          | CS6              |            |

|  |  |         |      |
|--|--|---------|------|
| NE2  | Countryside Areas  |         | DM34 |
| NE3  | Replacement Dwellings and Extensions in the Countryside                      |         | DM34 |
| NE4  | SSSIs  |         | DM35 |
| NE5  | Other Sites of Nature Conservation Value                                     |         | DM35 |
| NE6  | Protected Species  |         | DM35 |
| NE7  | Sites and Features of Landscape, Nature Conservation and Environmental Value |         | DM35 |
| NE8  | Urban Greenspace   | CS6     |      |
| NE9  | The Coast and Foreshore  |         | DM33 |
| NE10   | Flood Risk   | CS9     | DM31 |
| <b>Accessibility and Safe Journeys for All</b> |  |         |      |
| AS1  | General Development Requirements   |         | DM41 |
| AS2  | New Development with Significant Transport Implications                      |         | DM41 |
| AS3  | Provision for Walking and Cycling  |         | DM41 |
| AS4  | Provision for Public Transport   | CS5     | DM41 |
| AS5  | Traffic Management   |         | DM41 |
| AS6  | Road Schemes   | Deleted |      |
| AS7  | Aerodrome Safeguarding   |         | DM42 |
| <b>Planning Obligations</b>                    |  |         |      |
| PO1  | Planning Obligations   | CS11    |      |

## Appendix B: Local Plan Part 2 Evidence Base Documents

| <b>Year</b>                                | <b>Evidence Base Documents</b>   |
|--|--|
| 2020                                       | Blackpool Local Plan Part 2 - Sustainability Appraisal                           |
| 2020                                       | Blackpool Local Plan Part 2 - Habitats Regulation Assessment Screening           |
| 2020                                       | Blackpool Local Plan Part 2 - Viability Assessment                               |
| 2020                                       | Authority Monitoring Report  |
| 2021                                       | Duty to Co-operate Statement of Common Ground                                    |
| 2015                                       | Duty to Co-operate Fylde Coast Authorities' Memorandum of Understanding          |
| <b>Climate Change and Flooding</b>         |  |
| 2020                                       | Strategic Flood Risk Assessment Update   |
| 2014                                       | Blackpool Level 1 Strategic Flood Risk Assessment                                |
| 2011                                       | Lancashire Sustainable Energy Study - Blackpool Renewable Energy Potential       |
| 2010                                       | Blackpool Climate Change and Renewable Energy Study                              |
| <b>Housing</b>                             |  |
| 2022                                       | Addendum to the Housing Topic Paper 2021   |
| 2021                                       | Housing Topic Paper  |
| 2020                                       | Space Standards and Accessible Homes Topic Paper                                 |
| 2020                                       | Blackpool Housing Monitoring Report  |
| 2019                                       | Gypsy, Traveller and Travelling Showpeople Topic Paper                           |
| 2019                                       | Blackpool Strategic Housing Land Availability Assessment Update                  |
| 2013                                       | Fylde Coast Strategic Housing Market Assessment (SHMA) (Published February 2014) |
| <b>Retail</b>                              |  |
| 2020                                       | Retail Topic Paper – Future capacity   |
| 2019                                       | Local Centres Assessment   |
| 2018                                       | Blackpool Retail, Leisure and Hotel Study  |
| <b>Employment and Economic Development</b> |  |
| 2022                                       | Employment Land Update 2021 and Blackpool Airport Enterprise Zone Topic Paper    |
| 2020                                       | Employment Land Update   |
| 2014                                       | Employment Land Technical Paper  |
| 2014                                       | Blackpool Employment Land Study  |
| <b>Heritage</b>                            |  |
| 2016                                       | Built Heritage Strategy for Blackpool  |
| 2009                                       | Blackpool Heritage Characterisation Studies                                      |
| <b>Transport and Infrastructure</b>        |  |
| 2022                                       | Infrastructure Delivery Plan Update  |
| 2020                                       | Infrastructure Delivery Plan Update  |
| 2011                                       | Local Transport Plan Strategy 2011-2016  |
| <b>Environment</b>                         |  |
| 2020                                       | Blackpool Playing Pitch Strategy Update  |
| 2020                                       | Indoor Sports Facilities Review  |
| 2020                                       | Green Infrastructure Topic Paper   |
| 2019                                       | Green and Blue Infrastructure Strategy and Action Plan                           |
| 2019                                       | Blackpool Open Space Assessment  |
| 2012                                       | Blackpool Nature and Conservation Statement                                      |
| <b>Health</b>                              |  |
| 2020                                       | Managing the Location of Hot Food Takeaways Topic Paper                          |
| 2020                                       | Betting Shops, Adult Gaming Centres and Pawnbrokers Topic Paper                  |



## Appendix C: Town Centre Mixed Use Site Information

|   |  |  |
|---|--|--|
| <b>Site reference</b>   | MUSA1  |  |
| <b>Site address</b>   | Land at Church Street (former Syndicate site)                        |  |
| <b>Ward</b>   | Talbot   |  |
| <b>Site area</b>  | 0.24 ha  |  |
| <b>Allocated Use</b>  | Mixed use including discount food retailer and multi storey car park |  |
|  |  |  |

**Site Description:**

The former Syndicate site located on the corner of Church Street and King Street. It is a 0.24 ha brownfield site currently used as a surface car park.

**Delivery:**

The site will be delivered by the Council, potentially working with private developers/retailers. With respect to the multi-storey car park, the Council has committed to provide additional car parking capacity within Blackpool Town Centre responding to the recommendations of Strategic Parking Review undertaken by AECOM in 2016.

**Highways Considerations:**

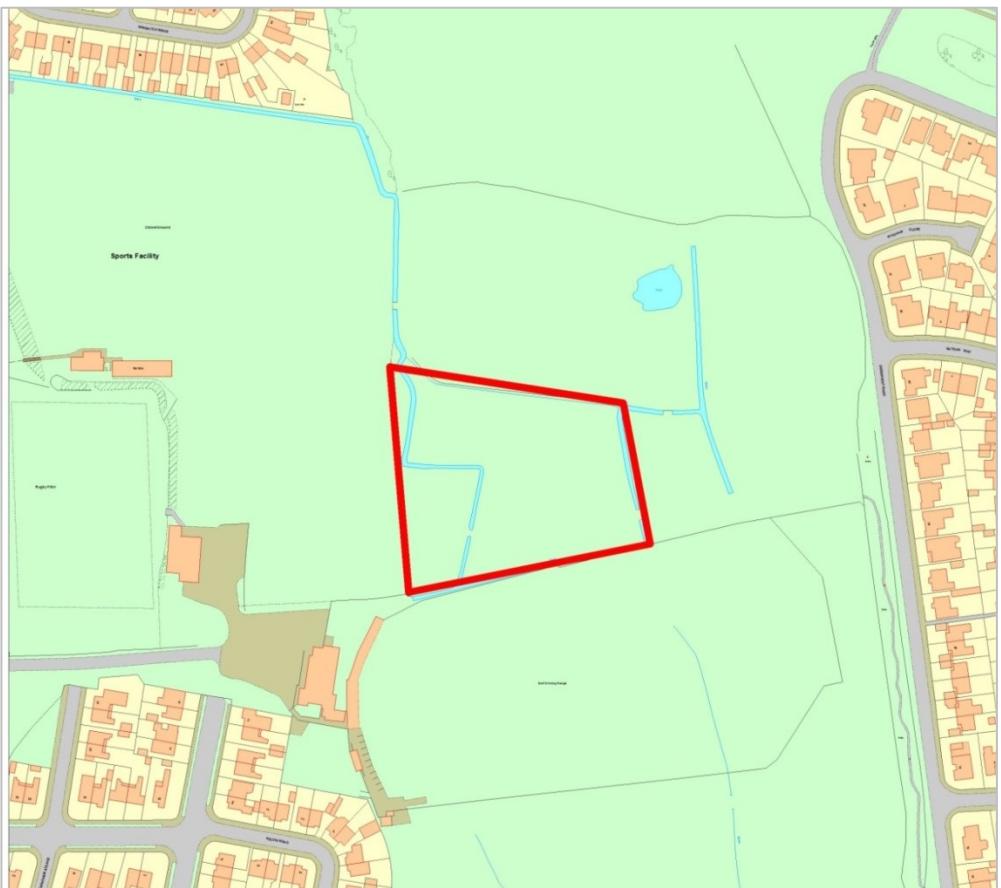
- The Highway Authority consider there to be no issues with the proposed allocation in principle. With regards to access, it is important can ensure that this fits in with the wider town centre masterplan and highway network changes.
- All issues should be addressed in a Transport Assessment in support of any future planning application. A Travel Plan will required for the retail element.
- Pedestrian access/egress to and from the site is good, as is public transport provision due to the town centre location.

**Key Considerations:**

- The site is in council ownership.
- The site is in Flood Zone 1
- An impact assessment has been undertaken to ensure that this additional retail floorspace complements, rather than competes with the substantial investment made at Talbot Gateway in the delivery of the Sainsbury's, whilst seeking to attract shoppers and residents nearby back into the town centre, instead of travelling to other foodstores in the Borough to meet their shopping needs.
- The scale of potential foodstore would fit within the 1,500 to 2,500 sq.m (gross) bracket, ensuring that the turnover of which would not untenably impact on the existing Sainsbury's foodstore at Talbot Gateway.

## Appendix D: Allotment Site Allocation Information

|                       |   |  |
|-----------------------|---|--|
| <b>Site reference</b> | ASA1  |  |
| <b>Site address</b>   | Land to the north of the Golf Driving Range, accessed from Fleetwood Road |  |
| <b>Ward</b>           | Norbreck  |  |
| <b>Site area</b>      | 1.4 ha  |  |
| <b>Allocated Use</b>  | Allotments  |  |

**Site Description:**

The 1.4ha site is current greenspace and forms part of the Warren Drive/Deerhurst Road Natural and Semi-natural greenspace category in the Open Space Assessment (OSA) (2018).

**Delivery:**

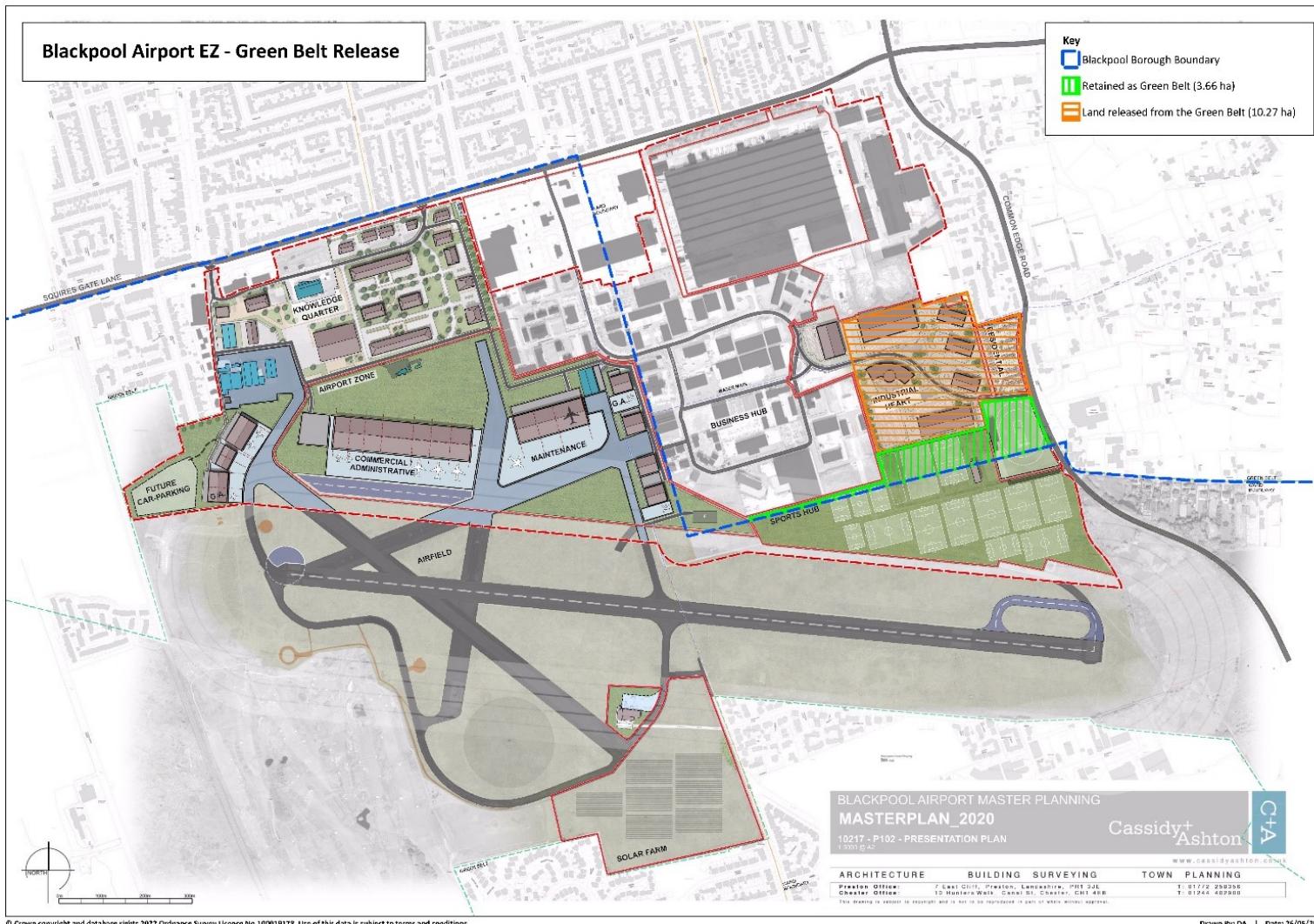
This new allotment will be delivered by Blackpool Council in partnership with the Allotments Federation and will provide for around 40 individual allotments (using the National Allotment Society standard of 250 square metres per allotment).

**Key Considerations:**

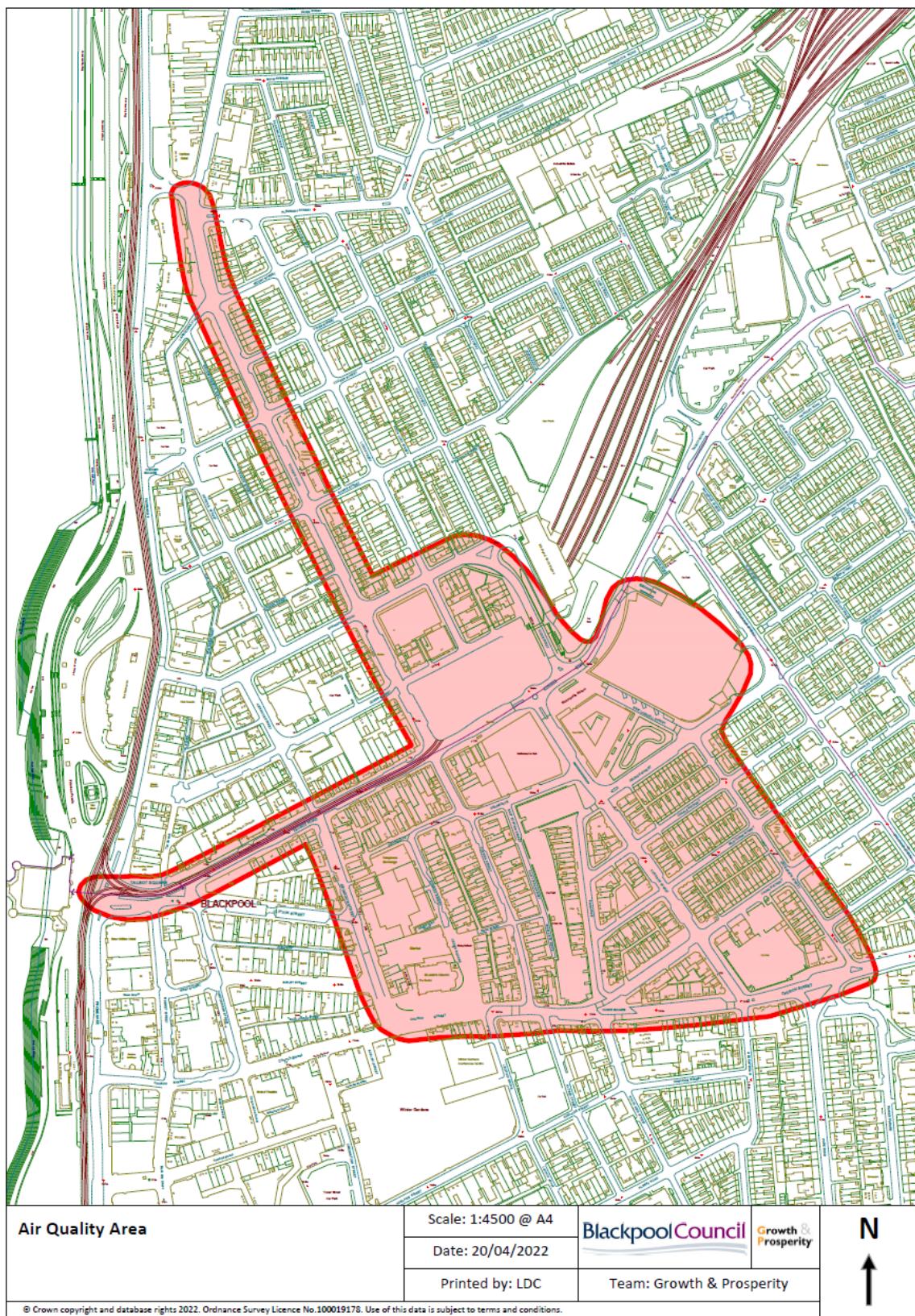
- The site is currently in council ownership.
- The site is in Flood Zone 3. Further detail is set out in the Council's Strategic Flood Risk Assessment Update (2020)
- Car parking is to be negotiated with the adjacent rugby club

## Appendix E: Blackpool Airport Enterprise Zone Green Belt Release Map

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## Appendix F: Air Quality Management Area



## **Appendix G1: Parking Standards**

### **1. Introduction**

1.01 These parking standards recognise the importance of providing convenient, safe and secure parking in association with new development. The provision of adequate parking facilities and their design should be appropriate to the scale, nature, location and users of the proposed development and applicants must demonstrate that the proposed level of parking is appropriate.

1.02 Car parking should be provided on site wherever possible, to ensure there is no detrimental effect on highway safety. With no maximum or minimum car parking standards, a flexible approach to the level of car parking provision will be applied at both the pre-planning application stage and the decision-making stage, dependent on the location of the development being considered. In highly accessible locations, parts of Blackpool Town Centre for example, due consideration to levels of parking provision will be given where proposals are deemed highly accessible, according to an accurately completed accessibility questionnaire (please see Policy DM41 and appendices D3/D4).

1.03 Blackpool Council reserves its right to negotiate commuted sums, especially if proposed levels of car and coach parking are lower than the standard and are not agreeable to the Authority. These commuted sums will be ring-fenced and pooled for improvements to car parking, both on-street and off-street, as close as possible to the approved development, or earmarked for improvements to public transport.

1.04 Coach drop-off / pick up points should be provided as close to the development as practicable, with parking accommodated off-site (through agreement with the Authority). Cycle parking and motorcycle parking should be integrated into the development. Spaces for electric vehicles should be provided, equipped with the latest charging technology. Mobility impaired parking, including parent and child spaces, should be conveniently placed where appropriate. Consideration should be given to safe covered storage and charging points for mobility scooters, electric wheelchairs and similar mobility aids especially when designing retirement or warden-controlled developments.

1.05 These parking standards are based on existing parking standards in the 2006 Local Plan and have been informed by those in the revoked Regional Spatial Strategy (2008), and also by other local authority approved parking standards.

## 2. Car and coach parking standards

These are for guidance and will be discussed/agreed on a case by case basis:

| Use Class/Description |  | Per m <sup>2</sup> gross floor area, unless otherwise stated  |
|-----------------------|--|---|
| <b>F.2/E</b>          | <b>Shop</b><br>- Food retail<br>- Non-food retail  | 1:17<br>1:23  |
| <b>E</b>              | <b>Financial and professional services (not medical)</b>   | 1:37  |
| <b>E</b>              | <b>Café or restaurant</b>  | 1:9   |
| <b>Sui generis</b>    | <b>Pub or drinking establishment</b>   | 1:9   |
| <b>Sui generis</b>    | <b>Take away</b>   | 1:9   |
| <b>E</b>              | <b>Office</b><br><br><b>Research and development of products or processes</b><br><br><b>Industrial processes</b> (which can be carried out in any residential area without causing detriment to the amenity of the area) | 1:30<br><br>1:30<br><br>1:37  |
| <b>B2</b>             | <b>Industrial</b>  | 1:45  |
| <b>B8</b>             | <b>Storage or distribution</b>   | 1:200   |
| <b>C1</b>             | <b>Hotels, boarding and guest houses</b>   | 1 per bedroom, plus coach parking if more than 30 bedrooms  |
| <b>C2</b>             | <b>Residential institutions:</b><br>- residential care homes/nursing homes<br><br>- residential schools/colleges/residential training centres/halls of residence<br><br>- hospitals                                      | 1 per 5 residents<br><br>Training centres, colleges & schools – 1 per bed (short courses)/1 per 2 beds (longer courses over 1 month duration) & coach parking for training centres over 1000m <sup>2</sup> gfa.<br>Halls of residence – 1 per 2 beds.<br><br>1 per bed, including those used in short stay operations |
| <b>C3</b>             | <b>Dwelling houses</b><br>- single bedroom housing<br>- sheltered housing<br>- 2-3 bedroom family housing  | 1 per dwelling<br>1 per 2 dwellings<br>2 per dwelling   |

|                          |   |   |
|--------------------------|---|---|
|                          | <ul style="list-style-type: none"> <li>- 4+ bedroom family housing</li> <li>- Flats and apartments/communal parking</li> </ul>  | 3 per dwelling<br>average 1.5 per dwelling  |
| <b>E/F.1</b>             | <b>Clinics and health centres</b><br><br><b>Crèches/day nurseries/day centres</b><br><br><b>Schools and sixth forms</b><br><br><b>Non-residential education and training centres</b><br><br><b>Training and conference centres</b><br><br><b>Art galleries, museums and public libraries</b><br><br><b>Public halls/exhibition halls/places of worship/law courts</b>               | 4 per consulting room<br><br>1.5 per 2 staff plus drop-off zone of 1 space per 10 children.<br><br>1 per classroom/activity area<br><br>1 per 2 full-time staff<br><br>1:37<br><br>1:31<br><br>1:10 |
| <b>Sui generis/E/F.2</b> | <b>Cinemas, concert halls, bingo halls and dance halls</b><br><br><b>Gymnasiums, indoor recreations not involving motorised vehicles or firearms</b><br><br><b>Hall or meeting place for the principal use of the local community</b><br><br><b>Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms</b> | 1 per 8 seats plus coach parking<br><br>1:26<br><br>1:26<br><br>1 per 15 seats plus coach parking   |

Notes for residential properties (dwelling houses):

- a) Individual garages, of minimum dimensions of 6m by 3m, count as one parking space. Double garages (minimum dimensions 6m by 6.7m) count as two parking spaces. Parking on driveways or under carports should be calculated on the basis of the number of vehicles that can easily be accommodated, allowing for opening of any gates. Car parking space in front of a garage should be a minimum of 6m long to allow for opening/closing of an up and over door. Private drives should have a minimum width of 3.2m where they are used for both vehicular and pedestrian access to the property.
- b) At least one secure cycle parking space should be provided for single bedroom residential properties and at least two where two or more bedrooms are to be

provided. These may be provided in cycle sheds strategically located within the development. A standard size garage (6m by 3m) is considered capable of accommodating two cycles. Where no garage is provided, alternative covered lockable provision should be made within the confines of the site. In flats/apartments secure provision should be provided within the development for cycles (and mobility buggies as appropriate) at the ratio of one per flat/apartment.

Explanatory note on mixed-use development:

- Where mixed-use development is proposed, the total amount of parking should reflect the ratio of uses on the site, assuming uses have the same peaks of demand. Where peak demands occur at different times the dominant land use will form the basis for calculation.

### **Operational parking**

2.01 The parking levels set out in the standards are for ‘non-operational’ use, i.e. for residents, staff and visitors. Operational and service parking will be required for the day-to-day operation of businesses, e.g. the delivery and dispatch of goods by light and heavy goods vehicles (delivery/loading bays). This should be located appropriately and provided in addition to levels identified in the standards, and where required should be addressed in the Transport Statement/Transport Assessment.

2.02 In relation to servicing, applicants will be required to demonstrate that there is adequate provision and space within the site for the parking, manoeuvring, loading and unloading to meet the operational servicing requirements of the development. The space set aside for servicing should be of suitable size for the type and quantity of vehicles likely to be associated with the development. Delivery vehicles should ideally be able to safely enter and exit the site in a forward gear.

2.03 Reduced operational provision will be encouraged where opportunities are available for shared use of spaces. This should be considered as part of a Travel Plan for the site, particularly where there are frequent visits by employees to satellite locations. An example of this would be medical staff based at a hospital, but spending most of their time visiting clinics elsewhere in the area.

### **Coach parking**

2.04 Coach parking is particularly important for certain land uses. Examples include major tourist attractions, stadiums, concert halls and hotels. Provision should be made as close to the development as practicable. Coach parking may be provided off-site (through

agreement with the Authority) subject to satisfactory drop-off / pick-up points being provided near to the development.

### **Electric vehicle parking/provision**

2.05 In order to encourage the take-up of electric vehicles, the latest technology should be adopted in new development.

2.06 Provision of dedicated parking bays/charging infrastructure in new development (including conversions) is required as follows:

- Houses: For each house, appropriate vehicle charging infrastructure, within a garage or on the driveway.
- All other developments, including flats/apartments/terraced housing with communal parking: at least 10% of parking bays marked out for use by electric vehicles, together with charging infrastructure and cabling, including for any future expansion.

2.07 To future proof, the provision should be supplemented by the installation of groundwork/pассив wiring as part of the development in order to enable further installation to match demand.

2.08 Where charging facilities are shared, for example through the development of flats/apartments/terraced housing with communal parking, any provision of infrastructure should also include details of the arrangements for the future operation and maintenance of the facility.

2.09 To ensure flexibility, the quantum and specification of EV charging infrastructure should be agreed on a case-by-case basis.

## **3. Mobility impaired parking, cycle parking and motorcycle parking**

3.01 Standards for mobility impaired parking, bicycles and motorcycles are set at minimum levels. Parking should therefore be provided at or above these standards. This is to ensure that the needs of these groups are fully catered for and accessibility for all encouraged.

### **Mobility impaired parking**

3.02 Parking for the mobility impaired and parent/child should be made at a minimum level of 1 per 10 car parking spaces as part of overall provision. Parent/child parking should constitute approximately half of this provision. Mobility impaired users, which for the purposes of this guidance includes 'parent and child' parking, have specific needs. There may be situations where provision of greater than 10% would be valuable, e.g. at health

centres. Relaxations may be justified in circumstances where existing or future usage by mobility impaired users is likely to be significantly less than 10% of all vehicles.

3.03 Mobility impaired spaces should be located close to the main entrance of the building and require wider parking bays (minimum width 3.6m). Additional space may also be required at the rear of the vehicle to unload wheelchairs, etc.

### **Cycle parking**

3.04 Appropriate cycle storage provision for potential residents, staff and visitors will be required. The minimum level is 1 per 10 car parking spaces. Long-stay, covered, secure cycle parking will be required for all developments, where appropriate. Short-stay parking, defined as four hours or less duration, may be of 'Sheffield stand' variety but should be under cover. Long-stay cycle parking, defined as over four hours, should be located in a secure shed or locker.

3.05 Cycle parking should be located close to the main entrance of the building, be well lit, and preferably covered, with a clear, safe route from the facilities. Other complementary facilities (lockers, changing rooms, showers and drying rooms) should be provided.

3.06 New dwellings without garages (minimum dimensions 6m by 3m) should have secure cycle storage provision.

### **Motorcycle parking**

3.07 Motorcycle parking, including infrastructure for locking machines to, should be provided at a minimum level of 1:25 car parking spaces in addition to car parking. Long-stay, covered, secure parking will be required for all developments as appropriate. Bay size should be at least 2.1m by 1.4m.

3.08 Provision should be located away from trees and areas susceptible to flooding, and be flat, well lit and visible. Where possible, concrete or block paviors should be used in preference to tarmac as these surfaces are not prone to sinking in warm weather. Secure anchorage points or railings, ideally around 60cm above the ground, should be provided. Locking points above drainage grates should be avoided to prevent loss of keys. Parking or access routes should not be located close to oil traps. Long-stay motorcycle parking (over four hours duration) should be provided in a secure covered structure, which may be shared with cycles.

## **Appendix G2: Transport Assessment (TA) and Travel Plan (TP) Thresholds**

| <b>Land use</b>                           | <b>TA/TP threshold (m<sup>2</sup> gross floor area unless specified)</b> |
|---|--|
| Shop                                      | 1,000  |
| Financial and professional services       | 2,500  |
| Café or restaurant                        | 1,000  |
| Pub or drinking establishment             | 1,000  |
| Hot Food Takeaway                         | 1,000  |
| Office/Research and development           | 2,500  |
| Industrial                                | 5,000  |
| Storage or distribution                   | 10,000   |
| Hotels, boarding and guest houses         | 1,000  |
| Residential institutions                  | 1,000  |
| Dwelling houses                           | 50 dwellings   |
| Learning and non-residential institutions | 2,500  |
| Assembly and leisure                      | 1,000  |

## Appendix G3: Residential Development Accessibility Questionnaire

| Residential accessibility questionnaire                                       |   |                 |   |           |
|---|---|-----------------|---|-----------|
| Site description:   |   |                 |   |           |
| Application reference:  |   |                 |   |           |
| Access type   | Criteria  | Criteria scores |   | Sub score |
| Walking distance from centre of site to facilities using a safe, direct route | Distance to nearest bus/tram stop   | <200m           | 5 |           |
|   |   | <400m           | 3 |           |
|   |   | <500m           | 1 |           |
|   |   | >500m           | 0 |           |
|   | Distance to nearest railway station   | <400m           | 3 |           |
|   |   | <800m           | 2 |           |
|   |   | >800-1000m      | 1 |           |
|   |   | >1km            | 0 |           |
|   | Distance to nearest primary school  | <200m           | 5 |           |
|   |   | <400m           | 3 |           |
|   |   | <600m           | 1 |           |
|   |   | >600m           | 0 |           |
|   | Distance to nearest food shop   | <200m           | 5 |           |
|   |   | <400m           | 3 |           |
|   |   | <600m           | 1 |           |
|   |   | >600m           | 0 |           |
| Cycling distance from centre of site  | Proximity to defined on- or off-road cycle route (signed, with specific infrastructure) | <100m           | 3 |           |
|   |   | <500m           | 2 |           |
|   |   | <1km            | 1 |           |
|   | Distance to nearest secondary school  | <400m           | 3 |           |
|   |   | <600m           | 2 |           |
|   |   | <1km            | 1 |           |
|   |   | >1km            | 0 |           |
|   | Distance to nearest town centre   | <1km            | 3 |           |
|   |   | <3km            | 2 |           |
|   |   | <4km            | 1 |           |

|                                       |  |                          |   |  |
|---------------------------------------|--|--------------------------|---|--|
|                                       | Distance to nearest business park or employment concentration                  | <1km                     | 3 |  |
|                                       |  | <3km                     | 2 |  |
|                                       |  | <4km                     | 1 |  |
| Public transport                      | Bus/tram frequency from nearest bus/tram stop (Mon-Sat daytime)                | 15 minutes or less       | 5 |  |
|                                       |  | 30 minutes or less       | 3 |  |
|                                       |  | >30 minutes              | 1 |  |
|                                       | Train frequency from nearest station (Mon-Sat daytime)                         | 30 minutes or less       | 3 |  |
|                                       |  | 30-59 minutes            | 2 |  |
|                                       |  | Hourly                   | 1 |  |
| Accessibility to other basic services | Accessibility to other basic services (GP, Post Office, Library, Bank and Pub) | At least 3 within 400m   | 5 |  |
|                                       |  | At least 3 within 800m   | 3 |  |
|                                       |  | At least 3 within 1.5 km | 1 |  |
|                                       | Accessibility to Play Area or Park   | <200m                    | 5 |  |
|                                       |  | <400m                    | 3 |  |
|                                       |  | <600m                    | 1 |  |
|                                       |  | >600m                    | 0 |  |
| <b>Total aggregate score:</b>         |  |                          |   |  |

**Accessibility level:**

**High**      35-48

**Medium**      20-34

**Low**      Less than 20

## Appendix G4: Non-Residential Development Accessibility Questionnaire

| <b>Accessibility Questionnaire (non-residential development)</b> |  |   |                  |                  |
|--|--|---|------------------|------------------|
| <b>Site description:</b>   |  |   |                  |                  |
| <b>Application reference:</b>                                    |  |   |                  |                  |
| <b>Access type</b>   | <b>Criteria</b>  | <b>Criteria Scores</b>  |                  | <b>Sub-Score</b> |
| Walking  | Distance to nearest bus/tram stop from main entrance to building (via direct, safe route)                      | <200m   | 5                |                  |
|  |  | <300m   | 3                |                  |
|  |  | <500m   | 1                |                  |
|  |  | >500m   | 0                |                  |
| Cycling  | Distance to nearest railway station from main entrance to building   | <400m   | 3                |                  |
|  |  | <1km  | 2                |                  |
|  |  | >1km  | 0                |                  |
| Cycling  | Proximity to defined cycle routes  | <100m   | 3                |                  |
|  |  | <500m   | 2                |                  |
|  |  | <1km  | 1                |                  |
| Public Transport   | Bus/tram frequency of principal service from nearest bus/tram stop during operational hours of the development | Urban/Suburban<br>15 minutes or less<br>30 minutes or less<br>>30 minutes   | 5<br>3<br>1      |                  |
|  | Number of bus/tram services serving different localities stopping within 200 metres of main entrance           | 4 or more localities served<br>3<br>2<br>1  | 5<br>3<br>2<br>1 |                  |
|  | Train frequency from nearest station (Mon-Sat daytime)   | 30 minutes or less<br>30-59 minutes<br>Hourly or less   | 3<br>2<br>1      |                  |
|  | Drive to nearest station   | 10 minutes or less<br>15 minutes or less  | 2<br>1           |                  |
|  | Travel reduction opportunities   | Facilities on site or within 100 metres that reduce the need to travel:<br>* food shop/cafe<br>* newsagent<br>* crèche<br>* other | 1<br>1<br>1<br>1 |                  |
| <b>Total aggregate score:</b>                                    |  |   |                  |                  |

### **Accessibility Level**

High: 24-30    Medium: 16-23    Low: 15 or less

## **Appendix H: Monitoring and Implementation Plan**

1. The purpose of this updated Monitoring and Implementation Plan is to determine whether the Blackpool Local Plan is effective in meeting its spatial vision, goals and objectives and that it can deliver its intended outcomes. It sets out key indicators, targets or intended policy outcomes, potential risks to delivery, contingencies to address changes or shortfalls, and also identifies the implementation and delivery mechanisms and partners that will help to achieve the Core Strategy Spatial Vision. It updates the Monitoring and Implementation Plan set out Appendix C of the Core Strategy with links to the relevant Development Management Policies.

### **Monitoring**

2. It is important that the effectiveness of the Local Plan can be monitored to establish if the policies contained within it are achieving the intended spatial vision, goals and objectives of the Part 1: Core Strategy. The performance and effects of the Local Plan policies will be monitored and reported on annually as part of an Authority Monitoring Report.
3. Blackpool Council and its partners are committed to creating a new Blackpool that truly lives up to its claim to be a great place to live. Blackpool's transformation will not be delivered unless appropriate objectives and targets are defined and the right planning policies are drawn up, effectively implemented and regularly reviewed. In this context effective monitoring is vital.
4. The Core Strategy identifies 4 goals and 21 objectives. The following table (Table 1) identifies the Core Strategy policies that will contribute to delivering each of the goals and objectives. To monitor the effectiveness of policies, a number of indicators have been identified to measure the impact of the Core Strategy and demonstrate how things are changing. The Monitoring and Implementation Plan sets out appropriate targets and policy outcomes to establish if the policies are achieving their intended effect.
5. For each policy a number of potential risks and contingencies have also been identified to demonstrate how the Core Strategy can deal robustly with changing circumstances. Where necessary the Authority Monitoring Report may identify any actions or contingencies that need to be taken to address issues identified as part of the monitoring process in order to improve the implementation and delivery of the Core Strategy. It may be the case that the process of monitoring may highlight the need for a timely partial or full review of the Core Strategy.
6. A review of the indicators monitored for the Blackpool Local Plan adopted in 2006 has been undertaken to inform which indicators should be included in the Monitoring and Implementation Plan. The indicators have been selected based on their appropriateness and the availability of data. Throughout the plan period, the indicators and targets will be reviewed to assess if they remain appropriate. It is recognised that in relation to some indicators the impact of the Core Strategy and its individual policies can only be determined after a number of years, therefore these will only be reported on at appropriate timescales.

### **Implementation**

7. The Core Strategy must be capable of being implemented, to do so it is important that a clear and concise framework is established to provide a steer on the mechanisms for delivery and who is responsible. This will give greater confidence that the Core Strategy can be achieved.



## Monitoring and Implementation of the Blackpool Local Plan 2012-2027

| Core Strategy Policy                                | Objective    | Related DM Policies               | Indicator  | Monitoring  |  |  | Implementation / Delivery Mechanism  | Key Delivery Partners  |
|---|--------------|-----------------------------------|--|---|--|--|--|--|
|   |              |                                   |  | Target / Policy Outcome   | Potential Risk   | Contingency  |  |  |
| Page 46<br>CS2: Housing Provision                   | 1, 2, 18, 19 | DM1, DM2, DM3, DM4, DM5, DM6, DM7 | Number of net completions per annum against the phased housing requirement   | 1,250 net completions in 1-5yrs; 1,400 in 6-10yrs; 1,550 in 11-15yrs  | <ul style="list-style-type: none"> <li>▪ Shortfall in number of completions against annual requirement</li> <li>▪ Continued slow recovery of the housing market</li> <li>▪ Developments not implemented or built-out as planned due to issues relating to viability, access to finance or unidentified site constraints etc.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Review reason for shortfall including planning permissions, lapsed / implemented permissions</li> <li>▪ Engage with applicants/developers to find out why sites are not being implemented</li> <li>▪ Work with key delivery partners / stakeholders to manage the delivery of development; and help to overcome any barriers and constraints</li> <li>▪ Review S106 agreements / contributions and re-negotiate with developers as appropriate</li> <li>▪ Regular SHLAA updates and consider a 'call for sites' exercise to identify additional land</li> <li>▪ Development of Council initiatives / funding mechanisms to help bring forward additional housing supply and encourage investment</li> <li>▪ Consider a timely policy review and whether it is appropriate to change the phasing supply</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Selective housing intervention and asset management programmes</li> <li>▪ Fylde Coast Housing Strategy</li> <li>▪ Strategic Housing Land Availability Assessment (SHLAA)</li> <li>▪ Holiday Accommodation SPD and New Homes from Old Places SPD (both adopted 2011)</li> <li>▪ Developer Contributions</li> <li>▪ Housing Implementation Strategy</li> <li>▪ NHB / Growing Places Fund / LIP</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Blackpool Housing Company</li> <li>▪ Housing Developers</li> <li>▪ Landowners</li> <li>▪ Blackpool Coastal Housing/Registered Providers</li> <li>▪ Homes England</li> <li>▪ Lancashire Enterprise Partnership (LEP)</li> </ul>   |
|   |              |                                   | Amount of housing provided in the existing urban area  | 1950 net completions over the plan period   |  |  |  |  |
|   |              |                                   | Amount of housing provided in South Blackpool  | 750 net completions over the plan period (including Moss House Road, Whyndyke & Runnell Farm sites)   |  |  |  |  |
|   |              |                                   | Number of net completions on windfall sites  | 1500 net completions on windfall sites over the plan period   |  |  |  |  |
|   |              |                                   | Proportion of net completions on previously developed land and Greenfield sites  | Continue to prioritise the reuse of previously developed land   |  |  |  |  |
|   |              |                                   | 5year land supply including amount of committed development (with planning permission/ awaiting a S106 agreement)  | Identify and update annually a supply of deliverable sites to provide 5years worth of housing (and a 5% / 20% buffer in line with the requirements of NPPF) |  |  |  |  |
| Page 46<br>CS3: Economic Development and Employment | 1, 3, 17     | DM7, DM8                          | Amount of existing industrial/ business land within the defined main employment areas redeveloped (or permitted for redevelopment) for new E(g)(i), B2, B8 employment and non-employment uses (Redeveloped sites include Brownfield Sites and Previously Developed Land) | Safeguard around 180 ha of existing industrial / business land in the 13 main employment areas for employment use   | <ul style="list-style-type: none"> <li>▪ Loss of E(g)(i), B2, B8 land / premises in the main employment areas to non-employment uses and increase in vacancy rates</li> <li>▪ Take-up of land supply for non-employment uses</li> <li>▪ Slow economic recovery making new investment more difficult to secure</li> <li>▪ Businesses wanting to locate / relocate outside Blackpool</li> <li>▪ Pressure for employment development on other sites in Blackpool</li> <li>▪ Loss of E(g)(i) use business space as a result of new regulations allowing more flexible permitted development (PD) rights</li> </ul> | <ul style="list-style-type: none"> <li>▪ Identify reasons for any loss of allocated land / floorspace for non-employment uses and the impact (negative or positive) on the site affected and on overall employment provision</li> <li>▪ Monitor employment land supply v demand to ensure it meets market requirements; and consider a review of existing employment allocations or policy if necessary</li> <li>▪ Discuss with landowners and developers the likely delivery prospects of available sites and help to overcome any barriers / constraints to manage the delivery of new development</li> <li>▪ Identify any barriers to business investment / growth in Blackpool and consider incentives to encourage businesses to locate and/or remain</li> <li>▪ Identify key growth sectors to target and engage with potential investors / new businesses accordingly</li> <li>▪ Engage with the LEP/Fylde Coast authorities to monitor the sub-regional economy and develop measures to encourage sub-regional growth and inward investment</li> <li>▪ Monitor the local skill base and the gap between demand and supply profiles; and work with key delivery partners to address this by targeted</li> </ul> | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Blackpool Local Economy Action Plan (2011)</li> <li>▪ Blackpool Town Centre Strategy (2013)</li> <li>▪ Lancashire Growth Plan 2013/14 (2013) and complementary Fylde Coast Local Growth Accelerator Strategy (to be developed)</li> <li>▪ Lancashire Strategic Economic Plan (2014) and Local Growth Deal (to be developed)</li> <li>▪ Fylde Coast Transport Masterplan (to be developed)</li> <li>▪ Skills Programmes</li> <li>▪ Enterprise pathways to support start-up businesses e.g. Get Started</li> <li>▪ Fylde Coast Investment Plan</li> <li>▪ Developer Contributions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ LEP</li> <li>▪ Fylde Borough Council</li> <li>▪ Wyre Borough Council</li> <li>▪ Commercial Developers</li> <li>▪ Landowners</li> <li>▪ Key Employers</li> <li>▪ Education providers e.g. Blackpool and the Fylde College</li> <li>▪ Blackpool Town Centre BID</li> </ul> |
|   |              |                                   | Take-up of undeveloped, allocated industrial /business land for E(g)(i), B2, B8 employment and non-employment uses; and total amount of available land (supply) remaining  | Around 17.8ha of land developed for new employment uses; with the remaining baseline supply expected to deliver enabling development                        |  |  |  |  |
|   |              |                                   | Number of vacant units and non-employment uses on allocated employment sites   | Improve occupancy levels and safeguard employment uses within the defined main employment areas   |  |  |  |  |
|   |              |                                   | Amount (sqm) and percentage of completed office development in Blackpool Town Centre   | Promote offices, enterprise and business start-ups in Blackpool Town Centre   |  |  |  |  |

| Monitoring                             |           |                                    |  |   |   |  | Implementation  |  |
|--|-----------|------------------------------------|--|---|---|--|---|--|
| Core Strategy Policy                   | Objective | Related DM Policies                | Indicator  | Target / Policy Outcome   | Potential Risk  | Contingency  | Implementation / Delivery Mechanism   | Key Delivery Partners  |
|  |           |                                    | Economic activity / Employment rates of Blackpool residents  | Increase in the number of residents in employment or actively looking for work  | <ul style="list-style-type: none"> <li>▪ No change in labour market participation and employment levels</li> <li>▪ Mismatch in skills supply and demand profiles so local residents not in a position to compete for new jobs created</li> </ul>  | programmes to equip local people with the skills necessary to access future jobs   |   |  |
|  |           |                                    | Skills, qualifications and GCSE performance of Blackpool residents   | Improve local skill base, higher level qualifications and GCSE attainment   |   |  |   |  |
|  |           |                                    | Levels of young people not in employment, education or training (NEET)   | Reduce NEET levels  |   |  |   |  |
|  |           |                                    | Number of new business starts and associated survival rates  | Increase the number of and survival rate of start-up businesses in Blackpool  |   |  |   |  |
| CS4: Retail and Other Town Centre Uses | 3, 8, 15  | DM11, DM12, DM13, DM14, DM15, DM16 | Amount (sqm) of completed retail development (A1 use class) and percentages completed in the defined Town Centre, District Centres, and Local Centres                  | Focus new major retail development in Blackpool Town Centre. Support retail / other town centre uses (as appropriate) in the Town, District and Local Centres | <ul style="list-style-type: none"> <li>▪ Further downturn in the economy may make new investment difficult to secure</li> <li>▪ Limited availability of suitable sites or units to accommodate future requirements</li> <li>▪ Pressure for out-of-centre development</li> <li>▪ Expenditure captured by competing destinations (including out-of-centre) and online shopping</li> <li>▪ Loss of retail space due to new regulations allowing more flexible PD rights</li> </ul> | <ul style="list-style-type: none"> <li>▪ Work closer with key partners</li> <li>▪ Analyse cause of vacancies and identify measures to reduce the proportion of vacancies</li> <li>▪ In consultation with agents review the supply and demand for retail space and other uses in the Town Centre, District and Local Centres</li> <li>▪ Consider a review of the Blackpool Town Centre Strategy</li> <li>▪ Consider a review of policy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Blackpool Town Centre Strategy (2013)</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Developer Contributions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Town Team</li> <li>▪ Blackpool Town Centre Business Improvement District (BID)</li> <li>▪ Town Centre Steering Group</li> <li>▪ Commercial Developers/ Agents</li> <li>▪ Property Landlords</li> <li>▪ Retailers and occupiers of units</li> <li>▪ Public Health Blackpool and the National Child Measurement Programme</li> </ul> |
|  |           |                                    | Amount (sqm) of completed other town centre uses <sup>1</sup> (by use class) and percentages completed in the defined Town Centre, District Centres, and Local Centres | Support other town centre uses (where appropriate to the scale, role and function of the centre) in Town, District and Local Centres                          |   |  |   |  |
|  |           |                                    | Amount (sqm) of retail and other town centre use development completed in out-of-centre <sup>2</sup> locations   | Focus new major retail development in Blackpool Town Centre   |   |  |   |  |
|  |           |                                    | Position of Blackpool Town Centre in the National (UK) retail rankings (linked to the number of national multiple retailers)   | Positive movement in the retail rankings /increase the number of higher end national multiple retailers   |   |  |   |  |
|  |           |                                    | Composition of units/ floorspace in the town centre (convenience/comparison/service)   | Allow for new comparison goods floorspace of up to 16,390 sqm to 2021   |   |  |   |  |

<sup>1</sup> As stated in the NPPF, main town centre uses refer to “retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities” (page 53).

<sup>2</sup> As stated in the NPPF, "unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres" (page 57).

| Monitoring                    |                 |  |  |   |   |   | Implementation   |   |
|-------------------------------|-----------------|--|--|---|---|---|--|---|
| Core Strategy Policy          | Objective       | Related DM Policies                      | Indicator  | Target / Policy Outcome   | Potential Risk  | Contingency   | Implementation / Delivery Mechanism  | Key Delivery Partners   |
|                               |                 |  | Percentage of pupils in Reception and Year 6 per ward with obesity.  | A reduction in childhood obesity to no more than 10% of reception aged children and 15% of children in Year 6 with obesity.   |   |   |  |   |
| Page 463<br>CS5: Connectivity | 1, 4, 8, 11, 21 | DM41, DM42                               | Proportion of major developments receiving planning permission with an agreed travel plan  | Reducing car use, changing travel behaviour   | <ul style="list-style-type: none"> <li>▪ Reduction in developer contributions</li> <li>▪ Reduction in public transport usage</li> <li>▪ Reduction in rail infrastructure spending</li> <li>▪ Reduction in Local Authority funding</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Review at next revision of the Blackpool Local Transport Plan and if necessary review policy</li> <li>▪ Identify additional potential sources of funding</li> <li>▪ Review the implementation and effectiveness of travel plans submitted with major applications</li> <li>▪ Consider a review of policy</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Blackpool Local Transport Plan 2011-2016 (2011) and Implementation Plan</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Developer Contributions</li> <li>▪ Blackpool Town Centre Strategy (2013)</li> <li>▪ Parking Strategy</li> <li>▪ Promenade Movement Strategy</li> <li>▪ Blackpool Wayfinding Strategy</li> <li>▪ Emerging Fylde Coast Transport Masterplan</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Lancashire County Council</li> <li>▪ Public Transport Operators</li> <li>▪ Network Rail</li> <li>▪ Developers</li> <li>▪ Highways Agency</li> </ul> |
|                               |                 |  | Effectiveness of travel plans submitted with major applications post completion  | Reducing car use, changing travel behaviour   |   |   |  |   |
|                               |                 |  | Number and type of transport improvements, including extensions and enhancements to cycle and pedestrian routes (length of new dedicated routes) | Providing high quality convenient, safe and pleasant cycle and pedestrian routes  |   |   |  |   |
| CS6: Green Infrastructure     | 5, 8, 11, 20    | DM10, DM21, DM29, DM31, DM33, DM34, DM38 | Number of green spaces managed to 'Green Flag Award' standard  | Provide good quality and well-managed green spaces  | <ul style="list-style-type: none"> <li>▪ Significant unmitigated loss of public open space to other uses.</li> <li>▪ Reduction in Local Authority and other public agency funding</li> <li>▪ Reduction in developer contributions for off-site provision of open space for new development</li> </ul> | <ul style="list-style-type: none"> <li>▪ Review reason(s) for any loss of open space and where appropriate understand why exceptions have been made</li> <li>▪ Investigate potential additional funding streams to provide new or to maintain /enhance existing open space</li> <li>▪ Review supply and demand of open space</li> <li>▪ Review policy requirements for new development and effectiveness of securing financial contributions towards off-site provision of open space</li> <li>▪ Review policy and if necessary amend to strengthen protection</li> <li>▪ If negative impact is demonstrated asses and improve the role of key stakeholders in the development management process</li> <li>▪ Consider a review of policy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Developer Contributions</li> <li>▪ Standards for open space provision for new residential development</li> <li>▪ Green Infrastructure Strategy and Action Plan</li> <li>▪ The North West England and North Wales Shoreline Management Plan (SMP2) (2010)</li> <li>▪ Surface Water Management Plan</li> <li>▪ Blackpool Active Lives Strategy</li> <li>▪ Blackpool Playing Pitch Strategy</li> <li>▪ 'Woodlands from Waste' Programme</li> <li>▪ Lancashire Biodiversity Action Plan</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Developers</li> <li>▪ Neighbouring authorities</li> </ul>   |
|                               |                 |  | Amount (sqm) of public open space and playing fields lost to other uses  | Protect existing green infrastructure (including open space and playing fields)   |   |   |  |   |
|                               |                 |  | Amount (£) invested in existing green infrastructure and where   | Secure qualitative improvements to existing green infrastructure provision  |   |   |  |   |
|                               |                 |  | Commuted sum payments received and spent   | Secure qualitative improvements to existing green infrastructure provision  |   |   |  |   |
|                               |                 |  | Area (ha) designated as Green Belt   | Protect the current Green Belt boundaries in Blackpool  |   |   |  |   |
|                               |                 |  | Number of developments approved in the Green Belt  | Protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements  |   |   |  |   |
|                               |                 |  | Change in areas and populations of biodiversity importance including:<br>i. Change in the priority habitats and species by type and;             | Protect international, national and local sites of biological and geological conservation importance and enhance local ecological networks and priority habitats/species. |   |   |  |   |

| Monitoring                          |           |                               |  |   |  |   | Implementation   |  |
|-------------------------------------|-----------|-------------------------------|--|---|--|---|--|--|
| Core Strategy Policy                | Objective | Related DM Policies           | Indicator  | Target / Policy Outcome   | Potential Risk   | Contingency   | Implementation / Delivery Mechanism  | Key Delivery Partners  |
|                                     |           |                               | ii. Changes in areas designated for their intrinsic environmental value including sites of international, national, regional or sub-regional significance<br>Condition of Sites of Special Scientific Interest | Maintain the '100% favourable' condition of the Marton Mere SSSI  |  |   |  |  |
| Page 46<br>CS7: Quality of Design   | 5, 9      | DM17, DM18, DM19              | Number of planning permissions refused on poor design grounds  | High quality, well designed developments that contribute positively to the character and appearance of the local, natural and built environment | <ul style="list-style-type: none"> <li>▪ Significant number of planning applications fail to meet the required standards and/or are refused on poor design grounds</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Work closer with applicants to improve the quality of schemes</li> <li>▪ Identify reasons and if necessary review implementation of policies</li> <li>▪ Consider preparing development briefs incorporating design guidance for key sites</li> <li>▪ Consider a review of policy</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Sustainable Homes SPD</li> <li>▪ Commercial Street Frontages SPD</li> <li>▪ New Homes from Old Places SPD (2011)</li> <li>▪ Development Briefs (e.g. Talbot Gateway and Leisure Quarter)</li> <li>▪ Developer Contributions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Developers</li> </ul>  |
|                                     |           |                               | Amount of public realm improved (ha)   | Provide public (and private) spaces that are well-designed, safe, attractive, and complement the built form                                     |  |   |  |  |
| Page 46<br>CS8: Heritage Management | 5, 14     | DM 26, DM27, DM28, DM29, DM30 | Number and size (ha) of Conservation Areas   | Safeguard heritage assets from inappropriate development  | <ul style="list-style-type: none"> <li>▪ An increase in the number of listed buildings on the Heritage at Risk Register due to issues of viability/lack of funding</li> <li>▪ Reduction in Local Authority funding</li> <li>▪ Proposals for inappropriate development that would affect a listed or locally listed building</li> </ul> | <ul style="list-style-type: none"> <li>▪ Review reasons and possible interventions</li> <li>▪ Prioritise conservation advice and provide assistance where appropriate</li> <li>▪ Investigate potential additional funding streams (e.g. English Heritage, Heritage Lottery Funding, CIL)</li> <li>▪ Consider mitigation measures and if necessary review policy and strengthen protection</li> <li>▪ Consider a review of policy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Conservation Areas</li> <li>▪ Blackpool Local List of Buildings of Architectural and/or Historic Interest</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Historic England</li> <li>▪ Blackpool Civic Trust</li> <li>▪ Developers</li> </ul> |
|                                     |           |                               | Number of:<br>i. Listed buildings<br>ii. Locally listed buildings of architectural and/or historic interest  | Conserve buildings of architectural and/or historic interest and identify and adopt a local list of heritage assets                             |  |   |  |  |
|                                     |           |                               | Number of listed buildings on the Heritage at Risk Register  | No increase   |  |   |  |  |
|                                     |           |                               | Number of applications for Listed Building Consent per annum   | Safeguard heritage assets from inappropriate development  |  |   |  |  |
| CS9: Water Management               | 6         | DM31, DM33                    | Number of planning permissions granted which incorporate Sustainable Drainage Systems (SuDS)   | Minimise surface water flood risk   | <ul style="list-style-type: none"> <li>▪ Physical constraints (e.g. ground conditions) may make certain sites inappropriate for SuDS</li> <li>▪ Significant number of planning applications failing to minimise</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Identify reasons, and if necessary review guidance available to applicants</li> <li>▪ Work closer with applicants and key delivery partners to improve the quality of development schemes and where possible provide further guidance on incorporating or retrofitting SuDS</li> <li>▪ Consider a review of policy</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Blackpool Council (SuDS Approval Body)</li> <li>▪ Fylde Peninsula Water Management Group</li> </ul>             |
|                                     |           |                               | Number and type of sustainable drainage systems (SuDS) approved by the SuDS  | Minimise surface water flood risk   |  |   |  |  |

| Monitoring   |           |                     |   |   |  |   | Implementation  |  |
|--|-----------|---------------------|---|---|--|---|---|--|
| Core Strategy Policy   | Objective | Related DM Policies | Indicator   | Target / Policy Outcome   | Potential Risk   | Contingency   | Implementation / Delivery Mechanism   | Key Delivery Partners  |
| CS10: Sustainable Design and Renewable and Low Carbon Energy | 6         | DM1, DM32           | Approval Body (including retro-fitted SuDS)   |   | surface water run-off or address flood risk issues   |   | <ul style="list-style-type: none"> <li>▪ The North West England and North Wales Shoreline Management Plan (SMP2) (2010)</li> <li>▪ Lancashire &amp; Blackpool Flood Risk Management Strategy</li> <li>▪ Surface Water Management Plan</li> </ul>                                      | <ul style="list-style-type: none"> <li>▪ Environment Agency</li> <li>▪ United Utilities</li> <li>▪ Developers</li> </ul>                         |
|  |           |                     | Number of planning permissions granted contrary to the advice of the Environment Agency either on flood defence grounds or water quality. | None granted in order to minimise surface water flood risk and improve the quality of Blackpool's bathing water                           |  |   |   |  |
|  |           |                     | Compliance with the mandatory standards of the EU Bathing Water Directive   | Achieve compliance with the EU Bathing Water Directive's Guideline Standards at all monitoring points - maintain annually                 |  |   |   |  |
| CS11: Planning Obligations                                   | 7, 18, 21 | ·                   | Number of new non-residential development over 1,000m <sup>2</sup> completed to BREEAM 'very good' standard or above.                     | All new non-residential development over 1,000m <sup>2</sup> should achieve the BREEAM 'very good' standard.                              | <ul style="list-style-type: none"> <li>▪ Lack of viability in development schemes may make the policy difficult to implement</li> <li>▪ Spatial characteristics of the Borough may limit the scope for some types of energy generation schemes (e.g. wind turbines and biomass)</li> </ul> | <ul style="list-style-type: none"> <li>▪ Investigate potential additional funding streams to support schemes such as community based energy generation.</li> <li>▪ Work with key delivery partners and applicants to identify barriers to delivery and understand what further guidance or assistance could be provided by the authority to assist delivery</li> <li>▪ Review reasons and assess the impact of requirements on the viability of development schemes and if necessary review policy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Sites Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Sustainable Homes SPD</li> <li>▪ Building Regulations</li> <li>▪ BREEAM Standards</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Developers</li> <li>▪ Renewable and low carbon energy providers</li> </ul> |
|  |           |                     | Number of planning permissions granted for developments incorporating renewable and low-carbon energy into their design                   | Minimise carbon dioxide emissions from new developments and support the generation of energy from renewable and low carbon energy sources |  |   |   |  |
|  |           |                     | Number of renewable and low carbon energy generation schemes installed and operational  | Minimise carbon dioxide emissions from new developments and support the generation of energy from renewable and low carbon energy sources |  |   |   |  |

| Monitoring  |                 |                     |  |   |   |  | Implementation  |  |
|---|-----------------|---------------------|--|---|---|--|---|--|
| Core Strategy Policy                                | Objective       | Related DM Policies | Indicator  | Target / Policy Outcome   | Potential Risk  | Contingency  | Implementation / Delivery Mechanism   | Key Delivery Partners  |
| Page 468<br><b>CS12: Sustainable Neighbourhoods</b> | 2, 8, 16, 19    | '                   | Amount (sqm) of new local services and community facilities <sup>3</sup> provided in each neighbourhood            | Provide high quality local services and community facilities accessible to all members of the community   | <ul style="list-style-type: none"> <li>▪ Availability of finance/funding to deliver housing investment in existing stock</li> <li>▪ Limited use, lack of viability or review of asset management properties/sites may result in the loss of community facilities and local services</li> <li>▪ Later phases of major housing development schemes do not come forward as planned</li> <li>▪ Introduction of HMOs through relaxed Government regulations on PD rights</li> <li>▪ Availability of enforcement resources</li> </ul> | <ul style="list-style-type: none"> <li>▪ Review viability and implementation of policies</li> <li>▪ Consider introducing development management policies to prioritise retention of community facilities (in the case of viability) or improve policy implementation</li> <li>▪ Review supply and demand of facilities</li> <li>▪ Continue to work with developers, residents and other stakeholders to manage the delivery of redevelopment schemes; and help to overcome any barriers and constraints</li> <li>▪ Review the use of Article 4 Directions as appropriate</li> <li>▪ Continue to monitor enforcement activity and resources</li> <li>▪ Consider a review of policy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Selective housing intervention and asset management programmes</li> <li>▪ Selective licensing scheme</li> <li>▪ Major housing developments (e.g. Rigby Road and Queens Park)</li> <li>▪ Article 4 Direction controlling the change of use from a house to a HMO</li> <li>▪ Developer Contributions</li> <li>▪ Fylde Coast Housing Strategy</li> <li>▪ Fylde Coast Local Investment Plan</li> <li>▪ Housing Implementation Strategy</li> <li>▪ Growing Places Fund</li> <li>▪ New Homes Bonus</li> <li>▪ Lancashire Strategic Economic Plan</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Housing developers and sub-contractors</li> <li>▪ Private sector providers</li> <li>▪ Homes England</li> <li>▪ BCH</li> <li>▪ LEP</li> </ul> |
|   |                 |                     | Number of dwellings completed from major housing developments, including Rigby Road and Queens Park                | Around 410 new dwellings at Rigby Road and 198 (gross) new dwellings at Queens Park, providing high quality housing with an appropriate mix of types and tenures to meet the needs and aspirations of existing and future residents |   |  |   |  |
|   |                 |                     | Number of de-conversions, empty homes brought back into use and Council homes improved by other housing investment | Rebalance the existing housing stock by creating more high quality family homes. Reduce the number of vacant properties and single bed flats.<br>To bring all Council homes up to meet the Decent Homes Standard                    |   |  |   |  |
|   |                 |                     | Number of Houses in Multiple Occupation (HMOs) in the inner areas removed from the housing stock                   | Reduce the number of HMOs in order to address the problems and challenges associated with their occupation  |   |  |   |  |
|   |                 |                     | Number of unlawful residential uses subject to successful enforcement action                                       | Continue to investigate unauthorised uses and take appropriate action   |   |  |   |  |
| CS13: Housing Mix, Standards and Density            | 2, 5, 9, 16, 19 | '                   | New build completions by density i.e. less than 30 dwellings per ha (dph); between 30-50 dph; and above 50 dph     | Make efficient use of land, seeking to achieve an optimum density appropriate to the character of the locality  | <ul style="list-style-type: none"> <li>▪ Slow recovery of the housing market may delay achieving a more balanced housing stock</li> <li>▪ Planning applications not meeting the required housing mix or adopted minimum standards e.g. citing viability reasons</li> <li>▪ Larger flatted developments proposed across the inner area</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Analyse why target mix or minimum standards have not been proposed; negotiate with developers as appropriate; and in the event of exceptions being made to permit such developments analyse why this was the case</li> <li>▪ Work with key stakeholders to identify development constraints</li> <li>▪ Review evidence base on viability, housing market conditions and future population need to ensure it remains appropriate and update if necessary</li> <li>▪ Consider a review of policy including the supporting SPDs on minimum standards</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ New Homes from Old Places Residential Conversion and Sub-division SPD (2011)</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Housing developers</li> <li>▪ Private sector providers</li> <li>▪ BCH</li> <li>▪ Blackpool Housing Company</li> </ul>                        |
|   |                 |                     | Number of new homes meeting the relevant standards for conversions <sup>4</sup>                                    | 100% of new dwellings created through conversions must meet the adopted minimum standards to provide quality homes.   |   |  |   |  |
|   |                 |                     | Number of new homes meeting the relevant standards for new build <sup>5</sup>                                      | As a minimum, on developments providing new build dwellings, 20% of all dwellings provided on a site must meet the Nationally Described Space Standard  |   |  |   |  |

<sup>3</sup> The NPPF suggests that community facilities can include local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (paragraph 92a). The Blackpool Local Plan Part 2 suggests in Policy DM37: Community Facilities that community facilities include libraries, community centres, educational and health centres, public houses and social clubs.

<sup>4</sup> As set out in the Technical Housing Standards – Nationally Described Space Standard and in part ‘New Homes from Old Places Residential Conversion and Sub-division’ Supplementary Planning Document (SPD)

<sup>5</sup> As set out in the Technical Housing Standards – Nationally Described Space Standard

| Monitoring                 |           |                     |   |   |   |   | Implementation  |                                   |
|----------------------------|-----------|---------------------|---|---|---|---|---|-----------------------------------|
| Core Strategy Policy       | Objective | Related DM Policies | Indicator   | Target / Policy Outcome   | Potential Risk  | Contingency   | Implementation / Delivery Mechanism                                   | Key Delivery Partners             |
|                            |           |                     |   | (or any future successor) to provide quality homes.   | ▪ Having no specific density targets may result in inefficient use of land                                  |   |   |                                   |
|                            |           |                     | New build completions by dwelling type i.e. detached, semi-detached, terraced and flatted properties  | New developments to include a mix of house types/sizes to rebalance the stock and provide more family homes. On sites > 1ha there should be a maximum of 10% 1 bed units and at least 20% 2 bed/20% 3+ bed units. On smaller sites a mix of sizes is required or it should contribute towards a balanced mix in the wider area. |   |   |   |                                   |
|                            |           |                     | New build and conversion completions by dwelling size i.e. 1/2/3/4+ bedrooms  | Developments of > 10 flats in the inner area should be directed to the town centre or seafront; and at least 70% of the flats should be 2bed units or more.   |   |   |   |                                   |
| CS14: Affordable Housing   | 2, 10, 19 | ·                   | Number of affordable housing completions (new build and conversion) in relation to permitted new housing stock  | Maximise affordable housing delivery to help address Blackpool's assessed need (264 new affordable units per annum in the next five years)  | ▪ Slow recovery of the housing market may reduce ability to help address short-term affordable housing need | ▪ Review reasons for under delivery against identified need (may involve reviewing targets achieved by individual developments/S106 agreements/developer contributions/viability of sites with planning permission) | ▪ Affordable Housing SPD  | ▪ Blackpool Council               |
|                            |           |                     | Number of additional affordable housing units as a result of change in tenure of existing housing stock (acquisitions)  | Developments creating 15+ net dwellings required to provide 30% affordable units  | ▪ Availability of finance to acquire existing stock / create affordable units                               | ▪ Work with key stakeholders to secure finance to maximise the delivery of affordable homes from acquisitions; and identify potential additional funding streams e.g. New Homes Bonus and Growing Places Fund       | ▪ Site Allocations and Development Management document                | ▪ Housing developers              |
|                            |           |                     | Number of committed affordable units (i.e. with extant planning permission)   |   | ▪ Reduced viability in development schemes making policy targets difficult to achieve                       | ▪ Continue to negotiate with developers on S106 agreements and encourage pre-application discussions  | ▪ Individual planning applications and development management process | ▪ Registered Providers (RSL)      |
|                            |           |                     | Affordable housing completions by dwelling size i.e. 1/2/3/4+ bedrooms  | A mix of affordable homes which reflects the importance of family sized units to help rebalance the stock   | ▪ Renegotiation of s106 agreements may reduce developer contributions committed                             | ▪ Work with registered providers to align affordable housing provision with future need   | ▪ Developer Contributions   | ▪ BCH                             |
|                            |           |                     | Affordable housing completions by tenure  | General requirement is for a mix of social rented and intermediate housing for sale or for rent (dependent on location)   | ▪ Reliance on private housing rental market to meet affordable need   | ▪ Council and its partners to explore improving the stock of affordable homes through other alternative sources   | ▪ Fylde Coast Local Investment Plan                                   | ▪ Homes England                   |
|                            |           |                     | Developer contributions to affordable housing i.e. financial contributions from planning obligations (s106); or amount of discounted or free land received (ha) | Off-site contributions from developments creating 3-14 net dwellings (as a % of the open market value of the dwellings) and from larger developments as appropriate (equivalent to 30% on-site provision)   |   | ▪ Consider a review of policy   | ▪ Housing Implementation Strategy                                     | ▪ Private sector providers        |
| CS15: Health and Education | 8, 11, 12 | DM39, DM40          | Amount (sqm) of additional health and education facilities completed  | Provide new/enhance existing facilities to meet identified health/education needs   | ▪ Reduction in developer contributions may limit the delivery of health and educational facilities          | ▪ Examine potential additional funding streams  | ▪ Site Allocations and Development Management document                | ▪ Blackpool Council               |
|                            |           |                     | Male and female life expectancy   | Improve the health and well-being of Blackpool's residents  |   | ▪ Work with education and health providers to establish reasons and address if necessary  | ▪ Individual planning applications and development management process | ▪ Blackpool and the Fylde College |
|                            |           |                     |   |   |   |   |   | ▪ Blackpool Sixth Form College    |

| Monitoring                  |           |                       |   |  |   |  | Implementation  |   |
|-----------------------------|-----------|-----------------------|---|--|---|--|---|---|
| Core Strategy Policy        | Objective | Related DM Policies   | Indicator   | Target / Policy Outcome  | Potential Risk  | Contingency  | Implementation / Delivery Mechanism   | Key Delivery Partners   |
| CS16: Traveller Sites       | 13        | ·                     | Number of Lower Super Output Areas in the bottom 10% for health deprivation and disability  | Reduce number of Lower Super Output Areas in the bottom 10% for health deprivation and disability  | <ul style="list-style-type: none"> <li>▪ No change in skill levels or educational attainment</li> <li>▪ No change or decline in the overall health and well-being of residents</li> </ul>   | <ul style="list-style-type: none"> <li>▪ If necessary, identify sites for additional education/health provision in partnership with providers/developers</li> <li>▪ Consider a review of policy</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Developer Contributions</li> <li>▪ Blackpool Joint Health and Well-being Strategy</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Education and Training providers</li> <li>▪ NHS England</li> <li>▪ Blackpool Clinical Commissioning Group</li> </ul>   |
|                             |           |                       | Percentage of pupils in local authority schools achieving five or more GCSEs at grade A* - C or equivalent                              | Improve the overall education of Blackpool's population  |   |  |   |   |
|                             |           |                       | Percentage of working age people with no qualifications   | Improve the overall education of Blackpool's population  |   |  |   |   |
| CS17: Blackpool Town Centre | 3, 15     | DM6, DM11, DM12, DM13 | Total number of traveller pitches/plots available (Gypsy and traveller pitches, Travelling Showpeople plots and transit pitches)        | Meet locally set pitch and plot targets (according to the most recent Gypsy, Traveller and Travelling Showperson Accommodation Needs Assessment agreed by the Council) | <ul style="list-style-type: none"> <li>▪ Shortfall in provision against identified need</li> <li>▪ Limited availability of suitable and affordable land/sites to meet identified need</li> <li>▪ Unauthorised encampments and developments</li> </ul> | <ul style="list-style-type: none"> <li>▪ Identify reasons for any shortfall in plot/pitch provision against need, including delivery constraints</li> <li>▪ Review effectiveness of policy implementation</li> <li>▪ Consider identifying further sites for accommodating additional pitches/ plots</li> <li>▪ Consider a review of policy and amendment of assessment criteria for traveller sites</li> <li>▪ Work with neighbouring authorities to deliver the identified Fylde Coast need for Gypsy and Travellers and Travelling Showpeople</li> </ul> | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Duty to Co-operate</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Neighbouring Authorities</li> <li>▪ Land Owners</li> <li>▪ Gypsy and Travellers and Travelling Showpeople</li> </ul>                                      |
|                             |           |                       | Net additional traveller pitches/plots completed per annum (Gypsy and Traveller)  | Make adequate site provision of traveller sites that are sustainable economically, socially, and environmentally   |   |  |   |   |
|                             |           |                       | Number of planning applications for new sites or extensions to existing sites that are refused for not meeting the Policy criteria      | Meet identified need and provide adequate traveller sites that are sustainable economically, socially, and environmentally   |   |  |   |   |
|                             |           |                       | Number of unauthorised encampments or developments and enforcement actions carried out in relation to traveller sites                   | Meet identified need and provide adequate traveller sites that are sustainable economically, socially, and environmentally   |   |  |   |   |
|                             |           |                       | Diversity of main town centre uses (by number, type and amount of floorspace) as identified from Town Centre Health Checks/GOAD surveys | Introduce a more diverse town centre offer, including quality cafes/restaurants, leisure, cultural and entertainment activities and offices                            | <ul style="list-style-type: none"> <li>▪ Further downturn in the economy making new investment difficult to secure/causing increased vacancy levels</li> <li>▪ Configuration of units not attractive to potential town centre investors</li> </ul>    | <ul style="list-style-type: none"> <li>▪ Engagement with key stakeholders/businesses including public and private sector bodies</li> <li>▪ Analyse footfall and develop appropriate measures/incentives for improvement</li> <li>▪ Analyse vacancy levels, including any concentrations, and consider appropriate measures e.g. scope for redevelopment</li> <li>▪ Work with commercial agents to review the supply and demand for retail space and other town centre uses</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Blackpool Town Centre Strategy (2013)</li> <li>▪ Town Centre Steering Group</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Developer Contributions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Town Team</li> <li>▪ Blackpool Town Centre BID</li> <li>▪ BFWEDC</li> <li>▪ LEP</li> <li>▪ Commercial developers / agents</li> <li>▪ Landlords</li> </ul> |
|                             |           |                       | Proportion of ground floor vacancy rates  | Reduce vacancy rates within the town centre and the Principal Retail Core  |   |  |   |   |

| Monitoring  |           |                     |   |  |   |   | Implementation  |   |
|---|-----------|---------------------|---|--|---|---|---|---|
| Core Strategy Policy                                | Objective | Related DM Policies | Indicator   | Target / Policy Outcome  | Potential Risk  | Contingency   | Implementation / Delivery Mechanism   | Key Delivery Partners   |
| CS18: Winter Gardens                                | 14, 15    | ·                   | Number of residential completions within Blackpool Town Centre                              | Introduce a high quality residential offer in the longer term  | <ul style="list-style-type: none"> <li>▪ Loss of town centre uses due to new regulations allowing more flexible PD rights</li> <li>▪ National chain operators scaling-back investment</li> <li>▪ Availability of finance to secure environmental improvements</li> <li>▪ Limited demand for town centre residential uses</li> </ul> | <ul style="list-style-type: none"> <li>▪ Identify potential additional funding streams/developer contributions</li> <li>▪ Consider the need for an Article 4 Direction</li> <li>▪ Town centre marketing/promotional material</li> <li>▪ Consider a review of policy including the Town Centre Strategy</li> </ul>   |   | <ul style="list-style-type: none"> <li>▪ Town centre businesses</li> </ul>  |
|   |           |                     | Town Centre pedestrian flows (footfall)   | Increase in footfall   |   |   |   |   |
|   |           |                     | State of the Town Centre environmental quality  | Enhance the quality of buildings, streets and spaces   |   |   |   |   |
|   |           |                     | Presence of national operators  | Increase in the number of higher end, national retail, leisure, entertainment, cafe, restaurant and hotel chains in the town centre  |   |   |   |   |
| CS19: Central Business District (Talbot Gateway)    | 3, 15     | ·                   | Additional uses brought forward in the Winter Gardens                                       | Re-establish the Winter Gardens as a key leisure, entertainment and conferencing venue for the resort in accordance with an agreed business plan/model   | <ul style="list-style-type: none"> <li>▪ Availability of public sector finance / funding</li> <li>▪ Further downturn in the economy making new investment difficult to secure</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Maximise engagement/buy-in to the business model from primary and secondary stakeholders</li> <li>▪ Identify potential additional funding streams (e.g. CIL (if applicable), English Heritage, Heritage Lottery Funding) or develop contingency methods</li> <li>▪ Consider a review of policy/business model</li> </ul> | <ul style="list-style-type: none"> <li>▪ Winter Gardens Strategy and Business Plan</li> <li>▪ Three year repair programme</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> </ul> | <ul style="list-style-type: none"> <li>▪ Winter Gardens Project Board</li> <li>▪ Blackpool Council</li> <li>▪ Historic England</li> <li>▪ Use providers</li> <li>▪ Marketing Blackpool</li> </ul> |
|   |           |                     | 'At risk' status of the Winter Gardens  | Secure the future of the Winter Gardens so that it is no longer identified 'at risk'   |   |   |   |   |
|   |           |                     | Number of events held per year  | Increase use of the Winter Gardens   |   |   |   |   |
| CS20: Leisure Quarter (Former Central Station Site) | 14, 15    | ·                   | Type (Use Class) and amount (sqm) of completed development in the Central Business District | Comprehensive redevelopment of the Central Business District with mixed-use development  | <ul style="list-style-type: none"> <li>▪ Further downturn in the economy making new investment to deliver further phases difficult to secure</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Engagement with key delivery partners to re-examine constraints to development and develop contingency methods</li> <li>▪ Identify potential additional funding streams/ use of developer contributions</li> <li>▪ Consider a review of policy including the SPD</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Talbot Gateway Planning Brief SPD (2006)</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Project Board</li> <li>▪ Blackpool Council</li> <li>▪ Muse Developments</li> <li>▪ Transport operators</li> <li>▪ Developers/ businesses</li> </ul>      |
|   |           |                     | Amount (sqm) of leisure development completed on the site                                   | Comprehensive redevelopment of the entire site for major leisure development   |   |   |   |   |
|   |           |                     | Type (Use Class) and amount (sqm) of complementary development completed on the site        | Complementary uses, including leisure, hotel, ancillary retail and parking, that would add value/support the major leisure development, and deliver comprehensive redevelopment of the entire site |   |   |   |   |

| Monitoring                            |              |                     |   |   |   |  | Implementation  |  |
|---------------------------------------|--------------|---------------------|---|---|---|--|---|--|
| Core Strategy Policy                  | Objective    | Related DM Policies | Indicator   | Target / Policy Outcome   | Potential Risk  | Contingency  | Implementation / Delivery Mechanism   | Key Delivery Partners  |
| CS21: Leisure and Business Tourism    | 14           | DM9, DM10           | Amount (sqm) of completed leisure development over 500m <sup>2</sup> by location i.e. % completed in Blackpool Town Centre and the Resort Core  | Tourism attractions focused on the town centre and resort core  | <ul style="list-style-type: none"> <li>▪ Further downturn in the economy making new investment difficult to secure</li> <li>▪ Pressure for non-leisure uses within the town centre and resort core</li> <li>▪ Pressure for major new leisure development outside the resort core</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Engagement with key stakeholders/businesses including public and private sector bodies</li> <li>▪ Review resort marketing/promotion</li> <li>▪ Consider a review of policy</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development process</li> <li>▪ Leisure Quarter Development Brief SPD (2011)</li> <li>▪ Holiday Accommodation SPD (2011)</li> </ul>                        | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Key resort operators</li> <li>▪ Visitor accommodation providers</li> <li>▪ Visit Blackpool</li> </ul>  |
|                                       |              |                     | Amount (sqm) of new visitor accommodation by location i.e. % completed in the town centre, resort core and adjacent holiday accommodation areas | Visitor accommodation focused on the town centre, resort core and holiday accommodation areas                 |   |  |   |  |
|                                       |              |                     | Number of visitors to the resort per year   | Increase in visitor numbers due to a stronger resort appeal   |   |  |   |  |
| Page 472<br>CS22: Key Resort Gateways | 2, 4, 14, 16 | '                   | Amount (sqm) of completed development on land within and adjoining Central Corridor   | Redevelopment of land within and adjoining Central Corridor to support further improvement/enhancement        | <ul style="list-style-type: none"> <li>▪ Availability of funding/developer contributions to deliver improvements and enhancements</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Review at next revision of the Blackpool Local Transport Plan</li> <li>▪ Identify additional potential sources of funding</li> <li>▪ Consider a review of policy</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Blackpool Local Transport Plan (Implementation Plan 2018 to 2021)</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Developer Contributions</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Developers</li> <li>▪ Transport providers</li> </ul>   |
|                                       |              |                     | Amount (sqm) of improved vehicular, pedestrian and cycling linkages through Central Corridor  | Improved linkages through the Corridor and extending the network of green ways to support further enhancement |   |  |   |  |
|                                       |              |                     | Number and type of improvements made to parking and reception facilities  | Improved parking and reception facilities   |   |  |   |  |
|                                       |              |                     | Number and type of improvements made to landscaping, signage, lighting and security   | Enhanced landscaping, signage, lighting and security  |   |  |   |  |
| CS23: Managing Holiday Bed Spaces     | 2, 8, 14, 16 | '                   | Number of planning permissions/refusals for change of use from holiday accommodation <i>within</i> the main holiday accommodation areas         | Retain existing holiday accommodation unless exceptional circumstances are demonstrated as set out in policy  | <ul style="list-style-type: none"> <li>▪ Continued fall in staying visitor numbers</li> <li>▪ Pressure for change of use from holiday accommodation to residential use within the main holiday accommodation areas</li> <li>▪ Planning permission not required for change of use in some instances</li> <li>▪ Change of use proposals not in line with the New</li> </ul> | <ul style="list-style-type: none"> <li>▪ Analyse planning permissions to understand reasons behind pressure for change of use including any concentrations</li> <li>▪ Engagement with key stakeholders/ businesses including accommodation providers and market agents</li> <li>▪ Review wider resort marketing/promotion</li> <li>▪ Identify additional potential sources of funding e.g. to encourage accreditation or complementary public realm improvements</li> <li>▪ Consider a review of policy including the main holiday accommodation areas defined in the Holiday Accommodation SPD and the minimum</li> </ul> | <ul style="list-style-type: none"> <li>▪ Holiday Accommodation SPD (2011)</li> <li>▪ New Homes from Old Places SPD (2011)</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> </ul>                     | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Holiday accommodation providers</li> <li>▪ Stay Blackpool</li> <li>▪ Developers/ commercial agents</li> <li>▪ Marketing Blackpool</li> </ul> |
|                                       |              |                     | Number of planning permissions/refusals for change of use from holiday accommodation <i>outside</i> the main holiday accommodation areas        | Encourage change of use from holiday accommodation to high quality homes                                      |   |  |   |  |
|                                       |              |                     | Number of net new dwellings completed as a result of  | Encourage change of use from holiday accommodation to high quality homes                                      |   |  |   |  |

| Monitoring                              |               |                     |  |   |  |   | Implementation   |   |
|---|---------------|---------------------|--|---|--|---|--|---|
| Core Strategy Policy                    | Objective     | Related DM Policies | Indicator  | Target / Policy Outcome   | Potential Risk   | Contingency   | Implementation / Delivery Mechanism  | Key Delivery Partners   |
|   |               |                     | change of use from holiday accommodation   |   |  |   |  |   |
|   |               |                     | Number of staying visitors to the resort per year  | Increase in staying visitors  |  |   |  |   |
| CS24: South Blackpool Employment Growth | 3, 17         | DM7, DM8            | Amount of new employment development (Class B and E(g)(i) uses) completed in South Blackpool at Blackpool Airport Corridor and lands close to Junction 4 of the M55 (including take-up of available land supply and redevelopment of existing sites) | Support major new business/industrial development at sustainable locations in South Blackpool           | <ul style="list-style-type: none"> <li>▪ Further downturn in the economy making new investment difficult to secure</li> <li>▪ Planning permissions not implemented due to issues relating to viability/access to finance</li> <li>▪ Loss of allocated industrial/ business land (including undeveloped land) to non-employment uses</li> <li>▪ Employment development attracted elsewhere</li> </ul> | <ul style="list-style-type: none"> <li>▪ Identify reasons for lack of take-up and monitor employment land supply v demand to ensure it meets market requirements</li> <li>▪ Analyse any loss of allocated land for non-employment uses and the impact on employment provision in South Blackpool (including regenerative benefits of enabling development)</li> <li>▪ Engage with landowners/developers on the likely delivery prospects of sites and help to overcome any barriers/constraints to manage the delivery of new development</li> <li>▪ Engage with the LEP/Fylde Coast authorities to develop measures to encourage inward investment in this location to support sub-regional growth</li> <li>▪ Consider a review of policy including the flexibility given to enabling development and the existing employment allocations</li> </ul> | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Fylde Coast Investment Plan</li> <li>▪ Whitehills Development Brief</li> <li>▪ Blackpool International Airport Masterplan (currently being prepared)</li> <li>▪ Duty to Co-operate</li> <li>▪ Local Growth Accelerator Strategy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ BFWEDC</li> <li>▪ Fylde Borough Council</li> <li>▪ Lancashire County Council</li> <li>▪ LEP</li> <li>▪ Blackpool Airport</li> <li>▪ Existing businesses/landowners</li> </ul> |
|   |               |                     | Amount of existing employment land redeveloped to provide business/industrial facilities (Class B and E(g)(i) uses) in South Blackpool (Redeveloped sites include Brownfield Sites and Previously Developed Land)                                    | Support the redevelopment of existing employment sites within South Blackpool                           |  |   |  |   |
| CS25: South Blackpool Housing Growth    | 2, 18, 19, 20 | DM1                 | Net dwellings completed per annum in South Blackpool   | 750 net completions over the plan period (including Moss House Road, Whyndyke and Runnell Farm sites)   | <ul style="list-style-type: none"> <li>▪ Shortfall in number of completions</li> <li>▪ Slow recovery of the housing market</li> <li>▪ Planning permissions not implemented or built-out as planned due to issues relating to viability, access to finance or unidentified constraints etc</li> <li>▪ Developments not meeting the required housing mix</li> </ul>                                    | <ul style="list-style-type: none"> <li>▪ Review reason for shortfall including planning permissions, lapsed permissions etc</li> <li>▪ Engage with applicants/developers to find out why sites are not being implemented</li> <li>▪ Work with key delivery partners and other stakeholders to manage the delivery of development and help to overcome any barriers and constraints</li> <li>▪ Review S106 agreements/contributions and renegotiate with developers as appropriate</li> <li>▪ Review why an appropriate housing mix has not been achieved and understand why exceptions have been made</li> <li>▪ Regular SHLAA updates and consider a 'call for sites' exercise to identify additional land</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Strategic Housing Land Availability Assessment (SHLAA)</li> <li>▪ Sustainable Homes SPD (new build)</li> <li>▪ Developer Contributions</li> <li>▪ Housing Implementation Strategy</li> <li>▪ Duty to Co-operate</li> </ul>                 | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Housing Developers</li> <li>▪ Landowners</li> <li>▪ Fylde Borough Council</li> <li>▪ Lancashire County Council</li> </ul>   |
|   |               |                     | New build completions by dwelling type in South Blackpool i.e. detached, semi-detached, terraced and flatted properties  | Dwelling type mix complements (rather than competes with) new housing being delivered in the inner area |  |   |  |   |
|   |               |                     | New build completions by dwelling size in South Blackpool i.e. 1/2/3/4+ bedrooms   | Dwelling size mix complements (rather than competes with) new housing being delivered in the inner area |  |   |  |   |

| Monitoring  |           |                     |  |   |   |   | Implementation  |   |
|---|-----------|---------------------|--|---|---|---|---|---|
| Core Strategy Policy                              | Objective | Related DM Policies | Indicator  | Target / Policy Outcome   | Potential Risk  | Contingency   | Implementation / Delivery Mechanism   | Key Delivery Partners   |
|   |           |                     |  |   |   | <ul style="list-style-type: none"> <li>▪ Consider a timely policy review and whether it is appropriate to change the phasing supply</li> </ul>  |   |   |
| CS26: Marton Moss                                 | 5, 20     | ·                   | Development of neighbourhood policy supporting the retention and enhancement of the distinctive character of Marton Moss | Pursue a neighbourhood planning approach for Marton Moss to retain and enhance the character of the Moss whilst identifying acceptable development. | <ul style="list-style-type: none"> <li>▪ Limited support or resources to bring forward a Neighbourhood Plan</li> <li>▪ Pressure for development that is not in accordance with the CS26 criteria</li> </ul> | <ul style="list-style-type: none"> <li>▪ If the Marton Moss community do not wish to prepare a Neighbourhood Plan, the local planning policy for the area will be developed as part of the Site Allocations and Development Management document</li> <li>▪ Identify alternative sources of funding to assist with the neighbourhood planning approach</li> <li>▪ Consider a review of policy</li> </ul> | <ul style="list-style-type: none"> <li>▪ Neighbourhood Plan/Site Allocations and Development Management document</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Marton Moss Neighbourhood Forum</li> <li>▪ Marton Moss community (including residents and businesses)</li> </ul>  |
|   |           |                     | Number of applications received and % approved/refused in line with part 2 of Policy CS26                                |   |   |   |   |   |
| + L17: South Blackpool Transport and Connectivity | 4, 21     | DM41, DM42          | Projects that have helped to improve connectivity in South Blackpool   | A comprehensive public transport, pedestrian and cycle improvement strategy for South Blackpool   | <ul style="list-style-type: none"> <li>▪ Availability of funding / developer contributions</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Review at next revision of the Blackpool Local Transport Plan and if necessary review policy</li> <li>▪ Consider a review of policy</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Blackpool Local Transport Plan (Implementation Plan 2018 to 2021)</li> <li>▪ Blackpool Airport Masterplan</li> <li>▪ Fylde Coast Transport Masterplan</li> <li>▪ Site Allocations and Development Management document</li> <li>▪ Individual planning applications and development management process</li> <li>▪ Developer Contributions</li> <li>▪ Duty to Co-operate</li> </ul> | <ul style="list-style-type: none"> <li>▪ Blackpool Council</li> <li>▪ Public Transport Operators</li> <li>▪ Developers</li> <li>▪ Key businesses in the area including Blackpool Airport</li> <li>▪ Fylde Borough Council</li> <li>▪ Lancashire County Council</li> </ul> |
|   |           |                     | Developments permitted in South Blackpool with travel plans  | Major new housing and employment development to incorporate Green Travel Plans  |   |   |   |   |



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**Blackpool Local Plan 2012-2027**  
**Policies Map: Blackpool Borough**  
 Adopted February 2023

Appendix 9(c)(ii)

**Key to Policies Map**

Blackpool Borough Boundary  
 Town Centre Inset Boundary

**Part 1: Core Strategy**

- CS1, CS21 Resort Core
- CS1, DM5 Inner Area
- CS4, CS17, CS21 Blackpool Town Centre
- CS6 Green Belt
- CS6 Green Infrastructure
- CS18 Winter Gardens
- CS19 Central Business District
- CS20 Leisure Quarter
- CS25 South Blackpool Housing Growth
- CS26 Marton Moss

**Part 2: Site Allocations and Development Management Policies**

- HS1 Housing Site Allocations
- MUSA1 Town Centre Mixed Use Site
- AS1 New Allotment Site
- DM7 Employment Land
- DM8 Blackpool Airport Enterprise Zone
- DM9 Blackpool Zoo
- DM10 Promenade & Seafront
- DM11, DM12 Primary Shopping Area
- DM11 Primary Shopping Frontages
- DM12 Secondary Shopping Frontages
- DM14 District Centre
- DM15 Local Centre
- DM27 Conservation Areas
- DM29 Stanley Park
- DM33 Coast and Foresore
- DM34 Countryside Area
- DM35 Sites with Biodiversity Value
- DM35 Marton Mere SSSI
- DM35 Marton Mere LNR
- DM38 Allotments and Community Gardens
- DM39 Blackpool Victoria Hospital
- DM40 B&F College - Bispham Campus
- DM42 Aerodrome Safeguarding

Lancashire Minerals and Waste Local Plan

M2 Mineral Safeguarding Areas



# Blackpool Local Plan 2012-2027

## Policies Map: Town Centre Inset

Adopted February 2023

### Key to Policies Map

#### Part 1: Core Strategy

- CS1, CS21 Resort Core
- CS4, CS7, CS2 Blackpool Town Centre
- CS6 Green Infrastructure
- CS8 Winter Gardens
- CS9 Central Business District
- CS20 Leisure Quarter

#### Part 2: Site Allocations and Development Management Policies

##### Housing Site Allocations

##### MUSA1 Town Centre Mixed Use Site

##### DM10 Promenade & Seafront

##### DM11, DM12 Primary Shopping Frontage

##### DM11 Primary Shopping Frontage

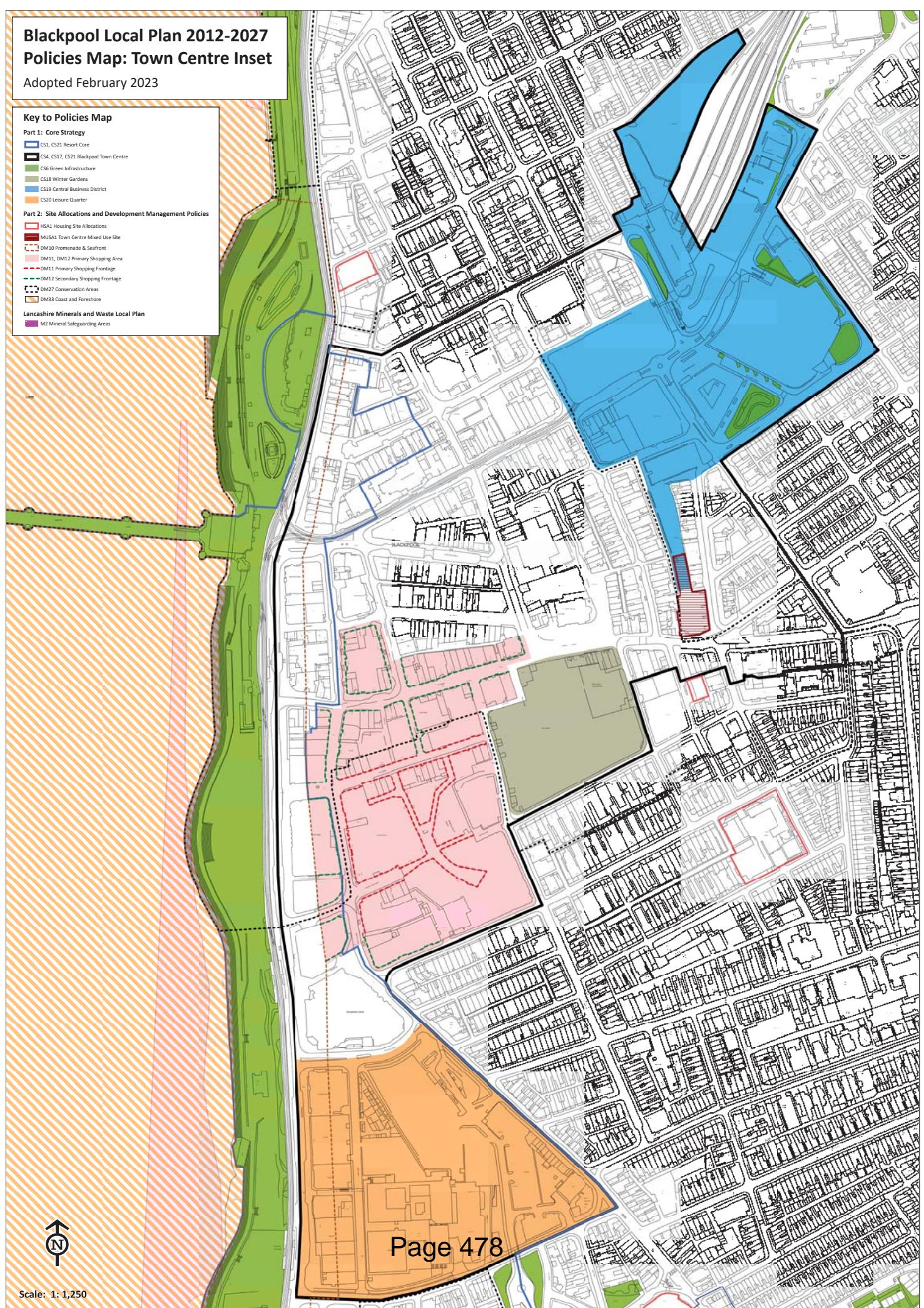
##### DM12 Secondary Shopping Frontage

##### DM27 Conservation Areas

##### DM33 Coast and Foreshore

##### Lancashire Minerals and Waste Local Plan

##### M2 Mineral Safeguarding Areas



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|------------------------|------------------|
| <b>Report to:</b>      | <b>COUNCIL</b>   |
| <b>Date of Meeting</b> | 01 February 2023 |

## **MAYOR ELECT AND AUDIT COMMITTEE INDEPENDENT CO-OPTED MEMBER**

### **1.0 Purpose of the report:**

- 1.1 To consider the process for appointing the Mayor Elect for the Mayoral Year 2023 / 2024 and the appointment of a co-opted independent member to the vacant position on the Audit Committee.

### **2.0 Recommendation(s):**

- 2.1 To delegate to the Director of Governance and Partnerships, after consultation with the Group Leaders appointed after 04 May, the naming of a Mayor Elect for the Mayoral year 2023 / 2024 based on the current length of service criteria, to allow arrangements to then be made for the Annual Meeting on 24 May 2023.
- 2.2 To delegate to the Director of Governance and Partnerships the appointment of a Co-opted Independent Member to the vacant position on the Audit Committee, following consultation with the Group Leaders.

### **3.0 Reasons for recommendation(s):**

- 3.1 The Council at its first meeting in the New Year, usually identifies one of its members to be appointed 'Mayor Elect' to assist in planning for the Mayoral year ahead and in particular the Annual Meeting in May 2023.
- 3.2 There is also a vacancy for a Co-opted Independent Member to the Audit Committee. Rather than wait until the Annual Meeting for this to be filled, Council is also asked to delegate the final decision on this to the Director of Governance and Partnerships.

### **4.0 Background Information**

- 4.1 At the first Council meeting each calendar year, the Mayor Elect is usually identified based on length of service and those councillors who have not served as Mayor before. As it is election year and to follow the process used in 2019, Council is asked to not agree a Mayor Elect at this meeting and to delegate the decision to the Director of Governance and Partnerships. If this is agreed then consultation will take place with those at the top of the seniority list.

- 4.2 The appointment of a Mayor Elect will allow arrangements to then be made for the Annual Meeting on 24 May 2023. If this is agreeable before a final decision is made, consultation will also take place with the Group Leaders appointed at that time on a preferred candidate.
- 4.3 Due to the pre-election period and to avoid delay, Council is also asked to delegate to the Director of Governance and Partnerships the appointment of a Co-opted Independent Member to the vacant position on the Audit Committee again following consultation with the Group Leaders.
- 4.4 The position will be advertised and the interviews will be undertaken by the Director of Governance and Partnerships, the Chair of the Audit Committee and the Head of Internal Audit. Should approval be given for the delegation then consultation will also take place with the Group Leaders and details of the appointment to be reported to the Annual meeting.

**List of Appendices:**

None.

**5.0 Legal considerations:**

- 5.1 None.

**6.0 Equalities Considerations:**

- 6.1 None.

**7.0 Financial considerations:**

- 7.1 The Members Allowances Scheme provides for special responsibility allowances for the Mayor and Independent co-opted members of the Audit Committee.

**8.0 Risk management considerations:**

- 8.1 Delegating the decisions will minimise the time for these decisions to be enacted and with regard to the Mayor Elect will allow consultation to take place in advance but a final decision to be taken after the elections. Having an independent co-optee on the Audit Committee is considered good practice and helps to strengthen the assurance and challenge to the committee.

**9.0 Sustainability, climate change and environmental considerations:**

9.1 None.

**10.0 Internal/ External Consultation undertaken:**

10.1 With regard to the appointment of a Mayor Elect, consultation will take place with those at the top of the seniority list and when a person is identified who wishes to do the role then with the Group Leaders. It is also envisaged that consultation with the Group Leaders will take place in respect of the preferred person for the position of a co-opted independent member for the Audit Committee.

**11.0 Background papers:**

11.1 None.

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