

<b>Report to:</b>	<b>EXECUTIVE</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>	23 January 2023

## **BLACKPOOL LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES - ADOPTION**

### **1.0 Purpose of the report:**

#### **1.1 The purpose of this report is to:**

- a) 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 LPP2 to make the document sound and an appropriate basis for the planning of the Borough (refer Appendix 2a); and
- b) to appraise members of the Additional (minor) Modifications to the Local Plan Part Two set out in Appendix 2b to this report; and
- c) to seek Executive to recommend to Full Council 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 2c(i) along with the amended Policies Map (Appendix 2c(ii)); and
- d) to inform members of the next stages.

## **2.0 Recommendation(s):**

### **2.1 To recommend to Full Council:**

- (i) to accept the Inspector's findings and his recommendations including the Main Modifications as set out in Appendix 2a; accept the additional (minor) modifications to the Local Plan Part Two as set out in Appendix 2b 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 2c(i) and the amended Policies Maps at Appendix 2c(ii);
- (ii) 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 2a 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 2a** 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 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.

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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

- **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 2a 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 2b 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 2c(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 by Full Council 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 2a – Inspector's Report to Blackpool Council including Main Modifications in the Appendix to the Report

## Appendix 2b – Additional (Minor) Modifications

Appendix 2c(i) – Blackpool Local Plan Part 2: Site Allocations and Development Management Policies Adoption version including Main Modifications and Additional (Minor) Modifications (text version)

Appendix 2c(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 \(blackpool.gov.uk\)](https://blackpool.gov.uk/evidence-base)

[Blackpool Council planning | Local plan part 2 submission](#)

**15.0 Key decision information:**

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 2/2023

15.3 If a key decision, is the decision required in less than five days? No

15.31 If **yes**, please describe the reason for urgency:

**16.0 Call-in information:**

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 13 January 2023 Date approved:

**18.0 Declarations of interest (if applicable):**

18.0

**19.0 Summary of Discussion:**

19.1

**20.0 Executive decision:**

20.1

**21.0 Date of Decision:**

6.13

**22.0 Reason(s) for decision:**

22.1

**23.0 Date Decision published:**

23.1

**24.0 Alternative Options Considered and Rejected:**

24.1

**25.0 Executive Members in attendance:**

25.1

**26.0 Call-in:**

26.1

**27.0 Notes:**

27.1