

INDEPENDENT EXAMINATION OF THE FYLDE COUNCIL LOCAL PLAN

INSPECTOR'S MATTERS, ISSUES AND QUESTIONS (Stage 2 Hearing Sessions)

Version 1 – 15 May 2017

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Introduction

Following the Stage 1 hearings (held 28-29 March 2017) I issued a letter dated 11 April 2017. In this I confirmed my intention to proceed to stage 2 hearings. In addition I requested that the Council produce further evidence on objectively assessed needs and consider modifications to the Local Plan on specific strategic matters. The Council's responses to my letter are dated 3 and 10 May 2017.

My **STAGE 2 HEARINGS** will be based on the following Matters, Issues and Questions (MIQs), though it is likely that the issues will be more narrowly defined once responses to my MIQs have been received. These MIQs should be read in conjunction with the **Stage 2 Guidance Note** which sets out further information about the examination, hearings and format of written statements.

The Council has prepared a list of potential minor modifications. These will be considered, as appropriate, when the relevant matter is discussed.

Matter 5 – Housing – Site Allocations and Delivery

Issue – Does the Plan set out a positively prepared strategy for the supply and delivery of housing that is justified, effective and consistent with national policy?

1. In relation to the 5 year supply does the Plan clearly set out annual targets, completions to date, the approach to catching up the shortfall and the buffer to be applied?
2. Appendix 2 of the Plan includes a housing trajectory for the Plan period. In light of the Council's recent evidence this is proposed to be updated. However is it necessary to include site specific details given it may quickly become out of date? Should a housing trajectory graph be included in the Plan?

Site Allocations - Policies SL1-SL5

3. In light of further planning permissions that have been brought to my attention, do these policies need updating with new sites?
4. Policy SL5 relates to sites that are not within Strategic Locations for Development (SLD). Is its inclusion within the chapter on SLD appropriate and effective?
5. The policies refer to masterplans and design codes for each site without planning permission in the case of Policies SL1 and SL2 and specific strategic sites without planning permission for Policies SL3 and SL4. Are these justified and consistent with Policy M1?
6. Is the methodology for site assessment and selection robust and justified?
7. Are the proposed housing site allocations in Policies SL1-SL5 justified and deliverable? Are the delivery rates for the sites reasonable and achievable?
8. In Policy SL5 no sites are listed for Elswick as these will be determined as part of the Neighbourhood Plan (NP). What is the timescale for the NP and is this approach justified?

Policy H1

9. H1b refers to performance monitoring in relation to housing delivery. Can the Council clarify the purpose of the rolling 3 year review period and how 'the delivery of uncommitted sites will be adjusted' if completions targets are missed by 20%? Is this justified and effective?

Policy H2 - Density and mix of new residential development

10. A minimum density of 30 dph is proposed under Policy H2. Is this justified across all development sites, whether small or large?
11. Does the policy adequately address the needs of different groups in the community in accordance with the first two bullet points in paragraph 50 of the Framework?
12. Should the policy include specific reference to the proportion of dwellings to be provided by size? Is this justified or could the data become out-of-date during the Plan period? Is it clear what proportions of dwelling size would be required in different locations?
13. The policy requires the delivery of at least 20% of homes on sites of 20 or more dwellings to be designed to accommodate the elderly. Is this justified and based on robust evidence?
14. Is the requirement for specialist accommodation to include compliance with the optional technical standard for wheelchair adaptable dwellings justified and based on robust evidence of identified need? Has the impact of applying these standards on viability of schemes been considered? (Also see Policy GD7)

15. Evidence set out in supporting text to Policy H2 states that rural areas have significantly fewer 1 and 2 bedroom homes than other parts of the Borough. Therefore whilst H2 states that 50% of developments of 10 or more dwellings should be 1-3 bed, 33% of home in rural settlements should be 1-2 bed. What is the source of this?
16. Does the policy provide sufficient flexibility to react to market forces?

Policy H4 - Affordable housing

17. It has been suggested that Policy H4 should be amended so that residential developments at the Fylde-Blackpool periphery should provide financial contributions for affordable housing to be spent in Blackpool. Has this approach been considered by the Council and is it reasonable?
18. Under tenure the policy refers to the provision of starter homes. Is this appropriate in light of the Housing White Paper?

Policy H5 – Gypsies, Travellers and Travelling Showpeople’s Sites

19. In light of the new needs evidence (*Blackpool, Fylde and Wyre Gypsy and Traveller Accommodation Assessment Update 2016 (EL1.002)*) what implication does this have for Policy H5?

Policies H6 and H7 – Homes in the Countryside

20. Do these policies apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policies?
21. Is Policy H6 consistent with paragraph 55 of the Framework?
22. Is the increase in size of a replacement or extended home by no more than 33% of the ground floor area of the original home justified and based on robust evidence?

Matter 6 – General Development

Issue – Does the Plan provide a robust framework for the management and delivery of development across the Borough that is justified, effective and consistent with national policy?

23. Does the Plan overall take adequate account of shale gas exploration, production and distribution?
24. Does the Plan overall make sufficient provision for inclusive design and accessible environments in accordance with paragraphs 57, 58, 61 and 69 of the Framework?

Policy M1

25. Policy M1 requires 'each allocated site' within the Strategic Locations for Development (SLD) to produce a masterplan and design code, to be approved by the Council and turned into SPDs.

- a. Is the policy justified and consistent with national policy?
- b. Have the timescales for producing masterplans and design codes for each allocated site been taken into account in considering the timescales for site delivery? Are there any implications for the housing trajectory?
- c. Is the policy consistent with the wording set out in Policies SL1-SL4 regarding masterplans and design codes?

Policy GD1 - Settlement boundaries

26. Policy GD1 refers to development being focussed on previously developed land within and immediately abutting the existing settlements. Does this relate to allocated sites and if so are settlement boundaries drawn around them? Are the boundaries around each settlement justified?
27. Will some settlement boundaries be determined through Neighbourhood Plans? If so, does this need to be referenced in GD1?
28. The policy refers to 'settlement development targets'. Is this appropriate and consistent with national policy?
29. Is it necessary to refer to agricultural land within a settlement boundary policy?
30. In relation to greenfield land within settlement boundaries paragraph 8.3 lists other matters that will be taken into consideration when considering development proposals. Should these matters be included in the policy? Would this be justified?

Policy GD2 – Green Belt

31. The policy states that national guidance for development in the Green Belt will be applied. Should this refer to national policy rather than guidance and include reference to other policies in the Plan including GD4, GD5, H6 and H7? Does the plan clearly set out how development in the Green Belt will be assessed?
32. Paragraph 8.6 of the justification text states that no review of the Green Belt has been undertaken, but minor alterations of the Green Belt may be required to accommodate the boundaries of some site allocations or to amend minor anomalies. Paragraph 8.7 also refers to boundary changes. What are the details of these changes and are they consistent with paragraph 83 of the Framework which states that Green Belt boundaries should only be altered in exceptional circumstances?
33. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate except for the development types listed. Other forms of development are also not inappropriate and these are listed in paragraph 90. Paragraph 88 clearly states that 'very special circumstances' will not exist unless harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Does paragraph 8.7 of the Plan accurately reflect the Framework in relation to very special circumstances?

Policy GD3 - Areas of Separation

34. Two Areas of Separation are proposed within the plan.
 - a. Are the areas of separation justified and is the policy consistent with the Framework?
 - b. How have the boundaries been determined and will they be effective?
 - c. Para 8.10 states that the policy will apply to all forms of development in the areas. Is this justified? Does the policy clearly define what development will and will not be acceptable within these areas? Is it clear what is meant by the use of the term 'inappropriate development'? How will development proposals be assessed?

Policies GD4 and GD5 – Development in the countryside

35. Do Policies GD4 and GD5 apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policy? Are the policies justified and consistent with national policy?
36. Are both policies consistent with Policy S1 which includes allowing 'minor infill development' within rural areas?
37. Is reference within Policy GD4c to 'minor extensions' to existing homes and other buildings appropriate and justified? Is it consistent with national policy?
38. Paragraph 8.14 which relates to Policy GD5 refers to Policy GD4. Is this correct?
39. Is it clear in GD5 what is meant by 'large developed sites'?
40. Should reference be made to the NDA redundant facilities site at Springfield within Policy GD5? Can the Council clarify why redundant farms, holiday caravan parks and sites are excluded from the policy?
41. Policy GD5 promotes mixed use development on large developed sites in the countryside. Is the policy sufficiently clear about the mix of uses that would be acceptable on such sites?

Policy GD6 – Promoting Mixed Use Development

42. The policy appears to only refer to strategic sites. Is this correct and if so is this consistent with other policies including GD5?
43. Paragraph 8.19 refers to categories set out in Policy GD6. Can the Council clarify what this means?
44. Is the policy sufficiently clear about the mix of uses that would be acceptable on sites?

Policy GD7 – Achieving Good Design in Development

45. Do the various criteria, particularly under the section on general principles of good design, provide a clear indication of how a decision maker should react to development proposals? Are the requirements justified?

46. The Ministerial Statement (MS) of 25 March 2015 set out a new approach for the setting of technical standards for new housing comprising new additional Building Regulations on water and access and a new national space standard. The MS states that '*the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need and where the impact on viability has been considered ...*'. Policy GD7 requires all new homes to '*comply with all relevant design and quality codes in the National Technical Standards*'. Is this approach justified and based on robust evidence of identified need? Has the impact of applying these standards on viability and land supply been considered? (Also refer to Policy H2)
47. The policy includes reference to advertisements. Is the policy adequate in this regard taking into account that the Advertisement Regulations state that "A local planning authority shall exercise its powers under these Regulations in the interests of *amenity and public safety*"?

Matter 7 – The Economy – Site Allocations and Delivery

Issue – Does the Plan set out a positively prepared strategy for the delivery of economic development (Employment, Retail Centres, Leisure Culture and Tourism Development) within Fylde that is justified, effective and consistent with national policy?

Site Allocations - Policies SL1-SL4 and EC1

48. Are these policies up-to-date with regards to the allocation of employment sites? Is there justification for the allocation of any other sites (such as land SW of junction 3 of the M55, Corner Hall Farm)?
49. Is Policy EC1 allocating sites and if so should it state this? Does the policy duplicate allocations set out in Policies SL1-SL4?
50. Is the methodology for site assessment and selection robust and justified?
51. Are the proposed site allocations justified and deliverable? Is there justification for some sites to be removed from the policies (such as ES1)?
52. Policy EC1 lists appropriate use classes for each site – are these justified and effective? Is there justification for some sites to be allocated for other uses (such as sites MUS2, ES4, ES5, ES6)? What is the purpose of including the term '*where unacceptable harm is not caused, the following uses will be permitted....*' when appropriate uses are already listed within the policy?
53. Where Policy EC1 refers to alternative uses for allocated and existing sites should cross reference be made to other Plan policies such as Policies GD7 and GD8?
54. Is it effective to list existing employment sites in Policy EC1? Is the list justified, based on up-to-date evidence and in accordance with paragraph

22 of the Framework? Are all sites still active employment sites or is there justification for some sites to be removed from the list (such as Mythop Lodge)? Is the list consistent with Appendix 6 as referred to in paragraph 9.17?

Policy EC2 – Employment Opportunities

55. Is there justification for other economic development uses as defined in the Framework, to be supported in this policy? Would this be consistent with national policy?

Policies EC4 and T3 – Blackpool Airport Enterprise Zone

56. Do the policies support delivery of the objectives and purposes of the Enterprise Zone designation and the long term operation of the airport? Would the relocation of the aviation functions closer to the runway and within the Green Belt be justified? Is the inclusion of 'enabling development' appropriate and justified?

Policy EC5 – Retail Centres

57. Paragraphs 9.38-9.51 of the Plan set out the findings of the Retail Study (2011) and the Update (2013). These include additional requirements for comparison and convenience floorspace during the Plan period. Does Policy EC5 clearly set out where and when this will be provided?

58. Are the centre boundaries and primary and secondary shopping frontages justified and consistent with national policy?

59. Paragraph 9.54 sets out a local threshold of 750sqm at which an impact assessment for retail, leisure and office development outside town centres will be required. Is this threshold justified and based on robust evidence? Can the Council clarify why it is in the supporting text and not set out in the policy?

Policies EC6 and EC7 – Leisure, Culture and Tourism Development

60. In relation to Policy EC6:

- a. Should the policy safeguard the potential impact of leisure, culture and tourism development on the operational requirements and communication systems of the Warton Aerodrome? Is this justified?
- b. Does the policy clearly define leisure, culture and tourism uses?
- c. Should the policy support large scale rural tourism at appropriate sites? Is this justified and consistent with national policy? Does the policy accord with Policy GD5 in this regard?

61. In relation to Policy EC7:

- a. Are the Holiday Areas justified and based on robust evidence?
- b. Is the retention of holiday caravan pitches for holiday use justified? Should the policy include reference to alternative uses if the existing use was to become unviable? Would this be justified?

Matter 8 – The Environment

Issue – Does the Plan set out a positively prepared strategy for the preservation and enhancement of the environment (natural, built and historic); the management of water and flood risk; and the promotion of renewable and low carbon energy generation within Fylde that is justified, effective and consistent with national policy?

Policies ENV1 – ENV2 – Landscape and Biodiversity

62. Are policies ENV1 and ENV2 consistent with paragraphs 113 and 114 of the Framework?
63. Paragraph 14.6 states that the Council intends to prepare a valued Landscapes SPD to accompany Policy ENV1. Have valued landscape areas already been defined? If so are they justified and based on robust evidence. Should they be set out in policy rather than an SPD?

Policy ENV3 – Existing Open Space

64. It has been suggested that Policy ENV3 should also refer to the protection of open space in the countryside. Is this justified?
65. Is the purpose of ENV3a and ENV3e the same? Can the Council clarify what ENV3b is trying to achieve as it is not entirely clear?
66. Is the policy justified and consistent with national policy?

Policy ENV4 – New Open Space

67. The policy includes minimum standards for the provision of amenity open space. Are these justified and based on robust and up-to-date evidence?
68. Sites of 100 houses or more are required to provide double the minimum standards. Is this justified and based on credible up-to-date evidence? Has the impact on the viability of development been taken into consideration?

Policy ENV5 – Historic Environment

69. Does the policy set out a positive strategy for the conservation and enhancement of the historic environment in accordance with national policy?
70. Is the policy consistent with paragraphs 132-134 of the Framework which includes making a distinction between substantial and less than substantial harm to the significance of a designated heritage asset?
71. Under the section titled 'Locally important heritage assets' reference is made to development only being permitted in exceptional circumstances. Is this consistent with paragraph 135 of the Framework in relation to the significance of non-designated heritage assets?
72. Does the policy promote development within Conservation Areas and within the setting of heritage assets which would enhance or better reveal their significance in accordance with paragraph 137 of the Framework?

Policies CL1-CL3 – Water Management, Flooding and Renewable and Low Carbon Energy Generation

73. Are the provisions set out in Policy CL1 justified and consistent with national policy?
74. Does Policy CL2 apply to all new development? Is this justified? Is the provision of agreed discharge rates as part of any pre-application negotiations justified? Does the policy require developers to provide drainage measures beyond what is necessary for the site?
75. In relation to Policy CL3:
- a. Does the policy provide a positive strategy for renewable and low carbon energy generation in accordance with national policy?
 - b. Is the exclusion of onshore wind energy from Policy CL3 justified and consistent with national policy?
 - c. Is criterion f consistent with the Framework in regards to taking account of any public benefits of renewable and low carbon energy proposals?
 - d. Is the penultimate paragraph of the policy consistent with the Framework in its reference to Green Belt? Should this refer to very special circumstances in this context?

Matter 9 – Community Facilities, Infrastructure and Transport

Issue – Does the Plan set out a positively prepared strategy for community facilities, infrastructure and transport provision to meet the Plan’s development strategy and is this justified, effective and consistent with national policy?

Policy HW2 – Community Facilities

76. Reference is made in paragraphs 11.26 and 11.28 to the need for an additional secondary school and burial and crematoria facilities within the timescale of the Plan period. What are the timescales for delivery of these facilities and has consideration been given to potential site locations? Should these requirements be set out in policy?

Policies INF1 and INF2 – Service Accessibility and Infrastructure and Developer Contributions

77. Are the provisions set out in Policies INF1 and INF2 justified and consistent with national policy?
78. Is Policy INF2 sufficiently clear about the level and type of contributions that will be sought?

Policy T1 – Strategic Highway Improvements

79. Is the safeguarding of the ‘Blue Route’ M55 Fleetwood Corridor Improvements under Policy T1 justified?

Matter 10 – Monitoring Framework

Issue – Is the Plan deliverable and capable of being effectively monitored?

80. Will the proposed monitoring framework set out in Appendix 8 of the Plan be effective to ensure delivery of the proposals during the Plan period? Does its location within the appendices to the Plan give due weight and effectiveness to the monitoring framework?
81. Are the proposed targets appropriate?
 - a. Is Indicator 1's reference to a '*target requirement*' appropriate?
 - b. Is the proposed target for Indicator 13 measurable?
 - c. As per the Council's comments on page 185 of SD011 have appropriate indicators, targets and timescales for Indicators 19a-d been discussed with Historic England?
82. Is it clear when a review of policies or the Plan may be necessary?