



FYLDE BOROUGH COUNCIL



## Meeting Agenda

**Planning Policy Scrutiny Committee  
Town Hall, Lytham St Annes  
13 September 2007, 19:00pm**

**The main doors to the Town Hall will be open to the public at  
6:40pm**

# PLANNING POLICY SCRUTINY COMMITTEE

## MEMBERSHIP

CHAIRMAN - Councillor John Bennett  
VICE-CHAIRMAN – Councillor William Thompson

### Councillors

Ben Aitken	George Caldwell
Michael Cornah	Trevor Fiddler
Keith Beckett	Maxine Chew
Lyndsay Greening	

Contact: Carolyn Whewell, St. Annes (01253) 658563,  
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## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## A G E N D A

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the Minutes of the Planning Policy Scrutiny Committee held on 29 August 2007 attached at the end of the agenda.</i>	4
<b>3. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>4. BLACKPOOL INTERNATIONAL AIRPORT MASTER PLAN</b>	7 – 30

**Personal interests**

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

- 9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
  - (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
  - (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

### **Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	PLANNING POLICY SCRUTINY COMMITTEE	13 <sup>TH</sup> SEPTEMBER 2007	4

## BLACKPOOL INTERNATIONAL AIRPORT MASTER PLAN

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The finalised Master Plan for Blackpool International Airport has been published by the Airport company. This report comments on the main proposals contained in the published Master Plan and assesses the extent to which the concerns previously expressed by the Council, during the consultation stage, have been taken into account.

On the basis of the content of the draft Master Plan this Committee recommended to the Development and Regeneration Portfolio Holder that an Article 4 Direction (taking away some permitted development rights from the Airport) be made. In the light of the publication of the finalised Master Plan, the report considers whether the Article 4 Direction should be pursued.

### Recommendations

1. The content of the finalised Master Plan be noted;
2. An Article 4 Direction be pursued for the reasons contained in the report.
3. That the Executive Manager (Strategic Planning and Development) in consultation with the Head of Legal Services and the Portfolio Holder be granted delegated powers to determine the scope and extent of the Direction.

## **Cabinet Portfolio**

The item falls within the following Cabinet portfolio:

Development and Regeneration                      Councillor Roger Small

### **Report**

### **Background**

1. The draft Master Plan (MP) was published for consultation purposes in March 2006. A report on the MP was considered by this Committee at its meeting on 25<sup>th</sup> July 2006. The report supported the principle of airport growth and development subject to a number of concerns under a range of topics. The Committee (inter alia) resolved to support the principle of airport growth and development subject to the concerns outlined in the report, and to establish a Task and Finish group to tailor the final response to the airport.
2. On the 18<sup>th</sup> August 2006 a letter was received by the Council from the Airport which was a point-by-point response to the PPSC Report of the 25<sup>th</sup> July. The Airport had accessed the report on the Council's web-site.
3. A report was prepared for the meeting of the Task and Finish Group which met on the 24<sup>th</sup> August 2006. This report was structured to identify the initial Council concerns, the Airport response, and a recommendation as to whether the concern raised should be pursued as an issue in the consultation. The Task and Finish Group resolved:
  - That the individual recommendations made within the report to Planning Policy Scrutiny Committee be agreed and submitted to the Airport Company.
  - The Council's legal officer to explore further an article 4 direction to 'take away' permitted development rights at Blackpool Airport.
  - A covering letter be sent with the response requesting further consultation and copied to the Department of Transport.
4. The covering letter dated 30<sup>th</sup> August 2006 was signed by the Development and Regeneration Portfolio Holder and sent to the Airport. A copy of the letter and attached submissions are attached as Appendix 1.
5. At its meeting on 12<sup>th</sup> October the PPSC resolved on the publication of the Master Plan to request a series of public meetings with the representatives of the Airport and the local community.
6. On 1<sup>st</sup> November 2006 the Executive Manager (Strategic Planning and Development) wrote to the Airport raising a number of issues which the Council asked be addressed in the final master Plan.
7. At its meeting on the 11<sup>th</sup> April 2007 a report by the Head of Legal Services was considered by PPSC regarding the issue of whether an Article 4 direction should be made in respect of the Airport. This report was supported by an additional note prepared by the Head of Planning (Policy) which concluded that there was a prima-

facie case for making an Article 4 Direction. Copies of these reports are attached as Appendices 2 and 3.

8. The Committee resolved to ask the Portfolio Holder to pursue the Article 4 Direction. A report to Cabinet was prepared in June 2007 by the Head of Planning (Policy). To date no decision on the making of the Direction has been made.
9. On 20<sup>th</sup> August 2007 the Council received a notification that the airport intends to carry out a series of improvements under permitted development rights. These include extended aircraft parking bays, the provision of a covered walk-way from the terminal to the aircraft standing area and additional and up-graded taxi-ways including the proposed holding loop at the Queensway end of the runway. These works are notified within Phase 1 of the final Master Plan.

### **Finalised Master Plan**

10. The MP is structured slightly differently from the draft. It contains 10 Sections and a set of Appendices. The sections are appraised below making reference to issues raised at previous stages. Copies of Plans within the MP are attached as Appendix 4.

#### Introduction

11. At the consultation stage, it was suggested that the text should make clear that the proposals shown are not agreed with the local planning authority.
12. This section indicates that the MP has been produced at the request of the government in response to the 2003 White Paper. It now indicates that it is not a request for planning approval but the airport's vision for the future. It will be reviewed every 5 years.
13. The Council's request has been partly met.

#### Airport Background

14. This section sets out the history, location and ownership details of the airport. It identifies the recent growth in passenger throughput 2001 – 2007. The last figure is estimated. It also shows a significant reduction in the number of aircraft movements in 2006 65,990 compared with 76,779 in 2005. 72% of overall aircraft movements are helicopter and private aircraft movements.

#### The Planning and Regulatory Context

15. This is a factual section although the 2003 version of the Fylde Borough Local Plan is referred to not the 2005 version.

#### White Paper Forecasts

16. An independent aviation management company has prepared passenger forecast figures for the period up to 2030. In light of the 'Casino' decision in respect of Blackpool, the base forecast has been selected compared to the draft MP which indicated base figures and high case figures. The base figures are 555,000 in 2006; 2,709,000 in 2015 and 3,350,000 in 2030.

17. In the consultation, the Council requested better justification of the passenger numbers forecast and clearer information on the likely increase in the number of annual and daily flights. This has not been provided.

### Airspace

18. This short section indicates that based on the projected passenger forecasts and the corresponding increase in air movements, the airspace capacity (above and around the airport) is considered to be sufficient.

### Land Use – Future Airport Infrastructure

19. This section is augmented by four plans. One plan shows the existing airport layout. The others show three anticipated phases of development.

- Phasing Plan 1 indicates: an extension to the aircraft parking apron, a relocated fire station and extensions to the taxi-ways (including the end of runway holding loop).
- Phasing Plan 2 indicates a large area south of the runway for 'relocated facilities'.
- Phasing Plan 3 indicates a new taxi-way which parallels the main runway for its whole length, a new terminal and associated facilities, and extended car-parking areas.

20. The written text indicates that:

- the two remaining minor runways will be closed in the first 2 – 3 year period.
- the existing control tower will have to be relocated if the Blackpool Business park is extended. (The MP is not clear in relation to which part of the Business Park it wishes to see extended). This is not referred to on the plans.
- the fire station is proposed to relocate to the south of the airport.
- there is an ultimate need for 21 aircraft stands (including contingency factors).
- the present terminal has a capacity of 1.5million passengers, but on current passenger forecasts, the building will need to be enlarged 'within a short period of time'. Consultants have been engaged to prepare plans for the submission of a planning application.
- the new terminal will include a mix of leisure and hotel developments to assist the viability of the airport and the new terminal itself.
- it is proposed to expand the Blackpool Business Park into the Green Belt. A planning application will be made in 2007 indicating why it is required to support the airport's plan for expansion. This is not shown on the plans, but an area was indicated in the draft MP.
- there is additional capacity to expand the number of business jet owners who operate from the airport.

- in conjunction with Blackpool and Fylde college there are plans to develop an Aviation Training Centre at the airport.
- existing flying schools may have to be re-located to accommodate the new terminal building.

21. At the consultation stage the Council indicated concerns regarding development within the Green Belt, enquired whether the airport proposed to make planning applications (where necessary) in the Green Belt and asked for more information on the need for cross-funding and the timing of proposals.

22. These issues have not been properly addressed. However, the Airport has firmed-up statements regarding its intention to utilise its permitted development rights and to make planning applications where needed. There is now no reference to the MP informing the statutory plan-making process.

### 23. Surface Access

24. At the consultation stage the Council indicated that priority should be given to the preparation of the 'Surface Access Strategy'. Although the MP indicates that it will be provided in early 2007, it has not been provided.

25. Anticipated proposals include:

- Improved or replaced vehicular junction with Squires Gate Lane;
- Expansion of the 840 number existing car spaces;
- Provision of signage on M6/M55 motorway junction;
- Improved rail information, signage, and a new shelter at the Station;
- Re-naming the station 'Squires Gate for Blackpool International Airport';
- Improvements to Platform 1 at Preston Station and better announcements.

### 26. Environmental Impacts and Mitigation Measures

27. In relation to 'Aircraft Noise' at the consultation stage the Airport indicated that 'for the duration of this plan period it is not envisaged that all (sic) night flights will be carried out'. The Council asked for mitigation measures to be considered and full details of the noise assessments to be included.

28. The MP now only restricts night flights to hours outside 01:00 to 05:30. It cites other mitigating factors as reviewing its operational instructions to airlines, and closing the cross runway.

29. The MP indicates that any planning application for a new terminal building is likely to be accompanied by a full Environmental impact Assessment (EIA) which will include the noise issue.

30. In terms of air quality, the MP indicates that pollutants at the present time are below the relevant objectives. The EIA will address air quality issues if the terminal application is proceeded with. The Council's request for information on this issue to be included in the MP has not been acceded to.

31. The MP acknowledges the Biological Heritage Site to the west of the Airport and indicates that any effects on this from development proposals will be taken into account. There is no apparent response to the Council's request that English Nature should be consulted on any potential effects on the ecology of the Ribble estuary.

32. In terms of transferring most of its facilities to the south side of the Airport, the MP acknowledges that this will bring them into 'proximity with residential properties'. This issue was raised by the Council at the consultation stage. Whilst the Airport considers that distances from areas of housing is at acceptable levels, it is still aware of the concerns of residents. Mitigation measures will comprise: consultation with residents, a full landscaping scheme, and consideration of limiting operational working hours.

**33. In relation to the above, Members should be aware that irrespective of the identification of proposed development areas shown in the MP and the indicative phasing plans, this does not commit the airport to building within the indicated footprints. Permitted development rights would allow them to develop anywhere within the operational area.**

34. In terms of the Green Belt issue, the MP indicates that the airport has 'quite generous' permitted development rights which allows them to erect operational buildings and car-parking within the perimeter.

#### 35. The Social And Economic Benefits

36. This short section indicates some of the main conclusions contained in the York Aviation Study which has previously been reported to Members. In particular it emphasises the increased employment potential and wider benefits to the local economy. It cites the gateway function of the airport in terms of local and regional tourism and the positive effect that the airport can have on the image and perception of Blackpool and Lancashire as a place to live.

37. At the consultation stage the Council asked for a more objective assessment of the costs and benefits of significant airport growth. The benefits have been rehearsed but there is little included on the costs to be borne by the community.

#### 38. Public Consultation

39. In response to a request by the Council, this section has been included and details the consultation process undertaken prior to the publication of the final MP and the main issues raised during the process.

40. A short glossary of terms has been included as requested by the Council.

#### 41. Need For An Article 4 Direction

42. Having considered the finalised Master Plan, your officers consider that there is nothing in the final MP that changes the view that there is a need for the Article 4 Direction. In particular, the two issues which underpinned that view are still relevant. These are:

- The threat to the openness of the Green Belt between St Annes and Blackpool;
- The threat to the residential amenities of the people living close to and adjacent to the south side of the Airport.

43. As indicated in paras 24 -26 above, the publication of the MP including the indicative plans does not limit the ability of the airport to develop anywhere within the perimeter of the site. Accordingly there is a potential but real risk that planning issues could be significantly prejudiced if the Council has no control over the proposed development.

44. Whilst the Airport has to notify the Council of its intentions to undertake permitted development works, the Council has no powers to influence the submitted proposals.

45. Members have been advised (para 10 above) that the Airport has already made its initial notification of intent to undertake works under permitted development. If it is decided to pursue the Article 4 direction, this should be done as soon as possible.

Implications	
Finance	Contained within Head of Legal Services report to PPSC 11 <sup>th</sup> April 2007.
Legal	Contained within Head of Legal Services report to PPSC 11 <sup>th</sup> April 2007.
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	Development of the airport will have significant sustainability effects
Health & Safety and Risk Management	The Council's insurance would not cover any compensation payable to the airport operators.

Report Author	Tel	Date	Doc ID
Tony Donnelly	(01253) 658610	Sept 2007	

**List of Background Papers**

Name of document	Date	Where available for inspection
Documents mentioned in the report.		Local Plans Section Town Hall St Annes

**Attached documents**

1. Portfolio Holder's letter and submissions to Airport of 30<sup>th</sup> August 2007.
2. Head of Legal Services Report to PPSC (11<sup>th</sup> April 2007) on Article 4 Directions.
3. Note prepared by Head of Planning (Policy) on an Article 4 Direction at the Airport.
4. Phasing Plans in the MP.

Gareth Kennedy  
Director of Business Development  
Blackpool International Airport  
Squires Gate Lane  
Blackpool  
FY4 2QY

*Our Ref:* RS/JR  
*Your Ref:*  
*Please ask for:* Cllr Roger Small  
*Tel.:* 01253 658472/8517  
*Email:* cllr.rsmall@fylde.gov.uk  
*Date:* 30<sup>th</sup> August 2006

Dear Mr Kennedy,

**Re: Draft Blackpool International Airport Master Plan**

Further to our recent dialogue please find enclosed the formal responses of the Borough Council to your first draft Consultation Airport Master Plan. We welcome the opportunity of commenting on your future plans for the Airport and look forward to positive future dialogue over its development. We understand that the indicative deadline you have set for this first round of consultation is 31<sup>st</sup> August.

We note you have commissioned the production of a surface access strategy and a noise survey and welcome these proposals. However, we feel it is unfortunate that the passenger forecast study you have commissioned from Consultants, RDC, is being held as a confidential document unavailable for scrutiny in a public arena, despite the fact it is referred to in the Master Plan as being available and appended. It is difficult for the Council to form a realistic view on this matter unless there is clearer information to verify the 'busy day schedule'.

Clearly, there are issues to be resolved around permitted development tolerances linked with the interpretation of 'operational development'. In this context the Council will have a difficult equation to balance where detailed proposals indicate that the narrow and important green belt separation between Blackpool and St Annes might be compromised. This will also be the case when considering the need for non-operational development to provide the cross-funding support for a development project which you describe as being able to generate a growth of 1000 % in the next 24 years.

We have copied our observations to the Department for Transport, Airports Policy Division and would be grateful to be re-consulted once you have prepared a final draft document which will, hopefully, provide clarification to the matters contained in the enclosed response.

Yours sincerely

Councillor R Small (Portfolio Holder – Development and Regeneration)

## Forecasts

1. Evidence or justification should be provided within the document to underpin the passenger forecast scenarios.
2. If the two growth scenarios represent the highest and lowest likely anticipated outcomes, i.e. that actual growth would likely be somewhere in the middle, this should be stated in terms.
3. Clearer information on the likely increase in the number of annual and daily flights anticipated should be provided. In particular, the reference to 'busy day schedule' is not explained and the potential changes in the different categories of flights are not fully identified.

## Infrastructure Development

4. The Council has significant concerns regarding development within the Green Belt, particularly the proposed expansion of the business park and the proposed developments on the south side of the runway.
5. The Master Plan should be much clearer in respect of whether the airport company will work with the Council to deliver agreed alterations to the Green Belt boundaries through a possible Area Action Plan or whether it proposes to make planning applications (where necessary) in the Green Belt contrary to the development plan on the basis of 'very special circumstances'.
6. Although some general reference is made to the need for investment to be secured by cross-funding, an outline investment plan identifying important milestones and capital expenditure plans over the next 10 years should be included within the written statement as advised in the DfT guidance.
7. More detail on the timing of proposed developments and the provision of more detailed layout plans should be shown for those developments proposed to take place in the period to 2016.

## Surface Access

8. Priority should be given to the preparation of the 'Surface Access Strategy'.
9. The Master Plan should make reference to the above strategy being developed with both Blackpool and Fylde Councils.

## Aircraft Noise

10. The issue of noise and the disturbance likely to be caused to residents should be discussed in more detail with some indication of whether mitigation measures may be possible.
11. Full details of the noise assessments and the findings should be published as an appendix to the Master Plan so that these can be subject to scrutiny.

## Air Quality

12. The Master Plan should provide information to demonstrate that the air quality limit values are currently being met and whether this will change as a result of the anticipated increase in commercial air traffic.

## Ecology

13. If not already undertaken, the airport company should consult with English Nature to determine whether the degree of growth anticipated by the Master Plan would have any additional impact on the ecology of the estuary.

## Visual Amenity

14. Given the proximity of the proposed development to existing housing, an assessment of the effect on visual and residential amenity should be included in the document.

## Costs and Benefits of Airport Growth

15. Recommendation 6 above in relation to the investment and cross-funding issue is endorsed.
16. A more objective assessment of the costs and benefits of significant airport growth and development should be undertaken.

## Integration with the Planning Process

17. The text should contain a clearer exposition of the relationship between this master plan and the statutory planning process. In particular, it should state how its proposals can be taken forward effectively within

the planning process and the timescale that is anticipated to achieve this.

18. The text should make clear that the proposals shown are not agreed with the local planning authority.

#### Public Consultation

19. The Master Plan should include a statement outlining the consultation arrangements undertaken including a list of those bodies which have been consulted.

#### General

20. Relevant terms should be defined within the text and a glossary should be included in the document.

Planning Policy Scrutiny Committee

Blackpool Airport: Possible Article 4 Direction

Additional Note: Requested by the Chairman

1. The government, through Parliament, has provided Airport operators with permitted development rights, through which certain forms of development are deemed to have been granted planning permission. As such, Airport operators do not need to obtain 'express planning permission' for these forms of development in the normal way.
2. As is pointed out in the main report, those rights which have granted by parliament should not be withdrawn locally without compelling reasons.
3. However, it is considered that the location of Blackpool Airport is significantly different to many other airports in that it is situated very close to the urban fringes of Blackpool and St Annes. In particular there are dwellings within 150 metres of the main runway and which directly around the airport perimeter.
4. Additionally, the draft Master Plan for the Airport indicates the intention to bring operational development close to those areas of housing. This could be viewed as the 'real and specific threat' referenced in the main report.
5. In general therefore, the proposed development indicated within the Master Plan could have a major prejudicial effect on the amenities of the occupants of the houses and would also affect Green Belt interests, in terms of maintaining the separation of the two towns.
6. For these reasons, there may be a prima-facie case for making an Article 4 Direction.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL SERVICES	PLANNING POLICY SCRUTINY COMMITTEE	8 FEB 2007	14

## BLACKPOOL AIRPORT: POSSIBLE ARTICLE 4 DIRECTION

### Public item

This item is for consideration in the public part of the meeting.

### Summary

The report sets out the legislative background for article 4 directions and concludes that, while it would be possible for the council to make an article 4 direction, the direction would require confirmation by the secretary of state, would not prohibit the development, but would instead require a planning application for it to be decided in line with national and local planning policy and may give rise to a compensation liability.

### Recommendations

1. Make recommendations to the Development Control Committee on whether to pursue an article 4 direction relating to Blackpool Airport or any part of it.

### Cabinet portfolio

The item falls within the following cabinet portfolio:

Development and Regeneration: Councillor Roger Small

### Report

#### Introduction

1. I have been asked to examine in detail the possibilities, practicalities and implications of making an article 4 direction to restrict permitted development of land at Blackpool Airport.

## **Permitted development**

2. Part 18 of schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (“the Order”) grants planning permission for a “relevant airport operator” to carry out various classes of development, subject to the limitations and conditions set out in the order relating to each class. Most, but not all, of the classes of development so permitted must be carried out on “operational land” at a “relevant airport”.
3. “Operational land” is defined in section 263 of the Town and Country Planning Act 1990. In relation to a statutory undertaker (and a relevant airport operator is a statutory undertaker), “operational land” means land that is used for the purpose of carrying on their undertaking (i.e., an airport), or land which is held for that purpose.
4. There are two important exceptions. One is land that is “comparable rather with land in general than with land which is used” for the undertaking. The meaning of that is not particularly clear in the abstract. The other exception is land acquired after 1968, unless that land has, or has had, planning permission for development that involves use for the purpose of the undertaking.
5. So all of the land at Blackpool Airport is likely to be “operational land” if it was acquired before 1968 and is used for airport purposes.
6. A “relevant airport operator” is defined in section 57 of the Airports Act 1986. It includes the operator of any airport for which a permission to levy airport charges is in force (but interestingly excludes any airport owned by a principal council). An airport with an annual turnover of more than £1 million must have permission to levy airport charges. I assume that Blackpool Airport comes within that definition and is therefore a “relevant airport”.
7. The widest class of development permitted under part 18 is class A, which comprises “the carrying out on operational land by a relevant airport operator of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport”. There is an important limitation, which is that a building other than an operational building is excluded. So “operational buildings” are included within class A, but non-operational buildings are not. An “operational building” is defined in the order and includes a building required in connection with the movement or maintenance of aircraft. Hangars and other buildings for housing and maintaining aircraft would be “operational buildings”. Constructing them at the south side of the airport would therefore be permitted development, subject to a requirement to consult the LPA in certain circumstances.

## **Scope of article 4 directions**

8. Article 4(1) allows a local planning authority (“LPA”) to make a direction that development described in any part, class or paragraph of schedule 2 to the Order should not be carried out unless permission is granted for it on application. There are a number of exceptions to the power under article 4(1), most of which are not material to the airport.
9. Part of paragraph (4) is material, however. It provides as follows:

*“A direction given or having effect as if given under this article shall not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development –*

*(a)- (e) ...*

*(f) the maintenance of buildings, runways, taxiways, or aprons at an aerodrome;*

*(g) the provision, alteration, and maintenance of equipment, apparatus, and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class A of Part 18 of Schedule 2)*

10. By article 1(2) of the Order and section 262(1) of the Town and Country Planning Act 1990, “statutory undertaker” includes a relevant airport operator. “Aerodrome” means an aerodrome as defined in article 106 of the Air Navigation Order 1989, as long as it is used (among other things) for by aircraft engaged in the public transport of passengers. I do not reproduce the definition of aerodrome in the 1989 order here: suffice to say that it includes land “commonly used for affording facilities for the landing and departure of aircraft”.
11. The essential question for the council is whether sub-paragraph 4(g) quoted above prohibits the council from making a direction to give it jurisdiction over the anticipated development at the south side of the airport. I think that it does not, or in other words, that the council could make a direction.
12. As discussed above, the development likely to give rise to difficulty would be permitted by class A of part 18. Sub-paragraph (g) of paragraph (4) of article 4 excludes certain kinds of development from being subject to an article 4 direction. However this exclusion itself specifically excludes buildings permitted under class A. Such buildings are not therefore excluded from the ambit of a direction.
13. This is not, of course, the end of the story. The council needs to bear in mind three other matters that will affect its ability to control the anticipated development. I address these below.

### **Ministerial consent**

14. An article 4 direction of the kind discussed above can be made by the council as LPA. However, it requires the approval of the Secretary of State before it can take effect. The policy of the Secretary of State is set out in circular 9/95.
15. The circular states that the permitted development rights contained in the order have been endorsed by Parliament and should not be withdrawn locally without compelling reasons. The rights should only be withdrawn in exceptional circumstances. This will normally only be justified where there is a real and specific threat that suggests that development is likely to take place which could damage an interest of acknowledged importance. (Appendix D, paragraph 1, summarised)
16. The circular further states that applications for approval will be considered in the light of the general policy summarised above. The council would therefore need to put together a robust and compelling case in to persuade the Secretary of State to approve any direction it might make. In doing so, it would need to consider seriously whether such a case would be consistent with the established and emerging policy background of encouragement for regional airport development.

## Express consent

17. It is worth emphasising that an article 4 direction, even if approved by the Secretary of State, does not prohibit development. It merely means that there must be an application for express planning permission to the LPA for development that would otherwise have consent under the Order. Nor is there any presumption that such development is harmful or ought to be refused.
18. An application for development of, say, hangars or maintenance facilities, would need to be considered by the council against the background of the development plan and national policy. The application would need to be decided in accordance with the development plan unless material considerations indicate otherwise.
19. This suggests that there needs to be some consideration of the likely outcome of any such planning application before serious work on an article 4 direction is done. If it appears that the council as LPA would be unlikely to be able to refuse the anticipated development or significantly influence it by the use of conditions or planning obligations, making an article 4 directing may be pointless. Members will need the considered advice of planning officers on this aspect.

## Compensation

20. Compensation is payable where planning permission has been refused on appeal if permitted development rights for the development have been removed by an article 4 direction.
21. Compensation is assessed under section 280 of the 1990 act where statutory undertakers are concerned. It comprises the sum of the cost of business adjustments made necessary by the refusal and loss of profits. There is detailed provision as to how each of these heads is calculated. The Lands Tribunal assesses compensation if agreement cannot be reached.
22. The Secretary of State has a discretion to direct that compensation will not be payable to a statutory undertaker if he is satisfied that it would be unreasonable for it to be paid, having regard to the nature, situation and development of the land and of any neighbouring land and to any other material considerations.

## Conclusion

23. It appears that it would be possible to make an article 4 direction in respect of the land at the south side of the airport. However, the direction would be subject to government approval and would not necessarily prevent the development that is anticipated. If it did, the council is likely to have to pay compensation.

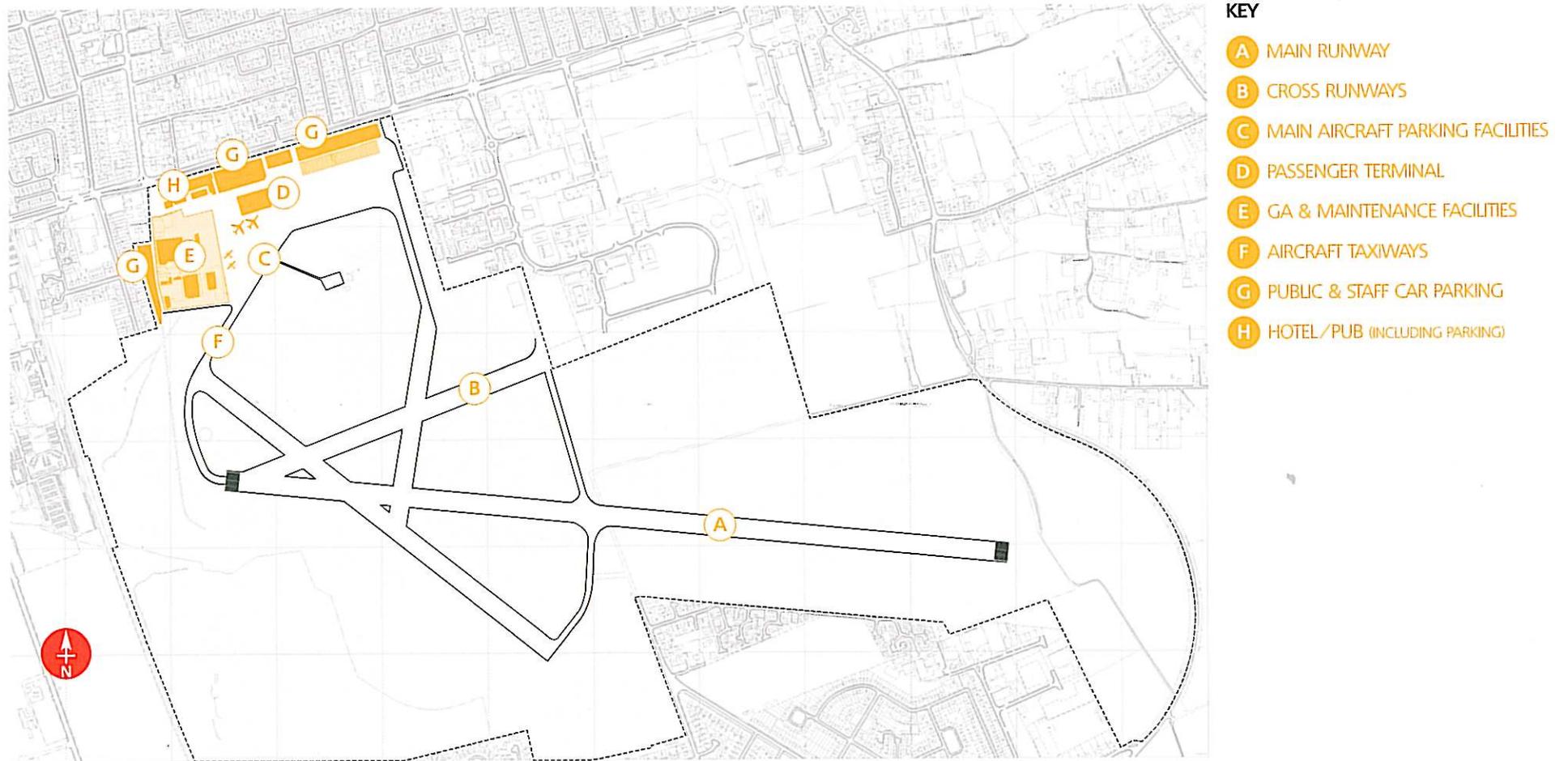
IMPLICATIONS	
Finance	
Legal	Contained within the report

Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	The Council's Insurance would <u>NOT</u> cover any compensation payable to the airport operators.

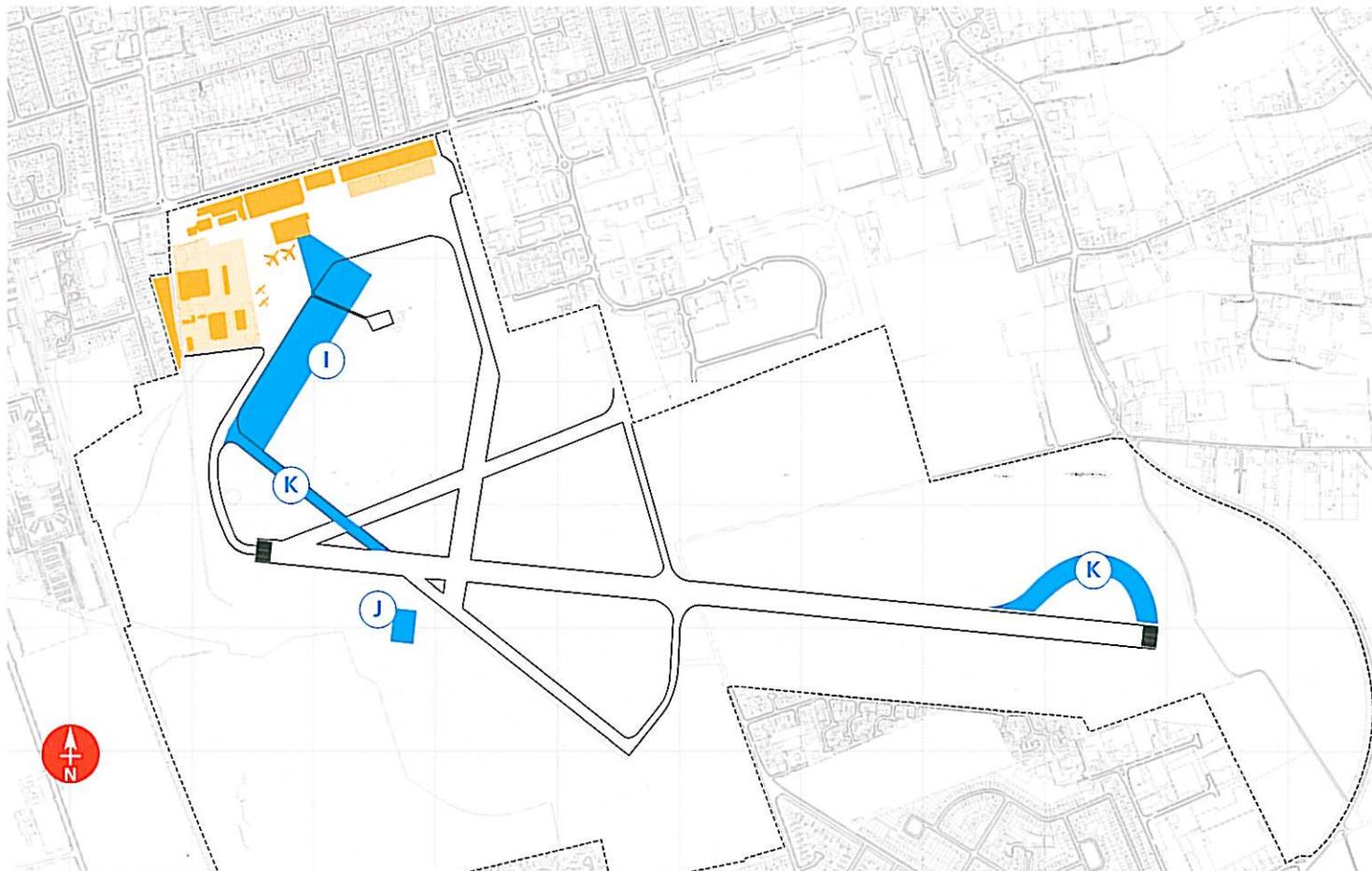
REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	29 January 2007	

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## APPENDIX 3. DRAWING OF EXISTING AIRPORT



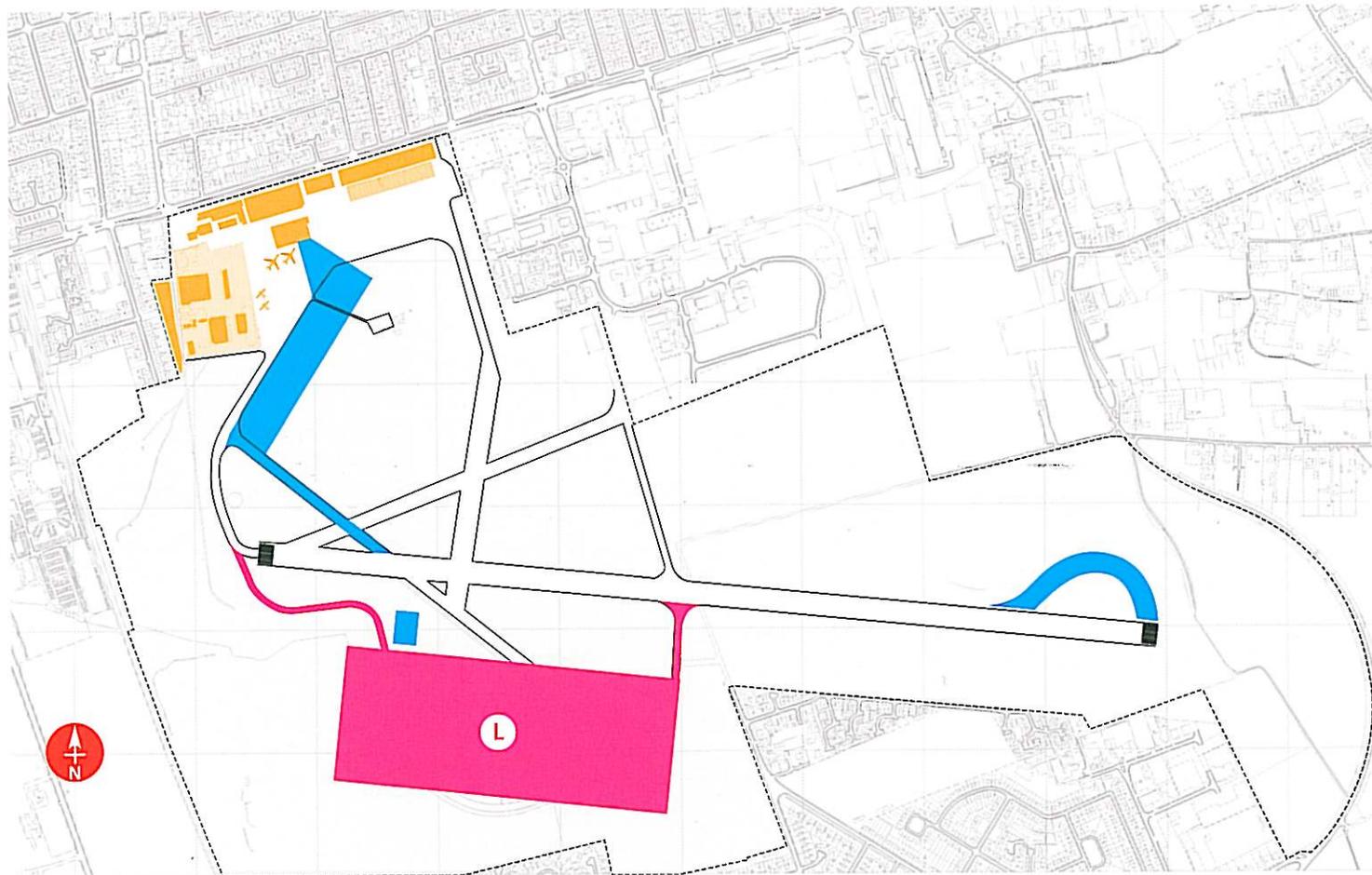
## APPENDIX 4. PHASING PLAN 1



### KEY

- A** MAIN RUNWAY
- B** CROSS RUNWAYS
- C** MAIN AIRCRAFT PARKING FACILITIES
- D** PASSENGER TERMINAL
- E** GA & MAINTENANCE FACILITIES
- F** AIRCRAFT TAXIWAYS
- G** PUBLIC & STAFF CAR PARKING
- H** HOTEL/PUB (INCLUDING PARKING)
- I** EXTENSION TO AIRCRAFT PARKING APRON
- J** RELOCATED FIRE STATION
- K** ADDITIONAL & UPGRADED TAXIWAYS (CROSS RUNWAY TAKEN OUT OF USE)

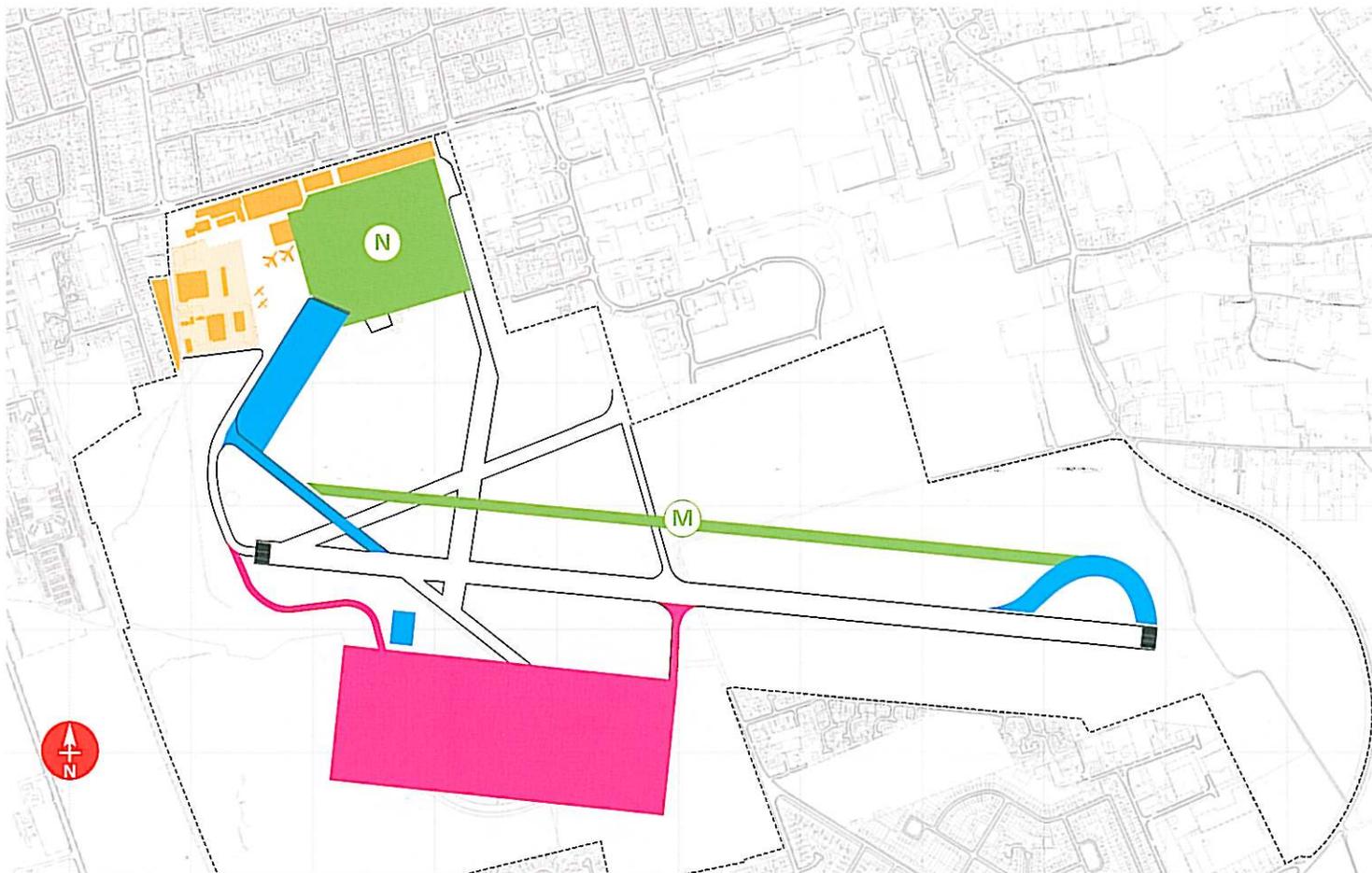
## APPENDIX 4. PHASING PLAN 2



### KEY

- A MAIN RUNWAY
- B CROSS RUNWAYS
- C MAIN AIRCRAFT PARKING FACILITIES
- D PASSENGER TERMINAL
- E GA & MAINTENANCE FACILITIES
- F AIRCRAFT TAXIWAYS
- G PUBLIC & STAFF CAR PARKING
- H HOTEL/PUB (INCLUDING PARKING)
- I EXTENSION TO AIRCRAFT PARKING APRON
- J RELOCATED FIRE STATION
- K ADDITIONAL & UPGRADED TAXIWAYS (CROSS RUNWAY TAKEN OUT OF USE)
- L RELOCATED FACILITIES

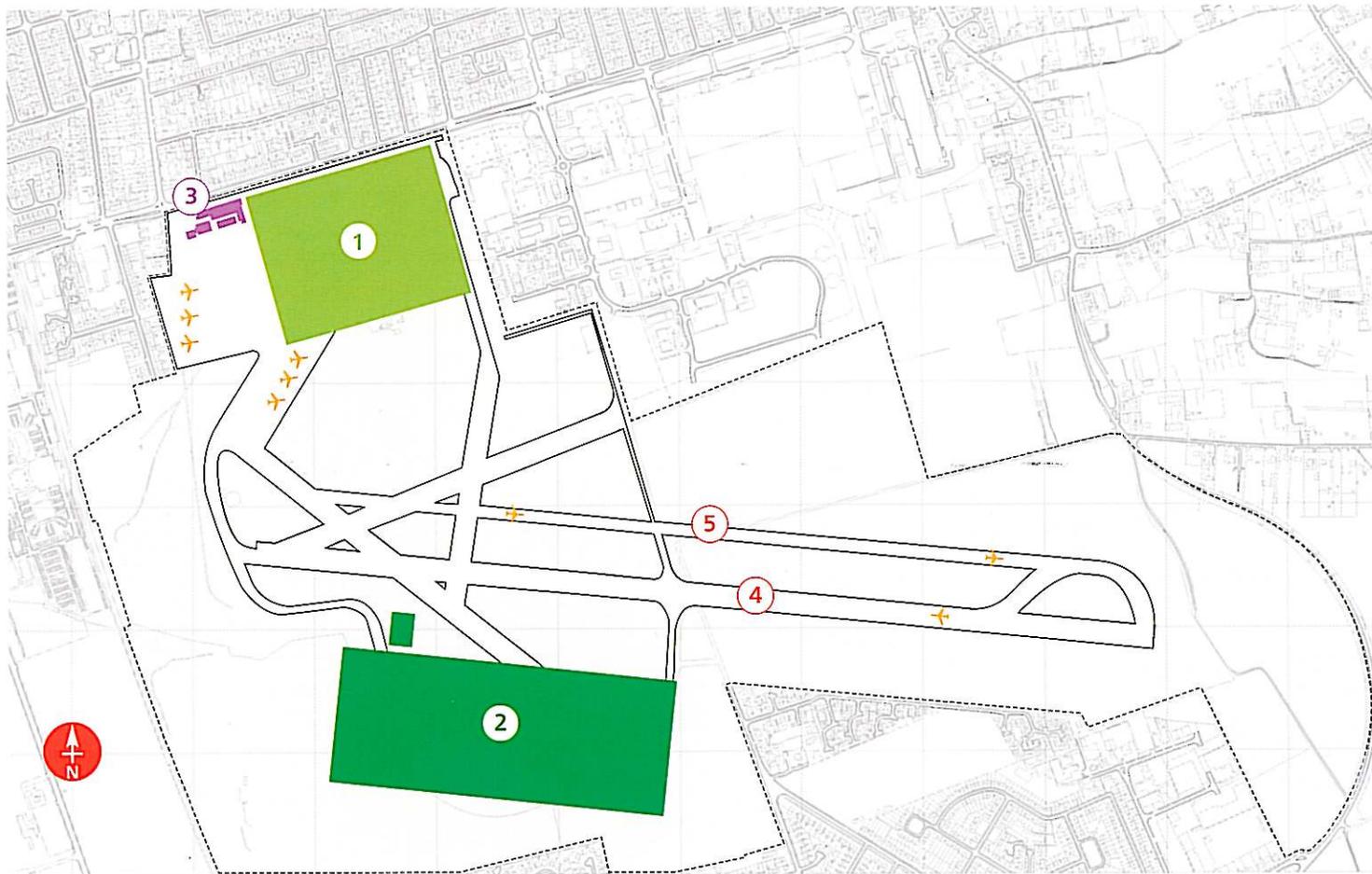
## APPENDIX 4. PHASING PLAN 3



### KEY

- A MAIN RUNWAY
- B CROSS RUNWAYS
- C MAIN AIRCRAFT PARKING FACILITIES
- D PASSENGER TERMINAL
- E GA & MAINTENANCE FACILITIES
- F AIRCRAFT TAXIWAYS
- G PUBLIC & STAFF CAR PARKING
- H HOTEL / PUB (INCLUDING PARKING)
- I EXTENSION TO AIRCRAFT PARKING APRON
- J RELOCATED FIRE STATION
- K ADDITIONAL & UPGRADED TAXIWAYS (CROSS RUNWAY TAKEN OUT OF USE)
- L RELOCATED FACILITIES
- M NEW PARALLEL TAXIWAYS
- N NEW FACILITIES

## APPENDIX 5. COMPLETED AIRPORT LAYOUT



### KEY

- 1 NEW TERMINAL & ASSOCIATED CAR PARKING
- 2 RELOCATED FACILITIES
- 3 HOTEL/PUB (INCLUDING PARKING)
- 4 MAIN RUNWAY
- 5 MAIN TAXIWAY

## Planning Policy Scrutiny Committee



Date	29 August 2007
Venue	The Town Hall, Lytham St Annes
Committee members	Councillor John Bennett (Chairman) Councillor William Thompson (Vice-Chairman)  Ben Aitken, Keith Beckett, George Caldwell, Maxine Chew, Michael Cornah, Trevor Fiddler, Lyndsay Greening
Other Councillors	Kevin Eastham, Howard Henshaw, Linda Nulty, Elizabeth Oades, Janine Owen, Barbara Pagett, Paul Rigby, Roger Small, Fabian Wilson
Officers	Ian Curtis, Tony Donnelly, Mark Evans, Julie Glaister, Clare Platt, Mark Sims, Paul Walker, Carolyn Whewell, Phil Woodward

The Chairman advised the committee that members of the Development Control Committee had been invited to attend this meeting of the Planning Policy Scrutiny Committee and were permitted to join the debate to formulate recommendations to the Portfolio holder.

### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

### 2. Substitute members

No substitute members were reported.

### 3. Developing Planning Applications for Housing - First Interim Housing Policy

Tony Donnelly, Head of Planning (Policy) introduced a report detailing how Fylde Borough Council should determine planning applications for housing from September 2007. The report contained a suggested short policy to be adopted and used as a basis for development control until it was superseded by the main Interim Housing Policy. The committee were advised that the main Interim Housing Policy was currently undergoing consultation and the results of this consultation were to be presented to the committee at its meeting on the 23<sup>rd</sup> October.

The purpose of the First Interim Policy was to allow the Council to grant relatively minor and sustainable housing applications over the short period of time until the (main) Interim Housing Policy was implemented. It would provide a transparent basis for applicants, officers and members. Mr Donnelly advised that the policy did not replace Policy HL1 of the adopted Fylde Borough Local Plan (As Altered) (Oct 2005) but would be read alongside it and the other policies within the Local Plan.

It was proposed that the policy should restrict new housing development to previously developed sites within the settlements of Lytham St Annes, Blackpool fringes, Freckleton/Warton and Kirkham/Wesham. It included an upper limit of 9 dwellings as applications for 10 dwellings or above were classed as major applications. Also, below a threshold of 10 dwellings, there was likely to be no on-site requirement for affordable housing in the main towns (within the main Interim Housing Policy). However, because of the identified very high need for affordable housing in the borough, it was proposed that a financial contribution of £2,250 per dwelling should be made by the applicant towards the facilitation of affordable housing in the borough.

Members welcomed the requirement for contributions towards affordable housing; however, they questioned whether a fixed sum or a percentage of the selling price would be more appropriate to ensure that the contribution was index linked to the market value of each dwelling.

Following a debate on this issue the committee agreed that a percentage of 5% of the market value per dwelling was the most appropriate sum at this time. It also agreed that the contribution in lieu of on-site provision of open space should be 2.5% of the value of each dwelling (under criterion vii).

The Committee also agreed that the term 'First Interim Housing Policy' should be replaced with 'Small Sites Exemption' to avoid confusion with the forthcoming Interim Housing Policy. It also agreed that criterion iii should read: 'The site is previously developed land.'

Members sought clarification on how contributions would be collected. Mr Donnelly recommended that 80% of the estimated value should be paid at the same time as the planning application was made. The remainder of the contribution would be collected or refunded once the dwellings had been sold based on the final selling price.

Clarification was sought on how the funds raised would be distributed across affordable housing schemes and were advised that each case would be judged on individual merit.

Mr Donnelly and Julie Glaister, (Principal Planning Officer) presented the second part of the report detailing the issues raised in the questionnaire which was currently out to consultation until September 2007. The results from this consultation were to be used to shape the main Interim Housing Policy.

Ms Glaister presented the committee with a set of sustainable objectives outlining the social economic and environmental issues that were used to construct the questionnaire. The overall objective was to promote Fylde as a place for everyone to live.

The committee were advised, following questions that the questionnaire was pitched at all individuals and groups to enable all interested parties to respond.

Members questioned whether the sustainability objectives set out proposals for any new housing developments to recycle grey waters. The committee were advised that the planning team would look into this possibility.

Following the debate the Committee RESOLVED -

1. To refer the draft First Interim Housing Policy as amended below to the Portfolio holder for adoption for the purposes of development control.

"Planning permission for residential development will be granted subject to all the following criteria:

- i. The application site is within the settlement boundaries of Lytham St Annes, the urban parts of Blackpool at Squires Gate Lane and Normoss, Kirkham/Wesham or Freckleton/Warton;
  - ii. The application is made in respect of not more than 9 dwellings and the site does not form part of a larger developable area capable of accommodating more than 9 dwellings; or  
  
The application site is within a defined town centre and would provide direct regeneration benefits to that centre;
  - iii. The site is previously developed land;
  - iv. The density is in accordance with the requirements set out in PPS 3: Housing;
  - v. The application site is not allocated or protected for other purposes by the policies of the Fylde Borough Local Plan (as amended) (Oct 2005);
  - vi. A financial contribution of 5% of the open market value of each dwelling is made towards the facilitation of affordable housing within the borough;
  - vii. Where under the terms of Policy TREC 17 of the Fylde Borough Local Plan (As Altered) (Oct 2005) no provision (or inadequate provision) of open space is made on the site or the requirement for open space on the site would be less than 0.2 ha, a financial contribution of **2.5% of the open market value of each dwelling** is made in lieu of on-site provision.
  - viii. The application is acceptable in terms of all other material considerations".
2. After adoption to advertise the document on the Council's website and in the local press.

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