

SAINT ANNE'S ON THE SEA NEIGHBOURHOOD DEVELOPMENT PLAN

DECISION STATEMENT

(The Neighbourhood Planning (General) Regulations 2012 – Part 5, paragraph 18 (2))

Introduction

Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under neighbourhood planning.

This statement confirms that following an Independent Examination and Public Hearing, Fylde Borough Council now confirms that subject to the modifications proposed by the Examiner's Report have been accepted; that the Submission version of the Saint Anne's on The Sea Neighbourhood Development Plan has been altered as a result of it, and as such will proceed to a Neighbourhood Planning Referendum.

Background

On the 12 July 2013, Fylde Borough Council approved an application by St. Anne's Town Council to designate the Saint Anne's on The Sea Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan, in accordance with Part 2 of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

The neighbourhood plan making process was led by St. Anne's Town Council, with an appointed Steering Group to undertake the Plan preparation made up of volunteers advised by planning consultants. The Plan underwent various stages, and following the Submission version of the Saint Anne's on The Sea Neighbourhood Development Plan (the Plan) to Fylde Borough Council, the Plan was publicised and representations were invited over a six week period, to make comment on the proposed Plan and its content. The consultation ended on 24 March 2016.

During this period Fylde Borough Council, in agreement with St. Anne's on the Sea Town Council, formally appointed Mr John Slater BA (Hons), DMS, MRTPI, to examine whether the Plan met with the Basic Conditions and legal requirements and if it should therefore proceed to Referendum.

The Examiner concluded that he was satisfied that the Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to a number of modifications set out in his report, which are set out in Table 1: Examiner Recommended Modifications, of this statement.

Schedule 4B, paragraph 12 of the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a local planning authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation made, and that if the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in the legislation, a Referendum must be held on the making of the Plan by the local planning authority. If the local planning authority is not satisfied that the Plan meets the Basic Conditions and legal requirements then it must refuse the proposal. A referendum must take place and a majority of residents who turn out to vote in favour of the Neighbourhood Development Plan (50% plus one vote) before it can be "made".

The Council has various duties under the Localism Act (the main Act) and the related planning Acts as amended. In relation to an Examiner's report a LPA must consider each of the recommendations made in the report (and the reasons for them) and decide what action to take in response to each recommendation. It is clear from the wording of the Act that this is not simply to follow the Examiner's recommendations on each point and that the LPA can come to a different view. Officers therefore consider that accepting the Examiner's recommendations in full and extending the Saint

Anne's on The Sea settlement boundary to include the land in question would mean that the Plan would not meet the statutory "basic conditions".

It is therefore recommended that Council accept the recommendations and modifications as listed in the draft Decision Statement (Appendix 3), and proceed the Saint Anne's on The Sea Neighbourhood Development Plan to Referendum based on these changes.

Post Adoption SEA and HRA

Following the modifications as a result of the Examiner's report, as outlined in Table 1 of this statement, a further screening opinion was sought under the EC Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) with the three statutory bodies (Environment Agency, Historic England and Natural England). Both the Environment Agency and Historic England raised no objections or had any concerns regarding the proposed modified Plan. Natural England, however, raised significant concerns regarding the proposed modification to the settlement boundary as the area of land in question forms part of a Biological Heritage Site and is land that is known to be utilised by pink footed geese related to the Ribble and Alt Estuaries Special Protection Area (SPA). They recommended that due to the importance of this land, any proposal to include additional land within the settlement boundary needed to be assessed further through an update of the Habitat Regulations Assessment (HRA) that has been carried out in regard to the Submission Version of the emerging Local Plan, that this update would need to examine data to determine the importance of the land and, if the land supports significant numbers of SPA/Ramsar birds, the LPA would then need to determine whether this is possible to resolve and ultimately whether the land can be developed.

The Council subsequently commissioned Arcadis (the Council's ecological consultant) to carry out an Addendum to the HRA, and following receipt of this document officers re-consulted Natural England, who considered that it was unacceptable to refer to any issues and uncertainty at planning application stage and that as the land was considered and calculated into the mitigation calculations for the Queensway residential development site then any proposal to extend the settlement boundary would need to be Appropriately Assessed at plan stage and that in any case as the HRA concludes proposals would lead to a likely effect (or where there is uncertainty) the Plan could not progress in its modified form.

In his report, the Examiner considers that this assessment could be carried out prior to the determination of any future planning application. However, prior to proceeding to Referendum, the LPA must be satisfied that the Plan itself meets the Basic Conditions tests set out in the Regulations. Until the potential implications of including this additional land within the settlement boundary are known, it would not be possible to confirm whether or not there would be any adverse impact on the SPA and so proceeding to Referendum without this information could place the Plan at risk of a potential legal challenge.

As a consequence of the above, officers sought further legal advice from counsel, who concurred with officers and Natural England, that the Plan (with the inclusion of this one modification) did not satisfy the "basic conditions" tests, which are the pre-requisites for a lawful NDP, and as such Fylde Council were completely within their rights not to accept this particular recommendation. As the amendment has not been accepted in order to allow the Plan to meet one of the basic conditions tests and for no other reason, further consultation on and examination of the Plan is not required under paragraph 13, Schedule 4B of the Town and Planning Act 1990 (as amended).

Decision and Reasons

The Neighbourhood Planning (General) Regulations 2012 requires the LPA to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

The Council has various duties under the Localism Act (the main Act) and the related planning Acts as amended. It is clear from the wording of the Act that this is not simply to follow the Examiner's recommendations on each point and that the LPA can come to a different view. Officers therefore consider that accepting the Examiner's recommendations in full and extending the Saint Anne's on The Sea settlement boundary to include the land in question would mean that the Plan would not meet the statutory Basic Conditions.

Furthermore, Fylde Borough Council, concurs with the Examiner's findings and considers that the Referendum Area should be as the approved Neighbourhood Area, as there would appear to be no reason to change or extend it, as it covers the entire parish of Saint Anne's on The Sea.

The list of modifications and actions required are set out in the following table (Table 1). As a consequence of these changes the NDP (Referendum version) has been re-formatted accordingly to take into account amended paragraph numbers and page numbers etc.

Therefore to meet the requirements of the Localism Act 2011 a Referendum which poses the question:

"Do you want Fylde Borough Council to use the Saint Anne's on The Sea Neighbourhood Development Plan to help decide planning applications in the neighbourhood area?" will be held in Saint Anne's on The Sea.

A copy of the Decision Statement will be available via Fylde Borough Council's website and in hard copy at request from the Planning Policy team, Town Hall, Lytham St. Anne's, FY8 1LW.

The proposed date on which the Referendum will take place is Thursday 04 May 2017.

Table 1: EXAMINER RECOMMENDED MODIFICATIONS

Policy/page Reference Of NDP	Examiner Recommendation	Reason for Change	Action by LPA
Policy GP1: Settlement boundary (p.21 and Proposals Map)	That the land shown as Open Countryside outside the Green Belt be deleted and the land then be included within the Settlement Boundary on the Proposals Map (see attached Map).	At the time of making the decision Fylde Borough Council cannot identify a five year housing supply, in accordance with paragraph 49 of the Framework, policies which affect the supply of housing land, which would include the designation of land as countryside outside the Green Belt, will not be considered up-to-date. The incorporation of the land identified as countryside outside the Green Belt, into the settlement boundary would offer the town the	Not accepted - the LPA disagree with this modification as they do not consider it meets with the basic conditions in that it

		flexibility to be able to meet its housing needs over the next 15 years, which are unlikely to diminish.	breaches EU obligations.
Policy GP2: Demonstrating viability (p.22)	Replace the Submission version of the Policy with that shown in Suggested Changes version and remove the paragraph after subsection c) which states "where the existing use is no longer considered viable" down to "town, district or local centres" and remove the last paragraph of the justification.	Discounting residential use as a last resort is not considered in line with the Secretary of State's advice, particularly as there are limited opportunities for new residential development within the borough. To enable the Plan to meet the basic conditions.	Agree with the Examiner. Text amended accordingly.

Policy GP2: Demonstrating Viability

Where policies in this plan seek to retain existing uses subject to viability, it must be demonstrated to the satisfaction of the Council that one of the following tests has been met:

- a) The continued use of the site/premises for its existing use is no longer viable in terms of the operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use development for the existing use and a compatible use; or
- b) The land/premises is/are no longer suitable for the existing use when taking into account access/highway issues (including public transport), site location, business practices, infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or
- c) Appropriate marketing of the land/property indicates that there is no demand for the land/property in its existing use. Details of the current occupation of the buildings, and where this function would be relocated, will also be required.

Marketing

Where an application relies upon a marketing exercise to demonstrate that there is no demand for the land/premises in its current use, the applicant will be expected to submit evidence to demonstrate that the marketing was adequate and that no reasonable offers were refused. This will include evidence demonstrating that:

- I. The marketing has been undertaken by an agent or surveyor at a price which reflects the current market or rental value of the land/premises for its current use and that no reasonable offer has been refused.
- II. The land/premises has been marketed, as set out in iii. below, for an appropriate period of time, which will usually be 12 months, or 6 months for retail premises.
- III. The land/premises has/have been frequently advertised and targeted at the appropriate audience. Consideration will be given to the nature and frequency of advertisements in the local press, regional press, property press or specialist trade papers etc.; whether the land/premises has/have been continuously included on the agent's website and agent's own papers/lists of premises; the location of advertisement boards; whether there have been any mail shots or

contact with local property agents, specialist commercial agents and local businesses; and with regards to commercial/industrial property, whether it has been recorded on the Council's sites and premises search facility.

In certain cases, for example, where a significant departure from policy is proposed, the Council may seek to independently verify the submitted evidence, and the applicant will be required to bear the cost of independent verification.

<p>Policy EN1: Protection of sites of biological and geological conservation importance (p.25)</p>	<p>Replace the Submission version with the Suggested Changes version of the policy except for the penultimate paragraph which should read:</p> <p><i>“The level of protection and mitigation should be proportionate to the status of the habitat or species and should give appropriate weight to their importance, individually and as part of the contribution they make to the wider ecological network”</i></p> <p>Retitle policy as per Suggested Changes version, i.e. Policy EN1: Sites of Biological and Geological Importance</p>	<p>The original Submission version of the policy offered the same level of protection to locally designated sites as internationally recognised sites. This ran contrary to the hierarchical approach which is promoted in the Framework, a point made by Natural England.</p> <p>Modifications will also improve the clarity and understanding.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>
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EN1: Sites of Biological and Geological Importance

Development likely to result in the loss, deterioration or harm to habitats, species or features of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless:

- a) the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- b) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- c) measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points a) to c) comprise:

- Special Protection Areas
- Ramsar sites
- Sites of Special Scientific Interest (SSSIs)

- legally protected species
- Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs)
- Biological Heritage sites and Farmland Conservation Areas
- priority habitats and species listed in the national and local Biodiversity Action Plans
- habitats and species of principal importance for the conservation of biodiversity in England
- trees, and woodlands, (including semi-natural and replanted woodland), aged and veteran trees, and hedgerows
- Sites of national or local geological importance
- features of the landscape that function as a wider network of sites by virtue of their coherent ecological structure or function or are of importance for the migration, dispersal and genetic exchange of wild species

The level of protection and mitigation should be proportionate to the status of the habitat or species and should give appropriate weight to their importance, individually and as part of the contribution they make to the wider ecological network.

Development that is likely to result in a significant effect, either alone or in combination, on an international or European nature conservation designation, or a site proposed for such designation, will need to satisfy the requirements of the Habitat Regulations.

<p>Policy EN2: Protection of open spaces, local space (LGS), outdoor recreational facilities and green infrastructure (p.26)</p>	<p>Replace the Submission version of the Policy with that shown in Suggested Changes.</p> <p>Remove Site 31 – Valentine Kennels from Appendix 1 and the Proposals Map and renumber the list of Local Green Spaces accordingly.</p> <p>Retitle the policy name in line with Suggested Changes version, i.e. Policy EN2: Green Infrastructure</p>	<p>Paragraph 77 of the Framework states that “local green space designation is not appropriate for most green spaces or open space”, however the Town Council has justified each site’s inclusion and as such apart from one site (Site 31 – Valentine Kennels) considers that all designations do meet the basic conditions.</p> <p>The only area which would be difficult to justify is the designation of the former Valentine Kennel site, as it appears only to have been designated in order to prevent development.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p> <p>And Site 31 removed from allocation.</p>
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EN2: Green Infrastructure

A high quality and connected network of green infrastructure for St. Anne’s will be achieved by:

- Protecting from inappropriate development the existing areas of open space including outdoor recreational facilities, identified on the policies map, which comprise our green infrastructure network.

Other than in circumstances where the proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area, open spaces, and outdoor recreational facilities and playing fields should not be built upon, unless the requirements of paragraph 74 of the NPPF are met.

Development will not be permitted on open space that makes a positive contribution to the historic environment including the character, appearance and setting of conservation areas and listed buildings.

Development that results in the loss of registered Historic Parks and Gardens of national importance will not be permitted.

- b) Improving the, the quality and accessibility of green infrastructure and where possible providing net gains in biodiversity.
- c) Connecting our green infrastructure with other open and civic spaces including the creation, extension or enhancement of safe green corridors, pedestrian and cycle routes and public rights of way (see **Policies DH2 and TR4**).
- d) Creating new accessible green infrastructure. All residential development should incorporate new, or enhance existing, green infrastructure of an appropriate size, type and standard agreed by Fylde Borough Council and informed by an up to date need assessment. Where on-site provision is not possible, financial contributions will be sought to make appropriate provision for open space and green infrastructure.
New open spaces should be accessible and where possible, connect and enhance the existing green infrastructure network within St. Anne’s. Provision of open space should be in advance of relevant developments being occupied and should also be accessible to people with disabilities and be dementia friendly.

The needs of all age groups, including those with particular needs, should be considered in the design of new or enhancements to existing green infrastructure

Local Green Space

The open spaces detailed in Appendix 1 and as shown on the policies map are designated as ‘local green space’ in accordance with NPPF paragraphs 76-77 and development on such land will only be permitted in very special circumstances where it can be clearly demonstrated that the development will not conflict with the purpose of the designation.

Policy EN3: Provision of open space in residential development (p.28)	Delete Policy EN3 – in line with Town Council’s recommendation following the Public Hearing.	Following the publication of the latest version of the local plan and the open space study, the Town Council has suggested that this policy be deleted.	Agree with the Examiner. Policy deleted.
Policy EN4: Starr Hills Reserve (p.29)	Delete the 2 nd paragraph and rely on Policy DEL1. Renumber policy, i.e. Policy EN3: Starr Hills Nature Reserve	The neighbourhood plan cannot require CIL money to be allocated towards any particular project. For clarity and accuracy.	Agree with the Examiner. Text deleted accordingly.

EN3: Starr Hills Nature Reserve

The Town Council will work with Fylde Borough Council and other relevant stakeholders to make better use of the existing nature reserve for education and specialist visitor purposes at Starr Hills, and develop appropriate visitor interpretation and environmental management plans whilst protecting its biodiversity and geodiversity value.

Policy EN5: Urban tree supply (p.29)	No change – other than the re-numbering of policy, i.e. Policy EN4: Urban Tree Supply	For clarity and accuracy.	Agree with the Examiner.
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Policy EN6: Community tree planting (p.30)	Delete the 2 nd paragraph and rely on Policy DEL1. Renumber Policy, i.e. Policy EN5: Community Tree Planting	The neighbourhood plan cannot require CIL money to be allocated towards any particular project. For clarity and accuracy.	Agree with the Examiner. Text deleted accordingly.
Policy CH1: Community infrastructure (p.33)	Delete Policy CH1: Community Infrastructure and accompanying justification.	At the Public Hearing it was confirmed that FBC would not be preparing a separate Infrastructure Plan for St. Annes. National policy states that Neighbourhood Plan policies must be supported by evidence and there is no evidence to show inadequate infrastructure. To meet the basic conditions.	Agree with the Examiner. Policy deleted.
Policy CH2: Community facilities (p.35)	Replace the Submission version of the policy and the supporting text with that shown in the Suggested Changes version. Renumber policy accordingly Policy CH1: Community Facilities	The Submission version of the Plan refers to the identification of community facilities as Assets of Community Value. However, this is not a policy for the use and development of land. The Town Council have therefore removed this paragraph in their Suggested Changes version of the Plan. Modification provides accuracy and clarity.	Agree with the Examiner. Text amended accordingly.
<p>CH1: Community Facilities</p> <p>Development resulting in the loss of any building or land currently or last used as a community facility or place of worship will be permitted if it can be demonstrated that:</p> <ul style="list-style-type: none"> a) adequate alternative provision exists or will be provided in an equally accessible location for that community; or b) the tests set out in Policy GP2 have been satisfactorily met. <p>Where it is demonstrated that an existing community use is not viable, feasible or practical, preference will be given to the change of use or redevelopment to alternative community uses before other uses are considered. Proposals for development which involve the unavoidable loss of a community facility (or facilities) for which there is a proven demand will be required to consider the scope for relocating or re-providing the facility (or facilities) either within the new development or on an alternative site within the locality and to make such provision, where viable, feasible and practical.</p>			
Policy CH3: Encouraging an active and healthy lifestyle (p.35)	Delete Policy CH3: Encouraging an active and healthy lifestyle Add accompanying justification to Policy EN2.	In line with the Town Council's Suggested Changes version, part of this policy has now been incorporated within Policy EN2. To meet the basic conditions.	Agree with the Examiner. Policy deleted.

<p>Policy DH2: Corridors and gateways (p.41)</p>	<p>Replace the Submission version of the policy and the supporting text with that shown in the Suggested Changes version. Delete the last sentence of the Suggested Changes version of the policy.</p>	<p>The LPA will be determining whether it wishes to include the St. Annes Corridor and Gateway Strategy and the Blackpool Airport Corridor Improvement Area within its Regulation 123 list, this is not a matter that the neighbourhood Plan can determine. To meet the basic conditions.</p>	<p>Agree with the Examiner. Text amended accordingly.</p>
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DH2: Corridors and Gateways

A) St. Anne's Corridor and Gateway Strategy

The Town Council will work with partners to develop a strategy for creating distinct high quality access corridors and gateways to the town as shown on the **Policies Map**, along with landmarks and areas of design character and quality of land and neighbourhoods adjoining these routes. The strategy will include:

- a corridor and gateway masterplan, including detailed corridor and gateway zones/ sites
- agreed design themes (including lighting, street furniture, landscaping, signage
- outline costs)
- identification of potential funding and maintenance resources
- a phased programme of implementation

Development proposals adjoining these corridors and gateways must respond in design terms and have regard to the principles and detailed guidance set out in the St. Anne's Design Guide and the accompanying Corridors and Gateways Companion Document.

All development will be required to make a positive contribution towards the implementation of the strategy and improvement of the access corridors and gateways.

B) Blackpool Airport Corridor Improvement Area

The road corridor comprising Squires Gate Lane, in the vicinity of Blackpool Airport, which is identified on the **Policies Map** as the Blackpool airport corridor improvement area, is a strategic gateway to St. Anne's and Blackpool.

Any masterplan prepared for the airport site, should include proposals for the comprehensive environmental improvement of this corridor and associated gateways, (see **Policy SS1**). Delivery, funding and maintenance arrangements should also be set out. This will be informed by the Site Anne's Corridor and Gateway Strategy or vice versa, depending on which progresses first.

The corridor straddles the boundary between Fylde (St. Anne's Parish) and Blackpool Councils, and, where feasible, joint proposals for both sides of the corridor and associated gateways should be set out in the masterplan.

In the absence of a masterplan for airport site, the Town Council will work with partners to improve the appearance and quality of environment of this strategic corridor as part of the St. Anne's Corridor and Gateway Strategy.

C) Developer Contributions

Developer contributions will be required to make provision towards the implementation of the St. Anne's Corridor and Gateway Strategy including the Blackpool Airport corridor improvement area.

<p>Policy SS1: Blackpool Airport (p.45)</p>	<p>The policy is renamed Blackpool Airport Enterprise Zone. Delete paragraph 4 Insert in the penultimate paragraph <i>...including with relevant organisations including... between 'consultation' and 'with'.</i> Replace must with <i>should</i> in the last paragraph.</p>	<p>In line with recommendations made by Lancashire County Council and the Local Enterprise Partnership. Part of the text within the policy is justification rather than policy. For clarity and accuracy and to meet with basic conditions.</p>	<p>Agree with the Examiner. Text amended accordingly.</p>
<p>SS1: Blackpool Airport Enterprise Zone</p> <p>The continued operation and viability of the airport is supported. The open lands of the airport identified on the Policies Map will be safeguarded from non-airport related development.</p> <p>Further development required in relation to the operation of the airport, or development of ancillary commercial or leisure uses, will be located in the areas outside the Green Belt identified on the Policies Map, unless there are overriding operational requirements that constitute very special circumstances and which justify development in the Green Belt.</p> <p>The delivery of the Blackpool Airport Corridor Enterprise Zone is supported.</p> <p>The delivery of the site will be supported by a Masterplan, which must have been prepared in consultation including with relevant organisations including with St. Anne's Town Council.</p> <p>The land within the boundaries of the airport designated as Green Belt will be safeguarded, and this should be reflected in the agreed Masterplan.</p>			
<p>Policy E1: The town centre and town centre development (p.47)</p>	<p>Delete above ground floor level from the 3rd paragraph of the Submission version as per the Town Council's Suggested Changes version.</p>	<p>This change will enable the policy to become in line with national policy, and as such will make the basic conditions.</p>	<p>Agree with the Examiner. Text amended accordingly.</p>
<p>E1: The Town Centre and Town Centre Development</p> <p>Retail and other appropriate main town centre development will be encouraged within the town centre as defined on the Policies Map. Proposals for such development in 'edge of centre' or 'out-of-centre' locations will be considered in accordance with the National Planning Policy Framework.</p> <p>The town centre, primary shopping frontage and secondary shopping frontage boundaries are defined on the Policies Map.</p> <p>Within the town centre, a diversity of uses that support the vitality and viability of the centre will be supported, to encourage an evening economy and to improve safety and security by increasing natural surveillance of the centre, provided that the proposal would not adversely affect the character of the</p>			

centre, highway safety or the amenity of adjoining and nearby properties. Such uses include cultural facilities, restaurants and cafés, financial and professional services, offices and residential uses, as well as uses relating to non-residential institutions and leisure and recreation uses that are appropriate in a town centre.

Within the Wood Street Cafe Quarter, identified on the **Policies Map**, redevelopment or changes of use to restaurants, cafes and drinking establishments, or extensions to such existing uses will be permitted, subject to the use not adversely affecting highway safety or the amenity of adjoining and nearby properties; and any external works being in keeping with the character and amenities of the town centre and highway safety.

<p>Policy E2: Primary shopping frontages (p.47)</p>	<p>Replace the Submission version of the policy with the Suggested Changes version. Amend it by inserting at the end of subsection c) <i>“unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended”</i>.</p> <p>Delete the last sentence of the subsection d)</p>	<p>To ensure that the policy meets with the basic conditions, as part of the policy is beyond the scope of planning control.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>
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E2: Primary Shopping Frontages

The primary shopping frontages, as defined on the **Policies Map**, will be maintained in predominantly retail use. Proposals for the change of use of ground floor premises within the primary shopping frontages from Use Class A1 to other uses will be considered against the following criteria:

- a) their particular effect on, or contribution to, the character, diversity, vitality and viability of the centre;
- b) the need to maintain a majority of the ground floor units within these frontages in A1 Retail use and prevent the introduction of excessive concentrations of other uses. Proposals must retain at least 75% of the frontage in an unbroken run of primary frontage in A1 retail use;
- c) the viability of retaining that use, unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended; and
- d) the need for the frontages of the premises themselves to be treated in a fashion appropriate to a shopping area.

<p>E3: Secondary shopping frontage</p>	<p>Replace the Submission version of the policy with the Suggested Changes version. Amend it by inserting at the end of subsection c) <i>“unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended”</i>.</p>	<p>To ensure that the policy meets with the basic conditions, as part of the policy is beyond the scope of planning control.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>
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	Delete the last sentence of the subsection d)		
<p>E3: Secondary Shopping Frontages</p> <p>In the secondary shopping frontages, as defined on the Policies Map, a greater mix of town centre uses will be allowed. Proposals for non-retail, “main town centre uses” within secondary shopping frontages will be considered against the following criteria:</p> <ul style="list-style-type: none"> a) their particular effect on, or contribution to, the character, diversity, vitality and viability of the centre; b) the need to maintain a significant proportion of the ground floor units within these frontages in A1 Retail use and prevent the introduction of excessive concentrations of other uses. Proposals must retain at least 50% of the frontage in an unbroken run of secondary frontage; c) the viability of retaining that use, unless the proposed use is a use falling within Class A of the Town and Country Planning (Use Classes) Order 1987 as amended; and d) the need for the frontages of the premises themselves to be treated in a fashion appropriate to a shopping area. 			
Policy E4: Employment and enterprise (p.49)	Delete the following text ... that meet the needs of the community... from the 1 st paragraph	The requirements of business to “meeting the needs of the local community” is an unnecessary restriction. The NPPF also states in paragraph 32 that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe. Modification provides conformity with the basic conditions.	Agree with the Examiner. Text amended accordingly
<p>E4: Employment and Enterprise</p> <p>Proposals for small scale employment uses, (up to 1,000m²) social enterprises and other businesses, such as the creation of live work units, will be supported, subject to all the following criteria:</p> <ul style="list-style-type: none"> a) proposals should not have significant harmful impacts on the local community or prevent them meeting their needs; b) proposals should not have significant harmful impacts on visitors and visitor attractions and facilities; and c) proposals should not have significant harmful impacts on the natural and historic environment of the area or the built environment of the town; d) proposals should not involve the loss of dwellings; e) proposals should contribute to the character and vitality of the local area; f) proposals should not have an adverse impact on residential amenity; g) proposals should not adversely impact upon the safe and efficient operation of the local highway network. 			
Policy E6: Leisure, culture and tourism	Delete subsections a), g) and i)	Parts of the policy lie outside the scope of planning control.	Agree with the Examiner.

(p.51)		In order to comply with the basic conditions	Text amended accordingly.
<p>E6: Leisure, Culture and Tourism</p> <p>The Town Council will encourage, support and promote the town's leisure, culture and tourism offer by:</p> <ul style="list-style-type: none"> a) promoting the principles of sustainable tourism through realising the potential of the Borough's heritage assets, in particular the Promenade Gardens and Ashton Gardens, St Anne's Pier; b) supporting the high quality physical regeneration of The Island Sea Front Area and the protection of seaside resort facilities, to support wider tourism, culture and the local economy; c) encouraging daytime and evening business, leisure, cultural and heritage based tourism facilities, such as hotels, restaurants, cinemas, theatres, museums, swimming pools and leisure centres within the town centre; d) protecting tourism, cultural and leisure assets, such as golf courses and the seaside resort facilities, with a view to helping them to adapt to new challenges with the use of development briefs; e) promoting public art and public realm works within the town and securing developer contribution funding where appropriate and CIL compliant; f) support the future development of provision for motor home users in appropriate locations. 			
Policy E7: Tourism Accommodation (p.52)	Delete affordable before housing.	In order for the policy to meet the basic conditions as the final element of the policy which will not allow the conversion or properties to market residential use, which runs contrary to the aims of the NPPF.	Agree with the Examiner. Text amended accordingly.
<p>E7: Tourism Accommodation</p> <p>High quality serviced tourism accommodation (e.g. hotels) will be encouraged in the Holiday Areas, as defined on the Policies Map, provided that proposals:</p> <ul style="list-style-type: none"> a) respect the character of the area; and b) do not prejudice the visual and other amenities of nearby residential properties. <p>Non serviced tourism accommodation uses in these areas will be resisted.</p> <p>Within the Holiday Areas, as defined on the Policies Map, the change of use from serviced tourism accommodation will be resisted.</p> <p>Outside the Holiday Areas, the change of use from serviced tourism accommodation will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> i. the proposed alternative use would also support local tourism, including self-catering accommodation, or ii. the proposed alternative use would otherwise support the local economy by providing employment, or 			

<p>iii. the proposed alternative use would contribute to the needs of the community, in terms of providing a community facility or housing.</p> <p>Reference should be made to Policy GP2.</p>			
<p>Policy TR1: Accessibility for all (p.55)</p>	<p>Replace the Submission version of the policy with the Suggested Changes version.</p> <p>Insert “<i>subject to other development plan policies</i>” at the end of the policy.</p>	<p>Modifications enable the policy to meet the basic conditions.</p> <p>Amendments are in line with the Town Council’s suggested changes.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>
<p>TR1: Accessibility For All</p> <p>Proposals that improve the accessibility of St. Anne’s for all sectors of society, including the elderly and disabled, will be supported subject to other development plan policies.</p>			
<p>Policy TR2: Better public transport (p.56)</p>	<p>Delete subsections a), b) and c) from the Suggested Changes version and delete the final paragraph.</p>	<p>Much of this policy deviates from being proposals for the “use and development of land” and as such without the modifications the policy would not meet with the basic conditions.</p>	<p>Agree with the Examiner.</p> <p>Text deleted accordingly.</p>
<p>TR2: Better Public Transport</p> <p>The Town Council will work with Fylde Borough Council, Lancashire County Council, Network Rail and the bus and rail operators to encourage effective planning and improvement of public transport, specifically:</p> <p>a) to develop a joint management and improvement plan for St. Anne’s and Squires Gate Stations, including:</p> <ul style="list-style-type: none"> • monitoring capacity/adequacy of car and cycle parking and making provision for improvements where feasible, including park and ride facilities • improvements to public realm and lighting • provision of visitor information • improved pedestrian and cycle access and also provision of disabled access to Squire Gate station <p>b) any potential future extension of the Blackpool Tram network to serve the town which may be agreed.</p>			
<p>Policy TR3: Residential car parking (p.57)</p>	<p>Delete the first paragraph.</p>	<p>The first part of the policy is reasoning for the policy and as such should be incorporated within the justification. A caveat “wherever possible” can overcome when locations of particular types of development cannot be achieved.</p>	<p>Agree with the Examiner.</p> <p>Text deleted accordingly.</p>
<p>TR3: Residential Car Parking</p> <p>Wherever possible car parking should be accommodated within the curtilage of the dwelling in the form of a garage, parking space, or both.</p> <p>For in-curtilage parking, the following principles should be incorporated:</p>			

- a) Garages must be large enough to be useable – internal dimensions of at least 6.4m x 3m are required.
- b) Garages should be designed to reflect the architectural style of the house they serve.
- c) Garages should be set back from the street frontage.
- d) Parking should either be in between houses (rather than in front), or, where it is in front, designed so as to minimise visual impact, particularly by avoiding excessive hard surfacing and loss of existing boundary walls, fences and hedges.

Any on-street parking for visitors and deliveries, which is required and is appropriate, must be carefully designed, avoiding long rows of parked cars.

Rear parking areas should be small (serving no more than six homes) so that there is a clear sense of ownership and they must should benefit from good natural surveillance.

Policy TR4: Town centre parking (p. 58)	Delete Policy TR4 – in line with Town Council's suggestion.	This policy is more of a desire by the Town Council rather than a land use and development of land policy. To meet the basic conditions.	Policy deleted
Policy TR5: Getting around St Anne's (p.58)	Replace the Submission version of the policy with the Suggested Changes version. In addition, delete all text between " on/off street cycle routesto electric buggies " in the final paragraph. Renumber the policy to Policy TR4: Getting Around St. Anne's.	Much of this policy falls under the responsibility of the Highway Authority. As such the final paragraph should be retained along with the essential elements but the remaining can be added into the non-development plan section. For accuracy and clarity, and to meet the basic conditions.	Agree with the Examiner. Text amended and deleted accordingly.

TR4: Getting Around St. Anne's

The Town Council will work with Fylde Borough Council and Lancashire County Council and other appropriate organisations and land owners to develop and maintain a safe and linked network for pedestrians and cyclists linking our green infrastructure network (see **Policy EN2**), key community facilities, the town centre, beach and sea front, and the open countryside. It will build on the existing incomplete network of footpaths, bridleways.

New developments will be required to make provision for linking to this network (including appropriate maintenance) in accordance with separate guidance to be set out in supplementary guidance by Fylde Borough Council with assistance by the Town Council.

Policy HOU1: Housing development (p.61)	Replace the Submission version of the policy with the Suggested Changes version. In addition, delete " on infill and redevelopment sites within the town " in the 2 nd sentence.	The previous wording of the policy was inadequate and did not meet with the basic conditions.	Agree with the Examiner. Text amended and deleted accordingly.
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<p>HOU1: Housing Development</p> <p>The development for housing of previously developed land and land within the settlement boundary will be positively supported subject to other relevant development plan policies being satisfied (see also Policy GP1). Permission will be granted for residential developments, subject to proposals being well designed (in accordance with Policy HOU5) and meeting relevant requirements, set out in other policies in the development plan, the NPPF and the St. Anne's Design Guide.</p>			
<p>Policy HOU2: Housing for a sustainable community (p.62)</p>	<p>Delete Policy HOU2 – in line with Town Council's suggestion.</p>	<p>This policy was more of a desire by the Town Council rather than a land use and development of land policy.</p> <p>To meet the basic conditions.</p>	<p>Policy deleted</p>
<p>Policy HOU3: New apartments (p.64)</p>	<p>Replace the Submission version of the policy with the Suggested Changes version.</p> <p>Renumber the policy to Policy HOU2: Conversion of Existing Properties into Flats and HMO's.</p>	<p>The amended text is now consistent with national and local policy and meets the basic conditions.</p> <p>For accuracy and clarity.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>
<p>HOU2: Conversion of Existing Properties into Flats and HMOs</p> <p>In determining planning applications to convert property to flats or Houses in Multiple Occupation (HMOs), the Council will have regard to:</p> <ul style="list-style-type: none"> a) the standard of accommodation for the intended occupiers of the premises; b) effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses; c) adequacy of car parking provision; d) general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs; e) adequate private outdoor amenity space; f) adequate provision and screening for, waste and recycling facilities. 			
<p>Policy HOU4: Retirement hubs (p.65)</p>	<p>No change other than renumbering to Policy HOU3: Retirement Hubs</p>	<p>For accuracy and clarity.</p>	<p>Policy number amended</p>
<p>Policy HOU5: Residential design (p.65)</p>	<p>Replace the Submission version of the policy with the Suggested Changes version.</p> <p>Renumber the policy to Policy HOU4: Residential Design.</p>	<p>The amended text now meets the basic conditions, as previously the policy requests were not appropriate.</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>
<p>HOU4: Residential Design</p> <p>All new residential development must be designed in accordance with the principles set out in the accompanying Design Guide.</p>			

<p>Any planning application for a major housing or mixed use development in excess of 25 dwellings will be required to be accompanied by an illustrative masterplan showing the layout and distribution of housing and other uses, proposed vehicular access arrangements, open space, recreation and green infrastructure provision, landscaping, relationship with existing development, proposed pedestrian, cycling linkages to adjoining neighbourhoods and networks (see Policy TR4), and response to climate change in terms of micro-climate and seaside location.</p> <p>Any major planning application in excess of 25 dwellings shall be designed on the principles of a “west coast garden neighbourhood” as described in the accompanying Design Guide. Developments below this threshold are encouraged to follow these principles. (see also Policies DH1 & DH2)</p> <p>The adoption of renewable energy, energy efficiency and water recycling technology will be encouraged. Careful consideration should be given to the orientation of the principal rooms in new dwellings so that account is taken of future climate change, with passive solar gain and energy efficiency maximised.</p>			
<p>Policy SU1: Incorporate sustainable urban drainage into new development (p.68)</p>	<p>Delete the last paragraph</p>	<p>The neighbourhood plan cannot require CIL money to be allocated towards any particular project.</p> <p>To meet the basic conditions.</p>	<p>Agree with the Examiner.</p> <p>Text deleted accordingly.</p>
<p>SU1: Incorporate Sustainable Urban Drainage into New Development</p> <p>New developments must incorporate sustainable urban drainage systems (SuDS) to reduce the run off of surface water to the maximum stipulated in DEFRA’s Non-Statutory Technical Standards for SuDS unless agreed otherwise with Fylde Borough Council and, where applicable, the Lead Local Flood Authority.</p> <p>The maintenance of such systems must be agreed in writing by the appropriate bodies to minimise the potential for a flood risk to arise as a result of poor or inadequate maintenance arrangements.</p> <p>Sustainable urban drainage may include features such as ponds, swales, and permeable paving. The SuDS must be designed as an integral part of the green infrastructure and street network, so that SuDS features are positive features of the development. The system should effectively mitigate any adverse effects from surface water run-off and flooding on people, property and the ecological value of the local environment.</p>			
<p>Policy SU2: decentralised energy networks and district heating systems (p.69)</p>	<p>Delete Policy SU2, and contents moved into the Design Guide.</p>	<p>National guidance states that local authorities or qualifying bodies should not set out additional local technical standards or requirements relating to construction.</p> <p>To meet with the basic conditions.</p>	<p>Policy deleted</p>
<p>Policy DEL1: Developer contributions (p.71)</p>	<p>Replace the Submission version with the Suggested Changes version.</p> <p>Insert in the 4th paragraph “so long as there is a direct relationship with the</p>	<p>The original policy did not meet the test of planning obligations. This latest version of the plan has more clarity.</p> <p>To ensure there is no misunderstanding that “the Council”</p>	<p>Agree with the Examiner.</p> <p>Text amended accordingly.</p>

	<p>development" at the end of the first sentence.</p> <p>Add "Fylde Borough" in the last paragraph.</p>	<p>in this instance is Fylde Borough Council.</p>	
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DEL1: Developer Contributions

New development will normally be expected to contribute towards the mitigation of its impact on infrastructure, services and the environment and contribute towards the requirements of the community. This may be secured as a planning obligation through a Section 106 agreement, where the development would otherwise be unacceptable (and where there is a direct relationship to the development), or through the Community Infrastructure Levy (CIL), at such time as Fylde Borough Council has prepared a Standard Charging Schedule.

Where appropriate, developers will be permitted to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.

Within the Neighbourhood Development Plan Area, new development will be required to contribute towards providing the infrastructure necessary for delivery of the Neighbourhood Plan, informed by viability assessment, and as required by the Delivery Strategy. Contributions will be assessed having regard to relevant current national policy and guidance in terms of development thresholds and limitations on "pooling" etc.

The types of infrastructure that developments may be required to provide contributions towards in the Neighbourhood Development Area include, but are not limited to the following so long as there is a direct relationship with the development. This list is intended to supplement and clarify any list included in any policy in the Fylde Local Plan to 2032 and must be read in conjunction with that list.

- a) Enhancing the functionality, quality, connectivity and accessibility of the Green Infrastructure network, including the improvement and development of the Starr Hills Nature Reserve;
- b) community tree planting;
- c) public transport improvements, including items listed in bullets a) to d) of **Policy T2**;
- d) improvement and maintenance of the pedestrian and cycle network, including items listed in bullets a) to h) of **Policy T5**;
- e) affordable housing;
- f) improvements to the car parking provision in the town centre;
- g) improvements to the appearance and quality of environment of access; corridors and gateways to the town as part of the implementation of the St. Anne's Corridor and Gateway Strategy;
- h) essential new community infrastructure or improvements to the capacity of existing community infrastructure;
- i) sustainable drainage measures.

Where a development is made unviable by the requirements of a planning obligation, Fylde Borough Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.