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**Our Ref:** Wyre LP

**Date:** 1 March 2017

Dear Mark,

**RE: Wyre Local Plan and Duty to Cooperate**

I am writing following receipt of your letter dated 23<sup>rd</sup> January 2017 which I received on 6<sup>th</sup> February 2017. I was surprised by the tone and content of the letter. There are a number of false assertions that I wish to clarify. I deal with matters as they arise in your letter.

The stated intention of your letter is to outline the information that Fylde Council would need to be provided with if it is to consider Wyre's request for assistance in meeting a proportion of Wyre's Objectively Assessed Need for housing (OAN) within Fylde.

The letter begins by referencing the Duty-to-Cooperate meeting of 14<sup>th</sup> November 2016 at which discussion was had regarding the inability of Wyre to meet its Objectively Assessed Need for housing (OAN).

I would like to clarify that this meeting is not the first occasion that the Council has raised the issue of unmet housing needs within the HMA with Fylde. Indeed Wyre has been raising this issue with all neighbouring authorities since 2015.

The issue was first raised at a Duty-to-Cooperate meeting in March 2015 when Wyre alerted both Fylde and Blackpool of significant constraints and the high likelihood that Wyre will need assistance in meeting its needs. In May 2015 in a meeting with Fylde, Wyre reiterated that constraints could restrict the ability of the Council to meet its OAN. Throughout the next year Wyre updated Fylde and other neighbouring authorities on the progress of establishing its OAN and the emerging evidence base.

The minutes of the Duty-to-Cooperate Officer Group meeting of 5<sup>th</sup> April 2016 include the agenda item 'Wyre indicative housing OAN and implications for adjoining authorities in the HMA'. The minutes show that Wyre raised the fact that it would not be able to meet its OAN formally with the group at this time. Our following letter of the 4<sup>th</sup> May 2016 made it clear that Wyre would not be able to meet its OAN within the Borough boundary and set out the reasons and evidence to support this. The letter indicated a shortfall of one third.

Prior to the joint officer and member Duty to Cooperate meeting of the 22<sup>nd</sup> June 2016 Wyre circulated the draft Wyre Highways evidence (produced by Lancashire County Council (LCC) and a draft housing requirement paper.

Whilst I accept that some of the evidence was not finalised at this time there was sufficient information available to indicate the fundamental constraints that would prevent Wyre

meeting its own needs. A Fylde senior planning officer was invited to, and attended, a number of highways evidence meetings held in Wyre in December 2015 and in 2016 (prior to the meeting in June) where this exact discussion was had.

Fylde responded to our original letter (dated 4 May 2017) on 18<sup>th</sup> May 2016 stating that you considered that there were a number of constraints that may affect the ability of your Council to assist in meeting Wyre's unmet need. Reference was made to forthcoming meetings with DCLG and PINS where your officers were intending to raise this issue.

Wyre responded to this letter on the 24<sup>th</sup> May 2016, offering to attend these meetings and seeking to respond to the points raised in Fylde's response. No response was received to this letter nor any evidence was shared with Wyre on the constraints which would inhibit Fylde in assisting Wyre with the unmet need within the HMA. As such Wyre then objected to the publication version of the Fylde Plan on the 23<sup>rd</sup> August 2016 as it considered Fylde had not fulfilled the Duty to Cooperate. The representation was followed by an e mail from Wyre's Chief Executive to Fylde's Chief Executive indicating that the response to the publication draft was sent early to give the opportunity to resolve matters. However Fylde's Chief Executive response was that Wyre will have the opportunity at the oral hearing to articulate the concerns expressed in the representation. Wyre's Chief Executive responded back to say that he would prefer not to have to debate matters at the examination and that Wyre's preference was to resolve matters. There was no further communication which shows that Fylde was not intending to give any further thought to the matter.

Since that exchange of e mails no further written communication has been received from Fylde, until your most recent letter of the 23<sup>rd</sup> January 2017, post submission of Fylde's Local Plan. You also did not raise any of the content or our representation or of your latest letter at the duty to co-operate meeting in November 2016.

In your latest letter you begin by stating that Wyre has not yet shared its Development Strategy, or any alternatives which have been considered. As you will be aware Wyre consulted on three spatial options in summer 2015, so you are incorrect in stating that the alternatives considered are not apparent. The eventual Plan Strategy will be shaped by the various constraints; primarily highway constraints, determining where Wyre can accommodate development needs. Wyre Council has not yet finalised the Plan's Development Strategy but it should have been clear to you what the emerging strategy is from the duty to cooperate meetings discussing the issues facing Wyre, your senior planning officer's attendance at highway meetings and the draft highway evidence report and housing position paper circulated prior to the duty to co-operate meeting in June 2016. You did not at any stage asked for clarification. For the avoidance of doubt, I can confirm that the Wyre Local Plan Strategy will be very much dictated by the constraints of the Borough, the main one of these being highways capacity.

Due to the strategic significance of highways capacity in Wyre regular meetings have been held with LCC (as the highways authority) and Highways England (HE) over the last 2 years to produce a number of evidence documents to inform the emerging Plan. Officers from Fylde and Blackpool Councils have been present at some of these meetings and emerging evidence has been openly shared regarding the constraints affecting Wyre. The substance of the evidence in terms of what areas in Wyre can grow has not changed since May 2016 (as per the material circulated for the duty to co-operate meeting). You will also have been aware that although some areas could accommodate growth there was a limit as to the extent of that growth. You have not questioned the emerging evidence shared and as far as I am aware you have not raised any matters with LCC which is also your Highways Authority.

I am very surprised that in your letter, you seem to think that the evidence is centred on the A585/588 junction. You should be aware that the main issues are relating to the whole A585(T) corridor, the A6, the A588 and the internal network (in particular Garstang Road, Breck Road and the town centre which is AQMA) within Poulton-le-Fylde.

You describe in your letter what you expect the evidence to show even though you already have had the draft report since May. You would have seen from the May highway report that there are limits to development from the highway capacity restriction. You will also have seen that it considers maximum capacity in all settlements, both urban and rural. The Local Plan will accommodate the level of development that can be supported by the evidence - highways and flood risk.

As stated in your letter, we have discussed previously a new road to the south-east of Poulton-le-Fylde (primarily lying in Fylde) for which Fylde's (officer level) in principle support was noted and appreciated. The new road will be needed to access the large area of land to the south east of Poulton-le-Fylde which is effectively land locked. The road alone will not address other highway capacity issue at Poulton-le-Fylde. If the large site to the South East of Poulton were not to be put forward as an allocation because of wider highway capacity issues in Poulton-le-Fylde then the road will not be proposed in the Local Plan.

You state in your letter that it can be reasonably expected that any homes justified outside Wyre to meet Wyre's OAN would result in journeys into and out of Wyre for employment and other purposes. This is not a reasonable assumption especially with regards to 'other purposes'. In practice where people decide to live in relation to their place of work is complex. As a matter of fact currently there is a net out commuting from Wyre to Fylde. However the important issue is meeting unmet need within the housing market area. It is not possible to predict where the occupiers of any one housing site with the HMA will work. This matter was previously covered in our letter of 24 May 2016 in response to Fylde's letter dated 18 May 2016.

You also state in your letter that you expect an assessment of the impact on the road network of the homes which Wyre proposes in Fylde. Wyre is not proposing that any specific number of houses be located within Fylde. Wyre is asking Fylde whether it can assist in meeting unmet need in the HMA arising within Wyre. You will be familiar with NPPF paragraph 47 referring to meeting the objectively assessed needs within the HMA. Also for the plan to be 'positively prepared' Fylde Local Plan must be based on a strategy which seeks to meet objectively assessed needs including unmet requirements of neighbouring authorities (it is worth noting that this requirement is irrespective whether the unmet need arises in the same HMA). Fylde has not considered how it can assist. You are now suggesting that you expect Wyre to identify an area in Fylde where development can be accommodated and provide the evidence that it will not have a detrimental impact on the highway network. Your development strategy in the Local Plan must have been informed by an understanding of the highway network capacity. Fylde is in the best place to assess if and how it can assist. It is matter for you to consider.

Your letter also states that Fylde anticipates that evidence should be provided detailing what level of development would be necessary to provide sufficient funding for 'a key piece of transport infrastructure'. It is not clear what key piece of transport infrastructure you are referring to.

Your letter refers to the Level 1 Strategic Flood Risk Assessment (SFRA) for Wyre, stating that it does not provide sufficient detail to show that sites are not available to meet the OAN. As you would expect as part of Local Plan preparation the Council has to produce a Level 2 SFRA. This is currently with the Environment Agency for endorsement. The SFRA level 2

shows that the Council has maximised delivery from suitable sites, within the context of the fundamental highways constraints.

Your letter in conclusion raises 4 key questions which I answer in turn.

**1. Is Wyre's OAN set at the correct level?**

Yes. Wyre Borough Council considers that its OAN is set at the correct level. No evidence has been provided by Fylde to indicate that it has been set incorrectly. As explained in our letter of the 24<sup>th</sup> May Wyre is not seeking to adopt a strategy based on ambitious economic growth. The strategy is aligned to the most up to date economic forecasting. It would have been wrong to set the OAN below what the economy is forecasted to deliver.

**2. Is it reasonable for Wyre to seek to meet its OAN in full, given the apparent significant constraints to delivery?**

Yes, as per paragraphs 14 and 182 of the NPPF Authorities are required to meet their needs in full as far as is consistent with the policies in the Framework. Where it is not possible to meet needs within an authority boundary LPAS must work together under the Duty to Cooperate, this is precisely the approach that Wyre is taking.

Wyre has demonstrated that it is not possible for the OAN to be met within its boundary; it is for neighbouring authorities to consider the matter in preparing their Local Plan and if unable to assist, demonstrate that there are significant constraints in their areas that limit their ability to assist in meeting unmet needs as per paragraph 182 of the Framework.

**3. What quantum of the OAN is Wyre looking to be accommodated in Fylde, as opposed to other neighbouring authorities?**

Wyre's emerging evidence indicates that around 2/3 of the OAN can be met within Wyre. This would leave a residual unmet need of approximately 1500-2000 units. Wyre has approached all of its neighbouring authorities in the same manner and has received negative responses from all parties.

With regards to the appropriate split of unmet needs between neighbouring authorities this is something that needs to be led from the respective authorities. Wyre is not in a position to understand the evidence and constraints affecting each authority and within the spirit of cooperation is reliant on those authorities to identify their capacity to assist. It will be for Fylde to indicate what proportion of the unmet need they could accommodate. Fylde and Blackpool being part of the same HMA are however best to accommodate unmet need in Wyre.

**4. Can that quantum be accommodated sustainably within Fylde?**

Wyre agrees that this is an important consideration but this is a question that Fylde will have to answer with knowledge of the opportunities and constraints unique to your Borough and evidence base prepared for the Fylde Local Plan.

I am aware that the Fylde Local Plan has been submitted for examination. It is not clear how the development strategy was developed or why the particular strategy was pursued despite your obligation to consider unmet in within the HMA in finalising the strategy. I note however that Policies S1 and DLF1 do not set any limits on development and indeed policy DLF1 refers to the 7,768 as a minimum. Dwelling numbers at each level in the hierarchy could increase whilst relative proportions remain the same. In principle, allocating more land

at the key service centres and strategic locations will not affect the overall strategy. I note however that the Settlement Hierarchy Background Paper 2016 provides a settlement ranking based on various scores. It does not provide what is an appropriate proportion at each type of settlement. The 2015 Site Assessment Background Paper indicates that 80% of the Borough's development will take place in the Strategic Locations for Development which was reduced to 77% in the 2016 Site Assessment Background Paper. Table 2 in the draft Fylde Local Plan shows over 83% of development in the Strategic Locations. I cannot find the justification or the basis for any of the proportions which evidently have fluctuated.

I understand that two planning permissions have been granted on appeal at Warton recently for a total of 465 dwellings. I do not consider that the local Plan strategy now must be revised. I note that Whitehills and Whyndyke are Local Service Centres in your hierarchy even though they are effectively an extension to Blackpool's urban area. I could not find reference to them in the Settlement Hierarchy background paper but it would appear to me reading the definitions of key and local service centres that as extension to Blackpool's urban area they would be key rather than local service centres. As discussed at the last duty to co-operate meeting a further extension at the end of the M55 may offer opportunities for contributions towards a north south route on the Fylde Coast peninsula.

I welcome the commitment to work with us. A dedicated Duty to Cooperate meeting to discuss the final highways evidence with LCC officers present and unmet OAN in the HMA has been arranged for the end of March. (I am away between 27 February and 14 of March). Within your letter you conclude that "Any decision of Fylde Council relating to the provision of homes, allocation of land or provision of cross boundary infrastructure would be for the members of Fylde Council to make." Would it be beneficial for this meeting to include Members?

Finally it might be of interest to you to look at the recent Interim Report for the Mid Sussex District Plan, which covers matters of unmet need within the HMA.

Yours sincerely,



PP Rea Psillidou (Miss)  
Planning Policy and Economic Development Manager



