



# Fylde Council Local Plan - Examination

## Stage 1 Matter 1

Consultee ID: 9 Johnson Mowat on behalf of Carrington Group

This hearing statement is made on behalf of Carrington Group, who have land interests on land south of Mains Lane, Poulton-le-Fylde. Representations were made in September 2016 to the Publication version of the Local Plan.

### **Matter 1 – Compliance with statutory procedures and legal matters**

Issue 1 – Has the Council met the statutory duty to cooperate as set out under Section 20(5) and 33A of the Planning and Compulsory Purchase Act 2004?

*Q1. What are the relevant strategic matters in relation to this duty?*

The main strategic matter of interest to our client that is relevant for Fylde Coast authorities is the issue of housing need and delivery. This is particularly relevant in relation to the neighbouring Wyre Borough Council and their request under the Duty to Cooperate for Fylde Council to assist them in meeting their objectively assessed housing need (OAN). The Memorandum of Understanding clearly makes reference to cross boundary issues at section 4 and highlights paragraph 156 of the Framework which sets out strategy issues where co-operation might be appropriate, including the homes and jobs needed in the area.

*Q2. Has the Council maximised the effectiveness of plan-making activities by engaging constructively, actively and on an on-going basis with the prescribed bodies, in the preparation of the Plan in the context of these relevant strategic matters? In particular:*

- a. What has been the nature of any cooperation and have any mechanisms or formal agreements been established? Is the Memorandum of Understanding by authorities within the Fylde Coast Housing Market Area (HMA) up to date and effective in this regard?*

We have no comments in relation to this question and note the HBF response which outlines concerns in relation to the Memorandum of Understanding being ineffective in terms housing delivery and the plan.

- b. Has the council tried to resolve any issues through cooperation and what has been the outcomes?*



We note that the 'Statement of Compliance with the Duty to Co-operate' has not been updated since the below comments were made on behalf of Carrington Group, therefore they remain valid. We maintain our concern with the lack of firm commitment to assist Wyre Borough Council.

Carrington Group has had regard for the August 2016 'Statement of Compliance with the Duty to Co-operate' background paper and it is noted (§3.21) that Fylde Council suggest they can meet their own housing needs within their own boundary and as such has not requested assistance from neighbouring authorities.

In terms of neighbouring authorities requesting assistance from Fylde §3.22 of the background paper indicates that Wyre Council has requested assistance from Fylde in meeting its OAN. §3.22 states:-

***“Wyre Council wrote to Fylde Council in May 2016, under Duty to Cooperate, to request that Fylde Council assist Wyre Council in meeting its objectively assessed housing need”***

At §1.25 of the LP the Council states:-

***“Wyre Council has identified that the supply of deliverable land is constrained by three main issues:***

- ***Highway capacity, in particular on the A585(T), and A6 and also at Junctions 1 and 3 on the M55***
- ***Flood Risk***
- ***Green Belt”***

The Council's response is less than encouraging and in fact contradicts itself.

On the one hand at §1.26 to §1.28 the LP states:-

***“The evidence base in relation to these issues is incomplete and the exact extent of the unmet need is unknown. It is also unclear what provision other neighbouring authorities will be able to make.***

***Fylde Council are aware of this important issue, however at this stage the precise numbers of homes that will need to be delivered outside Wyre Council's administrative area has not been assessed.***

***It is crucial that Fylde's Plan is not delayed, an up to date plan must be adopted as soon as possible. However, in accordance with the Duty to Cooperate, Fylde Council is committed to continuing to work with Wyre and its other neighbours, once the evidence base relating to Wyre's constraints is complete, in order to address the above mentioned issues”.***

It is very concerning that the Council at §1.26 of the LP goes as far as to confirm that ***“the evidence base in relation to these issues is incomplete”***. The appropriate housing requirement for Wyre Council is 479 dwellings per year from 2011 to 2031 (a year shorter than this LP). Using a hypothetical position where this Council is required to accommodate 100 dwellings per annum (circa. 1,400 dwellings to 1,500 dwellings) from Wyre Council then there is still a significant amount of land that would need to be identified to accommodate these additional dwellings.

On the other hand the 'Statement of Compliance with the Duty to Co-operate' in the final column of Table A appears to contradict the §1.26 and §1.28 of the LP by stating:-

***“In meeting its own housing requirement figure, Fylde is not able to accommodate any unmet need of neighbouring authorities if such a request is made”***



Carrington Group are clear the Council can accommodate the unmet need and that it can be accommodated in the most sustainable locations close to the Poulton le Fylde.

These sites would make use of Strategic Highway Improvements (Policy T1) which are safeguarded through this LP.

Carrington Group have significant land holdings to the east of Poulton le Fylde which adjoin the shared boundary with Wyre Council that should be considered for future residential development. Such development can come forward without prejudicing the delivery of the A585 Skippool – Windy Harbour Improvements, indeed Carrington Group have made it very clear to Highways England on this matter.

Further representations will be made to the Stage 2 Hearings.

*c. Is there robust evidence to support the cooperation activities that have taken place?*

There appears to be evidence within the Statement of Compliance with the Duty to Co-operate that co-operation activities have taken place. We maintain our concern with the Council's response in relation to assisting Wyre Borough Council meeting their unmet housing needs.

*Q3. In light of Wyre Borough Council's statement that they will be unable to meet their own objectively assessed housing need (OAN):*

*a. What has been the nature of any cooperation in this regard?*

This is for the Council to answer. However we note the Council's response to the Inspector's initial questions which does not really address the answer of how Fylde Council will assist and remains a little vague.

*b. Has the cooperation led to an agreed mechanism for the delivery of unmet housing needs within the HMA?*

It is unclear from the Statement of Compliance with the Duty to Co-operate or the Council's response to the Inspector's initial questions that there is an agreed mechanism.

*c. In what way has this influenced the Plan?*

The identification of unmet needs is not addressed in the Plan. We request further clarity of how Fylde will assist and assurance of a firm commitment. As referred to in relation to Q2.b Fylde Council have the ability to assist Wyre council with its OAN.

*d. Is there an obligation for Fylde council to ensure that the objectively assessed need for the HMA as a whole is met?*

There is a collective obligation to ensure the OAN for the Housing Market Area as a whole is met, along with the other Fylde Coast authorities. In relation the Wyre Borough, concerns have been expressed



that they require assistance in meeting their OAN given their constraints relating to flood risk, highway capacity and green belt. It appears that Fylde have the greatest capacity to meet the needs of the wider HMA.

While this is a strategic response in relation to Stage 1, it is relevant to mention Carrington Groups land interest in Poulton le Fylde which is located close to the administrative boundary of Wyre Borough. While the land is within Fylde administrative boundary, the development could help meet the unmet housing needs of Wyre. Further site specific detail will be provided in relation to Stage 2 of the Examination. From a strategic point of view it would be helpful if the Fylde Local Plan could provide further clarity regarding the location of development to assist Wyre Council's inability to meet its own need. We consider the most appropriate location is on land in reasonable proximity to the administrative boundary. This would be a logical approach to take, and would meet the Framework's soundness tests.

*e. Should the Plan include a commitment to help meet any unmet housing needs or to review the Plan?*

We consider it would be helpful to include a commitment to help meet unmet housing needs of Wyre Borough Council. The Council would need to provide a clarity as to what quantum of unmet need would trigger a review of the Plan.