



## **Fylde Local Plan**

# **COPIES OF REPRESENTATIONS MADE TO THE MAIN MODIFICATIONS CONSULTATION**

**April 2018**



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REF: PH/DG/1130/B/03-01

19 March 2018

Planning Policy  
Planning Department  
Fylde Council  
Town Hall  
St Anne's Road West  
Lytham St Annes  
FY8 1LW

*By E-mail*

Dear Sirs

**Fylde Local Plan to 2032 –  
Proposed Main Modifications Consultation**

Thank you for contacting us in relation to the above. We write in response on behalf of our clients BAE Systems Properties Ltd.

Our clients support the proposed main modifications in relation to policy T2 'Warton Aerodrome' and its associated justification text.

In relation to previous representations made at the Publication Version stage and at the relevant Examination Hearings our clients are disappointed to note that no change is proposed to paragraph 6.19 or to the settlement boundary of Warton. We wish to reaffirm to the Inspector our previous representations and remarks at the Hearings on these matters.

Please would you acknowledge receipt? Should you have any queries please do not hesitate to contact me.

Yours faithfully

**For Cass Associates**



**Peter Hamilton**  
Consultant

Copies to: Craig Sambrook, BAE Systems  
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**Cass Associates**

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Date: 21 March 2018

**Ms J Glaister,**  
 Planning Policy,  
 Planning Department,  
 Fylde Council,  
 Town Hall,  
 St. Annes Road West,  
 Lytham St Annes,  
 FY8 1LW

Our Ref: FLPMM

Direct Line: 01253 476237  
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Dear Ms Glaister,

## **FYLDE LOCAL PLAN TO 2032 – SCHEDULE OF PROPOSED MAIN MODIFICATIONS FOR CONSULTATION**

1.1 Thank you for consulting Blackpool Council on the Schedule of Proposed Main Modifications. Please find our response below.

### **Policy EC4 Blackpool Airport Enterprise Zone (MM37)**

1.2 We welcome and support the following amendment to Policy EC4, as set out in MM37:

*.....The Enterprise Zone will help improve the local economy and also increase the contribution to national growth through targeting the energy industry, advanced manufacturing and engineering, food and drink manufacture and the digital and creative sector.*

1.3 However, with respect to Policy EC4 we note that whilst the Additional Modification AM29 deletes the reference to ‘employment’ no modification is proposed in relation to the concerns we set out in our responses to the Publication Local Plan (22 September 2016) and to the Inspector’s Matters, Issues and Questions Stage 2 Hearing Sessions (12<sup>th</sup> June 2017), in relation to the identification of retail and leisure as potential enabling development at the Airport Enterprise Zone site. Therefore, we would like to reiterate these concerns and draw the Inspector’s attention to draft findings in the emerging Blackpool Retail, Hotel and Leisure Study.

1.4 It is acknowledged that there may be a case for limited small scale retail facilities in the form of a local centre development within the Enterprise Zone towards the eastern side to support the business community at this location in accordance with the Enterprise

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Zone Masterplan and it is the intention to reflect this in policy in the draft Blackpool Local Plan Part 2. However, the wording proposed in Policy EC4 b. of the Fylde Local Plan provides no guidance in terms of an appropriate scale of any retail or leisure enabling development and therefore could act to encourage proposals for large scale retail and leisure development on the site, which we do not consider appropriate in the context of the strategy for retail and leisure as set out in the adopted Blackpool Local Plan Part 1 - Core Strategy.

- 1.5 The Core Strategy highlights that Blackpool Town Centre is the sub-regional centre for the Fylde Coast and plays a pivotal role in driving the local economy and providing Fylde Coast residents and visitors with shopping facilities to meet a wide range of needs. However, it notes that it does not provide the quality or range of shops that is necessary to reflect its sub-regional role and that unsustainable levels of expenditure flow out to out-of-centre retail parks and other competing destinations. Therefore, to protect the vitality and viability of the town centre, Core Strategy Policy CS4 identifies Blackpool Town Centre as the focus for major new retail development and other town centre uses.
- 1.6 The Council has commissioned WYG Planning to undertake a Retail, Leisure and Hotel Study for Blackpool, to update the evidence for the emerging Blackpool Local Plan Part 2. This evidence is in the process of being finalised, and the draft study finds that the market share of Blackpool Town Centre has fallen substantially since 2010, whereas the popularity of Blackpool's main out of centre retail parks has increased. The draft study suggests that the continued growth of out-of-centre formats represents a threat to the future vitality and viability of Blackpool Town Centre and that it is important that the Council continues to control the expansion of out-of-centre development. Reference is specifically made in the emerging study to the strengthening offer at Blackpool Retail Park which is co-located with the Enterprise Zone. This emerging evidence supports the approach taken in the Core Strategy and further highlights the vulnerability of Blackpool Town Centre to out-of-centre development.
- 1.7 The Core Strategy also emphasises the importance of tourism to Blackpool, which is England's largest and most popular seaside resort. However, it sets out that whilst Blackpool remains at the heart of UK tourism and visitor economy, it has experienced a significant decline in visitor numbers from the 1980s onwards contributing to an underperforming economy and very high levels of deprivation, particularly in the inner areas of the town. Core Strategy Policy CS21 (Leisure and Business Tourism), focuses leisure tourism and investment within the Resort Core and Town Centre, where regeneration and positive change is most needed. The Council is actively pursuing new leisure development on sites such as the Leisure Quarter (Core Strategy Policy CS20) and at the Winter Gardens (Core Strategy Policy CS18). New leisure development elsewhere could undermine planned resort regeneration.
- 1.8 Therefore, we would like to reiterate our concerns in relation to the positive identification of retail and leisure as enabling development in Policy EC4 b, which would

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compromise the adopted policy framework in the Blackpool Core Strategy and is not supported by emerging evidence in the draft Blackpool Retail, Leisure and Hotel Study. In light of the above we request that the Inspector considers a modification to Policy EC4 that removes the specific references to retail and leisure as enabling development to address the concerns we have raised and align with our adopted retail and leisure strategy.

- 1.9 As the Airport Enterprise Zone lies within both Fylde and Blackpool authorities a policy on the Airport Enterprise Zone is proposed in the emerging Blackpool Local Plan Part 2 as highlighted in the Regulation 18 Consultation document (June 2017), with an expected draft Plan scheduled for consultation in summer 2018. In line with the emerging Blackpool evidence base it is not proposed to identify retail and leisure as potential enabling development within our Enterprise Zone policy.
- 1.10 In requesting the modification to the Fylde Local Plan on this issue we are seeking to ensure that both the Fylde Local Plan and the Blackpool Local Plan policy frameworks align to appropriately support the successful development of the Enterprise Zone to boost the Fylde Coast economy whilst at the same time not compromising Blackpool's wider town centre, retail and leisure planning strategy.
- 1.11 MM37 also amends the text of EC4 to state:

*.....Fylde Council supports the sustainable development of Blackpool Airport, including working to explore the potential to restore commercial aeronautical activity and to relocate operational buildings and facilities closer to the runway, in the areas outside the green belt, unless there are overriding operational requirements that constitute very special circumstances and which justify development in the Green Belt.*

- 1.12 We suggest that the above paragraph of Policy EC4 is amended to acknowledge that some airport related development is permissible in the Green Belt as it is permitted development in accordance with Part 8 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015. A suggested amended wording to provide clarity on this issue is set out below:

*.....Fylde Council supports the sustainable development of Blackpool Airport, including working to explore the potential to develop commercial aeronautical activity and to relocate operational buildings and facilities closer to the main runway, **in the first instance**, in the areas outside the green belt. **For development proposed in the Green Belt (which constitutes inappropriate development and which does not fall within permitted development in accordance with Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015), very special circumstances will have to exist (in accordance with the Framework) to justify the development.***



**Policy T3 – Blackpool Airport – Modifications MM60 an MM61**

- 1.13 If the Inspector is minded to agree with the proposed amendment relating to Policy EC4 and Blackpool Airport, this would also need to be reflected in MM60 in relation to Policy T3 (Blackpool Airport) and MM61 in relation to the Justification for Policy T3. Suggested wording for MM60 and MM61 to provide clarity could be:

**MM60**

The land designated as green belt within ~~open lands of the airport, which is identified on the Policies Map~~ will be safeguarded from non-airport related development and the continuing operation and viability of the airport as a sub-regional facility will be supported, unless there are overriding operational requirements **which require non-airport related development to be located in the Green Belt. For any inappropriate development proposed in the Green Belt which does not fall within permitted development (in accordance with Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015), very special circumstances will have to exist (in accordance with the Framework) to justify the development.**

**Justification - MM61**

The majority of the residual airport lands are designated as Green Belt in order to retain the separation between Blackpool and St. Annes. The Council will safeguard the residual airport lands in the interests of the airport and the Green Belt. **Land** within the airport complex **that** falls outside the Green Belt **is available** to facilitate further airport operational development. Development proposals within the Green Belt, whether to provide for airport operational development, or other development associated with the Enterprise Zone, would have to demonstrate very special circumstances to justify the need to use Green Belt land.

- 1.14 I hope our comments are of assistance. If you require any further clarity please do not hesitate to contact myself or Steve Lamb on 01253 476267.

Yours sincerely,



Jane Saleh  
Head of Planning Strategy

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let.055..AS.23670002

19 March 2018

Dear Sir / Madam

### **FYLDE LOCAL PLAN MAIN MODIFICATIONS CONSULTATION (MARCH 2018)**

We write in relation to the above consultation on behalf of Britmax Developments Ltd with regards to land at Great Birchwood, Warton.

The site is brownfield land that was formally an RAF camp but is currently in use as a leisure facility; albeit one where facilities are being scaled back and some of the uses ceasing across the site. It is situated within the open countryside and washed over by green belt, but is in close proximity to the settlements of Warton and Lytham.

We set out below representations to the Main Modifications.

#### Policy GD8 – Demonstrating Viability

There is support for the acknowledgment in emerging policy GD8 that there is scope for the redevelopment of existing leisure and tourism uses for alternative uses.

However, as part of the proposed Main Modifications the criteria to be met permitting the loss of such uses has become more onerous. Previously, the policy was drafted to enable redevelopment of leisure/tourism sites either when continued use of the site for its existing use was no longer viable; or the site was no longer suitable for its existing use or through marketing it was demonstrated there is no demand for the existing use. Just one of the criterion had to be satisfied.

The proposed Main Modifications to policy GD8 require **all** proposals for redevelopment of leisure / tourism sites for alternative uses to demonstrate through marketing that there is no demand for the site in its current use. This is in addition to demonstrating the continued use of the site for leisure / tourism is unviable or that the site is no longer suitable.

A large proportion of the sites that emerging policy GD8 will apply to will be in need of redevelopment. Requiring a marketing exercise to be undertaken will delay bringing such sites back into viable active uses. This is not consistent with the

National Planning Policy Framework (NPPF), and indeed the revised draft NPPF, which seeks to support economic growth and strongly encourages the redevelopment of brownfield sites.

It should be sufficient to be able to demonstrate that a leisure/tourism use is no longer viable or the site is no longer suitable for such uses for it to be redeveloped for alternative purposes.

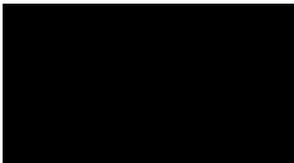
The policy also requires details to be provided of the current occupation of the buildings and where this function would be relocated. However, this should not be a mandatory requirement, as not all operations/businesses will need to be relocated; some might have ceased to operate.

As set out in previous representations towards the Local Plan Publication Version, the continuation of an existing use at a site will not always be the most suitable, appropriate or viable option. Rather than see sites and existing operations deteriorate there should be flexibility incorporated into policy that does allow the redevelopment of existing tourism/leisure uses/sites for alternative forms of development.

We trust these representations will be taken into account as the Local Plan progresses.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

A solid black rectangular box used to redact the signature of Amy James.

Amy James

**Eddie Graves**

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**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

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**From:** Tim Bettany-Simmons [mailto:Tim.Bettany-Simmons@canalrivertrust.org.uk]

**Sent:** 12 March 2018 13:43

**To:** Sally Thompson <sally.thompson@fylde.gov.uk>

**Subject:** RE: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

Dear Sally Thompson

Thank you for your consultation on the schedule of proposed main modifications. The Canal & River Trust have no comments to make on the modifications.

Kind regards

Tim Bettany-Simmons BA (HONS), MSc, MRTPI  
Area Planner North West & North Wales / Cynlluniwr Ardal Gogledd Orllewin a Gogledd Cymru

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## **Comments on the Draft Local Plan Re-Consultation**

In the main we have restricted comments in the below document to Wrea Green, although not quite entirely.

### **The Strategic Environmental Assessment and Sustainability Appraisal**

The Strategic Environmental Assessment and Sustainability Appraisal for Wrea Green, produced by ARCADIS and which now forms part of the Local Plan Re-Consultation documents and was produced in February 2018, contains table 1.7 in Appendix B.

The Summary/Commentary for the 5 approved (HS43 Land on the former Wareings Site, HS44 Land Adjacent to Richmond Avenue, HS45 Land rear of 54 Bryning Avenue, HS46 Land at North View Farm and HS47 further land at North View Farm) and for the sites listed states “The sites generally perform well against the SA objectives with the majority conforming to the criteria, especially the more environmentally/ecologically focused objectives whereas they slightly fall down on the accessibility of services/infrastructure objectives. Education/lifelong learning and provision is centred on a sole primary school (Ribby with Wrea Endowed Church of England Primary School) which is within a sustainable distance for all five sites by walking or public transport. The nearest Secondary School would be in the town of Kirkham approximately 2.5 miles away. Healthcare provision is not as accessible in Wrea Green, as the nearest GP surgery is Kirkham Health Centre approximately 1.5 miles from the sites HS48, HS47 and HS46. Sites HS44 and HS45 are further away but still within 30 minutes by public transport. There is, however, a dental practice in Wrea Green located in between/within relative proximity 3 of the sites (HS48, HS46 and HS47). With regards to sustainable access to services, three perform well (HS48, HS46 and HS47) due to their proximity to Ribby Road which provides several bus stops and serves as a main highway in and out of Wrea Green. HS45 and HS44 are more remote and do not score well due to distance to the nearest public transport link. Apart from HS44, the sites are within accessible range of cultural and recreational facilities. Provision of local business and employment is slightly conflicting with the criteria as the sites are proposed for residential therefore employment will not be provided as part of the developments. Across the sites there are very few environmental or ecological issues. Due to the greenfield nature of two of the sites (HS44 and HS45) the townscape and landscape will be affected as well as traffic pollution, use of natural resources, waste and disruption of the soil quality.”

This document contains a number of errors/omissions which are material to sustainability.

These are –

The Village School is FULL and can take no more children for AT LEAST 5 years.

The Dentist is an expensive PRIVATE dentist, although mention is made adjacent to NHS services in the commentary. Hence the use of this dentist is outside the financial reach of many residents. Do the Consultants not recognise that this is a PRIVATE dentist?

Sufficient care has not been made to assess the accessibility to cultural and recreational facilities. HS45 (54 Bryning Lane) is at least as far away as HS44 (Land off Richmond Avenue) but that is not, apparently, worthy of comment!

There is no mention of where employment can be sought, sustainably.

It is most unclear whether “within 30 minutes by public transport” includes the time taken to access the nearest bus stop. It would appear not, so the commentary is misleading.

It is hard to understand why the sites perform acceptably environmentally, since the absence of bus services near to HS44 and HS45 plus the omitted site at Willow Drive, renders the use of buses unlikely. Additionally, there is mention that two sites were greenfield, whereas four sites were actually greenfield and formed land used for farming until developed. It follows, therefore, that the adverse ecological matters mentioned apply to four sites not just two. This DOUBLES the concern! Hence four of the sites are on greenfield land as is that for Willows Edge and the smaller site behind 91 Ribby Road. The latter two sites are omitted from the appraisal.

The site at Willows Edge, which is the largest by far, has not been evaluated in this table, although development is well ahead of that at HS45 (54 Bryning Lane).

### **Prior comments not adequately dealt with/responded to previously**

#### Settlement Hierarchy

There is a need for a far more complete, competent and more flexible/graduated “subject compatible” scoring system.

### Summary of Issues with Responses to the Evidence Consultation

October 2017

With specific reference to Wrea Green –

In response to the Village School being at capacity for at least 5 years so should not appear in the points count for Wrea Green, FBC replied “The methodology does not assess the capacity of facilities such as schools, it scores their existence.”

Bearing in mind the premise of the Hierarchy of Settlements is to identify where facilities and infrastructure are available to support development, the methodology used here is non-sensical. If a shop was shut for 5+ years and could not be used, on the same basis it should still be scored because of its very existence!

A Library scores 2 if it is a full-time library, open for say 20 hours a week, but 1 if it is a mobile library provided just for 2 hours a fortnight, as in Wrea Green. This is not comparable scoring for this facility.

Additionally, other matters raised were not explained. This was regarding the number of shops in a rural settlement (all scored as one shop however many there may be), or why a growing population not adequately supported by Infrastructure or Facilities should have a points score based purely on that population.

Overall this places Wrea Green (score 21) in a VERY anomalous position compared with other settlements, including Warton (score 18) as a Service Centre, with FAR more facilities, similarly with other settlement comparisons such as Staining (score 15), again with far more facilities. There is no explanation as to how the comparative scorings were arrived at, across topics. It ALMOST appears that this was done to achieve a certain pre-set result.

For example, more than one designated open space scores 5, one scores 3 and none score nil. The difference between one open space and more than one (2 points) is the equivalent to having two general practitioners in the settlement. The difference between no designated open space and more than one (5 points) is the equivalent points to a Supermarket (3 points) and two Doctors (2 points) in the location. Whilst it is said that the scoring comes from the revoked RSS, the RSS is also discredited and dated. At least a decade old and it is clear that insufficient attention was paid to the comparable scorings initially. It is clear that there is HEAVY weighting for a Primary School (full or not) and designated open spaces, even in rural settlements. The two together (10) score the same as a Supermarket (3) and full time library (2) and Doctors Surgery (1), a secondary school (3) and an in-door leisure facility (1). This is NOT a suitable comparison, although that can also depend on the residents' ages in a settlement. It would appear that there has been no local consultation on what is important to each community nor consideration as to what makes it an overall sustainable settlement.

Whilst we were not aware of the Elswick Appeal Inspector's comments at the time, we understand that he was also dissatisfied with the Hierarchy of Settlements scoring system. We raised this matter at Stage 3 of the Local Plan Hearing.

The Scoring used in the Local Plan is understood to be over 5 years old and the principles on which it is based are well over a decade old, so not only does the scoring system require review, but the content is now out of date.

### **Schedule of Proposed Main Modifications**

Page 50 MM67 Does this Valued Landscapes document exist and form part of this Plan? It was intended to be prepared in 2017. The wording "intended" used now

does not match with a January 2018 preparation date for this Modifications document. NOTE – “2017” is deleted in Additional Modifications Page 14 AM46.

### **Proposed Additional Amendments**

Page 10 AM28 My understanding is that there will be further losses at BAe. These may be replaced by jobs of a different nature as BAe, Warton moves from a manufacturing to an engineering base and where re-deployment is not possible.

Page 13 AM42 Is opening of the WDR now really likely to occur in 2022, given that one land-owner is currently refusing to sell and a compulsory purchase order via the courts is required?

Ms J Glaister  
 Planning Policy Manager  
 Planning Policy Team  
 Fylde Council  
 St Annes Road West  
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 FY8 1LW

Our Ref: 1631

Date: 21 March 2018

Dear Ms Glaister,

### **Consultation: Schedule of Proposed Main Modifications – Fylde Local Plan**

I refer to the above and respond on behalf of my client Mr Chris Hill (representor 010), in the context of previous representations submitted and attendance and contribution to the Local Plan Hearing Sessions.

In response to the proposed Main Modifications representations are made in respect of the proposed alteration to the settlement boundary of Warton specifically in relation to MM13 and MM17.

The modifications propose the allocation of land North of Freckleton Bypass, Warton through Policy SL3 as site HSS12 (MM13). This allocation includes land which already benefits from planning permission and incorporates the access road from the Warton/Freckleton roundabout to the south-east of the proposed allocation. A copy of this plan is enclosed for ease of reference.

In tandem with this proposed allocation it is proposed that the settlement boundary of Warton is amended through Policy GD1 (MM17) to respond to the proposed allocation of site HSS12 (Map 32). A copy of this plan is enclosed, again for ease of reference. It is important that the approved access is included as this is the only means of accessing this site for development approved.

It is noted that the proposed modification to the settlement boundary in Map 32 fails to reflect the proposed allocation at site HSS12. Proposed Policy DLF1 identifies four strategic Locations for development and reference is made to “Development of the Strategic Sites **at these locations** is key to ensuring the development strategy is achieved”. Part of proposed Strategic Site HSS12, as proposed by the modifications is not within the Strategic Location of Warton. It would appear to be nonsense to propose a settlement boundary for a Strategic Location which did not include all of the land necessary to meet the objectives of the plan and facilitate the development of the proposed allocations within that location.

Further to this the proposed main modification to policy GD1 (MM17), identifies that “Development proposals outside settlement boundaries will be in accordance with Policies GD2, GD3, GD4 and/or GD5 as applicable”. Additional modification through MM18 identifies that all land outside of the Settlements is either designated as Green Belt, Area of Separation or Countryside. On this basis it is unclear what the proposed allocation HSS12, which falls outside of the Settlement boundary actually is. The allocation of land outside of the settlement



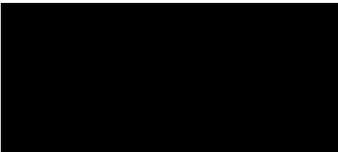
would result in a conflict with other proposed modifications and requirements to comply with other proposed Plan Policies. If the whole allocation was included within the Settlement there would be no conflict.

In response to this consultation process it is considered that the settlement boundary as proposed on Map 32 is amended to incorporate the whole of the allocation and not part of it. It is considered that a more appropriate settlement boundary would follow the eastern edge of the proposed allocation incorporating the whole of the allocation and rounding off the settlement of Warton at its eastern end. Enclosed Plan01 identifies an alternative approximate location for the settlement boundary identified in green which would incorporate the whole allocation in the settlement of Warton.

I trust this response will be given full consideration as part of this consultation process.

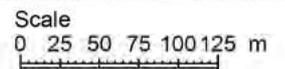
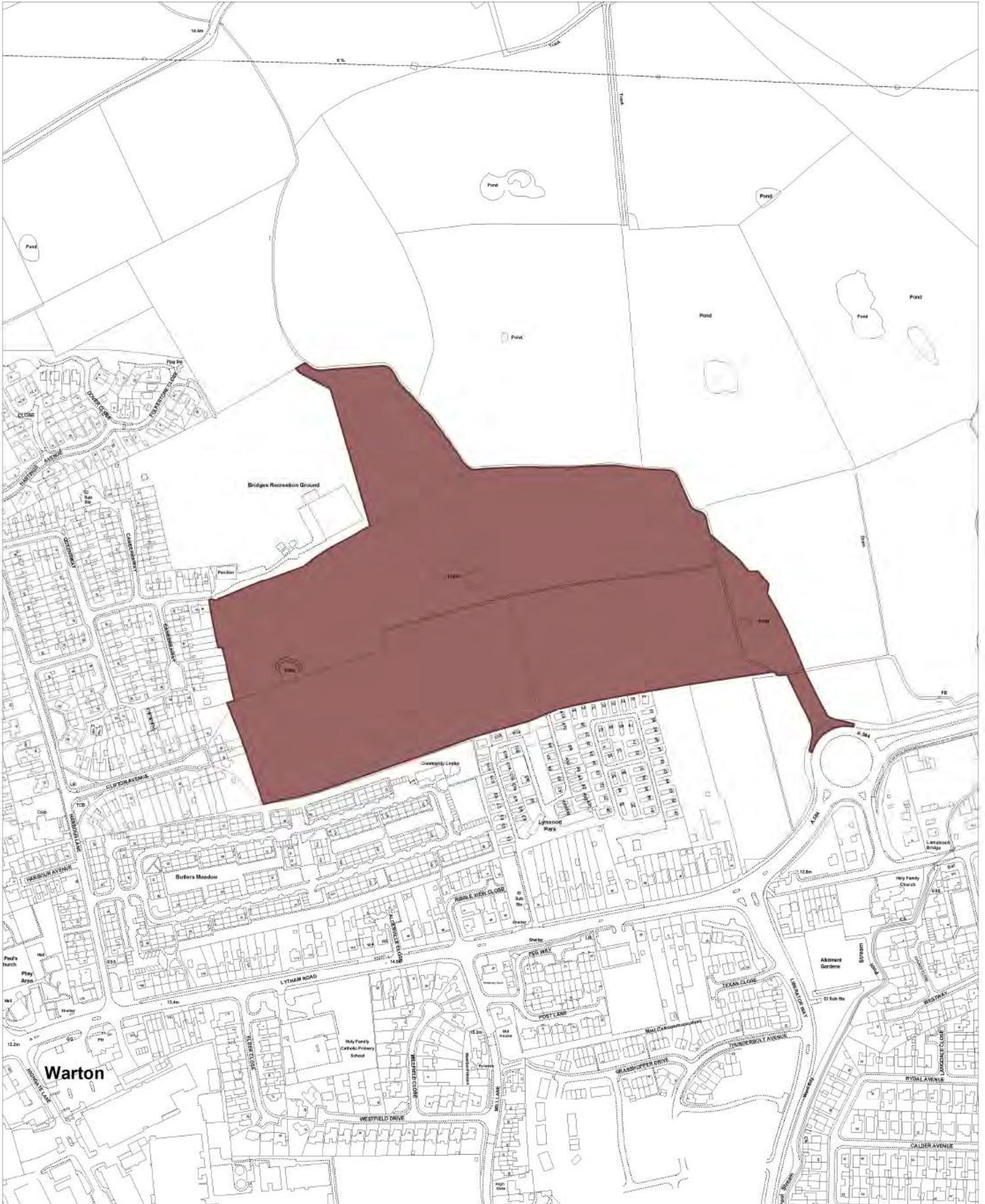
If you require any further information please do not hesitate to contact me.

Yours sincerely



**Chris Betteridge** MRTPI  
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enc.



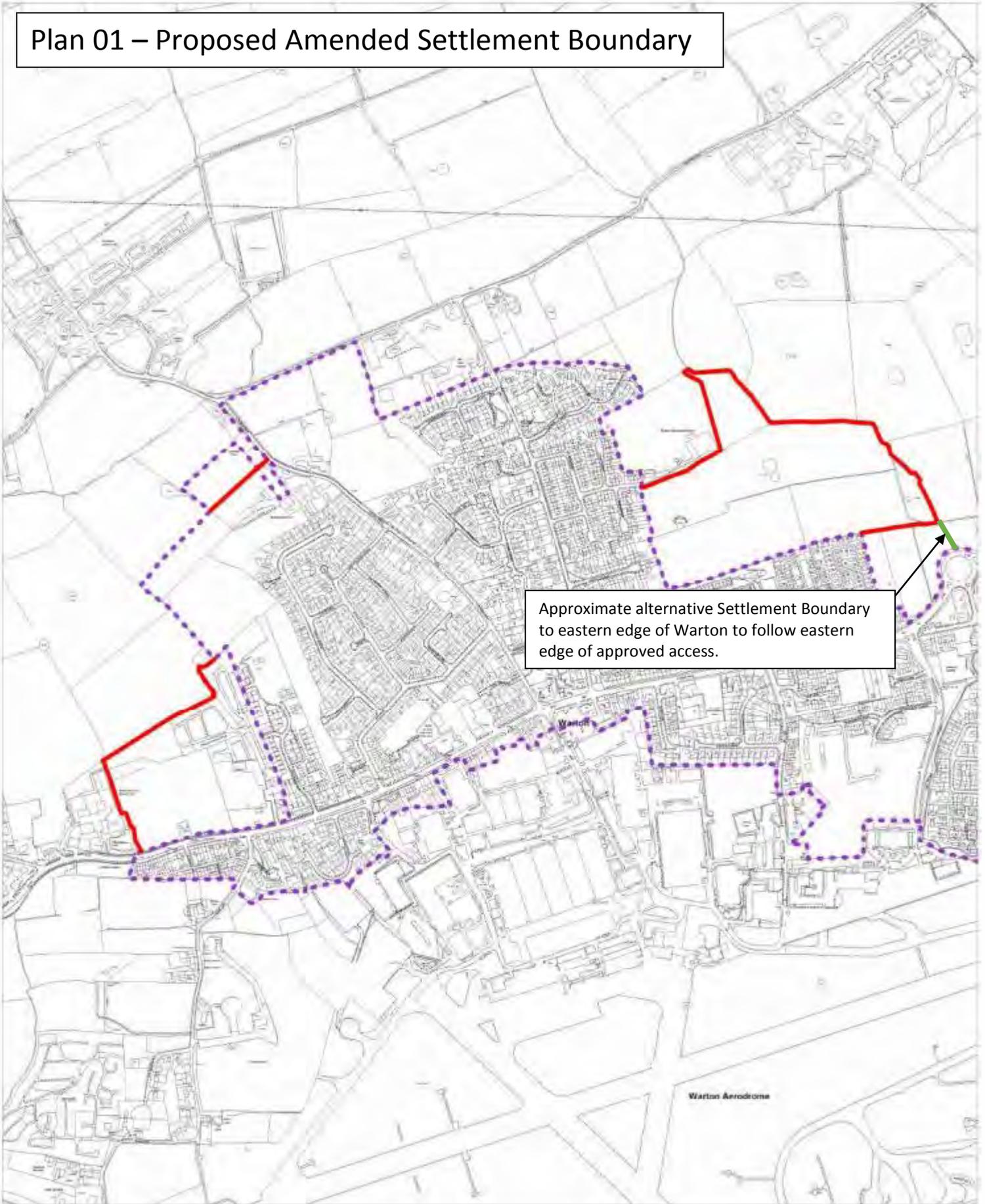
**PROPOSED MODIFICATIONS TO THE POLICIES MAP**

Policy SL3 - Additional Allocation - Land north of Freckleton Bypass, Warton (HSS12)

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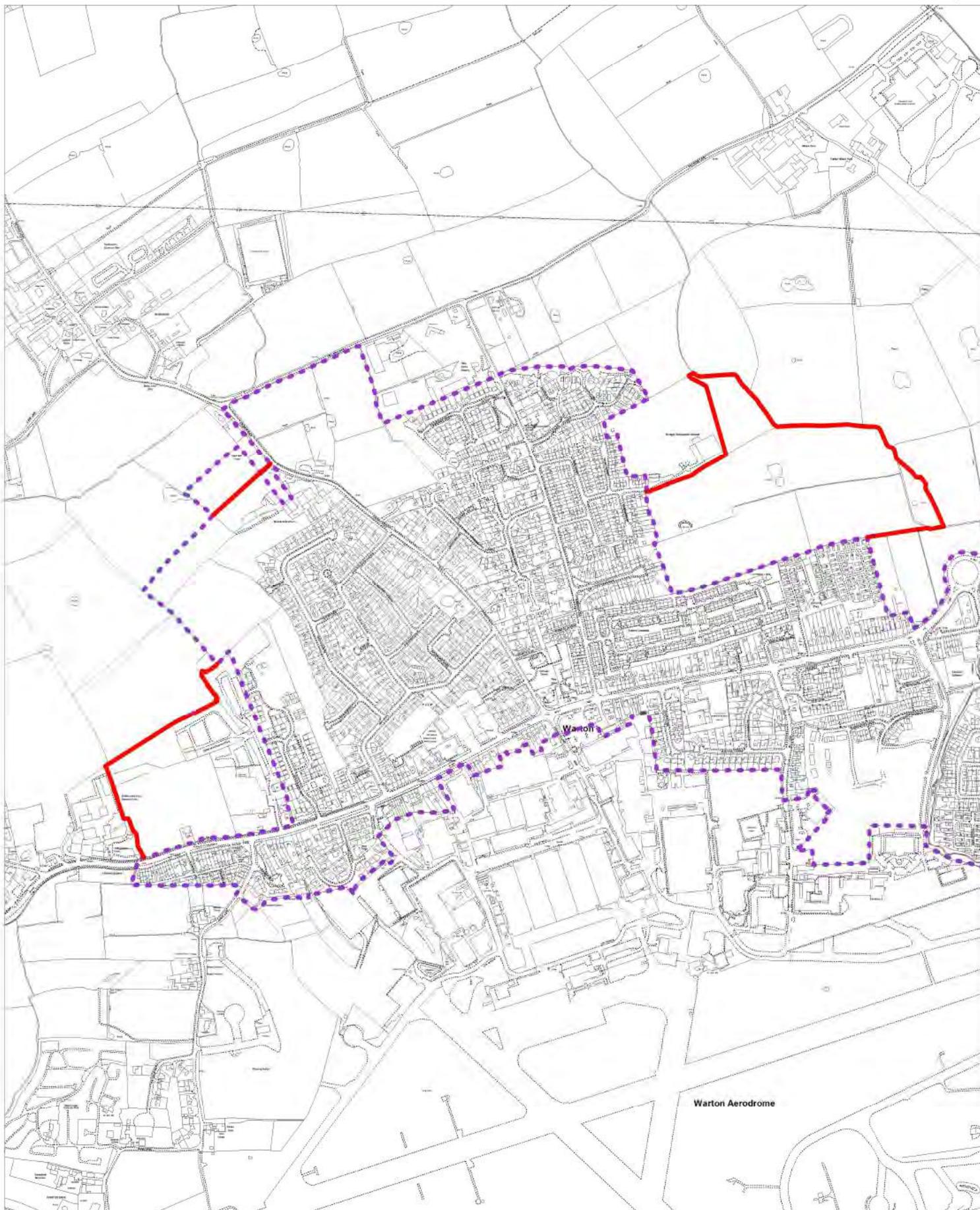
# Plan 01 – Proposed Amended Settlement Boundary



Scale  
0 60 120 180 240 300 m

## PROPOSED MODIFICATIONS TO THE POLICIES MAP

Policy GD1 - Alteration to Warton Settlement Boundary (Amended boundary shown red)



Scale  
0 60 120 180 240 300 m

**PROPOSED MODIFICATIONS TO THE POLICIES MAP**

**Policy GD1 - Alteration to Warton Settlement Boundary (Amended boundary shown red)**

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Fylde Borough Council  
Planning Policy  
Town Hall  
Lytham St. Annes  
Lancashire  
FY8 1LW

**Our ref:** NO/2012/103893/PO-03/EW1-L01  
**Your ref:** Fylde Local Plan to 2032  
**Date:** 21 March 2018

Dear Sir/Madam

**FYLDE LOCAL PLAN TO 2032 – SCHEDULE OF PROPOSED MAIN  
MODIFICATIONS FOR CONSULTATION**

Thank you for referring the above to us for consultation.

We have reviewed information available and we have no concerns with the main modifications proposed, insofar as it relates to our remit, but we have the following comments to make for the purposes of clarity:

The additional allocation 'Land north of Freckleton Bypass' (HSS12) is partially in Flood Zone 2 (medium probability of flooding) and Flood Zone 3 (high probability of flooding), however we are aware that planning application 14/0410 has been granted permission at Appeal (Ref: APP/M2325/W/15/3004502) on 13 February 2017. We were formally consulted on the application in 2014 and as we found the Flood Risk Assessment to be satisfactory, we had no objection to the development.

Yours faithfully

**Mr Alex Hazel**  
**Planning Advisor – Sustainable Places**

E-mail: [CLPlanning@environment-agency.gov.uk](mailto:CLPlanning@environment-agency.gov.uk)

**Eddie Graves**

---

**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

---

**From:** Pollyanna Steiner [mailto:pollyanna.steiner@foe.co.uk]

**Sent:** 02 March 2018 12:21

**To:** Sally Thompson <sally.thompson@fylde.gov.uk>

**Cc:** northwestfoe <northwestfoe@foe.co.uk>

**Subject:** Re: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

Hi Sally,

I am writing to send apologies as North West Friends of the Earth, we did not have capacity to send any additional representations on the Fylde local plan amendments.

We thank you for all your communications, and in advance, for your understanding on this matter.

With kind Regards,

Pollyanna

---



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 Lancashire  
 FY8 1LW

By email only to: [planningpolicy@fylde.gov.uk](mailto:planningpolicy@fylde.gov.uk)

Dear Sir/Madam,

Re: Fylde Local Plan – Main Modifications consultation

**Gladman Developments Ltd (hereafter referred to as "Gladman")** has been involved throughout the preparation process and the examination of the Fylde Local Plan (FLP), having submitted detailed written representations and oral evidence during the examination in public (EiP). Throughout this process, Gladman has raised a series of fundamental concerns regarding the housing policies of the emerging Local Plan.

Indeed, a number of these concerns were raised during the consultation on additional evidence prepared by Fylde Borough Council (FBC) and do not appear to have been taken into consideration through the drafting of Main Modifications. Accordingly, a number of outstanding objections remain and are still considered relevant.

#### MM1

As previously submitted, the updated evidence identifies an increase to the housing requirement from 370 dpa to 415 dpa. Whilst the increase to the housing requirement is supported, it is still the case that the SHMA Addendum 3 identifies an OAN range of 410-430 dpa and concludes that the housing target should be more closely aligned with the upper end of this OAN range.

Through its main modifications, the Council has still yet to justify its approach in selecting a mid-point figure of 415 dpa that will not meet their full OAN, and is therefore unsound. Gladman submit that the Council should be seeking to meet the 430dpa figure to meet its housing needs in full.

Gladman also question proposed MM1 which introduces changes to the supporting text and states at paragraph 1.26:

Directors: D J Gladman BA, K J Gladman MCSP, SRP, J M S Shepherd BSc, CEng, MIEE, G K Edwards DipTP, MRTPI  
 VAT Registration No. 677 6792 63

Registered Address: Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire, CW12 1LB, Registration No. 3341567

**“Wyre Council’s evidence base in relation to these issues remains incomplete and the exact extent of their unmet need is unknown as the precise numbers of homes that will need to be delivered outside Wyre Council’s administrative area has not yet been assessed. It is also unclear what provision, if any, other neighbouring authorities will be able to make. The difficulty has arisen because of timing: the production of plans has not been aligned.”**

The Wyre Local Plan (WLP) was submitted to the Secretary of State on 23<sup>rd</sup> January 2018 following consultation on the publication version of the Plan over the period 22<sup>nd</sup> September – 3<sup>rd</sup> November 2017. Whilst it is accepted that examination proceedings have yet to take place, the WLP identifies a housing target of 8224 dwellings over the period 2011 – 2031, equating to an annual requirement of 411 dpa. Despite this, the SHMA Addendum 3 identifies a need of 457dpa to address demographic, market signals and economic evidence, and that a figure of 513dpa would be required to support future jobs growth. It is noted that MM1 suggests that FBC will undertake an early review of the FLP to ensure that any unmet need is met within the HMA, but does not detail how this will occur. Given that the evidence supporting the WLP is now at an advance stage and suggests a potential unmet housing need in the region of 920 – 2040 dwellings over the plan period, Gladman believe that provision should be made in the FLP now to assist Wyre in meeting their full OAN, as opposed to delaying this decision to a review of the Local Plan which may not occur in a timely fashion.

#### MM6

It is noted that the Council seeks to remove reference to the fact that development is considered acceptable if it is adjacent to existing settlements. Whilst this reference is made in the context of tier 1 and tier 2 settlements, Gladman consider that reference to development that is well related to existing settlements should be retained and be applied across all settlement tiers. This will enable the ability of sustainable growth opportunities to come forward over the course of the plan period and provides a flexible and effective response should circumstances change should the Council be unable to demonstrate a five-year housing land supply. It is noted that this would be permitted in accordance with the Council’s second monitoring indicator (see MM73).

#### MM29

Gladman still consider that the FLP lacks the necessary evidence consistent with guidance provided by the PPG to require all new homes to be designed in accordance with the optional technical standards. Gladman believe reference to the optional technical standards should be removed.

#### MM40

Notwithstanding the comments already raised relating to the proposed housing requirement, Gladman **question the justification behind the continuous use of the ‘Liverpool’ method in the policy wording over the duration of the plan period.** Gladman has previously commented upon the use of the Liverpool method and the fact that its use does not provide an effective guarantee that it will be able to address any shortfall that may accrue over the plan period. The use of the Liverpool method within the policy wording will also mean that decision takers will not be able to apply the Sedgfield methodology even if they consider it to be a more appropriate methodology to remedy any housing shortfall.

Furthermore, whilst the Government is currently seeking comments on the draft NPPF, which introduces the new housing delivery test, it is uncertain whether this approach will be implemented as currently proposed, until it is formally adopted.

MM73

MM73 updates the Performance Monitoring Framework that will be used to monitor the Local Plan's implementation. In this respect:

- Notwithstanding our comments on the status of the draft NPPF above and the Housing Delivery Test, Indicator 1 sets out that the Presumption in Favour of Sustainable Development will be invoked when there is a failure to deliver 65% of the Council's **housing requirement over a** three year period. This is inconsistent with the Housing Delivery Test contained in the draft NPPF, which stipulates that the relevant trigger would be the failure to deliver 75% of an authority's housing target over the same period;
- Indicator 2 sets out that the Council will consider granting planning permission for sites of between 10 and 15 homes on sites not allocated in the plan, adjacent to settlement boundaries of the Strategic Locations for Development. Should the Council's proposed allocations fail to deliver it is important that this contingency provides greater flexibility and that the specific caps to development should be removed and should instead be reworded so that development will be permitted where it is well related in size and scale to the settlement.
- Indicator 3 identifies that the Council will consider reviewing their site allocation policies where there is a 20% shortfall on the cumulative requirement of the housing trajectory, but doesn't specify over what period this will be assessed. Clearly any mitigation measures will need to be implemented in a reasonable time frame – and not at the end of the plan period, to maintain a continuous supply of housing land; and
- Indicator 4 describes how the Council will consider the reasons for an imbalance in housing delivery, where a) the Strategic Locations for Development deliver less than 80% of the **borough's housing requirements, and b) the non-strategic locations deliver more than 15%**. If sites are being brought forward the Council should consider the allocation of alternative sites in Strategic Locations for Growth.

### Conclusions

Having considered the proposed main modifications prepared by the Council, Gladman is concerned about a range of matters including housing needs and housing land supply and believe additional modifications are necessary to ensure the soundness of the plan.

I hope you have found this response to be constructive. Should you require any further information please do not hesitate to contact me.

Yours faithfully,  
John Fleming  
Gladman Developments Ltd

Planning Policy  
Planning Department  
Fylde Council  
Town Hall  
St Annes Road West  
Lytham St Annes  
FY8 1LW

**By email and post**  
**[planningpolicy@fylde.gov.uk](mailto:planningpolicy@fylde.gov.uk)**

22 March 2018

let.024.DJ.07920035

Dear Sir / Madam

## **FYLDE LOCAL PLAN EXAMINATION**

### **SITE ES1 – LAND NORTH OF KILNHOUSE LANE, ST ANNES**

We write on behalf of the Administrators of Greenhurst Investments Ltd (Greenhurst) as developer of the above site.

As a general point, we note drafts of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) were published part way through the consultation. Whilst we acknowledge the proposed transitional arrangements in Annex 1, there will be implications upon the plan and in the determination of planning applications, particularly the approach to housing delivery. We therefore request the Inspector give careful consideration to the plan's soundness in light of the government's direction of travel in the emerging draft NPPF and PPG.

We set out our more detailed comments on the proposed modifications consultation below, following our attendance at the stage 3 hearing sessions in December 2017. References to paragraphs of the NPPF are to the existing NPPF, unless stated otherwise.

### **Schedule of Proposed Main Modifications**

#### Policy GD8 (MM31)

We object to the proposed modification on the following three grounds:

1. The proposed change intends to strengthen the approach in retaining employment sites. The amendment requires compliance with part (c) of the policy (ie marketing), in addition to either parts (a) (ie viability) or (b) (ie suitability). Previously, the policy required compliance with only one of three tests.

In our view, the proposed modification will unnecessarily increase the burden upon applicants. If an applicant demonstrates, through evidence, that a site is

no longer viable or suitable, then it is superfluous to additionally require marketing to demonstrate there is no demand. In such instances, the feedback generated by enquiries from prospective developers and/or occupiers (if indeed any are genuine) will likely reflect that the site is not viable or suitable. Therefore, it is not necessary to demonstrate compliance with all three tests.

The increased requirement runs contrary to paragraph 22 of the NPPF, which states policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

The council state the change is required to “ensure effectiveness of the policy”. However, it has not been demonstrated why the change is necessary, or how it will improve the plan’s effectiveness in accordance with paragraph 182 of the NPPF. Therefore, the proposed amendment should be rejected by the Inspector.

2. The proposed change to Policy EC1 (MM32), which if accepted by the Inspector, will impact on the wording of Policy GD8. The amendment to Policy EC1 requires applicants to demonstrate there is no reasonable prospect of a site being used for the specified purposes and cross refers to Policy GD8. It also refers to satisfying the “tests” (rather than “test”).

This part of Policy EC1 refers to allocated sites. Site ES1, whilst allocated, comprises undeveloped land (ie it has a proposed, rather than existing employment use). However, the text within Policy GD8 does not reflect this situation. It refers only to existing uses, land and premises. Therefore, Policy GD8 should be amended to clarify the approach to retaining sites in their proposed allocated use.

3. There is an inconsistent approach in terminology. Throughout the policy, there is reference to “the site”, “the land”, “the premises”, “the property”, “the buildings” and these terms are used interchangeably. This causes confusion in instances where the site is allocated but undeveloped (eg site ES1).

#### *Changes required to Policy GD8 (MM31)*

Therefore, we request the following three changes are made, which are necessary to soundness of the plan:

1. The proposed wording requiring compliance with part (c), in addition to either parts (a) or (b), should be rejected;
2. Reference should be made throughout the policy to allocated (ie proposed) sites, in addition to existing sites;
3. Consistent terminology should refer to “the site” or “the property”.

Without these amendments, we consider the modification is not justified, effective or consistent with national policy under paragraph 182 of the NPPF.

#### Policy EC1 (MM32)

We object to the proposed modification as we consider the suggested text referring to proposals for alternative uses having to satisfy the requirements of other policies of the plan to be unnecessary. The default starting point in assessing applications is that they should be determined in accordance with the development plan. Such proposals will in any event be assessed against the plan as a whole and it is not necessary to reference other policies. Therefore, the proposed text should be rejected.

We support the proposed deletion of text referring to “*where unacceptable harm is not caused*” as we consider this to be an improvement over the existing wording.

#### *Changes required to Policy EC1 (MM32)*

We request the sentence “*Proposals for alternative uses will also have to satisfy the requirements of other policies of the Plan, in particular Policy GD7*” be deleted from the policy as its inclusion is not necessary to soundness of the plan.

Without this amendment, we consider the modification is not effective under paragraph 182 of the NPPF.

#### Policy EC2 (MM36)

We object to the proposed modification as we consider the suggested text referring to land and premises being retained in employment use to be repetitious of the approach set out in Policy EC1. Again, proposals will be assessed against the plan as a whole and it is not necessary to reference other policies. Therefore, the proposed text should be rejected. However, if the modification is accepted by the Inspector, the proposed text should be reworded to clarify the approach to retaining allocated sites.

#### *Changes required to Policy EC2 (MM36)*

We request the proposed modification be rejected as its inclusion is not necessary to soundness of the plan and therefore the modification as proposed is not effective under paragraph 182 of the NPPF.

#### Policy H1 (MM40)

We object to the proposed insertion of text in part (c) of the policy which states the five year housing land supply will be calculated using the ‘Liverpool’ approach.

Draft Planning Practice Guidance (PPG) (March 2018) states local planning authorities should deal with deficits or shortfalls against planned requirements within the first five years of the plan period (ie the ‘Sedgefield’ approach). If an authority wishes to deal with past under delivery over a longer period (ie the ‘Liverpool’ approach), then this should be established as part of the plan making and examination process. Where authorities are unable to address past shortfalls over a five year period due to the scale of shortfalls, they may need to reconsider

their approach.

We remain unconvinced the council has provided sufficient justification for the 'Liverpool' approach. There are no major constraints or environmental designations which would prevent additional land being allocated for housing in sustainable locations on the edge of settlements now, which would greatly assist in demonstrating a five year supply under the 'Sedgefield' approach.

The draft NPPF and PPG clearly show the government's direction of travel is to significantly boost the supply of homes, and therefore to "make good" the shortfall as quickly as possible. Instead of gradually addressing the shortfall over a longer period, the council should be taking appropriate action now through the plan making process by allocating a sufficient amount and variety of land to meet needs, in accordance with paragraph 60 of the draft NPPF.

*Changes required to Policy H1 (MM40)*

We request the proposed modification be rejected as the amendments are unsound and therefore not justified, effective or consistent with national policy under paragraph 182 of the NPPF.

Appendix 8 Monitoring Framework (MM73)

We object to the proposed insertion of text relating to the indicators for measuring housing delivery and triggers for action as they are not consistent with the draft NPPF and PPG.

Paragraph 75 of the draft NPPF states the presumption in favour of sustainable development will apply if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that delivery has been substantially below the housing requirement over the previous three years.

Paragraph 211 states the Housing Delivery Test will apply from November 2018. The requirements become stricter each year. From November 2020, substantial under-delivery means where delivery falls below 75% of the housing required over the previous three years. Paragraph 74 explains a 20% buffer will be applied where delivery falls below 85%. Further details are set out by the draft PPG. This clearly sets out the government's direction of travel and the plan should reflect this.

The proposed modification also has direct relevance upon the effectiveness of Policy H1 as the monitoring framework is referred to in part (b) of that policy. The monitoring framework should therefore follow these requirements.

*Changes required to Appendix 8 Monitoring Framework (MM73)*

We request the proposed modification be amended to reflect the requirements and triggers for action (including the Housing Delivery Test) set out in the draft NPPF and PPG. Currently the amendments as worded are unsound and therefore not effective or consistent with national policy under paragraph 182 of the NPPF.

## **Schedule of Proposed Additional Modifications**

### Policy GD8 (AM22)

Whilst we support the proposed deletion of duplicate text from part (b) of the policy, we note there is still reference to “or”, suggesting part (c) is not mandatory, which is the current wording suggested by the submission Local Plan. We find this suggestion in the context of MM31 to be confusing as the two modifications are contradictory.

### *Changes required to Policy GD8 (AM22)*

Therefore, the proper application of Policy GD8 should be clarified and any changes to policy wording should be included within the main modifications. The modification as proposed is not effective under paragraph 182 of the NPPF.

### Appendix 6 (AM57)

We object to the modification as we do not consider the inclusion of site ES1 within Appendix 6 (existing employment sites review) to be necessary to soundness.

Paragraph 9.17 (existing employment sites) of the submission Local Plan refers to boundaries of existing business and industrial areas, together with sites that have become employment related uses since the start of the plan period (on 1 April 2011). However, site ES1, whilst allocated, comprises undeveloped land. It has a proposed, rather than an existing employment use. It therefore cannot be retained in an existing employment use because it has no current use (ie a nil use). Therefore, the site should be excluded from the list of existing employment sites.

### *Changes required to Appendix 6 (AM57)*

The modification as proposed is not justified or effective under paragraph 182 of the NPPF. Therefore, the following text should be deleted from AM57:

*“The lack of alternative infill/expansion options suggest that the allocated expansion site should be retained for employment uses.”*

We request that our comments are duly considered and forwarded onto the Local Plan Inspector.

Yours faithfully

A large black rectangular redaction box covers the signature area.

Daniel Jackson

cc: Administrators of Greenhurst Investments Ltd

**Eddie Graves**

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**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

---

**From:** Hilton, Warren [mailto:Warren.Hilton@highwaysengland.co.uk]

**Sent:** 08 February 2018 11:24

**To:** PlanningPolicy <PlanningPolicy@fylde.gov.uk>

**Cc:** Wild, David <David.Wild@highwaysengland.co.uk>

**Subject:** RE: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

**FAO: Planning Policy, Planning Department, Fylde Council**

Thank you for making us aware of Schedule of Proposed Main Modifications consultation relating to the emerging Fylde Local Plan.

Highways England has no comments to make regarding these modifications.

Please contact me if you would like to discuss anything about this email.

Kind regards,

**Warren Hilton, Assistant Asset Manager**

Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

**Tel:** +44 (0) 300 470 5226

**Web:** <http://www.highways.gov.uk>



Historic England

By email: [planningpolicy@fylde.gov.uk](mailto:planningpolicy@fylde.gov.uk)

Our ref: PL00034097  
PL00308584

Date: 13/03/2018

Dear Sirs,

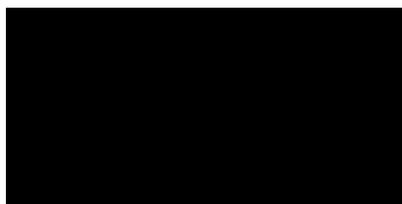
**FYLDE LOCAL PLAN TO 2032 – SCHEDULE OF PROPOSED MAIN MODIFICATIONS FOR CONSULTATION  
FYLDE LOCAL PLAN SUSTAINABILITY APPRAISAL**

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Thank you for consulting Historic England on the above documents. At this stage we have no comments to make on their content.

If you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,



**Emily Hrycan**  
Historic Environment Planning Adviser (North West)



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# **Fylde Local Plan – Main Modifications**

## **Response Statement**

Hollins Strategic Land  
March 2018

## 1 Introduction

- 1.1 This Response Statement (RS) relates to the Schedule of Proposed Main Modifications for Consultation (MM). It supplements previous HSL representations and focuses on MM1, MM6, MM13, MM40, MM41, MM42 and MM67. It is demonstrated that:
- the emerging Local Plan (eLP) must take full account of the Wyre unmet housing need to comply with the Duty to Cooperate (DtC);
  - additional sites must be allocated that can contribute to the 5-year supply and overall developable supply to provide a sufficient degree of flexibility;
  - the Council must acknowledge that site HSS12 is not deliverable at the present time and that its developability is uncertain;
  - the Sedgefield approach to calculating housing land supply (HLS) should be adopted and the Council does not have a deliverable five-year HLS;
  - eLP policy H2 must be fully justified and would have a significant impact on the viability of allocated land;
  - valued landscapes should not be allocated in a SPD and a DPD must be produced.
- 1.2 As with previous HSL Representations on the eLP, this RS demonstrates that the Council must undertake significant additional work in order to produce a sound LP for adoption.

## 2 Main Modifications

### Main Modification 1

- 2.1 MM1 includes the following modification in reference to the unmet need in Wyre Council (WC):

*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. Fylde Council recognises that Wyre Council have identified difficulties in planning to meet its objectively-assessed need for housing. Any need that remains unmet following the adoption of Wyre's Local Plan will need to be addressed. Fylde Council will undertake an early review of the Fylde Local Plan (whether full or partial) to examine this issue, working with other authorities adjoining Wyre under the Duty to Co-Operate. The objective of this process would be to ensure that any unmet need is met within the Housing Market Area and/or in other appropriate locations, where consistent with the achievement of sustainable development*

- 2.2 The Inspector informed participants at the Stage 3 Hearings that the DtC would be revisited in light of the submission of the Wyre emerging Local Plan (WeLP) to the SoS. The WeLP confirms that it can only accommodate 86% of its objectively assessed housing need (OAHN). Wyre is in the same housing market area as Fylde and Blackpool, but Blackpool has no additional capacity (Fylde is having to provide employment land for Blackpool). WC will therefore require assistance from Fylde to provide the remaining 14%, which equates to at least 1,356 dwellings. HSL understands that the WeLP Examination Hearings will commence in May/June 2018.
- 2.3 It is considered that the eLP must take account of the WC unmet need prior to adoption and that failure to do this would not comply with the DtC.

### Main Modifications 6, 40, 41

- 2.4 MM6, 40 and 41 propose to modify the minimum number of homes that the eLP will provide sites for. MM41 states the following:

*A calculation of 370-415 net dwellings per annum for 21 complete calendar years from 1 April 2011 to 31 March 2032 produces an overall net housing requirement figure of a minimum of ~~7,768~~ **8,715** for the Plan period. The Council has identified sufficient sites, including an allowance for small sites and windfalls, to provide a supply figure of ~~7,891~~ **8,819** homes over the Plan period.*

- 2.5 In previous Representations, HSL has stated that the oversupply of only 104 homes does not provide sufficient flexibility through the plan period and that additional sites

must be allocated so that the Council can ensure that it meets its minimum housing requirement and provides a sound plan.

- 2.6 At present, if only one of the larger strategic sites, such as HSS12 (see below), were not to come forward for housing during the plan period, the eLP would not meet its minimum housing requirement.

### **Main Modification 13**

- 2.7 This relates to additional sites and states that site HSS12 (Land north of Freckleton Bypass) will provide 350 homes and will commence in 2020-21.
- 2.8 HSL has repeatedly stated that this site is not deliverable and currently has an application (no. 17/0851) pending for the variation of condition 7 to the outline permission. HSL has informed the LPA that this application must be approved in order for the site to be deliverable.
- 2.9 A decision was not made by the target date of 28/02/18. Lancashire County Council (LCC) Highways would not formalise its consultation response until it had submitted evidence for conjoined appeals relating to four sites in Wrea Green. The evidence has now been submitted, along with a Statement of Common Ground (signed 20/03/18) relating to the Lytham Road/Church Road junction in Warton. This has resulted in the requirement for further discussions with LCC to establish whether they consider the application proposals to be acceptable.
- 2.10 The uncertainty surrounding the deliverability of site HSS12 must also reduce the weight afforded to it in the eLP in terms of housing delivery. This again shows that the eLP must be modified further so that additional housing sites are allocated to provide flexibility and greater certainty that the minimum housing requirement can be met.

### **Main Modifications 40 and 41**

- 2.11 MM40 states the Council will provide for and manage the delivery of new housing by (inter alia):

*Ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the "Liverpool" method from the start of each annual monitoring period*

- 2.12 MM40 states that the Liverpool method is necessary "*in order to provide the most effective strategy to facilitate the delivery of housing during the plan period*". HSL has stated in previous Representations that the Sedgefield approach should be utilised; the

Council has not satisfactorily considered a number of matters in seeking to justify the Liverpool method of calculating housing land supply (HLS).

- 2.13 HLS was discussed during the eLP Hearings in December 2017 and the LPA did not submit any additional evidence on the sites/units found to be undeliverable by the Inspector for appeal 3164516. The Council's latest Housing Land Supply Statement (HLSS) was issued on 11/01/18, following the eLP Hearings. The HLSS does not cite additional evidence. HSL remains of the opinion that the LPA cannot demonstrate a five-year HLS.
- 2.14 Further to previous Representations, the latest position with regard site HSS12 is also relevant to the HLS. The HLSS includes the provision of 30 dwellings in year 5 via site HSS12. The uncertainty surrounding application 17/0851 demonstrates that the site should not be considered deliverable at the present time.
- 2.15 Hallam Land Management (HLM) has submitted a very similar application to 17/0851, in relation to land at Clifton House Farm (CHF), Warton. The outline permission for the CHF site includes the same condition as that for site HSS12, having been imposed by the Secretary of State (SoS). It is considered likely that LCC will not issue a consultation response on this application until after mid-April either and as such, this must cast further doubt on its deliverability. The HLSS states that CHF would contribute 15 dwellings to the five-year HLS, but this should also be removed.
- 2.16 Even if the HLSS were correct on all sites other than HSS12 and CHF, the HLS would be marginal and fragile. It is also of note that the HLS requirement will rise due to Fylde having to assist WC with its significant unmet need.
- 2.17 It is considered that the Council must adopt the Sedgefield approach to HLS calculation and reduce its supply to take account of the lack of evidence supporting the inclusion of many sites, such as HSS12 and CHF.

### Main Modification 42

- 2.18 MM42 relates to housing mix policy H2 and states:

*All developments of 10 or more dwellings will therefore be required to include at least 50% of dwellings that are 1-, 2- or 3-bedroom homes. Developments within or in close proximity to the **Tier 1 Larger Rural Settlements** or **Tier 2 Smaller Rural Settlements** should include at least 33% 1- or 2-bedroom homes. These requirements will be adjusted in response to the findings of future Housing Needs Assessments conducted on behalf of the Council.*

- 2.19 In previous Representations, HSL has questioned whether this policy has been justified and stated that its imposition would impact on the viability of developments. This is particularly so of sites which obtained outline planning permission in advance of this policy gaining any significant weight in the decision-making process and of course, the majority of the housing supply identified in the eLP does already have outline permission. The imposition of this policy on reserved matters applications could prevent sites from coming forward or result in applications for 106 Agreements to be varied to reduce affordable housing or off-site contributions.
- 2.20 Furthermore, the eLP does not commit the Council to a review of the Housing Need Assessment (HNA) work. The findings of the most recent HNA could very quickly become out of date but the Council would impose the requirements of policy H2 unless applicants provided evidence to show that it was not appropriate to do so. It is considered that, if this policy is adopted, it must commit the Council to annual reviews of the HNA.

### **Main Modification 67**

- 2.21 MM67 relates to valued landscapes and policy ENV1, stating:

*The Council intends to prepare a Valued Landscapes SPD in 2017, to accompany policy **ENV1**. Valued Landscapes are identified by the Council through Policy ENV1 in accordance with paragraph 109 of the Framework.*

- 2.22 It is acknowledged that the minor modifications propose the removal of “in 2017”. However, it is understood that no progress has been made on the SPD as yet. It is acknowledged that this may be as a result of the eLP Examination. However, it is also understood that the Council intends the SPD to effectively allocate land as valued landscapes. This should not be undertaken as a SPD; rather, a DPD should be produced.

### 3 Conclusions

- 3.1 HSL considers that the Council must undertake significant additional work to provide a sound LP for adoption, including the allocation of additional sites which are capable of contributing towards the 5-year supply, flexibility across the plan period and the Wyre unmet need. Furthermore, eLP policy H2 would have a significant impact on the viability of allocated land, impacting upon deliverability and developability across the plan period.
- 3.2 It is concluded that the Main Modifications do not result in a sound Local Plan.

Fylde Council,  
Planning Policy Team,

SENT BY EMAIL  
[planningpolicy@fylde.gov.uk](mailto:planningpolicy@fylde.gov.uk)  
03/04/2018

Dear Sir / Madam,

### **FYLDE LOCAL PLAN: SCHEDULE OF PROPOSED MAIN MODIFICATIONS**

Thank you for consulting with the Home Builders Federation on the Fylde Local Plan Proposed Main Modifications.

The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

The Council will be aware that the HBF provided comments upon previous iterations of the Local Plan, the following comments are provided in light of the points previously provided.

#### **MM6 - Policy DLF1**

Modification MM6 is an improvement and sees the housing requirement increased to 8,715. However, the housing requirement remains below level recommended by HBF. The policy wording would still benefit from clarity in relation to whether this is a net or gross housing figure, with the HBF recommending that it should be a net figure.

#### **MM29 & MM30 - Policy GD7 and Justification**

The HBF supports the deletion of reference to the National Technical Standards. However, the HBF would continue to recommend the deletion of part (r) in relation to climate change.

#### **MM40 - Policy H1**

Modification MM40 is an improvement and sees the housing requirement increased to 415 net homes per annum. However, the housing requirement remains below level recommended by HBF.

The HBF does not support the insertion of '*calculated using the 'Liverpool' method*'. The use of the Liverpool method is not supported, and the HBF considers that this amendment to the policy should be deleted.

**MM42 & MM43 - Policy H2 and paragraph 10.25**

The HBF consider that the insertion of 'normally', helps to increase flexibility in relation to a minimum net density of 30 homes per hectare. Further text in relation to residential densities and the potential for lower net residential densities to reflect and enhance the local character of the area is generally welcomed.

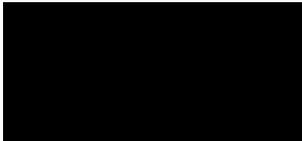
**Monitoring Framework**

The HBF is generally supportive of the addition of 'Trigger for Action' and 'Contingency / Action' columns. However, it is considered that the actions identified would benefit from being more definitive and pro-active.

**Future Engagement**

I trust that the Council will find these comments useful as it continues to progress its Local Plan. Please notify the HBF of the publication of the Inspector's report, the adoption of the Local Plan or any future hearing sessions. Please use the contact details provided below for future correspondence.

Yours sincerely,



**Joanne Harding**

**Local Plans Manager – North**

Email: [joanne.harding@hbf.co.uk](mailto:joanne.harding@hbf.co.uk)

Phone: 07972 774 229

21<sup>st</sup> March 2018

Planning Policy  
Planning Department  
Fylde Council  
St Anne's Road West  
Lytham St Annes  
FY8 1LW

Dear Sir/Madam,

**FYLDE LOCAL PLAN TO 2032 – SCHEDULE OF PROPOSED MAIN MODIFICATIONS FOR CONSULTATION**  
**LAND AT BEECH ROAD, ELSWICK – MAIN MODIFICATION REFERENCE MM15**

I write on behalf of our client, Mr J Coxon, in response to the Council's recent publication of proposed main modifications for the emerging Fylde Local Plan.

It is noted that following recent housing appeal decisions within Elswick, (particularly Fylde application ref – 16/0645; Planning Inspectorate ref – APP/M2325/3172438), the Council proposes modifications to its policies and designation maps to reflect the change in circumstances.

Policy SL5 – 'Development sites outside of strategic locations for development' has been revised to include sites which have been brought forward since publication and can contribute to the delivery of housing during the plan period. Of interest to our client is site reference HS73: Land North of Beech Road, Elswick (MM15), which is now formally allocated as a housing commitment for up to 50 dwellings.

The proposed allocation comprises an area of open land measuring circa 2.6 hectares and follows existing field boundaries. I wish to highlight the presence of my client's land (see attachments 1 & 2), a broadly rectangular plot measuring 0.3 hectares in area which is located immediately adjacent to the committed site.

Accounting for its position and relationship to HS73, we consider that it represents a suitable inclusion to the allocation and would be seen as a logical extension, rounding off the commitment along Beech Road. Subject to design and layout, the site could accommodate up to 9 dwellings and would help to support proportionate growth within Elswick.

The recent appeal decision confirms that this is a suitable location for new housing development, is sustainable, would not erode landscape character and would not result in the unacceptable loss of open countryside.

Further to this, sensitive and logical allocations such as this can help to significantly boost the supply of housing in Flyde, with a realistic prospect of delivery during the plan period, in accordance with paragraph 47 of the National Planning Policy Framework.

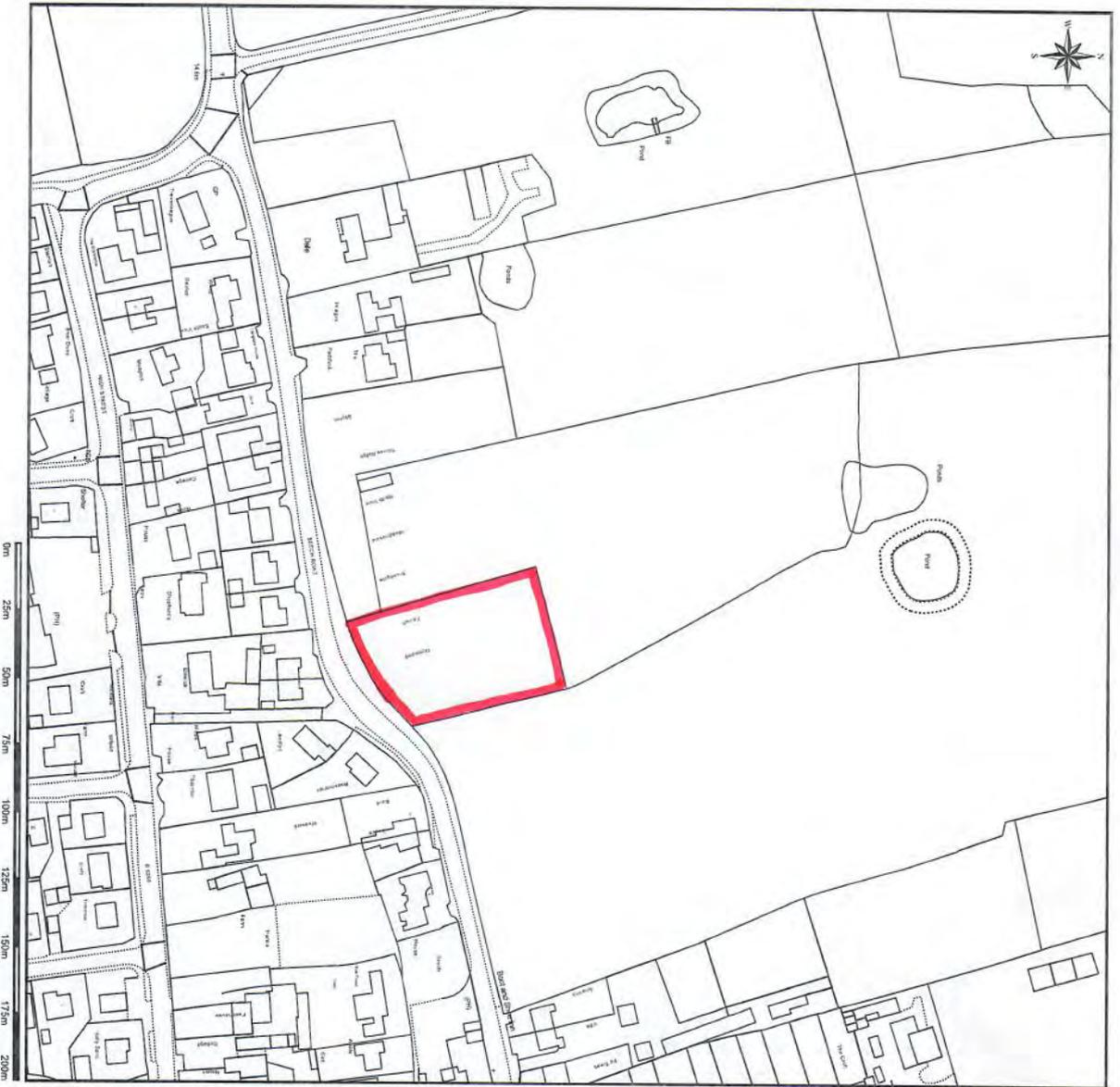
It is therefore considered that our clients land (as defined by the red edge shown in attachment 1) should be incorporated in to the commitment at Beech Road (allocation HS73) and is not overlooked as part of the strategic plan preparation process.

Yours Sincerely

**Lee Greenwood**

lee@smithlove.co.uk

# Beech Road, Elswick

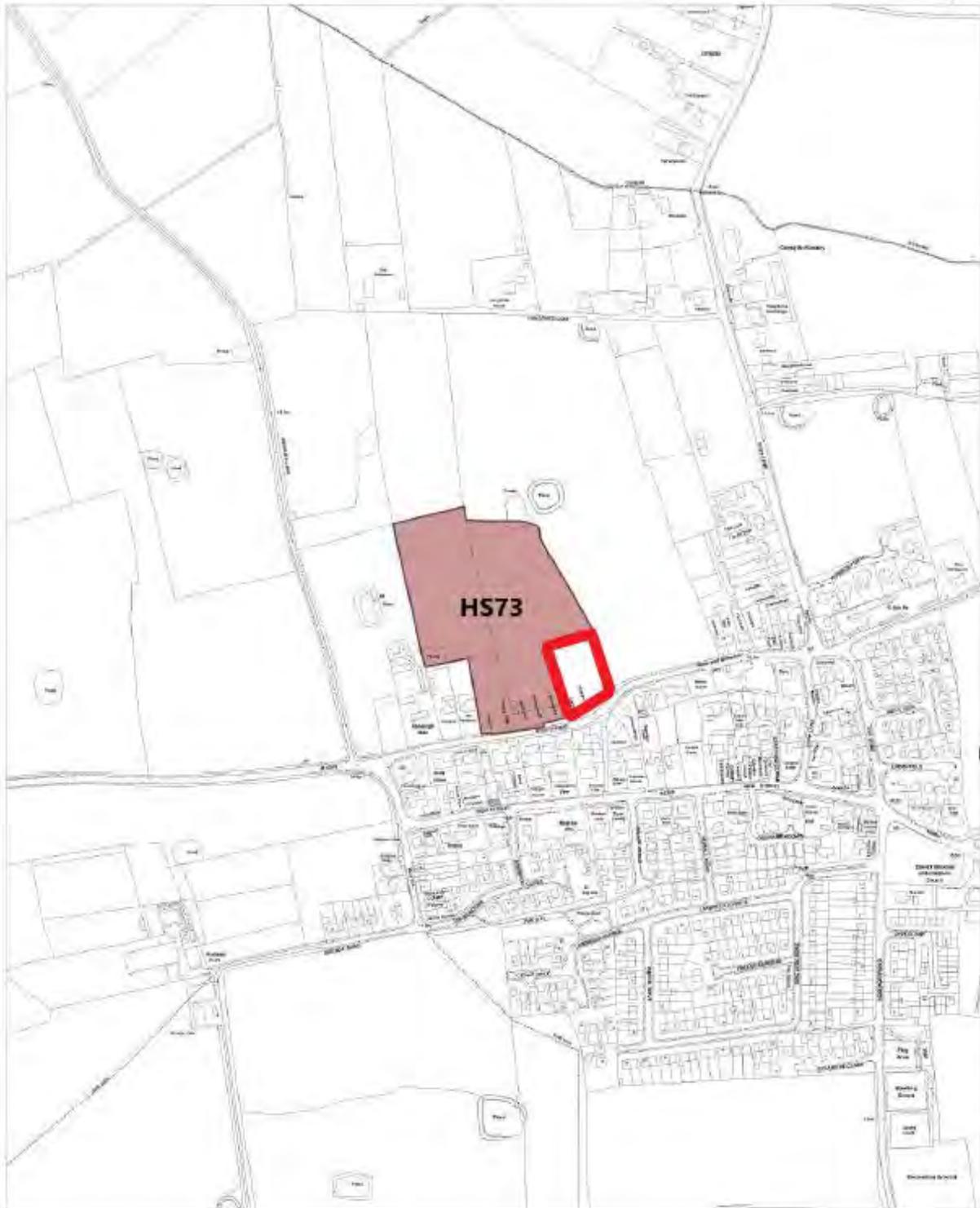


Scale: 1:2500, paper size: A4

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Prepared by: Deborah Smith, 04-08-2015



Scale  
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**PROPOSED MODIFICATIONS TO THE POLICIES MAP**  
Policy SL5 - Additional site - Land North of Beech Road, Elswick (HS73)

Planning Policy  
Fylde Borough Council  
Town Hall  
LYTHAM ST ANNES  
FY8 1LW

Phone: (01772) 537397  
Email: stephanie.shone@lancashire.gov.uk  
Your ref:  
Our ref: MH/SS/KM  
Date: 15 March 2018

Dear Sir/Madam

## **CONSULTATION ON THE FYLDE LOCAL PLAN TO 2032 – SCHEDULE OF PROPOSED MAIN MODIFICATIONS FOR CONSULTATION**

Thank you for consulting Lancashire County Council on the Consultation on Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation.

At this stage I offer Education comments.

### **Education**

#### **Education Statement**

Section 14 of the Education Act 1996 dictates that Lancashire County Council's (LCC's) statutory obligation is to ensure that every child living in Lancashire is able to access a mainstream school place in Lancashire. Some children have Special Educational Needs for which they access school provision outside of Lancashire. Special Educational Needs provision is managed by LCC's Special Educational Needs and Disability (SEND) Team and is not covered by this response. The '*Strategy for the provision of school places and school's capital investment 2015/16 to 2017/18*' provides the context and policy for school place provision and schools capital strategy in Lancashire. Over the coming years, Lancashire County Council and its local authority partners will need to address a range of issues around school organisation in order to maintain a coherent system that is fit for purpose, stable, and delivering the best possible outcomes for children and young people.

Pressure for additional school places can be created by an increase in the birth rate, new housing developments, greater inward migration and parental choice of one school over another. If local schools are unable to meet the demand of a new development there is the potential to have an adverse impact on the infrastructure of its local community, with children having to travel greater distances to access a school place.

In a letter from the Department for Education (DfE) to all Chief Executives, the Minister of State for Housing and the Parliamentary Under Secretary of State for Schools jointly

stated that 'where major new housing developments create an additional need for school places, then the local authority should expect a substantial contribution from the developer towards the cost of meeting this requirement.'

The School Planning Team produces an '*Education Contribution Methodology*' document which outlines the Lancashire County Council methodology for assessing the likely impact of new housing developments on school places, where necessary mitigating the impact, by securing education contributions from developers.

In order to assess the impact of a development the School Planning Team consider demand for places against the capacity of primary schools within 2 miles and secondary schools within 3 miles. These distances are in line with DfE travel to school guidance and Lancashire County Council's Home to School Transport Policy.

Planning obligations will be sought for education places where Lancashire primary schools within 2 miles and/or Lancashire secondary schools within 3 miles of the development are:

- Already over-subscribed,
- Projected to become over-subscribed within 5 years, or
- A development results in demand for a school site to be provided.

## **Response to the Consultation**

### **EL10.002 Schedule of Proposed Main Modifications for Consultation**

Policy HW2 (P42) – Proposed Modification includes the following "*The Council will work with the Education Authority to identify and deliver a site for a new secondary school once a need is demonstrated within the plan period*". LCC are disappointed to note this sentence, as the authority have consistently requested the need for Fylde Council to take a strategic decision on the provision of a secondary school site which is identified and secured within the Local Plan. Please explain what additional information is required.

Introduction to Chapter 12 Paragraph 12.6 (P44) - Proposed Modification includes the following "*LCC is working with Fylde Council to ensure that an appropriate site for a new secondary school is identified and provided*". LCC would like this to have happened and the proposed site named in the Local plan, should the need arise for a new secondary school.

### **EL10.003 Fylde Local Plan; Sustainability Appraisal Report Addendum**

Policy HW2 (P44) - Proposed Modification includes the following "The Council will work with the Education Authority to identify and deliver a site for a new secondary school once a need is demonstrated within the plan period". As above, LCC are disappointed to note this sentence, as the authority have consistently requested the need for Fylde Council to take a strategic decision on the provision of a secondary school site which is identified and secured within the Local Plan. Please explain what additional information is required.

## EL10.004 Schedule of Proposed Additional Modifications

IDP Para 6.11 (P18) – Proposed Modification includes the following "LCC seeks £13,474.53 per primary school place". Please amend amount to £14,217.31 (April 2017).

IDP Para 6.12 (P18) - Proposed Modification includes the following "LCC seeks £20,303.59 per secondary school place". Please amend amount to £21,423.27 (April 2017).

IDP Para 6.24 (P20) – Proposed Modification includes the following "LCC is legally obliged to provide a school place for every child of school age however they do not have the authority to provide places in Unitary Authorities within Lancashire. Therefore, if there are schools on the periphery within Blackpool, the choice of one school over another would be down to parental preference. Therefore, cross-boundary considerations are important when determining the need for school places in the borough, particularly as there is also pressure on primary school places in Blackpool. The Fylde-Blackpool periphery is predicted to have a significant shortfall of primary school places within the next five years. In support of cross boundary issues the proposed development at Whyndyke Farm (site MUS2), will deliver a new primary school and would address demand from Lancashire and Blackpool. To ensure that children residing in the new housing development can access a place in their locality LCC is likely to commend a Geographical Priority Area to the governors of the new primary school.

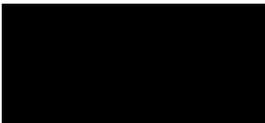
Please change the highlighted word "provide" to "offer";  
Remove the highlighted word "Therefore";  
Change the highlighted word "would" to "could"; and  
Add the highlighted sentence to the end of the paragraph.

IDP Appendix 2 Education (P 22) - Proposed Modification includes the following "£13,474.53 (for primary schools) and £20,303.59 (for secondary schools)". Please amend amount to £14,217.31 (for primary schools) and £21,423.27 (for secondary schools) (April 2017).

I trust these comments are helpful in the consultation on the Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation.

Should you have any queries please do not hesitate to contact me.

Yours faithfully



Marcus Hudson  
Planning Manager



21 March 2018

Planning Policy  
Planning Department  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
FY8 1LW

Dear Sir/Ms

**FYLDE LOCAL PLAN 2032  
CONSULTATION ON MAIN MODIFICATIONS  
MACTAGGART & MICKEL LTD (REF: 34)**

We write on behalf of our clients, Mactaggart & Mickel Ltd, with regard to the published schedule of main modifications on the Fylde Borough Council Local Plan 2032.

These "Main Modifications" are required to resolve issues in order to make the Local Plan sound (paragraph 182 of the Framework) or to ensure its legal compliance. They involve changes or insertions to policies and text that are essential to enable the Plan to be adopted. Main Modifications are therefore significant changes that have an impact on the implementation of a policy.

In terms of Main Modification 41, it is noted that the Council have been provided with a OAN range of dwellings per annum from 410-430 units, based on the 2014 household projections to 2039 and have elected to pursue 415 units per year, at the lower end of this range. Mactaggart and Mickel attended the Stage Three Hearing Session and sought to ascertain and be advised by Fylde Council of the basis for arriving at the figure of 415 units per annum. It is considered that based on the paucity of reasoning offered at this session and the fact that the Council, based on their own calculations, will barely be able to demonstrate a five year housing land supply, using the Sedgefield Method, that 430 units per annum should be provided for in this main modification. This will seek to ensure that there is a sufficient range and choice of housing that is deliverable and this may also assist the Council in meeting their five year housing land supply target going forward. A matter they have consistently struggled with to date. By way of comparison and as noted in MM 1, in paragraph 1.24, the adjoining Wyre Council OAN range was from 400-479 units per year. Wyre Council accepted the 479 units per annum as their appropriate housing

requirement figure. It is the view of Mactaggart & Mickel that seeking to provide 430 units per annum in Fylde Borough would go towards significantly seeking to boost the housing land supply, as advocated in paragraph 47 of the Framework. The Inspector is requested to confirm that 430 units per annum are required in Fylde Borough over the lifetime of the Local Plan.

There is a fine margin by which the identified housing supply of 8,819 units, meets the minimum housing requirement of 8,715 units, is detailed in paragraph 10.16 for MM41. Having attended the Hearing Sessions of the Local Plan, this position is barely credible and demonstrates the Council's view of seeking to do the bare minimum to provide the houses required for its population over the plan period. This is reaffirmed by the local authority's delays in producing a Local Plan, its glacial pace in terms of progress and the fact that a further consultation was required during the Examination Session on the OAN.

To ensure that a five year housing land supply is provided for consistently in the future, further housing sites are required to be allocated, in order for this new Local Plan to be considered 'sound' going forward and importantly from its adoption date. The Inspector is requested to consider this point, as there are a significant number of potential housing sites that can be allocated to 'boost' the housing land supply. This may require a further Hearing Session of the Local Plan, where the merits of further potential housing sites can be considered by the Inspector. This will allow for only a partial review early review, as indicated in paragraph 1.27 of MM 1, to concentrate solely in accommodating additional need from neighbouring Wyre Borough.

It is also considered that the Sedgfield method should be used for calculating the five year housing land supply, as the backlog in under provision of housing since 2011 is now building up. These are homes that are required now and which the Council has failed to provide for, without further delay, in order to accommodate the Council areas population and these are certainly needed in the next five years, as a minimum pre-requisite. This matter is brought into stark contrast in the new text at the bottom of paragraph 10.16 where the Council have provided an average of 256 units per annum from 2011-17 to date. A significant boost to the supply of housing is now required in Fylde Borough. The suggestion from the Council that they wish to spread the under supply accumulated so far, over the remainder of the plan period, via the Liverpool method, is an unacceptable proposition to Mactaggart & Mickel. This is based on the systemic failure of Fylde Borough to meet its housing requirements in recent years, which was self-evident at the Stage Three Hearing Session of the Local Plan.

The trajectory is detailed in MM 41 and in Appendix Two. Mactaggart & Mickel consider it to be entirely unrealistic in terms of programmed housing delivery over the next few years. It is considered that the level of homes anticipated for delivery, over 700 units for a four year period from now, 2017/18 to 2020/21 is unrealistic. In our client's experience, whilst there will be an increase in homes delivered after the Local Plan is adopted, this will take place at a lower rate and over a longer period and the trajectory should be amended to reflect this realism. In suggesting over 700 units per annum for the next four years, the Council are setting themselves up for further failure to deliver at such a high rate per annum. The trajectory needs to be credible. This will also allow for new, smaller and deliverable housing sites to come forward in the short term to ensure the five year housing land supply is met in full and consistently.



It is respectfully requested that the Inspector takes these comments into account, before finalising and issuing the Examination Report. There is now an opportunity to address the systemic failure of Fylde Borough to deliver a suitable level of housing to accommodate their OAN. This Local Plan presents a potential once in a decade chance to correct this matter going forward and to ensure that the government's aim to significant boost the land supply is met for Fylde Borough and that their new Local Plan is sound from adoption and can demonstrate a consistent five year housing land supply after its adoption date.

If there are any questions in response to these comments on the main modifications, then please do not hesitate to contact me.

Yours sincerely



**Anthony H Aitken MRTPI**  
**HEAD OF PLANNING**

**BY EMAIL & POST**

Planning Policy  
 Planning Department  
 Fylde Council  
 Town Hall, St Annes Road West  
 Lytham St Annes, FY8 1LW

Our Ref: 1535

Date: 22 March 2018

Dear Sir/Madam

**REPRESENTATIONS ON THE PROPOSED MAIN MODIFICATIONS TO FYLDE LOCAL PLAN**

Further to previous representations on behalf of Metacre Ltd below are comments relating to the proposed Main Modifications to the Local Plan. These comments have been restricted to the modifications proposed and do not seek to reiterate previous representations to the plan, which remain applicable.

**MM1 – para 1.26**

The proposed change states that Wyre Council's evidence base remains incomplete and that the exact extent of their unmet need is unknown. Wyre have now submitted their Local Plan to the SoS which does identify their unmet need. Simply referring to the undertaking of an early review, with no indication of when this will occur or what other actions may be taken in the meantime to ensure that the objectively assessed need for the Fylde Coast housing market area is delivered, conflicts with NPPF 47 bullet point 1.

**MM6 – policy DLF1**

The modifications propose to change the text relating to Windfall development and it now focusses on small housing development comprising less than 9 homes. Whilst the amended text refers to larger windfall sites it includes the word "some". Windfall development is already necessary to meet the 'minimum' housing requirement over the plan period and it will be even more important in delivering the necessary housing should any of the allocated sites fail to come forward or the strategic sites such as Queensway fail to deliver the optimistic annual delivery rates over the entire plan period. There is no basis to suggest that windfall sites should be restricted to below 10 dwellings and to do so could result in exacerbating the under deliver of housing which has affected Fylde for the last decade. The appellant is concerned that as worded the modified policy could be interpreted as suggesting that only a limited number of larger windfall sites will be acceptable. It is requested that the last sentence to the windfall section of the policy be changed to "*Windfall development is not restricted to small housing sites and larger windfall sites may also contribute to this figure*".

**MM21 and MM23 – Policy GD3**

The Council have inserted a new section in the policy stating that development will be limited to a range of identified types of development. Our client is concerned that this is a closed list and that it also specifically restricts infill development to "minor" infill. Providing examples of what may be considered acceptable is helpful for both applicants and decision makers, but it should not be a closed list as there could be occasions where development outside the identified circumstances would not harm the objectives of the policy. Similarly,



there may be non-minor infill development which does not undermine the effectiveness of the gap between the settlements etc.

Furthermore, we fail to see why infill development should be required to not have a material impact on the rural character of the area. The policy is seeking to retain an effective gap between settlements to ensure they retain their own identity and distinctiveness rather than merging into a single settlement. Development proposals should be considered in this context, not whether it affects some perception of the rural character of an area. There are other policies in the plan which require development to reflect the general character of the locality.

To be sound, it is considered that criterion f) should be amended to remove the word 'minor' and remove the reference to not affecting the rural character of the area. The policy should also be amended to clarify that the identified examples are not a closed list and that development proposals will be considered on their merits against the objective of the policy to not harm the effectiveness of the gap between settlements.

### **MM29 - Policy GD7**

The Council propose to insert a new criterion which requires new development to deliver mixed uses and strong neighbourhood centres. This is a general design policy and all development in the Borough cannot be expected to comply with this criterion.

### **MM31 – Policy GD8**

The deletion of the word 'or' after criterion b) and the insertion of the words 'And in either case' before criterion c), fundamentally alters the policy, making it unsound as it places far too onerous and unjustified restrictions on the reuse and redevelopment of employment land / buildings.

There is a clear steer in the NPPF and Ministerial Statements for planning policies to promote sustainable development and not place unnecessary burdens on development, particularly when bringing vacant and underused previously developed land and buildings back into productive use. In this regard, paragraph 17 of the NPPF identifies one of the core land use principles as encouraging the effective use of previously developed land. Furthermore, whilst the NPPF seeks to build a strong competitive economy it does not support placing unnecessarily onerous restrictions on the redevelopment / reuse of employment land or buildings for alternative uses, particularly when there is a need for housing land. This is reflected by the fact that paragraph 51 of the NPPF states that local planning authorities should normally approve planning applications for changes to residential use from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area and provided that there are not strong economic reasons why such development would be inappropriate. Paragraph 22 also states that planning policies should avoid the long term protection of sites for employment use where there is no reasonable prospect of a site being used for that purpose and that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

In this context the proposed modifications to policy GD8 would stipulate that in order to be granted planning permission a proposal for the re-use or redevelopment of an existing/former employment site or building for a non-employment use, would essentially have to:

1. Demonstrate that the continued use of the site for its existing use is no longer viable (criterion a), **or** that it is no longer suitable for the existing use (criterion b) **and**



2. Demonstrate that marketing of the land / property indicates that there is no demand (criterion c)

If a site is demonstrated to be commercially unviable for continued employment use or that it is no longer suitable for such a use (i.e. criterion a) or b) are satisfied), then the requirement for the site / premises to be marketed to demonstrate a lack of demand is a futile exercise, which simply places unnecessary obstacles in the face of development. This flies in the face of the NPPF.

Furthermore, irrespective of whether a site could in principle be suitable and viable for an employment re-use, if an adequate marketing exercise has been undertaken which shows a lack of demand or interest in the land / property then there is no justification to prevent its re-use for housing and essentially force the property / site to remain vacant. To do so would fly in the face of the NPPF. However, the amended wording to the policy no longer allows demand to be taken into account in isolation – either criterion a) or b) would still also have to be satisfied.

The modification is therefore consider unsound and the policy should simply require one of criteria a), b) or c) to be complied with.

**MM40 – Policy H1 and paragraph 10.16**

The proposed modifications include inserting references to the “Liverpool” method being applied in the annual monitoring reports throughout the lifetime of the plan. It is also suggested in the amendments to para 10.17 and in MM73 Indicator 2. This is entirely inappropriate.

Previous representations have highlighted why the Sedgefield method is both preferable and more in line with NPPF objectives and guidance in the NPPG. Indeed this has been accepted by several appeal inspectors considering s.78 appeals in Fylde over the preceded few years. It is not considered necessary to repeat our previous representations to the Local Plan and EIP Hearings.

It is acknowledged that the Local Plan Inspector may disagree with our previous representations and conclude that for the purposes of producing this Local Plan it is not ‘un-sound’ to spread the shortfall pre-2018 across the remainder of the Local Plan period. However, the reasons for this may cease to be applicable as the plan period progresses. Irrespective of which approach is applied at this particular moment in time, circumstances may change and an alternative method of addressing any shortfall may be considered more appropriate in the future. This is a matter for consideration when the annual monitoring reports are produced and the delivery of housing is assessed and updated. It is inappropriate and unsound for the Local Plan to predetermine this by stating that the Liverpool method will always be applied for the next 13 years.

It is considered that to be sound the references to the Liverpool approach being applied should be deleted from policy H1, its justification text and monitoring indicator 2.

**MM42 – Policy H2**

The Council state that the insertion of “*These requirements will be adjusted in response to the findings of future Housing Needs Assessments conducted on behalf of the Council*” will allow some flexibility. Suggesting that a Housing Need Assessment may be undertaken in the future but that in the meantime all development will have to comprise 50% 1, 2 and 3 bed properties and 33% 1 and 2 bed properties in Tier 1 and 2 settlements, does not



provide flexibility. Our client's concerns on this policy have already been expressed in previous representations to the Local Plan.

#### **MM48 – Policy H7**

This policy, as proposed to be modified, states that a replacement or extended home will be permitted where it is increased in size by no more than 33% calculated in relation to the ground floor area (GFA) of the original home.

Whilst it is acknowledged that a guideline would be helpful for both applicants and decision makers in terms of what is likely to be considered a proportionate increase in the size of an original home, the policy, as worded, is effectively placing a limit in every possible scenario for replacement dwellings and residential extension proposals in the countryside. Whilst such a figure may be considered a maximum proportionate addition in a number of scenarios, it cannot realistically be considered appropriate in every possible circumstance. There are likely to be a wide range of circumstances whereby an increase of over 33% would be acceptable, without detriment to the objectives of the policy.

It is suggested that the policy be amended so that the 33% is referred to as a guideline within the policy justification text rather than an absolute limit within the policy itself.

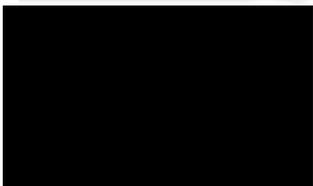
#### **MM73 – Indicator 1**

Suggested trigger point 3) is a failure to deliver 65% of the requirement over a 3 year rolling period. If this is meant to be in line with national guidance, and presumably the recently published draft Planning Practice Guidance, then this figure should be 75%.

#### **MM73 – Indicator 2**

For reasons set out in relation to MM40 above, it is inappropriate for this indicator to state that the Liverpool method will be used. Furthermore, the suggested contingency is also not in compliance with the Framework and is unjustified. If there is not a deliverable five year supply there is no basis to suggest that only sites of between 10 and 15 dwellings on the edge of Strategic Locations for Development will be considered for development. In the absence of a five year supply NPPF 49 states that relevant policies for the supply of housing should not be considered up-to-date. In these circumstances the NPPF para 14 presumption in favour of sustainable development should apply and there should be no arbitrary ceiling to individual developments, nor a restriction on the site having to be at the Strategic Locations for Development. Proposed development should be considered on its merits in line with NPPF paragraph 14.

Yours faithfully





**ALEXIS DE POL MRTPI**  
Managing Director  
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Date: 16 March 2018  
Our ref: 238485



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Dear Sir or Madam

### **Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation**

Thank you for your consultation on the above dated and received by Natural England on 08 February 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

As requested, we have reviewed the following documents;

#### **Schedule of Proposed Main Modifications for Consultation Fylde Local Plan: Sustainability Appraisal Report Addendum**

Natural England has no comments to make on the individual allocation sites added into the local plan because they already have planning permission. However, we do recommend that the HRA is updated to include these sites and all the sites are re-assessed to check for in-combination impacts.

We have no comments to make on the other modifications or the Sustainability Appraisal Report Addendum.

A signed hard copy of this letter has been posted.

If you have any queries relating to the advice in this letter please contact me on 0208 225 7506

Yours faithfully

Miss Elizabeth Knowles  
Lead Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team



Our Ref: EP/17B604301/220318  
Your Ref: AM27

22 March 2018

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**[gva.co.uk](http://gva.co.uk)**

Dear Sir / Madam

**Fylde Local Plan to 2032 Stage 2 Examination – Main Modifications Consultation**  
**Representation on behalf of the Nuclear Decommissioning Authority**

We are writing to you on behalf of the Nuclear Decommissioning Authority (NDA) to respond to the current consultation on the Schedule of Proposed Main Modifications.

GVA has made representations on behalf of the NDA at the *Publication Version* consultation stage (dated 13<sup>th</sup> September 2016), and also at the Stage 2 Examination Hearings (Hearing Statement dated 7<sup>th</sup> June 2017). As set out in these previous representations, the NDA is the strategic authority responsible for managing the effective and efficient clean-up of the UK's nuclear legacy. This includes the Springfields site in Fylde.

We would like to respond to the consultation in respect of an 'additional modification' rather than a 'main modification', albeit we appreciate the consultation primarily relates to the latter, and that the additional modifications are only intended to be factual updates to supporting text. Nonetheless, it is our view that additional modification AM27 is an important change and it is supported, in part, by the NDA.

As set out in the Hearing Statement dated 7<sup>th</sup> June 2017, prepared by GVA, it is noted that paragraph 9.17 of the Local Plan has been updated to acknowledge that the Springfields site will be subject to on-going activities associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities, in addition to the employment uses specified in Policy EC1. As previously set out, it is considered that these additional uses would be more appropriately included within Policy EC1 itself, rather than as supporting text at paragraph 9.17. Policy EC1 lists the uses appropriate at each allocated employment site. For Springfields, this includes uses associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities. In its current, modified form, Springfields would be the only allocated existing employment site in the Local Plan that includes appropriate uses in both Policy EC1 and its supporting text. The other

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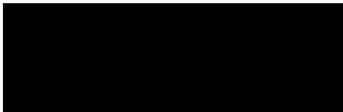
Nuclear Decommissioning Authority  
22 March 2018  
Page 2

allocated existing employment sites would have all their appropriate uses listed in Policy EC1. This represents an inconsistent approach in our view.

In summary, the NDA is supportive of the Local Plan acknowledging the appropriateness of uses associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities at Springfields. However, it is considered that the Plan should be amended to include this provision within the text of Policy EC1, together with the designated employment uses at the site. I trust this is clear but should you require anything further then please contact me.

Kind regards

Yours faithfully



**Owain Griffiths MRTPI MRICS**  
**Director**  
**02920 248920**  
**owain.griffiths@gva.co.uk**  
**For and on behalf of GVA Grimley Limited**

## Eddie Graves

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**From:** Alban Cassidy <AlbanCassidy@cassidyashton.co.uk>  
**Sent:** 22 March 2018 10:22  
**To:** PlanningPolicy  
**Subject:** FYLDE LOCAL PLAN: SCHEDULE OF PROPOSED MAIN MODIFICATIONS

I refer to the above document and on behalf of Oyston Estates have a few final comments to make, although I would note that we do not consider that the Modifications in any shape or form, fully address the concerns and matters previously raised as objections by ourselves.

MM1 – Paras 1.24-1.28

The recognition that there is a need for an early review of the Local Plan to consider the extent to which the needs of Wyre can be met is welcomed. However, in line with the principles of sustainable development, there should be a recognition that this will extend to the entire Borough, in line with the Settlement Hierarchy.

MM6 - Policy DLF1 and MM40 - Policy H1

Modification MM6 and MM40 are an improvement on the initial figure set out in the local plan and sees the housing requirement increased to 8,715. However, this figure still falls below the housing requirement recommended by the majority of representatives to the local plan and those who appeared at the various hearing sessions. Although it is considered the figure should be higher, there should at least be clarification that this is a net, not a gross figure.

Furthermore, I have seen no clear justification for the use of the 'Liverpool' method'. This is not supported and this reference should be deleted.

I confirm on behalf of Oyston Estates that we wish to remain involved in the preparation of the Local Plan.

Regards

Alban Cassidy

**Alban Cassidy** BA (Hons) Cert. Ecol. MSc MIEMA MRTPI C.Env  
**Director**  
 Chartered Town Planner and Environmental Consultant

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22/03/2018

Dear Sir / Madam

Thank you for consulting with Persimmon Homes on the Fylde Local Plan Proposed Main Modifications. As you are well aware we have a number of sites within the borough which we are developing or are lined up as potential site for residential development in the near future. It is important to consider a wide range of stakeholders when preparing a Local Plan that has policy implications on how the region will develop and grow over the next 15 years. Persimmon Homes have provided comments upon previous consultations on the Local Plan. Please see the comments below in response to the Proposed Main Modifications of the Local Plan.

#### **MM6 – Policy DLF1**

Persimmon Homes are keen to see the housing delivery targets being increased throughout your borough and the wider Lancashire region. Persimmon Homes therefore supports the housing requirement which has been increased to 8,715 units over the plan period.

#### **MM29 & MM30 – Policy GD7 and Justification**

Persimmon Homes supports the deletion of reference to the National Technical Standards. However, Persimmon Homes would recommend deleting part (r) in relation to climate change.

#### **MM40 – Policy H1**

Again Persimmon Homes supports the increase for housing delivery across the borough to 415 units per annum.

#### **MM42 & MM43 – Policy H2**

Persimmon Homes supports the policy to introduce a minimum of 30 homes per hectare across the borough.

Please keep me informed on the Local Plan progress. If you wish to discuss any of the points raised above, please do not hesitate to contact me on the attached details.

Yours Faithfully,



Abigail Kos  
Persimmon Homes Lancashire

## **Fylde Local Plan**

### **Representations to Main Modifications**

The Strategic Land Group (SLG)

Land at Peel Hill Farm, Whitehills, Fylde

March 2018

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Appendix 1: Previous Representations

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Elinor George  
elinor.george@turley.co.uk

**Client**

The Strategic Land Group Ltd

**Our reference**

THEM3010

19 Mar 2018

## 1. Introduction

- 1.1 These representations have been prepared on behalf of Strategic Land Group (hereafter referred to as “SLG” or “our client”) which has land interests in respect of land at Peel Hill Farm, Whitehills (“The Site”). It provides representations to Fylde Borough Council (FBC) in respect of the Main Modifications which have been prepared to support the Fylde Local Plan (FLP) which is currently the subject of examination.
- 1.2 This representation should be read in conjunction with the previous representations (appended) made by Turley on behalf of SLG.

## 2. Housing Needs from Wyre

- 2.1 The Council will be aware that SLG made strong representations to the FLP and its examination in respect of the Duty to Co-operate; a statutory test which SLG considered FBC to have failed owing to its unwillingness to positively engage with Wyre Council and seek to accommodate objectively assessed needs which cannot be accommodated in Wyre.
- 2.2 Chapter 3 of our previous representations (see Appendix 1 of this document), submitted to the examination in September 2017, set out our Client's position in respect of meeting housing need from Wyre. It is SLG's view that this unmet need can and should be met in Fylde and can be achieved sustainably without conflicting with the spatial strategy or other policies in the Framework. Indeed, the Council's own evidence base (including the SHLAA) indicates that Fylde has suitable and available developments to absorb some, if not all, of Wyre's unmet need.
- 2.3 As such, the FLP should identify additional housing allocations to ensure they make a significant contribution towards meeting Wyre's unmet housing need. In the absence of such provision, the FLP remains ineffective and unsound.

### Early Review

- 2.4 The main modification document proposes to alter Paragraph 1.27 of the Local Plan and state the following:
- "Fylde Council recognises that Wyre Council have identified difficulties in planning to meet its objectively-assessed need for housing. Any need that remains unmet following the adoption of Wyre's Local Plan will need to be addressed. Fylde Council will undertake an early review of the Fylde Local Plan (whether full or partial) to examine this issue, working with other authorities adjoining Wyre under the Duty to Co-Operate. The objective of this process would be to ensure that any unmet need is met within the Housing Market Area and/or in other appropriate locations, where consistent with the achievement of sustainable development."*
- 2.5 Revised Paragraph 1.27 should be amended to state:
- Fylde Council recognises that Wyre Council have identified difficulties in planning to meet its objectively-assessed need for housing. Any need that remains unmet following the adoption of Wyre's Local Plan will need to be addressed. Fylde Council will undertake an early review of the Fylde Local Plan (whether full or partial) to examine this issue, working with other authorities within the same Housing Market Area under the Duty to Co-Operate. The objective of this process would be to ensure that any unmet need is met within the Housing Market Area, providing doing so is consistent with policies in the Framework.*
- 2.6 The existing evidence indicates that the unmet housing need from Wyre should be met in full within Fylde for the reasons set out within Section 3 of Appendix 1.

- 2.7 SLG recognises the addition of an early review mechanism for the FLP. However, we reiterate that the absence of any immediate policy mechanism and/or additional allocations through this FLP will undoubtedly mean that there is a risk that the new housing required to rectify unmet need from Wyre will be, at best, significantly delayed and may remain unmet.
- 2.8 SLG notes the conclusions made on this matter by the Planning Inspector after the Stage 1 examination, since then there has been material progress with the Wyre Local Plan. If the Inspector ultimately concludes that the Duty to Cooperate has been met, it is our suggestion that any review should be immediate to minimise any delay in the delivery of the identified housing need in the HMA. In order to provide certainty, this should include a timetable for that review.
- 2.9 To achieve that, the following wording should be added at the end of Paragraph 1.27:
- Fylde Council will commence that review no later than the date 12 months after the adoption of the Wyre Local Plan, with the aim of concluding the review within 24 months.*
- 2.10 A rapid review is, in our opinion, achievable and would provide a higher degree of certainty for both the market and the community. During the examination process it will become apparent quickly if Fylde will be required to deliver Wyre's unmet housing and Fylde could therefore commence their review alongside the examination of the Wyre Local Plan

### 3. Housing Supply and Trajectory

- 3.1 The Fylde mid-year Housing Land Supply Statement (HLSS)(base date 30th September 2017) includes a five year supply statement and housing trajectory for the next five years and for the remaining plan period.
- 3.2 The updated HLSS indicates that the Council are able to demonstrate a 5.1 year supply of deliverable housing sites using the Sedgefield method and a 6.3 year supply of deliverable housing sites using the Liverpool method.
- 3.3 Our previous representations, appended to this report, identify SLG's concerns regarding the trajectory. The main concern remains the suggestion that land at Queensway, St. Annes is expected to deliver 100 units per annum from 2019/2020 and achieve full delivery (1,150 dwellings) within the plan period.
- 3.4 SLG continue to assert that the suggested level of output is unrealistic and based on inadequately evidenced assumptions. The objections stated within our previous representation have not been addressed by the proposed Modification and therefore remain.

#### **Revised Housing Target**

- 3.5 SLG note that the Modifications propose an increase in the Housing Target outlined within Policy DLF1, to recognise that the housing target within the submission version of the Local Plan did not reflect housing need.
- 3.6 Turley Economics completed a report entitled 'Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP' on behalf of FBC in May 2013. Paragraph 6.37 of this report identifies an updated OAN range of 410 and 430 dwellings per annum and states within paragraph 5.5.3 that the full need for housing will be more closely aligned with the upper end of the identified OAN range. The increased housing figure identifies an annual Housing Target of 415 dwellings per annum across the plan period, which is at the lower end of the range. It is not, therefore, based on the council's evidence base.
- 3.7 In order for the FLP to be sound, and to reflect the national policy requirement to significantly boost the supply of housing, the housing target should be increased to 430 dwellings per annum. This would equate to a housing target across the plan period of 9,030 dwellings.
- 3.8 SLG's concerns regarding the treatment of economic growth in Fylde have also not been addressed.
- 3.9 There are particular concerns over the nonsensical treatment of the two Enterprise Zones (EZs) in this regard.

- 3.10 The Council have adopted an illogical approach toward job creation in respect of the two EZs. We accept there is a degree of uncertainty in terms of timing, scale and the degree to which job creation at the EZs may be offset by potential job losses, but the Council's position that there will be zero job growth from the EZs over the Plan period is, bluntly, absurd.
- 3.11 To claim that they will add no jobs is clearly an unrealistic and overly conservative projection. Certainly, it is contrary to the requirement in the Framework that Local Plans are positively prepared; a requirement reinforced in the amended draft Framework (which is currently the subject of consultation) which states that Plans should be "aspirational but deliverable." SLG would anticipate a significant net gain in jobs from the EZs which will have an impact on housing need. This re-enforces SLG's view that it is appropriate to adopt a housing requirement at the upper end of the OAN range, if not beyond.
- 3.12 For example, Blackpool Airport Enterprise Zone (Site ES5) is allocated in Policy EC1 to provide 14.5 ha of additional land for employment use. It was considered at length in our previous submissions. Since then, further progress has been towards the delivery of the site, providing increased confidence that the EZ will create jobs. For example, two companies<sup>1</sup> are already targeting the Blackpool Airport Enterprise Zone as the location to expand their business and are currently increasing their staff accordingly. This demonstrates the will of businesses to grow within the Local Authority area.
- 3.13 Identifying too low a housing target within Fylde will result in constraining economic growth and having a detrimental impact on the regeneration objectives for the whole Fylde coast. This is even more pertinent considering the surrounding Local Authorities are constrained and already cannot meet their own housing needs.

### **Meeting Requirement with Supply**

- 3.14 The council has continued to commit itself to a development strategy which seeks to identify housing allocations for the whole plan period (with allowances for small sites). The Council have still left little 'wriggle room' to allow for flexibility and to positively respond to the failure of allocated sites to deliver, either at the assumed rate, or at all.
- 3.15 The council has only identified sufficient land to 'just about' meet the proposed minimum housing requirement. The FLP identifies a housing supply<sup>2</sup> of 8,819 dwellings across the plan period compared with a housing requirement of 8,715 dwellings amounting to an 'over-provision' of 104 dwellings. No substantial additional housing sites have been identified through the Modifications.
- 3.16 The Council has attempted to justify this approach by claiming it provides more certainty for delivery across the FLP period. SLG continues to disagree with this assertion. Regardless of allocations or indeed a receipt of planning permission (as in the case of the vast majority of FLP allocations), doesn't automatically result in housing delivery being more certain. As explained in our previous matter statements, recent

<sup>1</sup> See : <https://www.blackpoolgazette.co.uk/news/business/talks-start-on-blackpool-enterprise-zone-sports-fields-1-9071757>

<sup>2</sup> See para 10.6 of FLP Main Modifications

DHCLG analysis has indicated that 10-20% of planning permissions are not implemented, whilst a further 15-20% are subject to revised planning applications, delaying delivery.

- 3.17 It is simply unrealistic therefore to assume that the identified supply is 'guaranteed' and will be delivered in full and on time.. While the Main Modifications have now introduced trigger mechanisms (see below) to review the FLP housing allocations, the FLP still does not account for any degree of slippage or any positive allowance for a "Plan B" should housing delivery start to falter on any of the identified sites.
- 3.18 It is SLG's view that the Council has not identified sufficient housing land to provide a contingency and subsequently there isn't sufficient flexibility to ensure that a significant boost in housing is actually delivered. In not identifying a contingency the Council's supply is not responsive to rapid change, as required by the Framework, and runs the risk of returning to a situation of "planning by appeal" that it has experienced for the last six years.

Furthermore, SLG have also explained how the assumptions made on the identified sites are not achievable and subsequently do not accord with the requirements outlined within Page 45 of the Draft PPG.

- 3.19 Numerous Local Plans have acknowledged that not all sites are delivered within the timescales expected. This has been an issue in many authorities in recent years. The Local Plans Expert Group (LPEG) identified this as a particular problem in maintaining a supply of homes which are required to meet needs:

*"...because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply..."* (paragraph 11.2)

- 3.20 The LPEG report therefore set out a clear recommendation that Local Plans should make provision for, and provide a mechanism for the release of, developable 'reserve sites' equivalent to 20% of their housing requirement. Chapter 2 of the Representation (see Appendix 1 of this document), submitted to the examination in September 2017 identifies several Local Authorities which have added additional allocations/reserve sites and/or added flexibility to the plans.
- 3.21 In conclusion, SLG considers that the FLP should recognise that between 15-20% of the total anticipated housing supply may not come forward within the plan period and it is essential that additional provision is identified. Identification of additional sites would provide flexibility and responsiveness to rapid change in addition to any proposed monitoring mechanism or housing delivery test. In its current form, the FLP is not consistent with national policy, will not be effective, and is therefore unsound.

### **Five Year Supply – Sedgefield v Liverpool**

- 3.22 Policy H1 (as amended) identifies that the Council will use the Liverpool method, for the purpose of calculating five year supply. SLG maintains its objection to the Council's preference for employing the Liverpool method.

- 3.23 The use of the Liverpool method means that housing needs identified now will not be delivered in full until much later in the plan period. This is the antithesis of national policy which seeks to significantly boost housing now and the principles set out in PPG (ID 3-035).
- 3.24 SLG maintain that the Sedgefield approach is the most appropriate way to address shortfalls and deficiencies in delivery as soon as possible.

### **Monitoring and Housing Review Mechanism**

- 3.25 The FLP Main Modifications proposes the introduction of a monitoring regime for the FLP. This seeks to put in place measures to rectify any deficiencies in housing land supply. The mechanism is welcomed and broadly reflects that which was proposed in the Government's housing white paper.
- 3.26 The Draft NPPF clarifies when the triggers for measures to address deficiencies in delivery shortfall should take effect (i.e. when housing shortfall is considered substantial<sup>3</sup>). This sets out that corrective measures should be taken when delivery against the requirement is 25% in 2018 and increasing to 75% in 2020. This needs to be incorporated into the FLP.
- 3.27 Moreover, the suggestion that a substantial shortfall in housing delivery would also precipitate a review of the FLP or its housing allocation policies is welcomed. This is reflective of the need to ensure an up to date development plan in a plan-led system. However SLG recommends that the mechanism should state that in considering additional allocations and or in considering the grant of planning permission for new additional housing development, they should be fully in line with the established development strategy of the FLP – that being the focus of housing delivery within the Strategic Locations for Development within Fylde.
- 3.28 As explained above, SLG firmly consider that the test is a welcome addition to rectify shortfalls in housing delivery. However this should be in addition to the need for further housing allocations to be introduced into the FLP to ensure further flexibility and responsiveness in its overall housing supply.

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<sup>3</sup> See paragraph 211, Annex 1, draft NPPF consultation draft, 2018

## 4. Conclusion

- 4.1 These representations have been made on behalf of the Strategic Land Group (SLG) in respect of the Main Modifications prepared by Fylde Borough Council to its Local Plan. Despite these changes, SLG maintains that the Fylde Local Plan (FLP) is unsound for the following reasons:
- (a) The revised housing requirement now proposed in the FLP is still not justified or effective and is at odds with the independent evidence base which seeks to underpin and support the requirement (see separate representations made directly to the Council by SLG and appended).
  - (b) Proposed revisions to the FLP's housing supply and anticipated trajectory across the plan period are insufficient to meet the housing requirement (at either 415 dpa or 430 dpa) and lack the necessary flexibility and contingency to ensure housing need is met. Nor does it have the ability to respond to rapid change. As a result, the FLP as proposed is ineffective and will fail despite the proposed introduction and adoption of the emerging housing delivery test.
  - (c) The submission of the Wyre Local Plan and associated evidence base warrants reconsideration of the FLP's response to whether it can and should accommodate unmet housing need arising from Wyre. Any commitment to a review of the FLP should be certain and immediate.
- 4.2 On their own and in concert these concerns all result in an unsound and ineffective plan. Further residential land allocations are required to address the effectiveness of the plan, its compliance with national policy and overall soundness.
- 4.3 The representation comprising Appendix 1 of this submission provides the council with detailed information to justify the suitability and deliverability of Peel Hill Farm and Fylde Borough Council should positively identify it as a residential allocation to meet development needs and rectify deficiencies in the FLP.

## **Appendix 1: Previous Representations**

## **Fylde Local Plan**

### **Consultation on Additional Evidence**

Further Representations by The Strategic  
Land Group (SLG)

Land at Peel Hill Farm, Whitehills

September 2017

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**Contact**

David Diggle  
david.diggle@turley.co.uk

14 September 2017

# 1. Introduction

- 1.1 These representations have been prepared on behalf of The Strategic Land Group (hereafter referred to as “SLG” or “our client”) which has land interests in respect of land at Peel Hill Farm, Whitehills (“the Site”). It provides representations to Fylde Borough Council in respect of the additional evidence document which has been prepared to support the Fylde Local Plan (FLP) which is currently the subject of examination.
- 1.2 The additional evidence which is the subject of this current consultation covers a range of matters including housing requirement and supply; further justification in respect of the settlement hierarchy and an update on Gypsy and Traveller Accommodation.
- 1.3 A separate representation, on behalf of SLG, has been made in respect of the council’s proposed revision to the FLP housing requirement. In respect of these representations, we concern ourselves with the other elements of the consultation; namely the updated position in terms of its housing supply (including methodology and approach) and trajectory across the plan period. In addition, we also submit representations in respect of the following matters:

**(a) Meeting unmet housing need from Wyre**

While the Planning Inspector concluded on the duty to cooperate after the first examination session, we consider the issue as to whether the FLP positively seeks to accommodate Wyre’s unmet housing need remains a material consideration in the determining whether the FLP is effective and sound. This position is reinforced owing to the imminent publication of the Wyre Local Plan (and evidence base) for formal consultation.

**(b) Site Specific Matters**

The council’s additional evidence refers to ecological and highway issues as being development constraints in respect of the ‘omission’ sites that have been advanced by objectors including land at Peel Hill Farm, Whitehills. It is considered appropriate that we respond to these assertions as well as providing an update more generally on the suitability and deliverability of the Site for residential development.

## 2. Housing Supply & Trajectory

- 2.1 The additional evidence<sup>1</sup> provides an updated five year Housing Supply Statement (HSS) (July 2017). This includes a five year supply statement and housing trajectories for the next five years and for the remaining plan period.
- 2.2 The council has updated its HSS to reflect further information provided by respective developers and information that was advanced by representors at the examination session on housing supply and allocations (Matter 5).
- 2.3 The updated HLS indicates the following:
- (a) The council has made adjustments to a number of supply trajectories of individual sites and has amended its approach<sup>2</sup> to housing supply. This has resulted in the identification of marginal-improved position<sup>3</sup> in five year housing supply when considered against the Council's previous HLS.
  - (b) In light of the amendments, the council can now demonstrate a five year housing land supply of 5.1 years under the Sedgfield method and a 6.4 years under the Liverpool method.
  - (c) No additional sites have been included within the updated HLS and adjustments in the anticipated delivery of existing sites within the identified supply still provides sufficient supply to meet the housing requirement through the plan period<sup>4</sup>.
  - (d) The council considers that no additional sites are required to meet housing needs citing that other candidate larger sites:
    - would threaten the viability of existing strategic site allocations/permissions and would be contrary to the FLP development strategy
    - face significant hurdles to development citing ecological implications in respect of developing greenfield sites and the need to demonstrate no unacceptable highway impacts.

### Revisions to Trajectory

- 2.4 The council has sought to amend the supply trajectory in respect of a number of sites that were the focus of discussion at the examination sessions. We have liaised with a number of participants at the examination and have supported a joint statement, prepared by Lichfields on behalf of Taylor Wimpey, which sets out an understanding of the general consensus which was reached in respect of the five year housing supply

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<sup>1</sup> Annex 2

<sup>2</sup> The council considers the 10% allowance for slippage now only needs to be applied to small sites rather than to all sites as the council considers that all large sites were subject to 'forensic' evaluation and the examination sessions and their trajectory amended accordingly

<sup>3</sup> The HLS identifies a total five year land supply of 3,677 dwellings compared to 3,487 dwellings as stated in previous HLS presented at FLP examination (EL05.007)

<sup>4</sup> The HLS identifies a housing supply of 8,793 dwellings across the plan period compared with a housing requirement of 8,715 dwellings from the previous HLS presented at FLP examination

position during the Stage 2 examination session. The letter is at Appendix 1 to these representations.

- 2.5 In addition, we have additional comments about housing delivery across the whole plan period. Our main concern is the suggestion that land at Queensway, St Annes – a development by Kensington Developments – is expected to deliver 100 units per annum from 2019/2020 and achieve full delivery (1,150 dwellings<sup>5</sup>) within the plan period.
- 2.6 It is our understanding that the council are reliant upon evidence presented by Kensington Developments and the expectation that they will deliver units from two outlets running concurrently throughout the plan period.
- 2.7 SLG consider that this suggested level of output is unrealistic and not founded on any evidence which has been tested. The council's own supply methodology states that up to 60 dwellings per annum are forecast to be achieved from large sites with two separate house-builders; both with separate financial resources, supply chains and labour force to draw upon and accelerate completions. This is not the case here.
- 2.8 Kensington Developments are a locally based privately owned developer with resources likely to be commensurate to their scale. For instance, according to their 2016 financial accounts (see Appendix 2) Kensington Developments achieved a turnover of just under £9m. For comparison, a regional division of a top five national house-builder regularly achieves a turnover of over £100m. As Appendix 3 shows, we are not aware of any available evidence to suggest that Kensington Developments have delivered a site of this scale and at the rate they are asserting that can be achieved. The nearest site of scale that Kensington Developments are delivering upon which is commensurate with St Annes is land at Moss House Road, Marton Moss in Blackpool (422 dwellings). It is understood that development commenced on the site on 3<sup>rd</sup> December 2015 and according to the council's latest housing monitoring report (April 2017), five dwellings are currently under construction and none have been completed.
- 2.9 SLG therefore consider a more realistic level of delivery should be identified for this site and would assert that an output of 60 dwellings per annum (from 2019/20) would be far more appropriate and realistic. This would result in the St Annes, Queensway delivering 675 dwellings across the plan period (a reduction of 475 dwellings). Owing to the minimal flexibility currently envisaged within the FLP, this reduction alone precipitates the need to identify additional housing allocations to meet the borough's housing requirement.

### **Meeting Requirement with Supply**

- 2.10 The council has committed itself to a development strategy which seeks to identify housing allocations for the whole plan period (with allowances for small sites). The council asserts that in adopting this approach, much greater certainty over the deliverability of housing over the plan period is provided.

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<sup>5</sup> While the HLS states 1,150 dwellings are anticipated to come forward, it should be noted that the applicants own planning statement (prepared by McAteer Associates) supporting the latest reserved matters application (0095/01) confirms that the site would deliver 1,037 dwellings overall.

- 2.11 SLG disagrees with this assertion. Regardless of allocations or indeed a receipt of planning permission which the vast majority of FLP allocations have, doesn't automatically result in housing delivery being more certain. As explained in our previous matter statements, recent DLG analysis<sup>6</sup> has indicated that 10-20% of planning permissions are not implemented, whilst a further 15-20% is subject to a revised planning application which delays delivery. The large number of changes that have been made to the housing trajectory since the FLP was submitted are in themselves testament to the inherent difficulty with accurately forecasting future delivery.
- 2.12 It is simply unrealistic therefore to assume that the identified supply is 'guaranteed' and will be delivered in full and at the time expected in order to meet the FLP's housing requirement. The FLP does not account for any degree of slippage or allowance of a plan B should housing delivery start to falter on any of its identified sites.
- 2.13 It is SLG's view that the council is not identifying sufficient housing land to provide a contingency and sufficient flexibility to ensure that a significant boost in housing is realised and a supply which is responsive to rapid change<sup>7</sup>. The council has only identified sufficient land to 'just about' meet the proposed minimum housing requirement. The extent of the over-supply amounts to 78 dwellings; less than 1% flexibility in the supply.
- 2.14 This challenge is exacerbated by the changes made to the trajectory by the council since the FLP was submitted. Those amendments have resulted in the council claiming the proposed allocations can deliver more dwellings both in total across the FLP period and in the initial five-year period. Inevitably, that has resulted in the trajectory becoming 'squeezed' and increasing the prospect of slippage in delivery.
- 2.15 Numerous Local Plans have acknowledged that not all sites are delivered within the timescales expected. This has been an issue in many authorities in recent years. The Local Plans Expert Group<sup>8</sup> (LPEG) identified this as a particular problem in maintaining a supply of homes which are required to meet needs:
- "...because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply..."* (paragraph 11.2)
- 2.16 The LPEG report therefore set out a clear recommendation that Local Plans should make provision for, and provide a mechanism for the release of, developable 'reserve sites' equivalent to 20% of their housing requirement.
- 2.17 The identification of additional allocations/reserve sites and/or added flexibility has been progressed by other local authorities throughout the UK, including in the North West. For example:
- The Stratford upon Avon Core Strategy (adopted July 2016) specifically includes reserve sites over and above allocated sites necessary to meet its housing

<sup>6</sup> DCLG presentations to the HBF Planning Conference (September 2015)

<sup>7</sup> NPPF paragraph 14

<sup>8</sup> Report to the Communities Secretary and to the Minister of Housing and Planning, Local Plans Expert Group (March 2016)

requirement and/or to respond to the need to meet housing need arising outside the Coventry and Warwickshire Housing Market Area (HMA). Reserve sites have the capacity to deliver up to 20% of its total housing requirement for the plan period.

- The recently adopted Cheshire East Local Plan Strategy provides an additional 7% housing land to provide for an element of non-delivery.
- The draft St Helens Local Plan<sup>9</sup> has identified land for Green Belt releases and safeguarding, and includes a mechanism to undertake a review of those sites for release should there be under-delivery during the course of the plan period.
- The draft Warrington Local Plan<sup>10</sup> makes an additional 5% provision in meeting its housing requirement to allow for market choice and in the event that specific sites do not come forward.
- The draft Rugby Local Plan<sup>11</sup> specifically allocates additional housing land to ensure sufficient flexibility is provided to meet housing needs (allocating sites to potentially deliver 5,182 dwellings as opposed to just allocating enough land to meet the shortfall required to meet identified needs (3,918 dwellings)).

2.18 While it is noted that the council has proposed a modification to facilitate a Local Plan Review – in response to the need to potentially accommodate some of Wyre’s housing needs in the future – it is considered that this alone is insufficient both in terms of meeting unmet need from Wyre (see Section 4 below) and in terms of providing sufficient flexibility to meet its own needs. There is a need for the FLP to increase flexibility in its housing supply now. It is also pertinent to note that the above local plan examples have introduced flexibility in the overall supply to ensure delivery throughout the plan period, not just within the first five years.

2.19 In conclusion, SLG considers that the FLP should recognise that between 15-20% of the total anticipated housing supply may not come forward within the plan period and it is essential that additional provision is identified in the FLP to provide flexibility and responsiveness to rapid change. The absence of such additional flexibility renders the FLP ineffective, not compliant with national policy and unsound.

### **Five Year Supply – 15 units**

2.20 In paragraph’s 3.10 to 3.18 of the additional evidence document, the council appear to suggest that any additional sites considered for inclusion within its five year supply should only be between 10 and 15 dwellings.

2.21 SLG does not understand the logic with this approach. Whilst sites of less than 15 units could add to the five year supply, so can larger sites. The fact that larger sites would not fully deliver in the five years is largely irrelevant. As we identify in Section 4 below,

<sup>9</sup> St. Helens Local Plan 2018-2033: Preferred Options, St. Helens Council (December 2016)

<sup>10</sup> Warrington Local Plan, Preferred Development Option, July 2017

<sup>11</sup> Rugby Local Plan 2011-2031, Publication Draft, September 2016, paras 4.10-4.15 – Submitted for examination on 14<sup>th</sup> July 2017

Peel Hill Farm would have the ability to contribute over 50 dwellings to the five year housing land supply.

### **Five Year Supply – Sedgefield v Liverpool**

- 2.22 SLG maintains its objection to the council's preference for adopting the Liverpool method moving forward (paragraph 3.27). By adopting the Liverpool method this means that housing needs identified now will not be delivered in full until much later in the plan period. This is the antithesis of national policy which seeks to significantly boost housing now as well as the principles set out in PPG (ID 3-035).
- 2.23 The rationale behind the council's approach is simply supply based owing to the reluctance to identify additional housing land which can contribute to meeting the five year supply (including sites larger than 15 units) and the precarious nature of the existing supply identified.
- 2.24 SLG maintain that the Sedgefield approach is the most appropriate method to rectify shortfalls and deficiencies in delivery as soon as possible.

### **Viability of Strategic Sites**

- 2.25 In its evidence, the council asserts that further sites would threaten the viability and deliverability of allocated strategic sites. No evidence or justification has been provided by the council to justify this. Indeed it is rather a negative stance to take. The assertion is also against the grain of national policy which seeks to sufficiently boost housing, increase choice and a requiring a local plan needing to be positively prepared.
- 2.26 Further comments in respect of market capacity are provided in Section 4 of these representations.

### 3. Housing Needs from Wyre

3.1 The council will be aware that SLG made strong representations to the FLP and its examination in respect of the Duty to Co-operate; a statutory test which SLG considered Fylde Council to have failed owing to its unwillingness to positively engage with Wyre Council and seek to accommodate objectively assessed needs which cannot be accommodated in Wyre.

3.2 The Planning Inspector considered this matter during Stage 1 of the examination session into the FLP (28<sup>th</sup> March 2017) and provided her conclusions on the matter in her interim findings letter to the council on 11<sup>th</sup> April 2017<sup>12</sup>. In her letter, the Planning Inspector states the following:

*“In respect of the duty to cooperate I have considered all relevant evidence presented both in writing and orally at the hearing sessions. The Council has submitted evidence that illustrates the extent and nature of engagement that has occurred on relevant strategy matters. I acknowledge that there is a strong possibility that Wyre Council may not be able to meet all its objectively assessed housing needs within its own administrative area. However I note that the Wyre Local Plan (WLP) is at an early stage of production and considered that there is insufficient evidence at this time [emphasis added] to ascertain with any degree of certainty the level of any unmet need and the proportion that may need to be accommodated within Fylde.”*

3.3 Some four months have advanced since the Planning Inspector made her conclusions known and in that time the FLP has been subsequently delayed through the examination process. SLG also consider that since then, circumstances have developed to such an extent as to warrant a re-consideration of the issue, particularly in respect of Fylde Council’s reluctance in accommodating unmet housing need from Wyre.

#### **Wyre Local Plan**

3.4 In addition to the delay in the FLP examination process, the main change in circumstance relates to the emergence of a Local Plan for Wyre (publication version) and its associated evidence base.

3.5 The draft Wyre Local Plan (WLP) was considered at Wyre Council’s Full Council on 7<sup>th</sup> September and was approved for public consultation. It is understood that public consultation on the Local Plan will take place towards the end of September for a six week period with an intention to submit the WLP for examination before the end of 2017.

3.6 The WLP reaffirms the following:

- The borough’s objectively assessed housing need (OAN) is 479 dwellings per year (9,580 dwellings over the plan period 2011-2031).

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<sup>12</sup> Ref EL5.003A

- The Local Plan can only provide and deliver 8,224 dwellings due to various constraints and results in a shortfall of 1,356 dwellings in meeting its OAN in full.
- As such, the WLP proposes a housing requirement of 8,224 dwellings.

3.7 The degree of constraints which exist within the borough are significant and this has restricted the council's ability in meeting its housing needs in full. Land supply in the borough is constrained by:

- Highway capacity around the A585 and the A6 corridor
- Green Belt which extends to some 750 hectares and surrounds its main urban areas
- Flood risk with large extents of the borough in Flood Zones 2 and 3 and with some entire settlements within higher risk flood areas
- Environmental constraints including the Forest of Bowland AONB which comprises 18% of the borough, five SSI and two Special Protection Areas
- A lack of deliverable land within urban areas particularly the main urban areas on the peninsula.

3.8 The WLP seeks to strike a balance between development needs and environmental protection. While it doesn't deliver objectively assessed housing needs in full, it has sought to minimise the shortfall. This has been informed by a detailed evidence base on the following matters:

(a) Highways

Lancashire County Council (LCC) has produced an assessment of highway and development capacity which indicates a maximum level of housing development within each settlement that could be accommodated. The WLP maximises the delivery of housing within the limits set by highway capacity with the exception of Fleetwood and Cleveleys because of a lack of suitable development land and Pilling because of flood risk.

(b) Green Belt

The council has reviewed its Green Belt boundaries and has sought to release Green Belt land without affecting the integrity, function and permanency of the Green Belt.

(c) Flood Risk

A detailed Level 2 Flood Risk Assessment has been prepared which has informed decision making in respect of proposed allocations and spatial strategy.

(d) SHLAA

An up to date assessment (July 2017) of development site potential has been undertaken and identifies suitable and available development land for some 10,751 dwellings. This figure is 'un-constrained' capacity in the sense that it does not consider the highway capacity limits imposed on each settlement which is set out in the highway evidence.

(e) Settlement Appraisal and Hierarchy

Wyre Council has considered in detail a number of spatial options to accommodate housing need including considering expanding a number of villages and in some case doubling their size. Where considered appropriate this has been proposed in the draft plan. For example, the main rural settlements and rural service centres are to collectively receive 19.0% + growth in housing provision.

- 3.9 The body of evidence points towards to the conclusion that Wyre has left 'no stone unturned' in its attempt to accommodate its OAN.

### Implications for FLP

- 3.10 National planning policy and guidance aims to ensure that the needs arising in a particular housing market area (HMA) are met in that HMA<sup>13</sup>. While the conclusions of the Planning Inspector regarding lawful compliance with the Duty to Cooperate are noted and respected, SLG considers that there is now up to date and substantive evidence to provide the certainty sought by Fylde Council and the Planning Inspector that there is an unmet housing need from Wyre. This evidence, by virtue of a Regulation 18 plan and associated evidence base, now justifies a re-consideration as to whether Fylde should assist in accommodating this unmet need now.
- 3.11 It is SLG's view that this unmet need should and can be met in Fylde and can be achieved sustainably without conflicting with the spatial strategy or other policies in the Framework. Indeed, the council's own evidence base such as the SHLAA indicates that Fylde has suitable and available developments to absorb some, if not all, of Wyre's unmet need. As such, the FLP should identify additional housing allocations to ensure they make a significant contribution towards meeting Wyre's unmet housing need. In the absence of such provision, the FLP remains ineffective and unsound.

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<sup>13</sup> NPPF, paragraph 47.

## 4. Land at Peel Farm, Whitehills

4.1 Paragraph 3.16 of the overarching consultation document asserts that the council has considered additional sites to form part of the overall residential land supply and the option has been discounted. The rationale behind this rejection partly relates to the council's view that additional sites are not necessary but also that other sites face significant hurdles to development citing:

- (i) The loss of greenfield land used for winter feeding by pink-footed geese meaning that there could be potential for likely significant effects on the Ribble and Alt Estuaries SPA; any greenfield site may need Habitats Regulations Assessment and in some cases Appropriate Assessment;
- (ii) Developments need to demonstrate that no unacceptable highway impacts result from the development; highway authorities have stated that certain key junctions and routes within the borough are at capacity and the impact on M55 junction 4 would need to be considered at any sites in the Fylde-Blackpool periphery. As far as the Council is concerned, promoters of additional sites have not sufficiently demonstrated that the site is deliverable.

4.2 SLG has considered these assertions and respond as follows:

### **Ecological Matters**

4.3 A rebuttal note<sup>14</sup> and a phase I ecological appraisal of the Site is appended to these representations (Appendix 4) from Rachel Hacking Ecology in respect to the council's concerns about winter feeding by pink-footed geese meaning that there could be potential for likely significant effects on the Ribble and Alt Estuaries SPA.

4.4 The note reconfirms that the site lies over 5km away from the SPA and comprises mainly species poor, sheep-grazed pasture and the habitats present are not optimal feeding habitat for the qualifying bid species of the SPA. Owing to the habitats present and the distance between the site and the SPA, it is not considered that there will be a significant impact on the SPA or its qualifying species from the development of Peel Hill Farm.

### **Highway Matters**

4.5 The council are aware that SLG prepared and submitted an advocacy document in May 2017 which assesses the deliverability of the Site and concluded that the Site is deliverable, being available, suitable and achievable. The advocacy document also included a summary of a transport appraisal undertaken by Croft Transport Consultants which concluded that there are no insurmountable constraints to development from a highway perspective.

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<sup>14</sup> The rebuttal note forms part of SLG's response to comments raised by Natural England in respect of the client's formal request for an EIA screening opinion. The rebuttal covers the same issues raised by the council.

- 4.6 In light of the council's comments, SLG has commissioned Croft to update its appraisal further note which can be seen in Appendix 5. The advice confirms the following:
- (a) The Site is a sustainable location with access to local facilities and frequent bus services running in close proximity of the Site.
  - (b) The Wyndyke Farm mixed use development proposal is required to implement a range of off-site transport highway works to mitigate the impact of traffic likely to be generated; this will provide a substantially improved sustainable transport network and improved operation of Junction 4 of the M55. A review of the assessment work supporting the Wyndyke Farm proposals suggest that during peak periods the improved junction would operate at just over 90% capacity indicating that there is spare capacity to accommodate further traffic during peak periods.
  - (c) Evidence prepared by the local highways authority, Lancashire County Council, for the FLP examination<sup>15</sup> reveals that a series of additional improvements (over and above those cited above) to the junction will be required to further increase traffic capacity to accommodate anticipated committed development during the FLP plan period. The document confirms that a range of traffic improvements to the junction could be undertaken within the limits of the adopted highway to increase traffic at AM and PM peak periods. It is pertinent to note that the document does not state that the junction is a significant constraint to further development throughout the plan period.
- 4.7 In light of this, it is SLG's view that there is no highways impediment in respect of accommodating further development in and around Junction 4 of the M55 and the Fylde-Blackpool periphery and there is clear evidence which demonstrates this position.

### Site Prospectus & Delivery Strategy

- 4.8 SLG recognise that ensuring development on the Site is delivered as quickly as possible will be an important factor in helping support the council's housing objectives. It is worth nothing that, as a land promoter, it is also in the interests of SLG to ensure early delivery.
- 4.9 If the Site were allocated for development, we would expect development on the site to proceed as indicated in table 1 below.

Action	Time From Allocation
Submit outline planning application	6 months
Outline permission granted	12 months
Commence marketing of Phase 1	12 months
Identify preferred developer for Phase 1	15 months
Exchange contracts with preferred developer	18 months
Submit Phase 1 Reserved Matters application	21 months
Phase 1 Reserved Matters permission granted	27 months
Start on site (infrastructure)	30 months
Start first dwelling	36 months
First dwelling completed	39 months

<sup>15</sup> Examination document EL5.008

**Table 1: Anticipated development timetable for Peel Hill Farm**

- 4.10 The intention would be that the outline application would include a proposed masterplan for the site which identified distinct development parcels. The illustrative masterplan included within the Development Prospectus shows one way in which that could be achieved.
- 4.11 To ensure design quality is maintained, the outline application would also be supported by design parameters that the developer of each parcel would have to adhere to. This will pay particular attention to the main spine road and circulation route, to help give the overall scheme a consistent character and appearance.
- 4.12 That strategy would allow the site to be sold on a phased-basis. It is intended that parcels varying in size from 50 dwellings to 250 dwellings would be released to the market for sale at different times. The aim of that approach is to ensure that there are development parcels suitable for a wide range of developers, helping to deliver a mixed housing offer. It will also make sure that there is consistent developer interest in the site. That, in turn, will help accelerate delivery.
- 4.13 It is likely that parcels will be released for sale at 12 to 18 months intervals, with a maximum of 3 developers being active on the site at any given time. At peak output, we envisage a minimum of 60 dwelling per year would be achieved at the Site.
- 4.14 On that basis, we would expect delivery as per table 2.

2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	Total
0	0	0	23	30	60	60	60	60	60	60	60	60	60	593

**Table 2: Anticipated development trajectory for Peel Hill Farm**

### Market Capacity

- 4.15 The Council have expressed concerns about the ability of the market to absorb the additional homes that development on the Peel Hill Farm site would provide. There is no evidence or justification for that assertion. To the contrary, the evidence points to their being no market difficulty at all with the delivery of additional homes over the proposed housing target.
- 4.16 Firstly, as we have covered elsewhere, the Council's own evidence points to the need for new homes being higher than the housing requirement currently proposed. It therefore stands to reason that there is market demand for additional homes – that is precisely what the SHMA is intended to assess.
- 4.17 Secondly, the council's housing trajectory also indicates that the market will be able to absorb additional homes across the Plan period. The latest housing trajectory accompanying this consultation shows the peak period for housing delivery to be Years 7 to 11 (2017-2021) when the council expect 3,252 new homes to be delivered. The Council has expressed no concern with the market's ability to absorb that number of homes. Indeed, their position is one of extreme confidence that it will be all be delivered,

leading them to the conclusion that they have a five-year housing land supply and that there is no need to introduce flexibility into the supply.

- 4.18 Delivery is then predicted to fall by 30% to 2,299 dwellings in Years 12 to 16 (2022-2026). A further fall of 60% to 876 dwellings is expected by years 17 to 21 (2027-2031). Based on those forecasts, delivery in that final five-year period will be at just a quarter of the level it is forecast to be over the next five-year period.
- 4.19 Should Peel Hill Farm be allocated for development, the delivery of new homes would be weighted towards the end of the Plan period. The homes would, therefore, be coming forward at exactly the time when the council expects delivery rates to be beginning to decline rapidly. Even with the extra homes that Peel Hill Farm would contribute to supply, the market would still be expected to absorb far fewer new homes than the council believe it is capable of over the next five-years.

4.20 Table 3 summarises that position:

	Years 7 to 11 (2017-2022)	Years 12 to 16 (2022-2026)	Years 17 to 21 (2027-2031)
Delivery Forecast in Housing Trajectory	3,252	2,299	876
Peel Hill Farm	53	390	337
Revised Total	3,305	2,689	1,213
Revised Total as a % of currently forecast peak delivery	101.6%	82.7%	37.3%

**Table 3: Total delivery of new homes, with and without Peel Hill Farm**

- 4.21 In contrast, allocating additional small sites, where delivery might reasonably be expected to occur earlier in the plan period, would have the effect of loading more homes into the market at the exact time when delivery rates are expected to be highest. That approach would therefore be expected to pose the greatest risk of exceeding market capacity (whatever that may actually be).
- 4.22 Based on the evidence, therefore, it can be concluded as follows:
- (a) Fylde Council's evidence base indicates there is market demand for a greater number of homes than are currently proposed.
  - (b) The likely development and disposal strategy of Peel Hill Farm would see new dwellings delivered into the market at a time when the Council forecasts delivery rates would be significantly below their peak, and falling.
  - (c) There is therefore no evidence of insufficient market capacity for the site, but there is ample evidence that market will be able to accommodate the new homes.

## 5. Conclusions

- 5.1 These representations have been made on behalf of the Strategic Land Group (SLG) in respect of additional evidence that has been prepared by Fylde Borough Council to support its Local Plan. SLG maintains its objection to the Fylde Local Plan (FLP) on the following basis:
- (a) The revised housing requirement now advanced for the FLP is not justified and effective and at odds with the independent evidence base which inherently seeks to underpin and support it (see separate representations made directly to the council by SLG).
  - (b) Proposed revisions to the FLP's housing supply and anticipated trajectory across both the immediate five year period and across the plan period is insufficient to meet the housing requirement (at 415 dpa or 430 dpa) and significantly lacks the necessary flexibility and contingency to ensure a continuous level (and boost) in housing supply and an ability to respond to rapid change. As a result, the FLP as proposed is ineffective and will fail.
  - (c) The emergence of the Wyre Local Plan and associated evidence based warrants reconsideration of the FLP's response to whether it can and should accommodate unmet housing need arising from Wyre.
- 5.2 The individual severity of each and the combination of these concerns all point to an unsound and an ineffective plan. Further residential land allocations are required to rectify the effectiveness of the plan, its compliance with national policy and overall soundness.
- 5.3 SLG has provided detailed information to justify the suitability and deliverability of Peel Hill Farm and Fylde Borough Council should positively identify it as a residential allocation to meet development needs and rectify deficiencies in the FLP.

## **Appendix 1: Joint 5YHLS Statement**

Mr T Blackburn  
15 Ottawa Close  
Blackburn  
BB2 7EB

**Date:** 14 September 2017

**Our ref:** 41917/02/MW/PN/14780793v1

**Your ref:**

Dear Mr Blackburn

This Statement has been prepared **for the Inspector's attention** on behalf of representatives of the development industry with land interests in Fylde and who were, either themselves or through their agents, in attendance at the Fylde Local Plan Examination in Public [EiP] Stage 2 Hearing Sessions in June 2017. They include Colin Robinson of Lichfields (on behalf of Taylor Wimpey UK Limited), Graham Lamb of Pegasus Planning (on behalf of Hallam Land Management Limited), Stephen Harris of Emery Planning (on behalf of Wainhomes Limited) and David Diggle of Turleys (on behalf of Strategic Land Group).

The EiP Inspector will recall that on days 1 and 2 (Tuesday 20<sup>th</sup> and Wednesday 21<sup>st</sup> June 2017) of the Stage 2 hearing sessions a forensic examination was undertaken regarding the delivery from several sites in the **Council's Five Year Housing Land Supply [5YHLS] trajectory from June 2017**<sup>1</sup>. A general consensus was reached between all parties (including the Council) in relation to the delivery of many of the sites and it was the understanding of the undersigned parties that the agreed position would be accurately reflected when the Council produced and published its updated 5YHLS position for consultation.

As part of the current Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032, Fylde **Borough Council [FBC] has published a 'Five Year Housing Supply Statement, base dated 31st March 2017 Examination in Public Edit July 2017' [July 2017 HSS]**. The July 2017 HSS states that the Council considers it can demonstrate a 5.1 year supply of housing land, based on the Sedgfield method.

The undersigned parties have now reviewed the updated July 2017 HSS and wish to notify the Inspector that the claimed delivery from many of the sites does not reflect the general consensus reached and/or points discussed had during the Stage 2 hearing sessions.

This statement addresses each site in turn and for each site, sets out:

- 1 A summary of the points discussed and/or consensus reached;
- 2 The delivery from the site set out in the June 2017 HSS;
- 3 The expected delivery following the Stage 2 Hearings;
- 4 The delivery from the site set out in the July 2017 HSS; and,

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<sup>1</sup> Set out in the 'Five Year Housing Supply Statement, base dated 31st March 2017.

- 5 A summary of how the delivery in the July 2017 HSS reflects, or otherwise, the points discussed and/or general consensus reached at the Stage 2 Hearing Sessions.

### **Fairways, Heeley Road, St Annes - HS12**

*Discussions at Stage 2 hearings:* No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 1 Housing Supply from Fairways, Heeley Road, St Annes - HS12

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	5	0	20
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	5	0	20

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

*Summary:* The Council has included 20 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### **Kingsway Garage, St Annes - HS13**

*Discussions at Stage 2 hearings:* No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 2 Housing Supply from Kingsway Garage, St Annes - HS13

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	15	0	30
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

*Summary:* The Council has included 30 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### **Axa, Lytham - HS14**

*Discussions at Stage 2 hearings:* No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 3 Housing Supply from Axa, Lytham - HS14

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	30	0	45
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	0	45

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 45 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### Land to the West, Ballam Road, Lytham - HS15

**Discussions at Stage 2 hearings:** No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 4 Housing Supply from Land to the West, Ballam Road, Lytham - HS15

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	12	0	0	0	12
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	9	0	0	0	0	9

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 9 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4

**Discussions at Stage 2 hearings:** To reflect advice of developer/agent, delivery rates should be adjusted to 45 dwellings per year with delivery starting in Q4 2017/18 (i.e. ¼ of a year's delivery in 2017/18).

Table 5 Housing Supply from Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	60	60	60	60	270
Consensus reached at stage 2 Hearing Sessions	11	45	45	45	45	191
July 2017 HSS	30	45	45	45	45	210

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 19 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings and has provided no evidence that the developer has indicated an earlier start to deliveries.

### **Oaklands Caravan Park, 252 Lytham Road, Warton – HS27**

**Discussions at Stage 2 hearings:** This site is very unlikely to come forward for housing within the 5 year period as it is an active caravan park. Therefore it should be removed from the 5YHLS.

Table 6 Housing Supply from Oaklands Caravan Park, 252 Lytham Road, Warton – HS27

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	30	8	53
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	8	53

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 53 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### **The Pastures, Fleetwood Road, Wesham - HSS8**

**Discussions at Stage 2 hearings:** No increase in delivery from this site was discussed and agreed at the Stage 2 hearings.

Table 7 Housing Supply from The Pastures, Fleetwood Road, Wesham - HSS8

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	30	30	30	30	150
Consensus reached at stage 2 Hearing Sessions	30	30	30	30	30	150
July 2017 HSS	39	39	38	38	38	192

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 42 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

### **Elswick Neighbourhood Development Plan Allocation**

**Discussions at Stage 2 hearings:** No increase in delivery from this site was discussed or a consensus reached at the Stage 2 hearings.

Table 8 Housing Supply from Elswick Neighbourhood Development Plan Allocation

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	0	0	15	15
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	15	15
July 2017 HSS	0	0	15	30	5	50

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 35 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

### Rear of 54 Bryning Lane, Wrea Green - HS45

**Discussions at Stage 2 hearings:** No increase in delivery from this site was discussed and agreed at the Stage 2 hearings.

Table 9 Housing Supply from Rear of 54 Bryning Lane, Wrea Green - HS45

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	15	10	0	0	25
Consensus reached at stage 2 Hearing Sessions	0	15	10	0	0	25
July 2017 HSS	0	15	21	0	0	36

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 11 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

### Rowan Close, Ash Lane – HS50

**Discussions at Stage 2 hearings:** No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 10 Housing Supply from Rowan Close, Ash Lane – HS50

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	15	0	30
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 30 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### **Pennine View – HS30**

**Discussions at Stage 2 hearings:** Planning Permission has lapsed and this site should therefore not be included in the 5YHLS.

Table 11 Housing Supply from Pennine View – HS30

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	0	0	12	12
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	0	0	12	12

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council has included 12 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

### **Queensway, St Annes – HSS1**

**Discussions at Stage 2 hearings:** At least a year of site preparation works was required (potentially more given that there are significant issues with delivering the required link road for which funding had not yet been approved). The funding was based on 30 dwellings per annum over the next 12 years. A general consensus was reached however regarding the start of delivery on the site, which would be pushed back to 2018/19.

The Council claimed that the delivery rates it used were based on direct information from the developer (Kensington Developments) however no representatives of the developer were in attendance to confirm this point. The Inspector requested that the Council provide evidence of the anticipated build out rates or of past build rates on other Kensington sites.

Table 12 Housing Supply from Queensway, St.Annes (HSS1)

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	60	60	60	60	270
Position discussed at stage 2 Hearing Sessions	0	30	45	60	60	195
July 2017 HSS	0	50	100	100	100	350

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

**Summary:** The Council appears to have taken on board the consensus reached over when delivery will start on the site but is now claiming significantly higher rates of delivery in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS without any evidence or justification for doing so.

## Conclusion

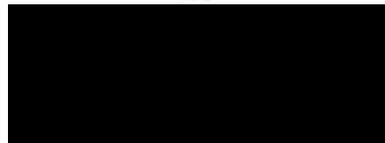
In total it is considered that the Council has included 306 additional dwellings in the July 2017 HSS than was expected following the discussions and general consensus reached during the Stage 2 hearing sessions. Furthermore, the Council has not provided any evidence or justification for its claimed delivery from the sites set out in this statement.

Delivery was also questioned on other sites (including Jubilee House, Valentines Kennels and Brook Farm, Dowbridge) and whilst no consensus was reached in terms of reducing delivery rates on these sites, this suggests that further reductions may be required to the wider 5 year supply, and that 306 dwelling figure should be viewed as a minimum reduction.

The undersigned parties confirm that this statement gives a fair reflection of the discussions during the Stage 2 hearing sessions to the best of their recollection.

This joint statement focusses upon our understanding of the agreements reached between the parties, in respect of the 5YHLS. However, some of the representors to the Local Plan will, through separate representations, make additional comments in respect of housing supply across the plan period.

Colin Robinson      Lichfields  
(on behalf of Taylor Wimpey UK Limited)



Graham Lamb      Pegasus Planning  
(on behalf of Hallam Land Management Limited)



Stephen Harris      Emery Planning  
(on behalf of Wainhomes Limited)



David Diggle      Turleys  
(on behalf of Strategic Land Group)



## **Appendix 2: Kensington Developments – Financial Accounts 2016**

Registration number: 02591373

# Kensington Developments Limited

Annual Report and Financial Statements

for the Year Ended 31 August 2016



Home Brooke Shenton  
Chartered Accountants & Registered Auditors  
15 Olympic Court Boardmans Way  
Whitehills Business Park  
Blackpool  
FY4 5GU

**Kensington Developments Limited****Contents**

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**Kensington Developments Limited****Company Information**

<b>Directors</b>	Mr D Barrow Mr D Tingle (appointed 21st March 2016)
<b>Company secretary</b>	Mr D Tingle
<b>Registered office</b>	94 Park View Road Lytham ST Annes Lancashire FY8 4JF
<b>Auditors</b>	Horne Brooke Shenton Chartered Accountants & Registered Auditors 15 Olympic Court Boardmans Way Whitehills Business Park Blackpool FY4 5GU

## **Kensington Developments Limited**

### **Directors' Report for the Year Ended 31 August 2016**

The directors present their report and the financial statements for the year ended 31 August 2016.

#### **Directors of the company**

The directors who held office during the year were as follows:

Mr D Barrow

Mr D Tingle (appointed 21 March 2016)

#### **Principal activity**

The principal activity of the company is development and sale of private housing

#### **Non adjusting event after the financial period**

Details of a non adjusting event after the financial period can be found in note 16 of the accounts.

#### **Disclosure of information to the auditors**

Each director has taken steps that they ought to have taken as a director in order to make themselves aware of any relevant audit information and to establish that the company's auditors are aware of that information. The directors confirm that there is no relevant information that they know of and of which they know the auditors are unaware.

#### **Reappointment of auditors**

In accordance with section 485 of the Companies Act 2006, a resolution for the re-appointment of Horne Brooke Shenton as auditors of the company is to be proposed at the forthcoming Annual General Meeting.

#### **Small companies provision statement**

This report has been prepared in accordance with the special provisions relating to companies subject to the small companies regime within Part 15 of the Companies Act 2006.

Approved by the Board on 19 May 2017 and signed on its behalf by:



Mr D Tingle/  
Director

## **Kensington Developments Limited**

### **Statement of Directors' Responsibilities**

The directors acknowledge their responsibilities for preparing the Annual Report and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the profit or loss of the company for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006 and in accordance with FRS 102 Section 1A The Financial Reporting Standard applicable to the Small-entities Regime. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

## **Kensington Developments Limited**

### **Independent Auditor's Report to the Members of Kensington Developments Limited**

We have audited the financial statements of Kensington Developments Limited for the year ended 31 August 2016, set out on pages 6 to 23. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice) including FRS 102 Section 1A 'The Financial Reporting Standard applicable in the UK and Republic of Ireland'.

This report is made solely to the company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

#### **Respective responsibilities of directors and auditor**

As explained more fully in the Statement of Directors' Responsibilities (set out on page 3), the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's (APB's) Ethical Standards for Auditors to the financial statements, including "APB Ethical Standard - Provisions Available for Small Entities (Revised)".

#### **Scope of the audit of the financial statements**

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the company's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the directors; and the overall presentation of the financial statements. In addition, we read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by us in the course of performing the audit. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.

#### **Opinion on the financial statements**

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 August 2016 and of its profit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice applicable to smaller entities; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

## **Kensington Developments Limited**

### **Independent Auditor's Report to the Members of Kensington Developments Limited**

#### **Opinion on other matter prescribed by the Companies Act 2006**

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Directors' Report for the financial year for which the financial statements are prepared is consistent with the financial statements; and
- the Directors' Report has been prepared in accordance with applicable legal requirements.

In the light of our knowledge and understanding of the company and its environment obtained in the course of the audit, we have not identified material misstatements in the Directors' Report.

#### **Matters on which we are required to report by exception**

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit; or
- the directors were not entitled to prepare the financial statements in accordance with the small companies regime and take advantage of the small companies exemption in preparing the Directors' Report.

  
Diane Garlick ACA FCCA (Senior Statutory Auditor)  
For and on behalf of Home Brooke Shenton, Statutory Auditor

15 Olympic Court Boardmans Way  
Whitehills Business Park  
Blackpool  
FY4 5GU

19 May 2017

## Kensington Developments Limited

### Statement of Income and Retained Earnings for the Year Ended 31 August 2016

	Note	2016 £	2015 £
Turnover		<u>8,930,547</u>	<u>9,075,052</u>
Cost of sales - Recurring		(6,570,837)	(8,799,602)
Cost of sales - Exceptional	4	<u>-</u>	<u>1,510,683</u>
Cost of sales		<u>(6,570,837)</u>	<u>(7,288,919)</u>
Gross profit		2,359,710	1,786,133
Distribution costs		(215)	(300)
Administrative expenses		(1,748,703)	(1,519,575)
Other operating income		<u>206,059</u>	<u>63,169</u>
Operating profit		<u>816,851</u>	<u>329,427</u>
Other interest receivable and similar income		4,499	3,077
Interest payable and similar charges		<u>(368,288)</u>	<u>(133,364)</u>
		<u>(363,789)</u>	<u>(130,287)</u>
Profit before tax		453,062	199,140
Taxation		<u>(117,157)</u>	<u>(72,132)</u>
Profit for the financial year		335,905	127,008
Retained earnings brought forward		<u>171,063</u>	<u>44,055</u>
Retained earnings carried forward		<u><u>506,968</u></u>	<u><u>171,063</u></u>

The notes on pages 10 to 23 form an integral part of these financial statements.

**Kensington Developments Limited****Statement of Comprehensive Income for the Year Ended 31 August 2016**

	2016 £	2015 £
Profit for the year	335,905	127,008
Surplus/(deficit) on intangible asset revaluation	<u>84,684</u>	<u>-</u>
Total comprehensive income for the year	<u><u>420,589</u></u>	<u><u>127,008</u></u>

The notes on pages 10 to 23 form an integral part of these financial statements.

## Kensington Developments Limited

**(Registration number: 02591373)**  
**Balance Sheet as at 31 August 2016**

	Note	2016 £	2015 £
<b>Fixed assets</b>			
Intangible assets	6	98,400	138,900
Tangible assets	7	21,411	11,923
Investments	8	4	4
		<u>119,815</u>	<u>150,827</u>
<b>Current assets</b>			
Stocks	9	27,842,925	22,364,228
Debtors	10	4,418,151	4,419,412
Deferred tax	10	519,453	635,601
Cash at bank and in hand		102,410	403,234
		<u>32,882,939</u>	<u>27,822,475</u>
<b>Creditors: Amounts falling due within one year</b>	11	<u>(30,554,454)</u>	<u>(8,483,908)</u>
<b>Net current assets</b>		<u>2,328,485</u>	<u>19,338,567</u>
<b>Total assets less current liabilities</b>		2,448,300	19,489,394
<b>Creditors: Amounts falling due after more than one year</b>	11	(1,707,648)	(19,185,331)
<b>Provisions for liabilities</b>		<u>(74,000)</u>	<u>(58,000)</u>
<b>Net assets</b>		<u>666,652</u>	<u>246,063</u>
<b>Capital and reserves</b>			
Called up share capital		75,000	75,000
Revaluation reserve		84,684	-
Profit and loss account		<u>506,968</u>	<u>171,063</u>
<b>Total equity</b>		<u>666,652</u>	<u>246,063</u>

These financial statements have been prepared and delivered in accordance with the special provisions relating to companies subject to the small companies regime within Part 15 of the Companies Act 2006 and FRS 102 Section 1A.

The directors acknowledge their responsibilities for complying with the requirements of the Companies Act 2006 with respect to accounting records and the preparation of accounts.

Approved and authorised by the Board on 19 May 2017 and signed on its behalf by:

.....  
  
 Mr D Tingle  
 Director

The notes on pages 10 to 23 form an integral part of these financial statements.  
 Page 8

**Kensington Developments Limited**

**Statement of Changes in Equity for the Year Ended 31 August 2016**

	Share capital £	Revaluation reserve £	Profit and loss account £	Total £
At 1 September 2015	75,000	-	171,063	246,063
Profit for the year	-	-	335,905	335,905
Other comprehensive income	-	84,684	-	84,684
Total comprehensive income	-	84,684	335,905	420,589
At 31 August 2016	75,000	84,684	506,968	666,652
		Share capital £	Profit and loss account £	Total £
At 1 September 2014		75,000	44,055	119,055
Profit for the year		-	127,008	127,008
Total comprehensive income		-	127,008	127,008
At 31 August 2015		75,000	171,063	246,063

The notes on pages 10 to 23 form an integral part of these financial statements.  
Page 9

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 1 General information

The company is a private company limited by share capital incorporated in England and Wales.

The address of its registered office is:  
94 Park View Road  
Lytham ST Annes  
Lancashire  
FY8 4JF

These financial statements were authorised for issue by the Board on 19 May 2017.

#### 2 Accounting policies

##### Summary of significant accounting policies and key accounting estimates

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

These financial statements are prepared for the individual company as a member of a small group.

##### Statement of compliance

These financial statements have been prepared in accordance with Financial Reporting Standard 102 Section 1A small entities - 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' and the Companies Act 2006.

This is the first year in which the financial statements have been prepared in accordance with FRS 102 Section 1A. The date of transition is 1st September 2014.

The transition to FRS 102 Section 1A small entities has resulted in a small number of changes in accounting policies to those used previously.

The nature of these changes and their impact on opening equity and profit for the comparative period are explained in note 17.

The company directors have elected to adopt the new small companies thresholds as provided within The Companies, Partnerships and Groups (Accounts and Reports) Regulations 2015 (SI 2015/980) for the accounting period commencing 1st September 2015.

##### Basis of preparation

These financial statements have been prepared using the historical cost convention except that as disclosed in the accounting policies certain items are shown at fair value.

The financial statements are presented in Sterling (£) and are rounded to the nearest whole pound.

FRS 102 has been applied early as permitted by the standard.

##### Summary of disclosure exemptions

The company has taken advantage of exemptions in respect of the disclosure of transactions with other companies that are wholly owned within the group in line with FRS 102 33.1A.

##### Going concern

The financial statements have been prepared on a going concern basis.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### Changes in accounting policy

##### New standards, interpretations and amendments effective

The following have been applied for the first time from 1 September 2015 and have had an effect on the financial statements:

##### *Ground rents capitalisation*

Following changes in FRS 102 the company has applied changes to the accounting policy in respect of recognising ground rents in the accounts. The ground rents are recognised initially at cost and then revalued at the year end to their fair value.

	Relating to the current period disclosed in these financial statements	Relating to the prior period disclosed in these financial statements	Relating to periods before the prior period disclosed in these financial statements
	£	£	£
Intangible assets revaluation	84,684	-	-
Revaluation reserve	<u>(84,684)</u>	<u>-</u>	<u>-</u>

The change in accounting policy is to bring it in line with section 18 of FRS 102. The company has taken the exemption in section 35.10 section (c) of FRS 102 and as an early adopter, has elected to measure ground rents at fair value which has been used as the deemed cost at the date of transition.

#### Changes in accounting estimate

##### *Ground rents*

During the year the company has changed its accounting estimate in relation to the cost of Ground rents. Due to the requirements of FRS 102 the directors felt it was more appropriate to allocate the cost of Ground rents based on the estimated freehold land cost as a percentage of total sales revenue per development.

The effect of the change on assets, liabilities, income and expense in the current year is as follows:

	£
Intangible asset additions	16,116
Land Costs - Stock	<u>(16,116)</u>

## **Kensington Developments Limited**

### **Notes to the Financial Statements for the Year Ended 31 August 2016**

#### **Critical accounting judgements and key sources of estimation uncertainty**

In the application of the company's accounting policies, management is required to make judgements, estimates and assumptions about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and underlying assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of revision and the future periods if the revision affects both current and future periods.

The key sources of judgements, estimates and assumptions about the carrying values of assets and liabilities that have a significant effect on the amounts recognised in the financial statements are detailed in the accounting policies below and relate to

- short term compensated absences
- revenue recognition
- construction services
- recognition of intangible assets

#### **Revenue recognition**

The turnover shown in the profit and loss account represents sales of properties or land and charges of construction services net of value added tax.

Sales of properties or land are recognised when legal completion has been achieved

The sale of significant parcels of land are recognised on exchange of contract in the event that the likelihood of the contract reaching completion is known with a high degree of certainty by the end of the relevant accounting period.

Construction services are recognised in proportion to the amount of certified work completed during the period.

#### **Tax**

The tax expense for the period comprises current and deferred tax. Tax is recognised in profit or loss, except that a change attributable to an item of income or expense recognised as other comprehensive income is also recognised directly in other comprehensive income.

The current income tax charge is calculated on the basis of tax rates and laws that have been enacted or substantively enacted by the reporting date in the countries where the company operates and generates taxable income.

Deferred income tax is recognised on temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements and on unused tax losses or tax credits in the company. Deferred income tax is determined using tax rates and laws that have been enacted or substantively enacted by the reporting date.

The carrying amount of deferred tax assets are reviewed at each reporting date and a valuation allowance is set up against deferred tax assets so that the net carrying amount equals the highest amount that is more likely than not to be recovered based on current or future taxable profit.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### Tangible assets

Tangible assets are stated in the statement of financial position at cost, less any subsequent accumulated depreciation and subsequent accumulated impairment losses.

The cost of tangible assets includes directly attributable incremental costs incurred in their acquisition and installation.

#### Depreciation

Depreciation is charged so as to write off the cost of assets, other than land and properties under construction over their estimated useful lives, as follows:

Asset class	Depreciation method and rate
Plant and machinery	25% straight line
Office furniture	10% straight line
Motor vehicles	25% straight line
Office equipment	20% straight line
Computer equipment	33% straight line
Sales & site cabins	33% straight line

#### Business combinations

Business combinations are accounted for using the purchase method. The consideration for each acquisition is measured at the aggregate of the fair values at acquisition date of assets given, liabilities incurred or assumed, and equity instruments issued by the group in exchange for control of the acquired, plus any costs directly attributable to the business combination. When a business combination agreement provides for an adjustment to the cost of the combination contingent on future events, the group includes the estimated amount of that adjustment in the cost of the combination at the acquisition date if the adjustment is probable and can be measured reliably.

#### Intangible assets

Ground rents are initially recorded at cost when purchased.

Internally generated ground rents are recorded at cost, based on the estimated cost of acquiring the freehold interest in the land to which the ground rent relates. All ground rents are revalued at the balance sheet date at their fair value.

Ground rents are not amortised as they are held on a 999 year lease and any amortisation is immaterial.

#### Amortisation

Amortisation is provided on intangible assets so as to write off the cost, less any estimated residual value, over their useful life as follows:

Asset class	Amortisation method and rate
Ground rents	Nil

#### Investments

Fixed asset investments are stated at historical cost less provision for any diminution in value.

Interest income on debt securities, where applicable, is recognised in income using the effective interest method. Dividends on equity securities are recognised in income when receivable.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and call deposits, and other short-term highly liquid investments that are readily convertible to a known amount of cash and are subject to an insignificant risk of change in value.

#### Trade debtors

Trade debtors are amounts due from customers for rents due and construction work invoiced in the ordinary course of business.

#### Stocks

Stocks are stated at the lower of cost and net realisable value after making due allowances for obsolete, slow moving items and foreseeable losses.

Work in progress is stated at costs incurred, including development fees capitalised, less those transferred to the profit and loss account after deducting foreseeable losses. For sites under development, and housing in the course of construction, cost is taken as all direct costs incurred in bringing them to their present condition.

The amount of profit attributable in the period on housing construction is recognised when legal completion has been achieved.

#### Trade creditors

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of business from suppliers.

#### Borrowings

Interest-bearing borrowings are initially recorded at fair value, net of transaction costs. Interest-bearing borrowings are subsequently carried at amortised cost, with the difference between the proceeds, net of transaction costs, and the amount due on redemption being recognised as a charge to the Profit and Loss Account over the period of the relevant borrowing.

Interest expense is recognised on the basis of the effective interest method and is included in interest payable and similar charges.

Borrowings are classified as current liabilities unless the company has an unconditional right to defer settlement of the liability for at least twelve months after the reporting date.

#### Provisions

Provisions are recognised when the company has an obligation at the reporting date as a result of a past event, it is probable that the company will be required to settle that obligation and a reliable estimate can be made of the amount of the obligation.

#### Leases

Leases in which substantially all the risks and rewards of ownership are retained by the lessor are classified as operating leases. Payments made under operating leases are charged to profit or loss on a straight-line basis over the period of the lease.

#### Share capital

Ordinary shares are classified as equity. Equity instruments are measured at the fair value of the cash or other resources received or receivable, net of the direct costs of issuing the equity instruments. If payment is deferred and the time value of money is material, the initial measurement is on a present value basis.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### Financial instruments

##### *Recognition and measurement*

Financial instruments are classified and accounted for, according to the substance of the contractual arrangement, as financial assets, financial liabilities or equity instruments. An equity instrument is any contract that evidences a residual interest in the assets of the company after deducting all of its liabilities. Where shares are issued, any component that creates a financial liability of the company is presented as a liability in the balance sheet. The corresponding dividends relating to the liability component are charged as interest expense in the profit and loss account.

Inter-group balances (being repayable on demand), trade debtors, trade creditors and other loans are measured at the undiscounted amount of cash or other consideration expected to be paid or received.

#### 3 Staff numbers

The average number of persons employed by the company (including directors) during the year, was 29 (2015 - 24).

#### 4 Exceptional items

Included in cost of sales is a net credit of £Nil (2015 - £1,510.683) which relates to the release of a provision against the cost of land on and surrounding Dock Road in Lytham St Annes. This treatment is in accordance with the company's policy of stating costs at the lower of cost and net realisable value after making due allowance for obsolete, slow moving items and foreseeable losses.

#### 5 Auditors' remuneration

	2016 £	2015 £
Audit of the financial statements	16,000	18,000

This is the cost of the audit for all members of the group, but as Kensington Developments Limited is the main trading company, it bears the full cost and does not recharge to the holding company or other members of the group. The nominal value for auditing the other group members is £4,500 (2015 - £5,500).

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 6 Intangible assets

	Ground rents £	Total £
<b>Cost or valuation</b>		
At 1 September 2015	138,900	138,900
Additions	16,116	16,116
Revaluations	84,684	84,684
Disposals	<u>(141,300)</u>	<u>(141,300)</u>
At 31 August 2016	98,400	98,400
<b>Amortisation</b>		
At 31 August 2016	<u>-</u>	<u>-</u>
<b>Carrying amount</b>		
At 31 August 2016	<u>98,400</u>	<u>98,400</u>
At 31 August 2015	<u>138,900</u>	<u>138,900</u>

#### Intangible assets carried at revalued amounts

The fair value of the company's Ground rents was revalued on 31 August 2016 by the directors. An independent valuer was not involved. The Ground rents have been valued based on prior history of sales at 12 times annual rental yield.

Had this class of asset been measured on a historical cost basis, their carrying amount would have been £16,116 (2015 - £138,900).

The amounts transferred to the revaluation reserve of £84,684 (2015 - £Nil) have no impact for taxation purposes.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 7 Tangible assets

	Furniture, fittings and equipment £	Motor vehicles £	Other property, plant and equipment £	Total £
<b>Cost or valuation</b>				
At 1 September 2015	112,236	12,965	47,480	172,681
Additions	<u>189</u>	<u>-</u>	<u>16,265</u>	<u>16,454</u>
At 31 August 2016	<u>112,425</u>	<u>12,965</u>	<u>63,745</u>	<u>189,135</u>
<b>Depreciation</b>				
At 1 September 2015	108,695	12,965	39,100	160,760
Charge for the year	<u>1,007</u>	<u>-</u>	<u>5,957</u>	<u>6,964</u>
At 31 August 2016	<u>109,702</u>	<u>12,965</u>	<u>45,057</u>	<u>167,724</u>
<b>Carrying amount</b>				
At 31 August 2016	<u><u>2,723</u></u>	<u><u>-</u></u>	<u><u>18,688</u></u>	<u><u>21,411</u></u>
At 31 August 2015	<u><u>3,541</u></u>	<u><u>-</u></u>	<u><u>8,382</u></u>	<u><u>11,923</u></u>

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 8 Investments

	2016 £	2015 £
Investments in subsidiaries	<u>4</u>	<u>4</u>
<b>Subsidiaries</b>		<b>£</b>
<b>Cost or valuation</b>		
At 1 September 2015		4
Provision		<u>-</u>
<b>Carrying amount</b>		
At 31 August 2016		<u>4</u>
At 31 August 2015		<u>4</u>

#### 9 Stocks

	2016 £	2015 £
Development land	17,963,127	17,815,435
Work in progress	<u>9,879,798</u>	<u>4,548,793</u>
	<u>27,842,925</u>	<u>22,364,228</u>

#### 10 Debtors

	Note	2016 £	2015 £
Trade debtors		8,488	28,482
Amounts owed by group undertakings		4,060,745	4,060,745
Amounts owed by related parties	14	210,998	211,796
Other debtors		123,280	104,635
Prepayments and accrued income		<u>14,640</u>	<u>13,754</u>
		4,418,151	4,419,412
Deferred tax		<u>519,453</u>	<u>635,601</u>
Total current trade and other debtors		<u>4,937,604</u>	<u>5,055,013</u>

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 11 Creditors

	Note	2016 £	2015 £
<b>Due within one year</b>			
Trade creditors		858,956	793,726
Non-convertible debentures	12	1,000,000	1,000,000
Bank loans and overdrafts	12	4,568,525	1,794,828
Amounts owed to group undertakings		4,090,501	4,089,886
Amounts due from related parties	14	420,519	432,558
Taxation and social security		79,482	54,161
Other creditors		18,391,285	161,658
Accrued expenses		1,145,186	157,091
		<u>30,554,454</u>	<u>8,483,908</u>
<b>Due after one year</b>			
Loans and borrowings	12	1,707,648	-
Other non-current financial liabilities		-	19,185,331
		<u>1,707,648</u>	<u>19,185,331</u>

Included in other creditors due within one year is £18,200,000 which, was included in amounts due after one year in the previous period. This change is in line with the terms of the loan agreement.

Included in accrued expenses due within one year is £985,331 which, was included in amounts due after one year in the previous period. This change is in line with the terms of the loan agreement.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 12 Loans and borrowings

	2016 £	2015 £
<b>Non-current loans and borrowings</b>		
Bank borrowings	<u>1,707,648</u>	<u>-</u>
	2016 £	2015 £
<b>Current loans and borrowings</b>		
Bank borrowings	3,965,540	1,399,443
Bank overdrafts	602,985	395,385
Non-convertible debentures	<u>1,000,000</u>	<u>1,000,000</u>
	<u>5,568,525</u>	<u>2,794,828</u>

#### Bank borrowings

Bank loans are denominated in sterling with a nominal interest rate of LIBOR, and the final instalment is due on 31 March 2019. The carrying amount at year end is £5,673,188 (2015 - £1,399,443).

The loan facility with the bank is secured against certain assets of the group.

#### Other borrowings

Non-convertible debentures with a carrying amount of £1,000,000 (2015 - £1,000,000) are denominated in Sterling with a nominal interest rate of 2% above base. The final instalment is due on 30 April 2017.

The loan facility with the M. A. Hawe Settlement is secured by way of a debenture dated 30th April 1996.

#### 13 Financial commitments, guarantees and contingencies

The total amount of guarantees not included in the balance sheet is £296,500 (2015 - £110,000). The NHBC has offered guarantees to local authorities for road and sewer bonds on behalf of the company.

The total amount of contingencies not included in the balance sheet is £750,000 (2015 - £750,000). During the previous year the company purchased land from a related party being Kensington Developments (1991) Limited for an initial amount of £500,000. A further amount of £750,000 is payable upon certain conditions being met. The timing of these conditions is uncertain and as such in line with FRS 102 the company has not recognised the transactions as a provision. Should these conditions be met at some point in the future the company will become liable for the additional amount.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 14 Related party transactions

Summary of transactions with other related parties

##### **The M. A. Hawe Settlement**

One fixed term loan agreement has been granted by The M A Hawe Settlement, at an interest rate of 2% above the Royal Bank of Scotland base rate. The M.A. Hawe Settlement is a charity of which Mr M. G. Hawe is a trustee. Mr M. G. Hawe is also one of the trustees of the M A Hawe estate which was the principal shareholder and ultimate controlling party of the group throughout the period. The loan is for a period of 18 months and is due to be repaid 30th April 2017. The loan is repayable on demand should the M A Hawe Settlement give appropriate notice. During the year Kensington Developments Limited was charged interest on the loans totalling £24,876 (2015 - £32,159). Accrued interest due to the settlement amounts to £58,299 (2015 - £33,423). At the balance sheet date the amount due to The M. A. Hawe Settlement was £1,000,000 (2015 - £1,000,000).

##### **KDL Pension Fund**

During the year the company has operated a trading non interest bearing current account with KDL Pension Fund, Mrs G Hawe was the sole member of the KDL Pension Fund throughout the period. The company also paid rent to the KDL Pension Fund of £25,900 (2015 - £37,000) in the year. At the balance sheet date the amount due to KDL Pension Fund was £25,238 (2015 - £Nil).

##### **Kensington Developments (2002) Limited**

During the year the company operated a non interest bearing current account with Kensington Developments (2002) Limited of which the executors of the M. A. Hawe estate are the ultimate controlling party. At the balance sheet date the amount due to Kensington Developments (2002) Limited was £382,558 (2015 - £432,558).

##### **Kensington House Trust**

During the year the company paid some expenses on behalf of the Kensington House Trust. One of the executors of the M. A. Hawe estate is a trustee of the Kensington House Trust. At the balance sheet date the amount due from Kensington House Trust was £Nil (2015 - £26,618).

##### **The Kensington Partnership**

During a previous period the company paid some expenses on behalf of the Kensington Partnership. The Kensington Partnership comprises of two trusts for which the executors of the M. A. Hawe estate and Mr D. Barrow were the settlors and beneficiaries. At the balance sheet date the amount due from The Kensington Partnership was £4,230 (2015 - £4,230).

##### **Kensington Developments (Queensway) Limited**

During the period the company operated a non interest bearing current account with Kensington Developments (Queensway) Limited. A net amount of £(1,000) (2015 - £32,248) was charged in the period by the company in respect of a contribution towards the work completed on the site less administration charges incurred by Kensington Developments (Queensway) Limited. The executors of the M. A. Hawe estate are the principal shareholder and ultimate controlling party of both companies. At the balance sheet date the amount due from Kensington Developments (Queensway) Limited was £206,768 (2015 - £207,566).

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

*Summary of transactions with related parties continued..*

#### **Kensington Developments Trustee Limited**

On the 3rd January 2012 the company entered into a loan agreement with Kensington Developments (2002) Limited for £18,200,000 on normal commercial terms. The loan agreement as varied in 2014 states that the loan is repayable 12 months after the principal is demanded. On 4th January 2012 an agreement was made between Kensington Developments (2002) Limited and Kensington Developments Trustee Limited where the debt owed by Kensington Developments Limited to Kensington Developments (2002) Limited was assigned from Kensington Developments (2002) Limited to Kensington Developments Trustee Limited. Kensington Developments Trustee Limited is the corporate trustee of an Employee Benefit Trust for the benefit of the employees of Kensington Developments Limited. The terms of the original loan agreement (as varied in 2014) are not altered in anyway other than the debt now being owed to Kensington Developments Trustee Limited. Interest is being charged on the loan at 0% from 1st September 2014 and total interest charged in the period was £Nil (2015 - £Nil). Interest accrued to date was £985,331 (2015 - £985,331). At the balance sheet date the amount due to Kensington Developments Trustee Limited was £18,200,000 (2015 - £18,200,000).

#### **Denley Barrow SIPP**

During the year the company operated a non interest bearing current account with the Denley Barrow SIPP. Mr D. Barrow is a director of the company. The company also paid rent to the KDL Pension Fund of £11,100 (2015 - £Nil) in the year. At the balance sheet date the amount due to Denley Barrow SIPP was £Nil (2015 - £Nil).

#### **15 Parent and ultimate parent undertaking**

The company's immediate parent is Kensington Developments Holdings Limited, incorporated in England.

94 Park View Road  
Lytham ST Annes  
Lancashire  
FY8 4JF

The ultimate controlling party is The Executors & Trustees of Mr M A Hawe's estate, Mr M. G. Hawe and Mr K. G. Melling.

#### **16 Non adjusting events after the financial period**

A conditional agreement was in place at the year end and has since been satisfied. As the contract was only satisfied after the balance sheet date, the costs associated with it only become payable in the next financial year. No impact on the results is reflected in these accounts. The contract covers an annual cost of £30,000, payable as and when certain performance related requirements are met.

## Kensington Developments Limited

### Notes to the Financial Statements for the Year Ended 31 August 2016

#### 17 Transition to FRS 102

This is the first year that the company has presented its financial statements under Financial Reporting Standard 102 (FRS 102) issued by the Financial Reporting Council. The last financial statements under previous UK GAAP were for the year ended 31st August 2015 and the date of transition to FRS 102 was therefore 1st September 2014. The only adjustment arising on transition to FRS102 is in relation to short-term compensated absences as detailed below:

Prior to the adoption of FRS102, Kensington Developments Limited did not make provision for holiday pay earned but not taken before the year end. FRS 102 requires the cost of short-term compensated absences to be recognised when employees render the services that increases their entitlement.

Consequently an additional wage accrual of £8,667 at 1st September 2014 has been made to reflect this. The provision at 31st August 2015 had increased to £9,087 and the increase in provision of £420 has been charged to equity reserves in the year ended 31st August 2015.

The company has also changed it's accounting policy in respect of the capitalisation of ground rents as described in note 2, accounting policies to take account of the changes in treatment of internally generated intangible assets in line with section 18 of FRS 102. This has had no effect on the figures as previously reported.

	<b>1st September 2014</b>	<b>31st August 2015</b>
	<b>£</b>	<b>£</b>
Shareholders' funds (as previously stated)	127,722	255,150
Adjustment for holiday pay accrual	(8,667)	(9,087)
Shareholders' funds (as restated)	119,055	246,063
		<b>Year ended</b>
		<b>31st August 2015</b>
Profit for the year after tax (as previously stated)		127,428
Movement in holiday pay accrual		(420)
Profit for the year after tax (as restated)		127,008

## **Appendix 3: Briefing Note – Kensington Developments**

# Briefing

## Kensington Developments

### September 2017

1. Kensington Developments is a private developer based in Fylde, established in 1991.
2. Recent developments include:

Reference	Address	Number of dwellings	Decision	Notes
13/0213	Westfield Nurseries, Whitehill Road, Westby with Plumpton	36	Approved Nov 2013	The housing trajectory <sup>1</sup> suggests this came forward in 2014/15 and 2015/16 with 23 and 13 units respectively
16/0276	Dock Road, Lytham St Annes	37	Withdrawn	
11/0685	Former Stanways Site, Preston Road, Lytham St Annes	34	Refused Aug 2012	No information in housing trajectory
11/0847	Former Clock Garage, Preston New Road, Westby with Plumpton	14	Awaiting decision	The housing trajectory <sup>2</sup> suggests this will come forward in the year 2017/18, with all 14 being built in that monitoring year
15/0686	Whitehill Road, Westby with Plumpton	14	Refused May 2017	
17/0005	Bryning Lane, Ribby with Wrea	20	Awaiting decision	Currently at appeal (Ref: APP/M2325/W/17/3176410)
15/0472	Cropper Road, Blackpool	80	Approved Feb 2016	Outline application for 146 dwellings (12/0717) granted in 2012, RM for 80 dwellings (15/0472) granted in 2014.
				Housing trajectory states that this will come forward in 2017/18 (15 dwellings), 2018/19 (30 dwellings), 2019/20 (30 dwellings) and 2020/21 (5 dwellings).

<sup>1</sup> Appendix 2, Fylde Local Plan – Publication Version, August 2017

<sup>2</sup> Appendix 2, Fylde Local Plan – Publication Version, August 2017

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Redwood Point at Marton Moss, 422  
Blackpool

Outline planning permission granted in 2010 (Ref: 09/0740)

Reserved Matters approval (Ref: 13/078) for 579 dwellings approved 13 January 2014.

Commencement of development – 3<sup>rd</sup> December 2015.

Further submission of Reserved Matters (Ref: 17/0095) for 422 dwellings. Approved in April 2017.

Blackpool Council's latest Monitoring Report (April 2017) indicates that 5 dwellings are currently under construction with no dwellings completed.

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## **Appendix 4: Ecological Rebuttal & Phase I Appraisal**



## RACHEL HACKING ECOLOGY

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1<sup>st</sup> September 2017

### RE: ECOLOGICAL ADVICE REGARDING EIA SCREENING FOR POTENTIAL ALLOCATION FOR DEVELOPMENT AT PEEL HILL FARM, FYLDE, LANCASHIRE

#### Background

Rachel Hacking Ecology was commissioned in 2017 to undertake a baseline ecology survey (Extended Phase 1 Habitat Survey) of land at Peel Hill Farm, Fylde. The land is the subject of an application for allocation for development. Fylde Borough Council were approached for an EIA screening opinion of the site and Natural England responded on the 27<sup>th</sup> July 2017. The Natural England response states:

“We can confirm that the application site is located within land which is known to be functionally linked to Ribble & Alt Estuaries Special Protection Area (SPA) ...Natural England cannot rule out significant effects upon designated sites and advise the further assessment is needed.”

This document aims to provide further ecological information regarding the site, an assessment of the impacts on the protected site, mitigation measures that can be implemented on the site and why an EIA is not required at this site.

#### Ribble & Alt Estuaries Special Protection Area (SPA)

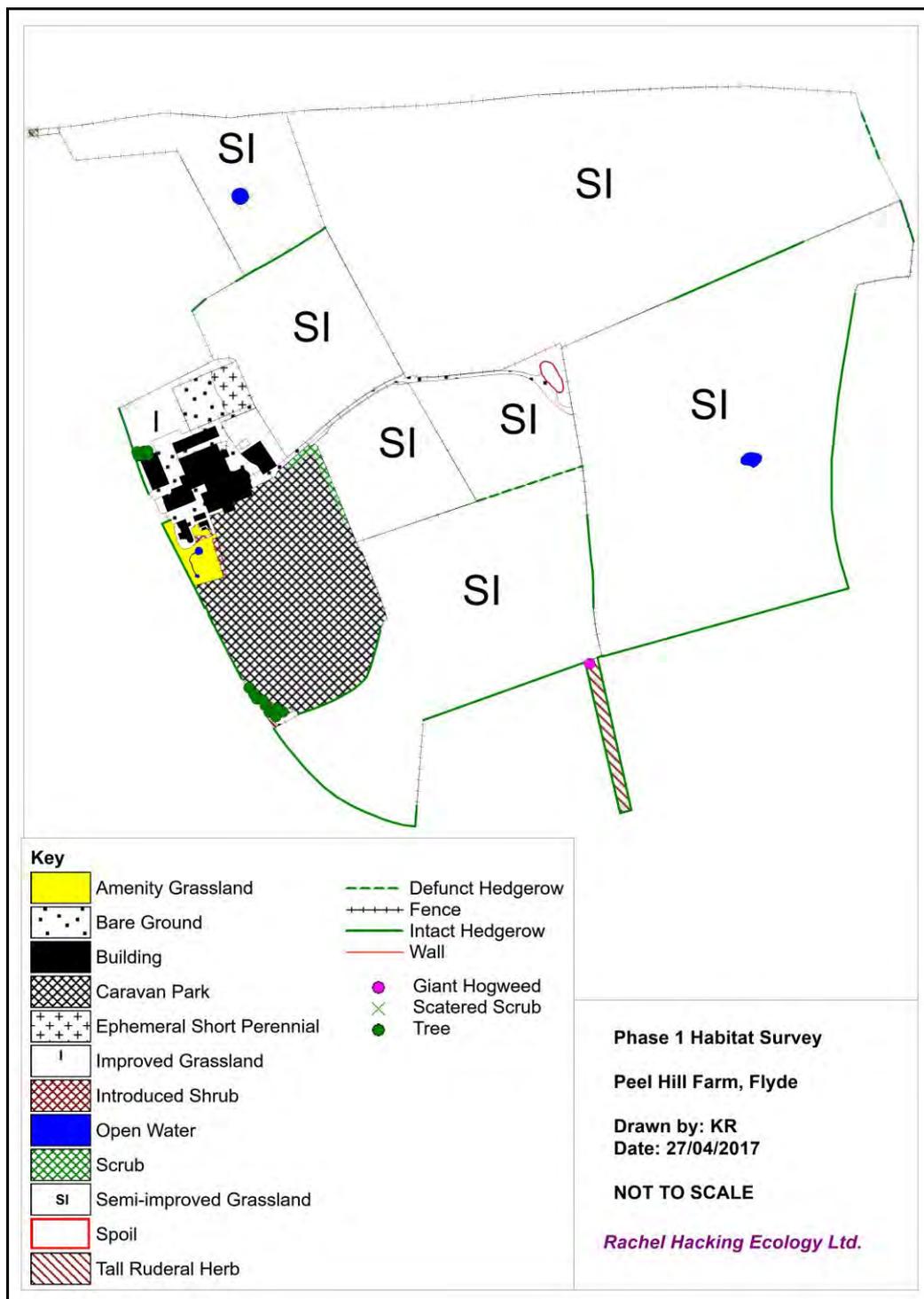
The Ribble & Alt Estuaries SPA is also a RAMSAR and is designated for its estuarine habitats and its importance for bird species, especially over-wintering birds. Qualifying bird species include Whooper Swan *Cygnus cygnus*, Pink-footed Goose *Anser brachyrhynchus* and Wigeon *Anas penelope* which require habitats such as coastal grazing marsh, sand and mud-flats and diverse agricultural land.

The SPA lies **over 5km** to the west of the proposed allocation site.

#### The Site

The site comprises mainly species-poor, sheep-grazed pasture (see Figure 1 – Phase 1 Habitat Map). There are pockets of other habitats such as ruderal vegetation, two ponds, a caravan park, buildings, hedgerows and bare ground.

The habitats present are not optimal feeding habitat for the qualifying bird species of the SPA. The habitats are species-poor, offering little diversity, and the grassland supports an extremely short sward, due to the grazing, which offers little cover for feeding birds.



**Figure 1 showing the Phase 1 Habitat Map**

The site is bordered to the north by the M55, to the west and south by the A583 and caravan parks, and to the east by woodland, with farmland lying further afield. To the west of the A583 lies heavily built-up land.

## Assessment

The Peel Hill Farm site is isolated by major roads and built-up development. The habitats on site are species-poor and the majority of the site is grazed grassland. The site is not considered to be suitable to support the qualifying bird species of the SPA.

Outline planning permission was granted in 2015 for a site to the north of the Peel Hill Farm site. This is the Whyndyke Farm site, on the opposite side of the M55 (planning reference: 11/0221). The Whyndyke Farm site was the subject of an Environmental Assessment and Natural England were consulted on this site. The Whyndyke Farm site supported 'multiple features of environmental value', for example, many ponds, hedgerows and copses. The site was predominantly species-poor semi-improved grassland.

Following lengthy consultations, it was concluded that the Whyndyke Farm development would have no significant effects on any protected site. Natural England concluded that they had no objections to the development, subject to conditions. This was due in part to the following reasons:

- The offer of the provision of high hoarding fencing,
- Isolation of the site and it being surrounded by a woodlands, roads and built-up development.
- The distance between the site from the winter feeding grounds of the qualifying species.

In addition, a number of planning conditions were recommended, which removed objections from the ecological consultees. These conditions included:

- A sensitive lighting scheme,
- A Construction Environmental Management Plan (CEMP)
- A survey immediately prior to work commencing (if work commences between November and March) to search for qualifying bird species of the SPA on the site,
- Noise barriers, to prevent disturbance to local protected sites,
- The retention and enhancement of ecologically valuable habitats on site.
- Provision of high quality greenspace to encourage the residents and the public to use the site for dog walking and walking in general, to prevent recreational pressure on the protected sites.

Given the decision of the Whyndyke Farm development, it is considered unnecessary for an EIA to be undertaken on the Peel Hill Farm site. This is due to the following reasons.

- 1) The Peel Hill Farm site is smaller and supports less diverse habitats and very limited habitats of ecological value, when compared to Whyndyke Farm.
- 2) There is a significant distance (>5km) between the site and the SPA.
- 3) There are no habitats present on site that are likely to support qualifying species of the SPA.

- 4) Similar features can be implemented on the Peel Hill Farm site, as at Whyndyke Farm, such as fencing, a sensitive lighting scheme, landscaping to enhance the biodiversity of the site, retention and protection of the eastern tree belt (off-site), retention of hedgerows where possible and undertaking the construction under a CEMP.
- 5) The provision of greenspace may be possible, to encourage people to use the site for recreation rather than the protected sites, and the provision of residents packs, highlighting other walking routes.

**Summary**

Given the habitats present on the site, and the distance between the protected site (SPA) and the site, it is not considered that there will be a significant impact on the SPA or its qualifying species from the development of Peel Hill Farm.

**EXTENDED PHASE 1 HABITAT SURVEY OF  
LAND AT PEEL HILL FARM, PEEL HILL,  
FYLDE, LANCASHIRE**

**2017**



**RACHEL  
HACKING  
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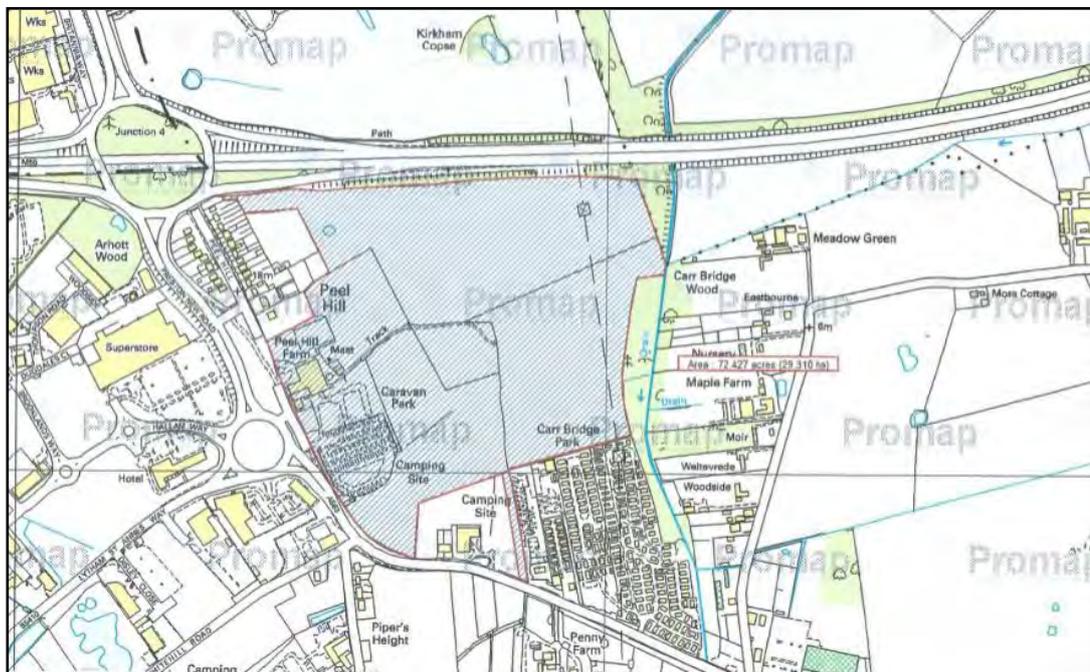
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## **1.0 INTRODUCTION**

- 1.1 Rachel Hacking Ecology Limited was commissioned in 2017 by Strategic Land Group to undertake an Extended Phase 1 Habitat Survey of land at Peel Hill Farm, Peel Hill, Fylde. The site will be the subject of an application for allocation for residential development.
- 1.2 The site is situated in Peel Hill, east of Blackpool, directly south of the M55 and east of Preston New Road (O.S. grid reference: SD357332 – see Figure 1). The site currently comprises fields of permanent pasture, a farmyard with buildings and a caravan park. The boundaries are mainly hedgerows on the southern part of the site and wooden fence, partly lined by trees, on the northern part of the site. 'Main Drain', a small tree-lined watercourse, exists along the eastern boundary of the site. The site lies adjacent to roads and residential development.
- 1.3 The aims of the survey were to:
- Describe and map the habitats present on the site
  - Assess the potential for protected species to be present on the site or just outside the immediate site boundary
  - Identify where further survey may be necessary.



**Figure 1 showing the site highlighted in blue with a red line boundary**

## **2.0 METHODOLOGY**

- 2.1 A Phase 1 Habitat survey was undertaken to JNCC standards (JNCC, 2010). The site was walked and each habitat was assigned a Phase 1 habitat category. Species lists were taken at locations of botanical interest. All botanical nomenclature follows Stace, 2010. A Phase 1 map was produced showing habitat boundaries.
- 2.2 During the Phase 1 survey, the habitats were assessed for their potential to support protected species. This included, for example, looking for signs of Badger activity (e.g. setts, paths, latrines and hairs on fences), assessing any waterbodies on site or near the site for their potential to support Great Crested Newt and assessing the potential for any buildings or mature trees to be used by bats.
- 2.3 The site was also surveyed for invasive, non-native plant species such as Japanese Knotweed and Giant Hogweed.
- 2.4 Joel Hacking and Kate Reed undertook the survey on 7<sup>th</sup> April 2017. The weather was dry, cool and bright. Both Surveyors have experience of habitat and protected species surveys. April is in the optimum survey season for botanical work, however, given the types of habitats present on the site, a thorough assessment could be made at this time. There were no constraints to the survey and the site could be fully accessed.

## **3.0 RESULTS**

### **HABITATS**

- 3.1 The Phase 1 Habitat Map can be found at the back of the report. The habitats present are described below.

#### **Semi-improved Grassland**

- 3.2 The majority of the site comprises fields of semi improved grassland (see Photograph 1). This grassland is species-poor and grazed by sheep. Species within the grassland include mainly Perennial Rye-grass *Lolium perenne* with Common Daisy *Bellis perennis*, Meadow Foxtail *Alopecurus pratensis*, White Clover *Trifolium repens*, Creeping Buttercup *Ranunculus repens*, Common Chickweed *Stellaria media* and Purple Dead-nettle *Lamium purpureum*.



**Photograph 1 showing the semi-improved grassland**

#### **Improved Grassland**

- 3.3 A small field of improved grassland exists in the western part of the site. This has less species diversity than the semi-improved grassland and is mainly Perennial Rye-grass *Lolium perenne* with occasional White Clover *Trifolium repens*, Creeping Buttercup *Ranunculus repens* and Broad-leaved Dock *Rumex obtusifolius* (see Photograph 2).



**Photograph 2 showing the improved grassland**

#### **Dense and Scattered Scrub**

- 3.4 Dense scrub exists in a line next to the caravan park. This is a stretch of Hawthorn *Crataegus monogyna* and Bramble *Rubus fruticosus* agg. Scattered scrub exists along some of the internal field boundaries and around the pond in the north-western part of the site (see Photograph 3). There is also scattered scrub within areas of tall ruderal vegetation on the southern half of the site. Scattered scrub includes Bramble and Hawthorn.



**Photograph 3 showing the scattered scrub around the northern pond**

**Tall, Ruderal Herb**

- 3.5 Tall, ruderal vegetation occurs in a linear strip on the southern edge of the site (see Photograph 4). The habitat comprises Stinging Nettle *Urtica dioica*, Cow Parsley *Anthriscus sylvestris* and Cleavers *Galium aparine*. A small patch of ruderal vegetation also occurs at the north-western tip of the site.



Photograph 4 showing the tall, ruderal vegetation

**Bare Ground**

- 3.6 Most of the farm complex is covered with hardstanding, which is mapped as bare ground. Farm tracks and a small paddock to the north of the farm complex are also mapped as bare ground (see Photographs 4 and 5).



Photograph 4 showing the hardstanding at the farm complex



Photograph 5 showing the paddock area

### **Ephemeral/Short Perennial**

- 3.7 Ephemeral, low-growing vegetation has developed over some of the bare ground within the paddock. The habitat is species-poor and includes Common Ragwort *Senecio jacobaea*, Perennial Rye-grass *Lolium perenne* and Wavy Bittercress *Cardamine flexuosa* (see Photograph 6).



**Photograph 6 showing the ephemeral/short perennial habitat**

### **Amenity Grassland & Introduced Shrub**

- 3.8 A garden exists to the south of the main farmhouse. This comprises an area of amenity grassland with some mature shrub beds, which are mapped as introduced shrub. The amenity grassland is a species-poor, regularly mown lawn. There is also a water feature and some small areas of hardstanding (see Photograph 7).



**Photograph 7 showing part of the garden**

### Caravan Park

- 3.9 A caravan park exists at the eastern edge of the site. The habitats within the caravan park include mown lawns (amenity grassland), hardstanding and shrub beds (see Photograph 8).



Photograph 8 showing the caravan park

### Open Water

- 3.10 Two ponds exist on site (see Photographs 9 and 10). Both ponds are of poor quality and are shallow. They support little aquatic vegetation other than scattered patches of Floating Sweet-grass *Glyceria fluitans*.



Photograph 9 showing the pond in the north-western field



**Photograph 10 showing the pond in the south-eastern field**

### **Hedgerows**

- 3.11 Species-poor intact hedgerows exist on the site and field boundaries. The hedgerows comprise mainly Hawthorn *Crataegus monogyna* and Blackthorn *Prunus spinosa* (see Photograph 11). Some sections of the hedgerow are defunct (gappy) particularly on the internal field boundaries. The caravan site is surrounded by a Willow *Salix* sp. hedgerow (see Photograph 12). The hedgerow on the southern boundary has garden species intermixed such as Garden Privet *Ligustrum ovalifolium*.



**Photograph 11 showing hedgerow on eastern boundary**



**Photograph 12 showing the willow hedgerow around the caravan site**

### **Trees**

- 3.12 A small number of trees exist on site, on the eastern edge of the site. These are mainly semi-mature trees (see Photograph 13). Species present include Willow *Salix* sp., Beech *Fagus sylvatica* and Silver Birch *Betula pendula*.



**Photograph 13 showing some of the trees on site**

### **Giant Hogweed**

- 3.13 Giant Hogweed *Heracleum mantegazzianum*, is present at the southern end of the site, within the tall ruderal vegetation (see Photograph 14). Giant Hogweed is a non-native invasive species and is listed on Schedule 9 Part II (plants) of the Wildlife and Countryside Act 1981 (as amended). The act makes it an offence to cause Japanese Knotweed to grow in the wild. Japanese Knotweed is classified as 'controlled waste' under the Environmental Protection Act (Duty of Care) Regulations 1991.



**Photograph 14 showing the Giant Hogweed**

### **Other Habitats**

- 3.14 There are several buildings on site, within the farm complex. These are currently in use. In addition, a small electricity building exists on the south-western part of the site. A drain exists just east of the site. This is called 'Main Drain' and is of poor quality (see Photograph 15). The water supports little aquatic vegetation, is turbid and the banks are shallow.



Photograph 15 showing the drainage ditch

## PROTECTED SPECIES

### Badger

- 3.15 Badgers *Meles meles* are protected under the Protection of Badgers Act 1992. This Act, for example, makes it illegal to disturb a Badger whilst it is in a sett, to kill, injure or take a badger and to obstruct the entrance to a Badger sett.
- 3.16 No evidence of Badger activity was located on the site. No Badger setts were located within the site or on the immediate boundaries of the site.

### Bats

- 3.17 All bat species are European Protected Species under the Conservation (Natural Habitats etc.) Regulations 1994. This is implemented in the UK through the Conservation of Habitats and Species Regulations 2010. Bats are also protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act (NERC, 2006). It is illegal to disturb or damage a bat roost.
- 3.18 Some of the farm buildings on site support features such as pitched roofs with potential roof spaces beneath or are brick-built barns with potential bat access and exit points. The electricity unit is well-sealed, with a flat roof, and does not provide suitable bat roosting habitat. There are no permanent structures within the caravan park and the caravans do not offer suitable bat roosting habitat. The trees on site are semi-mature and do not support cavities, or other features, that are suitable for roosting bats.

### **Great Crested Newt**

- 3.19 Great Crested Newt *Triturus cristatus* is a European Protected Species (EPS). It is listed under Annex IV of the EC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. This is implemented in the UK through The Conservation of Habitats and Species Regulations 2010 and the species is fully protected under the Wildlife and Countryside Act 1981 (as amended).
- 3.20 Two ponds exist on the proposed development site. These are of poor quality with shallow water, little aquatic vegetation and are surrounded by grazed grassland. Two other waterbodies exist within 250 metres of the site, but these are both on the opposite side of busy roads; the M55 and Preston New Road. Very little suitable Great Crested Newt terrestrial habitat exists on the site. The grazed grassland is not considered to offer cover or foraging and commuting habitat. The hedgerows and ruderal vegetation offer suitable habitat.

### **Water Vole**

- 3.21 Water Vole *Arvicola amphibius* is fully protected under the Wildlife and Countryside Act 1981 (as amended). This act, for example, makes it illegal to intentionally kill, injure or take (capture) a Water Vole or intentionally or recklessly damage, destroy or obstruct access to any structure or place which Water Voles use for shelter or protection or disturb Water Voles while they are using such a place.
- 3.22 The drainage ditch that borders the site to the east was searched fully for field signs of Water Vole and no evidence of Water Vole was located. The drainage ditch will not be affected during the development. The banks are shallow and offer limited suitable Water Vole habitat. In addition, little aquatic vegetation exists.

### **Nesting Birds**

- 3.23 All bird species are protected at their nest under the Wildlife and Countryside Act 1981 (as amended).
- 3.24 The trees, hedgerows and scrub on site provide suitable nesting habitat for birds.

### **PROTECTED SITES**

- 3.25 No statutory or non-statutory protected sites exist within the site or immediately adjacent to the site. Ribble & Alt Estuaries Special Protection Area (SPA) and RAMSAR site lies over 5km to the west of the site. This is designated for its estuarine habitats and its importance for bird species, especially migrating birds. Marton Mere Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR) lies over 2.5km from the site to the north. This is designated for its wetland habitats and resident and migrant birds.

- 3.26 The nearest non-statutory protected site is Herons Reach Golf Course– Marton Mere Habitat Complex Biological Heritage Sites (BHS), designated for its wetland habitats and amphibian assemblage. This lies over 2.5km from the site.

## **4.0 ASSESSMENT**

### **HABITATS**

- 4.1 The Phase 1 Habitats present on the site are common throughout the UK. No nationally rare or locally rare plant species were located during the extended Phase 1 Habitat Survey.
- 4.2 The site is of poor ecological value. The hardstanding and fields of grazed, species-poor grassland offer little value to wildlife. The boundary habitats are the most ecologically valuable habitats, with the hedgerows offering a wildlife dispersal route and nesting habitat for birds. The ruderal vegetation offers a limited source of pollen and nectar for invertebrates. The ponds are of poor quality.

### **PROTECTED SPECIES**

#### **Badger**

- 4.3 No Badger sett was located on the site or immediately adjacent to the site. No evidence of Badger activity was found, such as latrines. Badger is not considered to be a constraint on development at this time.

#### **Bats**

- 4.4 The buildings on site offer potential bat roosting habitat. Further bat survey work will be required during a full or outline planning application, if the buildings are to be affected by the proposals. The semi-mature trees do not support features, such as cavities, which could support roosting bats. It is possible that the hedgerows are used by bats to forage and commute along, as bats use linear features within the landscape.

#### **Great Crested Newt**

- 4.5 The two waterbodies on site are sub-optimal breeding habitat for Great Crested Newt. They have limited aquatic vegetation, which is required for egg-laying. The water quality is poor and they are heavily poached by cattle. The ponds are surrounded by grazed grassland which is considered to be a hostile habitat for Great Crested Newt. Two other waterbodies exist within 250m of the site. These are separated from the site by the M55 to the north and Preston New Road to the, which are barriers to newt dispersal. The site supports limited suitable Great Crested Newt terrestrial habitat. Given the lack of suitable breeding habitat in the locality, and lack of habitat connectivity to other waterbodies, and the lack of good quality connected terrestrial habitat on site, Great Crested Newt is not considered to be a constraint on development at this time.

**Water Vole**

- 4.6 The site does not support suitable Water Vole habitat. The drainage ditch to the east was surveyed and found to be sub-optimal Water Vole habitat, due to the shallow banks and poor water quality. No field signs of Water Vole were found. Water Vole is not considered to be a constraint on development.

**Nesting Birds**

- 4.7 The site does support suitable nesting habitats for birds within the scrub, hedgerows and trees. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season (which is generally March – August), unless a nesting bird survey is undertaken first.

**INVASIVE SPECIES**

- 4.8 Giant Hogweed *Heracleum mantegazzianum*, is present on the southern end of the site within the tall ruderal vegetation. This species will require eradication prior development work commencing to prevent the species from spreading.

**PROTECTED SITES**

- 4.9 No statutory or non-statutory protected sites exist within the site or immediately adjacent to the site. The nearest protected site is Marton Mere SSSI, LNR and BHS, which lies over 2.5km from the site to the north. It is separated from the proposed development site by major roads, including the M55, infrastructure and farmland. There is expected to be no deleterious impact from any development of the site to any protected sites in the locality, given the distances and the adequate buffer zones.

## **5.0 RECOMMENDATIONS**

### **Further Survey**

5.1 Protected species are a material consideration when a planning authority is considering a planning application. The presence of protected species, the effect of the proposed development and suitable mitigation, if required, must be established before planning permission can be granted. Following the findings from the Extended Phase 1 Habitat Survey, the following may be required for a full or outline planning application on the site:

- **Nesting Birds** - If any work to the scrub, hedgerows or trees needs to be carried out within the bird nesting season (generally March to August) then a nesting bird survey will be required by experienced personnel immediately prior to work commencing.
- **Bats** – The farm buildings have features that potentially could be used by bats. If these buildings are to be affected by any development proposals, a daytime bat survey will be required, searching for evidence indicative of a bat roost, such as bat droppings and feeding remains. If evidence of bat activity is found, bat emergence and re-entry surveys (at dusk and dawn) may be required.

### **Habitat Enhancement**

5.2 It is recommended that the following measures are taken into account if a landscaping plan is produced, to increase the biodiversity value of the site:

- Tree planting – where practical, native tree species should be planted.
- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Bird and bat boxes erected onto retained trees or new dwellings.

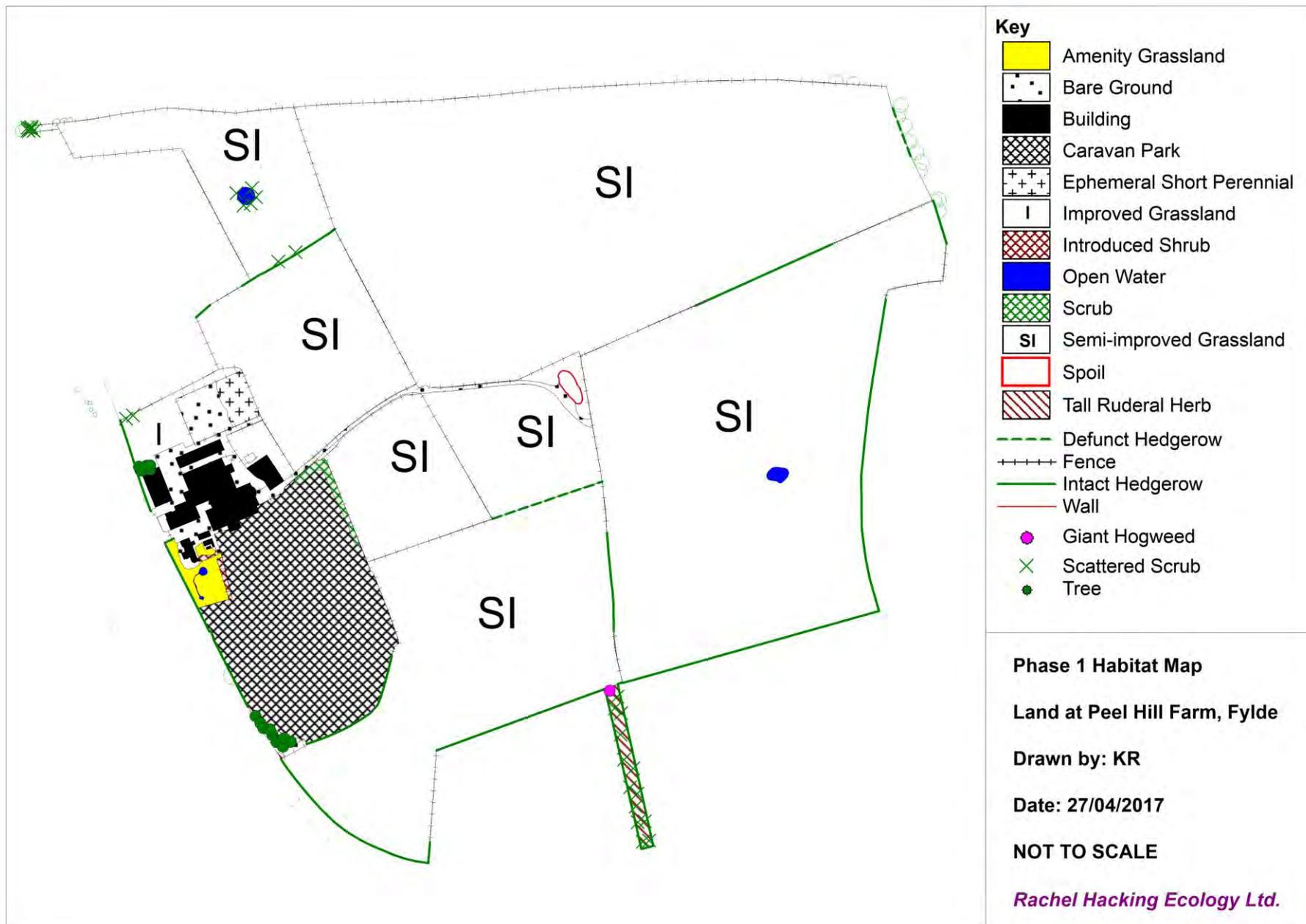
## **6.0 REFERENCES**

JNCC. *Phase 1 Habitat Survey – a technique for environmental audit*, JNCC, Updated 2010.

Preston, C.D., Pearman, D. & Dines, T. (2002). *New Atlas of the British and Irish Flora*. Oxford University Press.

Stace, C. A. (2010). *New Flora of the British Isles, 3<sup>rd</sup> Edition*. Cambridge University Press.

**PHASE 1 HABITAT MAP**



## **Appendix 5: Highways Rebuttal**

**PROPOSED RESIDENTIAL DEVELOPMENT, PEEL HILL FARM, FYLDE (1680)  
TRANSPORT APPRAISAL – SEPTEMBER 2017**

**Location and Accessibility**

The site is located to the south-east of Blackpool close to the Blackpool and Fylde Industrial Estate within Fylde Borough. The site is bordered to the north by the M55, to the east by residential properties on Moss House Lane, to the south by further residential properties off the A583 and to the west by the A583 Preston New Road itself.

As we will demonstrate later in this appraisal note, the site is located in an accessible location with a regular and frequent bus service running in close proximity. There is also strong potential to connect to nearby existing footway and cycle networks.

This note will demonstrate that the site is in a sustainable location within the area with access to local facilities, and should therefore be allocated for residential development in the emerging Fylde Local Plan.

**Education**

The Manor Nursery is situated approximately 1.5 kilometres north-west of the site and access to the nursery can be achieved directly utilising the existing footways along Preston New Road.

The nearest primary school to the site is Mereside Primary School, which is located around 2 kilometres from the site. This involves just over a 20 minute walk along Preston New Road, Britannic Way, Clifton Road, Deepdale Road and Lindbeck Road. The nearest secondary school is St George's School off Cherry Tree Road in Little Marton around 3 kilometres from the site.

**Healthcare**

The nearest medical facilities are located around 1.8 kilometres from the site with a Co-operative Pharmacy on Langdale Road and The Harris Medical Centre situated on Kentmere Drive. These can be accessed by using the existing footways along Preston New Road and the pedestrian links from Preston New Road onto Langdale Road.

The Harbour Mental Health Hospital is situated approximately 1.3 kilometres from the site, and can be accessed using the existing footways on Preston New Road.

## **Employment**

Blackpool and Fylde Industrial Estate is located immediately to the west of the site and many other small employment areas are located in Mereside, approximately 2 kilometres from the site and can be reached using the existing pedestrian footways along Preston New Road and Clifton Road. This demonstrates that there are employment opportunities all within walking distance of the site.

## **Retail**

There are retail facilities within the vicinity of the site. The closest is B&Q which is located to the west of the site, approximately 280 metres from the site. A large Tesco supermarket, Next, Matalan and Clarks Outlet, are all situated off Clifton Road, around 1.3 kilometres from the site, equating to a walking time of around 15 minutes from the site.

In addition to the above, many other retail amenities are located in Marton and Great Marton, which is accessible via bus service 61, which passes the development site.

## **Sports and Recreation**

CrossFit Blackpool is located to the west of the site off Barrow Close, approximately 900 metres from the site, just over 10 minute walk from the site. Additionally, Universe Gym and Fanatical Fitness are both located in Little Marton, approximately 2 kilometres from the site. Blackpool Football Club is accessible via a bus journey into the town centre and a short walk.

## **Transportation**

The nearest bus stops to the site are located along Preston New Road, with the closest stop being located to the immediate west of the site.

Table 1, below, summarises the bus services that operate in the immediate vicinity of the site together with their frequencies per hour.

Service	Route	Daytime	Evening	Sat	Sun
61	Blackpool Town Centre – Marton – Kirkham - Preston	2 per hour	1 per hour	2 per hour	1 per hour

**Table 1 – Summary of Bus Services Operating Past The Site**

The table demonstrates that up to 2 buses per hour travel past to the site during weekdays and Saturdays and an hourly service during evenings and Sundays. These provide direct access to a number of destinations between Blackpool and Preston.

The services also provide access into Blackpool and Preston town centres where rail stations are located including Preston train station, Blackpool North and Blackpool South, providing services to destinations throughout the North-West.

These services would provide the opportunity to access numerous destinations in and around the site. As such, the site can be seen as highly accessible by public transport.

### **Sustainability Summary**

This section clearly demonstrates that the site is within a reasonably short walking distance of a range of day-to-day amenities.

There is the scope for a range of improvements to sustainable transport connectivity. These could be in the form of potential improvements to footway and cycleway facilities in the area that could be promoted as part of the site. These could include potential new footway links Preston New Road, and potential bus stop improvements.

### **Vehicular Access**

Vehicular access to the site can be achieved via an improved eastern arm of the existing Preston New Road/Annes Way roundabout to the western frontage of the site. The existing eastern arm forms one of the five existing approaches to the roundabout and currently serves as the access to Peel Hill Farm and a caravan park to the south.

At this stage the site is likely to be able to accommodate around 700 residential dwellings. As such, it is likely that only one formal vehicular access point would be required, although the internal layout will need to be designed to ensure that the length of cul-de-sac at the site will not cause any safety issues. This can be done in a number of ways and will be the subject of further discussions with Lancashire County Council (LCC), the local highway authority.

The improved roundabout approach has been designed to accord with current design guidance and can be achieved on land within the site boundary or land which is currently adopted highway.

### **Traffic Impact**

In terms of off site impact the proposals are likely to generate in the region of 450 two-way vehicular trips in the two busiest hours of the day which are likely to be between 0800 and 0900 hours and 1700 to 1800 hours. There are numerous routes for traffic to be dispersed onto the local highway network.

Vehicles travelling towards Preston or Manchester, for example, will do so to/from the north along Preston New Road and onto the M55 to the east. Those vehicles travelling towards Blackpool will do the same but travel west along Yeadon Way, whilst those vehicles travelling towards Lytham and St Annes would do so using Annes Way to the west of the site. Alternatively, vehicles travelling to or from the Kirkham area would travel south along Cropper Road.

The Whyndyke Farm mixed use development to the north of this site was recently granted planning permission for up to 1,400 dwellings and other commercial and retail uses. As part of the Whyndyke planning permission, both LCC and Highways England required a range of off site transport and highway works to mitigate the impact of the traffic likely to be generated by the Whyndyke Farm proposals.

These works included the following elements:

- Improvement works on Preston New Road.
- Improvements to Junction 4 of the M55.
- Off site pedestrian and cycle works.
- Contributions to improving bus accessibility to the area.

The final two elements will provide a substantially improved sustainable transport network in the area which will greatly enhance the non-car accessibility of the area including the Peel Hill Farm site.

The major junction in the area is Junction 4 of the M55. This operation of this junction came under particular scrutiny in the Whyndyke Farm proposals from both LCC and Highways England.

The modelling results for Junction 4 of the M55 reveal that during peak periods the junction would operate at just over 90% of capacity with the Whyndyke Farm proposals with their proposed improvements. This is also in the year 2028, the assessment year agreed for the Whyndyke Farm planning application.

As such, there would seem to be some spare capacity at the junction to accommodate further traffic during peak periods. Consideration of the physical layout of the junction reveals that there are opportunities to improve the approach and entry widths of all arms of the roundabout. Even minor improvements are likely to produce substantial improvements in the capacity of the junction.

These potential works can be considered in more detail at a more advanced stage in the planning process.

Whilst we are of the view that the junction, and surrounding highway network, can accommodate the Peel Hill Farm proposals, this also seems to be the view of LCC. LCC's own evidence (contained within the document entitled 'Highways implications for proposed housing development within the draft Fylde Local Plan on M55 Junction 4' dated August 2016<sup>1</sup>) suggest a series of potential additional improvements (over and above those conditioned for the Whyndyke Farm planning permission to Junction 4 to mitigate the potential allocated traffic (from existing proposed allocations).

This is summarised on Page 23 of the document and consists of four approach improvements all of which can be accommodated within the existing limits of adopted highway.

As such, there are no particular capacity constraints to the local highway network which would provide an issue for this additional traffic generation although this would need to be demonstrated in detail within a Transport Assessment that would accompany any formal submission on this site.

## **Conclusions**

In summary, this note clearly demonstrates that the site within this area of Fylde is very well located for new residential development. The site is in close proximity to a good range of shops, employment opportunities, education provision and other facilities and services. The site is highly accessible by public transport with bus services that pass the site that connect to Preston and Blackpool.

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<sup>1</sup> Examination document Ref: EL5.008

The site can be satisfactorily accessed and will generate a modest number of additional vehicular trips onto the local highway network.

Potential exists for off site highway works, in particular at Junction 4 of the M55, to mitigate the impact of the Peel Hill Farm proposals.

All of these issues will be covered within a formal Transport Assessment at the time of a planning application and this document will be formally scoped and agreed with LCC and Highways England and the contents of this document will be discussed and agreed with both authorities to ensure that the proposals do not have a severe residual transport impact in line with the NPPF.

As such, the site should be allocated for residential development in the emerging Fylde Local Plan.

The modelling results for Junction 4 of the M55 reveal that during peak periods the junction would operate at just over 90% of capacity with the Whyndyke Farm proposals with their proposed improvements. This is also in the year 2028, the assessment year agreed for the Whyndyke Farm planning application.

As such, there would seem to be a little spare capacity at the junction to accommodate further traffic during peak periods. Consideration of the physical layout of the junction reveals that there are opportunities to improve the approach and entry widths of all arms of the roundabout. Even minor improvements are likely to produce substantial improvements in the capacity of the junction.

These potential works can be considered in more detail at a more advanced stage in the planning process.

As such, there are no particular capacity constraints to the local highway network which would provide an issue for this additional traffic generation although this would need to be demonstrated in detail within a Transport Assessment that would accompany any formal submission on this site.

## **Conclusions**

In summary, this note clearly demonstrates that the site within this area of Fylde is very well located for new residential development. The site is in close proximity to a good range of shops, employment opportunities, education provision and other facilities and services. The site is highly accessible by public transport with bus services that pass the site that connect to Preston and Blackpool.

The site can be satisfactorily accessed and will generate a modest number of additional vehicular trips onto the local highway network.

Potential exists for off site highway works, in particular at Junction 4 of the M55, to mitigate the impact of the Peel Hill Farm proposals.

As such, the site should be allocated for residential development in the emerging Fylde Local Plan.

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St Annes Road West  
Lytham St Annes  
FY8 1LW

**Date:** 15 March 2018

**Our ref:** 41917/02/MW/CR/15586118v1

**Your ref:**

By email [planningpolicy@fylde.gov.uk](mailto:planningpolicy@fylde.gov.uk) and post

Dear Sir/Madam

## **Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation**

Lichfields is instructed by Taylor Wimpey UK Limited [Taylor Wimpey] to make representations to the Fylde Local Plan Main Modifications. They are submitted in the context of the Taylor Wimpey's interests in land at Weeton Road, Wesham.

Taylor Wimpey is seeking to bring forward a high quality residential extension on land at Weeton Road, Wesham which would assist in the delivery of sustainable development within the Borough by making a significant contribution towards meeting the need for market and affordable housing. An outline planning application for the development of up to 190 residential dwellings was submitted to the Council in July 2017 [LPA ref. 17/0568] and refused by Officers in February 2018. Taylor Wimpey is currently considering whether to appeal the decision.

These representations follow Taylor Wimpey's responses to the Matters, Issues and Questions raised by the Inspector in relation to the Examination in Public [EiP] Stage 1, 2 and 3 Hearing Sessions and representations to the Fylde Council Local Plan to 2032 [FCLP] '*Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032*' [Additional Evidence Document].

It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied. Section 19 of the 2004 Act requires that, in preparing a development plan document, a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the Framework] and the National Planning Practice Guidance [Practice Guidance].

There is no statutory definition of "soundness". However the Framework [§182] states that to be sound a Local Plan should be:



- 1 **Positively Prepared:** The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 2 **Justified:** The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 3 **Effective:** The Plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities.
- 4 **Consistent with National Policy:** The Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Our responses to the Main Modifications are set out below. For the reasons identified, Taylor Wimpey considers that a number of the Main Modifications are unsound and require amendment.

## Main Modifications

### Main Modification MM40

#### Policy H1: Housing Delivery and the Allocation of Housing Land

##### *Housing Requirement*

MM40 proposes to amend the housing requirement identified in Policy H1, Part (a) to 415 net homes per annum for the plan period 2011-2032. The stated reason for this modification is to reflect updated evidence within the Fylde Addendum 3 to the SHMA.

The Additional Evidence Document<sup>1</sup> [§2.1] asserts that the Council's paper entitled '*The Objectively Assessed Housing and Economic Development Needs and the Fylde Local Plan to 2032*'<sup>2</sup> published in May 2017 "*provides justification for the new Housing Requirement figure of 415 dwellings per annum (dpa) over the plan period.*" Taylor Wimpey disagrees with this statement.

As set out its representations submitted in relation to the Examination in Public Stage 2 Hearings<sup>3</sup>, the paper provides no justification for the 415 dpa figure other than that it sits somewhere within the 410dpa – 430dpa range identified by Turley in its '*Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP*' [Fylde Addendum 3] which forms Appendix 1 of Annex 1 of the Additional Evidence Document. There is no reference anywhere within Fylde Addendum 3 that states the Borough's housing requirement is 415dpa. In fact, the document clearly suggests that the full need for housing is more closely aligned with the upper end of the range identified i.e. 430dpa. It states:

*"Whilst a range of OAN for housing has been concluded – associated with the range of job growth considered reasonable within the Independent Economic Assessment – it is recognised that this report concludes that it is 'expected...that the likely level of employment growth will be at the upper end of this range'. It is therefore considered that the full need for housing will be more closely aligned with the upper end of the identified OAN range". [§6.38]*

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<sup>1</sup> Examination document ref EL7.002

<sup>2</sup> Examination document ref: EL5.003f

<sup>3</sup> Examination document ref:EL6.015a 'Matter 5 Hearing Statement and Technical Appendix - Taylor Wimpey (060)'

Taylor Wimpey therefore remains firmly of the view that the Borough's housing requirement is higher than 415dpa. Our detailed justification for this position was set out in our response to Consultation on Additional Evidence in Support of the Fylde Local Plan<sup>4</sup>. However, we have summarised the key issues raised below as it is critical for these issues to be given due consideration in order to ensure that an increased housing requirement figure is identified:

- 1 **Affordable Housing** - In terms of affordable housing, the 2014 SHMA suggested that the level of affordable housing need is 207dpa, rising to 249dpa in Addendum 1. The Council's position set out in the Additional Evidence Document [§2.8] is that *"it would not be possible to meet the full calculated need for affordable housing"*. Rather than simply accepting that the affordable housing need is so acute that it cannot be met in full, the Council should adopt a more positive and proactive approach and allocate additional sites in sustainable locations that can come forward in the short term and provide for a mix of market and affordable housing.
- 2 **Job Growth** - The Council's position completely disregards the creation of new jobs at the Enterprise Zones over the plan period. This not only conflicts with its economic strategy, but also fails to take into account the need to attract more residents of working age to the Borough in order to create a more balanced community and one that is able to provide a better match with the skilled employment opportunities that are likely to be generated. This gives further weight to the argument that the OAHN should be at the upper end of the 410dpa – 430dpa range identified by Turley in its Fylde Addendum 3.
- 3 **Balancing Housing Needs and Employment Growth** - It is imperative that the Council is planning for realistic levels of growth and it is disingenuous for the Additional Evidence Document [§2.20] to state that *"planning for the provision of 415 dwellings per annum evidently provides a significant level of headroom against this lower projection of need."* In seeking to balance housing needs and employment growth, the Council should ensure that its economic and housing strategies are aligned. A failure to do so means that the plan is not positively prepared and the full housing needs of the Borough will not be met.
- 4 **Housing Delivery** - It is clear from the Council's own evidence that the Borough has consistently under-delivered housing in the past. However, the Council has failed to acknowledge that this is a result of a lack of supply rather than delivery, including the severe lack of any housing allocations in its Local Plan, its reliance on windfall development and a moratorium on housebuilding which effectively lasted seven years. The previous under-delivery of housing does not therefore justify the Council's selection of an OAHN at the lower end of the range identified in its evidence base. The backlog of households whose needs have not been met have not gone away or been met elsewhere. As such, there is a need to address this shortfall as a matter of urgency. There is significant demand for housing in Fylde, and by failing to plan adequately for growth, the Council is perpetuating the problem of historic under-delivery.

The Additional Evidence Document makes several references to the Council reaching a 'planning judgement' in selecting an OAHN from within the range to form the basis of its housing requirement. Taylor Wimpey wishes to reiterate that the OAHN needs to provide a positive approach to planning for housing needs in Fylde. It must be set at a level that would significantly boost housing delivery and fully address worsening market signals, affordable housing needs and economic growth requirements.

MM40 also amends the wording of Policy H1, Part (c) to state:

*"Ensuring there is enough deliverable land suitable for house building capable of providing a continuous 5 year supply calculated using the "Liverpool" method from the start of each annual monitoring period and*

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<sup>4</sup> Representations to Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032 dated 14<sup>th</sup> September 2017

*in locations that are in line with the Policy DLF1 (Development Locations for Fylde) and suitable for developments that will provide the range and mix of house types necessary to meet the requirements of the Local Plan”.*

The July 2017 HSS identifies that since 2011, the Council has only met the annual housing requirement in one year (2016/17) and this constitutes persistent under delivery. The Council considers that there has been a cumulative under delivery (shortfall) of 952 homes against the annual housing requirement [July 2017 HSS §5] based on an OAHN of 415dpa. Taylor Wimpey considers the backlog to be 1,042, as delivery since 2011 should be set against the correct OAHN of 430dpa.

Therefore, as previously set out in its Matter 5 Hearing Statement relating to the Stage 2 hearing sessions [Technical Appendix - §§2.9-2.10], Taylor Wimpey continues to support the application of the 20% buffer to the requirement and backlog combined in accordance with the Framework [§47].

At the Stage 2 hearing sessions round up session, the Council attempted to justify the use of the Liverpool method rather than the Sedgfield method of treating backlog. However, following the stage 2 hearings sessions, the Inspector wrote to the Council on 3<sup>rd</sup> July setting out points on which she sought clarification. As part of the request for clarification the Inspector stated that:

*“...the factors that were highlighted by the Council in the session, on their own, do not provide sufficient justification for use of the Liverpool approach.”*

In response, the Council attempted to provide further justification for continuing to advocate the Liverpool method as the preferred method for calculating the 5-year supply from the adoption of the plan [Additional Evidence Document - §3.19]. The Council’s justification [Additional Evidence Document - §§3.20-3.27] is:

- 1 That there are constraints beyond the control of the Council, such as the delivery of the Preston Western Distributor Road, and the developers’ own intentions regards delivery. These mean that no sites can be brought forward from later in the plan period and the trajectory in the 2017 HSS is the best that can be achieved in terms of delivery of sites;
- 2 There are no additional sites that are able to deliver in accordance with the development strategy where it has been demonstrated that the broad constraints facing sites within the borough have been addressed satisfactorily. In trying to find sites to make up any deficiency within the 5 years, larger sites would be offered that would deliver later and destabilise the strategy, by threatening the delivery of the key sites which are critical to the delivery of the housing strategy and associated infrastructure, that principally deliver in the latter part of the plan period;
- 3 The other authorities in the HMA (Blackpool and Wyre) are unable to contribute to Fylde’s 5YHLS under the duty to co-operate; and,
- 4 The housing requirement figure of 415dpa represents a marked increase in housing delivery over recent years and the new housing requirement will therefore represent a significant boost to the supply of housing, in line with the Framework [§47]. A consistently higher requirement may not be achievable because of factors such as a temporary slowdown in the housing market and this may result in the failure of the Local Plan development strategy.

As Taylor Wimpey has maintained throughout the Examination, it is a well-established principle, and one with clear precedent, that under-delivery against requirements should be addressed within the 5-year period (the 'Sedgfield approach'), rather than being recovered over the lifetime of the plan period (to 2032). The shortfall accrued represents a backlog of households whose needs have not been met. These needs have not gone away or been met elsewhere and as such there is a need to address this shortfall as a matter of urgency. To postpone dealing fully with the backlog now, and by taking the 'residual approach' advocated by the



Council, would only delay meeting the identified needs of the community for new homes and give rise to social problems.

The Council's claim that no additional sites are available to deliver in accordance with the development strategy, and that any large sites would deliver later in the plan period and de-stabilise the strategy, is plainly wrong and the Council has provided no evidence to demonstrate that this would be the case. Large sites such as Taylor Wimpey's site at Weeton Road, Wesham are available and deliverable and can therefore make a contribution to the 5YHLS. In any case, delivery later in the plan period from additional sites would not destabilise the development strategy but in fact help to stabilise it. The Council currently has very limited headroom in the overall supply of sites for the plan period (1.2%) and therefore additional sites should be identified to provide the necessary flexibility to deliver the development strategy in a situation where one or more large sites failed to deliver the anticipated housing.

*Failure to address wider housing needs across the HMA*

The fact that Wyre and Blackpool are unable to contribute to meeting Fylde's housing needs is irrelevant to the people of Fylde who are in need of housing now. Low rates of past delivery in Fylde do not provide a reason for not meeting the objectively identified need for housing that exists now. With regard to this matter, the Statement of Compliance with the Duty to Co-operate (August 2016) produced by FBC notes that Wyre Council wrote to the Council in May 2016, under the Duty Cooperate, to request that Fylde assist Wyre in meeting its housing need. It states:

*"The OAN figures for the three Fylde Coast Authorities originate from the ranges set out in the original SHMA 2014 and its updates which considered revised population and household formation data. For Wyre Council this gave an OAN of between 400 and 479 dpa from 2011 to 2031. Wyre Council considers 479 dpa to be an appropriate housing requirement figure which ties in with the economic evidence and this figure was accepted by Wyre Council on 14th April 2016."*

The Statement notes that Wyre Council considered that its supply of deliverable land is constrained by highway capacity, Flood Risk and Green Belt:

*"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." [§§ 3.24-3.26]*

In response to this matter FBC is proposing to undertake an early review of the Fylde Local Plan to examine this issue. Main Modification MM1 proposes the following text for paragraph 1.27 of the Local Plan:

*"Fylde Council recognises that Wyre Council have identified difficulties in planning to meet its objectively-assessed need for housing. Any need that remains unmet following the adoption of Wyre's Local Plan will need to be addressed. Fylde Council will undertake an early review of the Fylde Local Plan (whether full or partial) to examine this issue, working with other authorities adjoining Wyre under the Duty to Co-Operate. The objective of this process would be to ensure that any unmet need is met within the Housing Market Area and/or in other appropriate locations, where consistent with the achievement of sustainable development".*



It is therefore clear that FBC is also choosing to ignore Wyre Council's request for assistance and is failing to address the housing shortfall from elsewhere in the HMA. To ensure that the Fylde Local Plan is positively prepared and effective, an appropriate approach would be to consider the quantum of assistance that would be required to meet the HMA housing shortfall now, and then plan to provide it in suitable locations close to the Wyre Borough boundary within the emerging Local Plan, rather than seeking an early review.

### *Housing Land Supply*

At the Stage 2 Hearing Sessions the Inspector acknowledged that the Council had failed to justify the use of the Liverpool method and invited the Council to do so. However, WBC has failed to provide robust evidence as part of its Additional Evidence Document to justify the use of the Liverpool method. Taylor Wimpey has sought legal advice, a copy of which has previously been shared with the Inspector and Council and appended to our Additional Evidence consultation response. With respect to the treatment of the backlog, given that the Council has not sought to identify any additional sites, the legal advice states that:

*"...the Council cannot use the alleged inability of early delivery as a reason for adopting the Liverpool approach it seeks to advocate contrary to the inspector's clear indication in favour of the orthodox Sedgfield approach."* [§12]

Taylor Wimpey strongly objects to the use of the Liverpool approach and supports the use of the Sedgfield method as set out in Table 1 of the July 2017 HSS. The use of the Liverpool approach would conflict with the objective of the Framework to "boost significantly' the supply of housing" [§47].

With regard to this matter, we note that the Draft Planning Practice Guidance also recommends that the level of deficit or shortfall should be calculated from the base date of the adopted plan and should be added to the plan requirements for the next five year period.<sup>5</sup>

Our response to the Stage 3 Hearing Sessions<sup>6</sup> identified a claimed supply of 4.9 years from the Council (as set out in the Council's October 2017 Response) but a supply of just 4.2 years based on Taylor Wimpey's analysis of the 5 year supply, based on the Sedgfield method and an OAN of 415dpa. Using an OAN of 430dpa (which should be the minimum) would result in a supply of just 4.0 years.

We have updated Table 2 of our previous response to the Inspector's Questions for the Stage 3 Hearing Sessions to reflect the most up to date five year supply position<sup>7</sup>.

As we have previously made comments on the delivery of committed sites, we have amended the delivery figure to account for any changes in the updated supply position for these sites. The Council now claims a 5.1 year supply using the 'Sedgfield' approach. However, based on Taylor Wimpey's analysis of the 5 year supply and an OAN of 415dpa, we consider there to be a supply of just 4.3 years. Using an OAN of 430dpa, which should be the minimum, would result in a supply of just 3.9 years. Table 1 shows these calculations.

There is therefore, a clear and pressing need for further sites to be allocated. Without further housing allocations, there is no certainty that a five year supply can be provided and therefore the Local Plan cannot be found sound.

<sup>5</sup> Draft Planning Practice Guidance - Draft updates to planning guidance which will form part of the Government's online Planning Practice Guidance (March 2018), page 13

<sup>6</sup> Stage 3 Hearing Sessions – Response to Inspector's Questions dated 28 November 2017

<sup>7</sup> Fylde Council has not produced an updated 5YHLS statement or detailed trajectory to accompany the Main Modifications consultation. However, the Council's Policy Officers have advised that the Housing Land Supply Statement base dated 30<sup>th</sup> September 2017 remains the most appropriate document to use for this purpose as it aligns with the Main Modifications proposed to the Local Plan.

Table 1 Fylde 5 Year Housing Land Supply Position at 1<sup>st</sup> October 2017 based on the Sedgefield Approach

Housing Requirement (2017/18-2022/23)	FBC Approach (415 dpa)		Lichfields Approach (415 dpa)		Lichfields Approach (430 dpa)	
	(5x415)	2,075	(5x415)	2,075	(5x430)	2,150
5-year Requirement 01/10/17-30/09/23	(5x415)	2,075	(5x415)	2,075	(5x430)	2,150
Backlog (2011-2017)		890		890		987
Requirement + Backlog		2,965		2,965		3,137
Framework 20% Buffer		593		593		627
Outstanding 5 Year Requirement Requirement + Backlog + Buffer		<b>3,558</b>		<b>3,558</b>		<b>3,764</b>
Residual Annual 5-Year Requirement		712		712		753
<b>Existing Supply</b>						
Large Sites		3,201		2,737		2,737
Small Site Commitments		322		322		322
<b>Sub Total</b>		<b>3,253</b>		<b>3,253</b>		<b>3059</b>
<b>Potential Supply</b>						
Small sites and windfall allowance (unallocated sites)		80				
Long Term Empty Homes re-entering market		50		50		50
<b>Sub Total</b>		<b>130</b>		<b>50</b>		<b>50</b>
<b>Allowances</b>						
10% Reduction from Small Sites		-32				
20% Reduction from Small Sites				-65		-65
<b>Sub Total</b>		<b>-32</b>		<b>-65</b>		<b>-65</b>
Demolitions Allowance		-5		-5		-5
<b>Total Supply</b>		<b>3,616</b>		<b>3,039</b>		<b>3,039</b>
Over/Under Supply 5 year period (Under Supply Expressed as a Minus)		+58		-519		-725
<b>5-year Housing Supply (Expressed as Years of Residual Requirement)</b>		<b>5.1</b>		<b>4.3</b>		<b>3.9</b>

Source: FBC (Housing Land Supply Statement Base dated 30<sup>th</sup> September and Lichfields' analysis

### *Failing the Tests of Soundness*

It is therefore considered that MM40 fails to meet all of the tests of soundness in accordance with the Framework [§182] for the following reasons:

- 1 Positively Prepared** – The plan has not been prepared based on a strategy which seeks to meet objectively assessed development. There is no reference anywhere within Fylde Addendum 3 that states the Borough's housing requirement is 415dpa.

- 2 **Justified** – The identified housing requirement of 415 dpa is not based on proportionate evidence. The Fylde Addendum 3 document clearly suggests that the full need for housing is more closely aligned with the upper end of the range identified i.e. 430dpa
- 3 **Effective** – The use of the Liverpool approach to addressing backlog could result in a situation where one or more large sites fails to deliver the anticipated housing threatening the Council’s ability to demonstrate a 5 year housing land supply and deliver its housing requirement over the Plan period.
- 4 **Consistent with National Policy** – The application of a 415 dpa housing requirement and the use of the Liverpool approach to addressing backlog would conflict with the objective of the Framework to ‘boost significantly’ the supply of housing [S47]

#### *Suggested Change*

It is considered that the following changes are required to make Policy H1 sound:

- 1 The text to Policy H1 should be amended to identify a housing requirement of at least 430dpa.
- 2 Reference in the policy text to the ‘Liverpool’ method to address backlog should be removed and replaced with reference to the ‘Sedgefield’ method.
- 3 The remainder of the Policy and the accompanying explanatory text should be amended accordingly to reflect these changes.

### **Main Modification MM6**

#### **Policy DLF1: Development Locations for Fylde**

MM6 proposes to amend the identified housing requirement in Policy DLF1 to 8,715 new homes.

As set out in the response to MM40, the identified housing requirement is considered to be unsound and the Borough’s housing requirement should be a minimum of 430dpa. For the same reasons as our response to MM40, Policy DLF1 is also considered to be unsound and should therefore be amended accordingly to reflect the minimum requirement for 9,030 new homes over the plan period.

Taylor Wimpey wishes to reiterate its concerns that the Council is relying on extant planning permissions when identifying its housing sites, rather than steering development to sustainable locations within the Strategic Locations for Development. Such an approach lacks strategic vision and is reactive, not proactive.

#### *Suggested Change*

It is considered that the following changes are required to make Policy DLF1 sound:

- 1 Policy DLF1 should be amended to reflect the minimum requirement for 9,030 new homes over the plan period.

### **Main Modification MM14**

#### **Policy SL4: Kirkham and Wesham Strategic Locations for Development**

MM14 allocates additional sites in Kirkham and Wesham for residential development at Brook Farm, Dowbridge and Campbells Caravans. The stated reason for the Main Modification is to allocate sites which have been brought forward since publication and which can contribute to the delivery of the plan.

From the evidence provided on behalf of Taylor Wimpey to the Local Plan examination, it is clear that there is a compelling need to deliver additional development in the Borough and Taylor Wimpey considers that its land at Weeton Road, Wesham is a suitable, sustainable and deliverable option to assist it meeting these



requirements. The site is a sustainable location for development, is deliverable (exemplified by Taylor Wimpey's recent planning application for housing at the site, ref: 17/0568) and has no technical or environmental constraints that would prevent its coming forward. It should therefore be included as an allocation under Policy SL4 of the Local Plan.

#### *Failing the Tests of Soundness*

It is considered that MM14 fails to meet all of the tests of soundness in accordance with the Framework [§182] for the following reasons:

- 1 **Positively Prepared** – Insufficient land has been allocated to ensure that the Council's requirement for new homes over the Plan period will be met.
- 2 **Effective** – Unless additional land is allocated for residential development there is no guarantee that the Plan will be deliverable over its period. A shortfall in delivery would result in a failure of the Council to meet its housing requirements and would compromise the Council's ability to achieve the Strategic Objectives identified in the Local Plan.
- 3 **Consistent with National Policy** – In the absence of sufficient land allocations the delivery of sustainable development cannot be guaranteed.

#### *Suggested Change*

It is considered that the following changes are required to make Policy SL4 sound:

- 1 Land at Weeton Rad, Wesham should be included as an allocation under Policy SL4 of the Local Plan and the Proposals Map should be amended accordingly.

### **Main Modification MM17**

#### **Policy GD1: Settlement Boundaries**

MM17 proposes additional wording for Policy GD1 to clarify how development proposals within and outside of settlement boundaries will be assessed and cross refers to the Policies Map which shows the settlement boundaries.

Taylor Wimpey objects to MM17 as the settlement boundaries around Kirkham and Wesham have not been adjusted to include land at Weeton Road, Wesham within the settlement boundary. From the evidence provided on behalf of Taylor Wimpey to the Local Plan examination, it is clear that there is a compelling need to deliver additional development in the Borough and Taylor Wimpey considers that its land at Weeton Road, Wesham is a suitable, sustainable and deliverable option to assist it meeting these requirements.

#### *Failing the Tests of Soundness*

It is considered that MM17 fails to meet all of the tests of soundness in accordance with the Framework [§182] for the following reasons:

- 1 **Positively Prepared** – Insufficient land has been allocated to ensure that the Council's requirement for new homes over the Plan period will be met. The allocation of the Weeton Road site and its identification within the settlement boundary of Kirkham and Wesham is essential to provide sufficient land to meet the housing needs of the Borough.
- 2 **Effective** – Unless additional land is allocated for residential development there is no guarantee that the Plan will be deliverable over its period. A shortfall in delivery would result in a failure of the Council

The logo for Lichfields, featuring the word "LICHFIELDS" in white, bold, uppercase letters on a black rectangular background. The background is shaped like an L, with the top horizontal bar and the left vertical bar.

to meet its housing requirements and would compromise the Council's ability to achieve the Strategic Objectives identified in the Local Plan.

- 3 Consistent with National Policy** – In the absence of sufficient land allocations the delivery of sustainable development cannot be guaranteed.

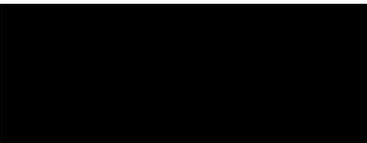
*Suggested Change*

It is considered that the following changes are required to make Policy GD1 sound:

- 1 The settlement boundary for Kirkham and Wesham on the Proposals Map should be adjusted to include the land at Weeton Road.

We trust that the above representations will be given due consideration.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**Colin Robinson**  
Planning Director

**Eddie Graves**

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**From:** [REDACTED]  
**Sent:** 10 February 2018 15:53  
**To:** PlanningPolicy  
**Subject:** Fylde Local Plan Modifications Consultation

To whom it may concern,

I would like to make a comment on part of the "SCHEDULE OF PROPOSED MAIN MODIFICATIONS FOR CONSULTATION" and "Sustainability Appraisal Addendum – Post Submission Main Modifications" documents with relation to the Fylde Local Plan to 2032 as part of the ongoing consultation.

A modification to policy T4 (Reference MM62) suggests the addition of the following text for 'clarification': "Improve and upgrade the North Fylde Railway Line and the South Fylde Railway Line, including improved service frequency on the latter".

However, it is mentioned within the Sustainability Appraisal Addendum and the Local Plan itself that the "provision of a rail/bus/tram interchange" is an aspiration. This scheme would presumably be located along the South Fylde Line, so why is there no detail on how this would be achieved? If it is necessary to add context to achieving higher service frequency on the line, then it is my belief that the interchange suggestion should also have more context (for example the addition of "by extending Blackpool's light rail network into the borough" or a similar comment).

Regards,

Sam Flynn, Trams to Lytham

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mrs Y. Wright  
c/o Planning Policy,  
Planning Department,  
Fylde Council, Town Hall,  
St Annes Road West,  
Lytham St Annes,  
FY8 1LW

Treales, Roseacre & Wharles Parish Council,  
c/o 17 Nelson Gardens,  
Inskip,  
Preston,  
PR4 0TR

22<sup>nd</sup> March, 2018

Dear Mrs Wright,

**Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation**

Thank you for the opportunity to address the major modifications for the Fylde Local Plan. We raised a number of proposals at the outset of the plan consultation process and the concerns about these remain extant. We have captured these under categories MM2 MM50 and MM69.

In particular, whilst we raised the question at the Inspection in public meetings, as to whether you had considered our concerns & proposals over the lack of application of policy ENV3 to an essential element of the open space of our Parish. You had indicated that you were yet to consider this. In consulting Fylde Borough Council, they appear not to have not been directed by you to address our concerns. We would be grateful that you will now be able to consider and be minded to adopt our proposals.

We have submitted some 20 documents to the Inspection Library which remain valid and we have sought to summarise these with references as requested by Fylde Borough Council.

We hope that you will find our proposals positive so as to create an appropriate plan to provide sustainable development and economic growth for our Borough.

Thank you for your time and attention to our Local Plan.

For and on behalf of Treales, Roseacre & Wharles Parish Council

Phillip Hill

Clerk to  
Treales, Roseacre & Wharles Parish Council

## 1. Main Modification Ref : MM69 – Policy ENV3 - Protecting Existing Open Space - page 50

In our previous submissions we noted that the policy ENV3 Protecting Existing Open Space, actually only specified “public” open space.

We now note that ENV3 para c (p51) recognises that designated “Existing Open Space can be considered to be essential to the setting, character, ... or visual amenities of ...rural settlements”, which we support.

c. Development will not be permitted on Existing Open Space (the Green Infrastructure network) which is considered essential to the setting, character, recreational benefits for residents, or visual amenities of Key Service Centres, Local Service Centres and rural settlements.

However, the Major Modification document at p50 states categories of open space which are still only restricted to public open spaces:

Existing Open Space is identified on the Policies Map denoted by the following descriptions:

- Parks and Gardens
- Semi-Natural Greenspaces
- Amenity Greenspace
- Children’s Play Areas
- Local Areas and Local Equipped Areas for Play
- Youth Provision Allotments
- Cemeteries/Churchyards
- Football Pitches
- Rugby Pitches
- Cricket Pitches

We propose a further category of “**visual amenity area**” should be added to the above list, consistent with para c.

We then propose that the area around Treales identified in Fig A of our submission reference EL2.020b-ii. Should be subject to policy ENV3. This is the area of undeveloped designated countryside adjacent to Carr Lane ( to the north of the railway line), Kirkham Road, Treales Road (to Dagger Road)

The rural settlement community of Treales in central Fylde is characterised by hedge-lined roadside fields and woodlands interspersed with former estate farmsteads. These open spaces form the essential intrinsic character of the setting, reflecting the heritage of this rural community, It is therefore considered essential that this protection is applied to this community asset.

By way of precedent the current Adopted Plan allocates Policy EP2 to an open space, which is not accessible to the public, toward the western end of Treales on the north east side of the junction of Carr Lane, Moorside and Kirkham Road, where for reference :-

POLICY EP2 - Open Spaces Within Towns and Villages

DEVELOPMENT WILL NOT BE PERMITTED UPON OPEN SPACES, DEFINED ON THE PROPOSALS MAP, WHICH ARE CONSIDERED TO BE ESSENTIAL TO THE SETTING, CHARACTER OR VISUAL AMENITIES OF TOWNS AND VILLAGES.

You may recall that at your Inspection Meetings in Public, Councillor Smith asked at the end of two of the events whether you had considered our proposal and you indicated that you had not at

that stage. Consultation with FBC indicates that they have not considered our previous proposal, nor have received advice from you rejecting or supporting our previous representation.

We now be most grateful that you would consider our proposal and be minded to adopt our proposals to protect this essential valued visual amenity of our village environs.

## **2. Main Modification Ref : MM50 - Policy HW1 Health and Well-Being - page 41**

We have previously highlighted that the Local Plan development process has failed to take account of the Health Impact Assessment (HIA) conducted with regard to two of the fracking surface works sites in the Fylde. These were specifically: the in-progress Preston New Road site; and the proposed Roseacre Wood site. The Director of Public Health for Lancashire made representations that this should have been included as part of the consultation and we attached reference to that HIA . At that time 61 health and well-being recommendations were required, however there has yet to be a report published which evidences the status of these recommendations. As a result, these recommendations can only be considered to be extant. We have still seen no evidence of these representations being considered. These representations were made in submission EL6.30 and appendices i-xi and xiii.

To avoid repetition of this in the future and to ensure the plan is effective we propose the following insertion of the following

**“...for heavy industrial activities such as shale gas exploration and development and ....”**

This is shown in bold in the paragraph of the main modifications document below:- .

### **Ref Policy HW1 p41**

“In order to help reduce health inequalities, the Council will require health impact screening to be undertaken for all major development proposals **for heavy industrial activities such as shale gas exploration and development and** on each Strategic Site (100 or more homes) within the Strategic Locations for Development strategic sites through the submission of a masterplan. A full independent Health Impact Assessment will be required if the screening demonstrates a need. The Health Impact Assessments will be assessed by Lancashire County Council, as the public health authority. The outcomes of the screening process should be reflected in the development proposal and should be a consideration in decision-making. “

This is for consistency with Policy M1, and effectiveness. To ensure that the policy has effect.

### 3. Main Modification Ref : MM2

#### – Assessment & Actioning of Impacts from UK Government Shale Gas Policy

#### – para 1.53 – page 6

The Proposed Main Modifications for Consultation document presents the following :

Paragraph 1.53 (Page 6)

*Lancashire County Council continue to work on a Minerals and Waste Local Plan for Lancashire which will include Onshore Oil and Gas Exploration, Production and Distribution. The industry is still in the exploration phase. If a shale gas production industry is developed in Fylde, the Council acknowledges it will need to consider the scale and rate of shale gas development and review any cumulative impacts.*

This is not considered to be a sound approach to enable early enough action to address opportunities and equally the risks affecting the economy and housing need. The Fylde is central to the UK government’s declared policy to promote the development of shale gas. For the Local Plan to be sound, the impacts of the implementation of this policy need to be incorporated within the Emerging Local Plan.

There may be employment opportunities that will need to be attracted and also we have shown that in a medium scenario the housing need may be reduced by over 10,000 dwellings over the plan period, plus an associated potential loss of jobs in residential, leisure and agri-food sector supply chains. These either have to be mitigated, or accepted and built into the Plan.

In terms of the currently proposed para 1.53, it is unclear what is meant by “a shale gas production industry”? The exploration phase has already involved the granting of almost 200 sites with planning permission to explore and develop hydrocarbons. Current spend by the Fylde Operator in the county is claimed to be almost £7m pa. The Operator area holds 30 year leases on the land for their intended surface works sites and their parent company has just completed a further multi-million dollar fund raising to enable the next stage of development. Fracking is programmed to recommence imminently. This follows the lifting of the moratorium on fracking in England that was prompted by this Operator unintentionally causing the only two seismic events in the Fylde ever measured. There are no controls to stop seismic events once initiated. Four wells are already authorised for fracking and the Operator has submitted plans with the regulator for continued activity for four further wells at Roseacre Wood and then further fracking sites in the area through the next decade.

It is stated that para 1.53 is “To recognise role of monitoring”. This is considered to be insufficient to make the plan sound and does not address the representations made through the consultation and inspection process.

The following is offered as replacement text for the revised paragraph 1.53.

*“The UK government has issued a policy promoting the exploration and development of shale gas. Petroleum Exploration & Development Licences have already been granted to enable this and planning permission granted for almost 200 sites from which to conduct this activity across the Fylde plain. This may offer supply chain employment opportunities that will have to be attracted to locate in the Fylde. This heavy industrial process remains controversial, with a steady documented trend of increasing objection by members of the*

*public. Government commissioned surveys show that twice as many people object to it as support it, due to the perceived adverse environmental and economic impacts. The process has potential cumulative impacts on local job growth and loss, and reduction in housing need over the plan period. This may be particularly the case for a proportion of discretionary residents of the Fylde over the plan period. For example: as retired residents who die are not replaced; and commuters who may otherwise have chosen to reside in the Borough, choose to live elsewhere. There are then further potential adverse employment economy impacts on the Borough's significant residential, leisure and agri-food supply chains, none of which are enhanced by the proximity of controversial, toxic, heavy industrial processes. These impacts have to be realised, or mitigated or built into the Local Plan to be sound“*

*“An assessment shall be conducted with immediate effect to quantify the economic benefits and impacts arising from this activity in a range of scenarios, so as determine the interventions and their timing required to exploit opportunities and mitigate threats. The profile and scale of employment and housing need will then be revised within this plan, in accord with the assessed impact of the proposed interventions.”*

The reason for this is for the plan to be sound.

By way of background :

If the Borough Council assesses that there is a potential shale gas supply chain to be attracted to the area as a result of the implementation of UK government policy, then actions to enable that will need to be implemented at the earliest opportunity. If the Borough Council assesses that proportions of discretionary residents (e.g. retirees and commuters) may choose not to include Fylde Borough in their list of possible places to reside due to the perceived adverse risks on health and amenity, then the overall housing need and its profile will be required to be revised until and unless there is evidence that the shale gas fracking process becomes an attractive feature for people to choose to live with.

Direct employment opportunities may occur in plant & equipment design & manufacture, haulage services, site equipment and operations services, accommodation providers. In addition, there may be indirect employment in the supply chain supporting these services and induced jobs from these activities. These could be incentivised to locate in Fylde Borough or may otherwise be attracted away to locate: in adjacent districts; or elsewhere nationally, or internationally. By way of example, the Operator closed their Fylde office and consolidated it with an office suite for their HQ activities, located in South Ribble, some 20 miles away.

On each occasion when a well is drilled and fracked a permanent waste repository of now radioactive fracking flowback fluid is created. At any time, fracking fluid may leach through the faulted geology, or from the well itself prospectively contaminating ground water. There is no monitoring of the integrity of the repository. Airborne fugitive and combustion emissions from wells will give rise to health and climate change risks. There are also contamination risks by leakage of toxic fluids (flowback fluid, acids, and lubricants) into surface water due to discharges from surface works sites or accidents involving shale gas supply chain vehicles.

At any time seismic events may occur, and the advice from the British Geological Survey that once an event has been stimulated that it cannot be stopped.

You will have seen in your visits around the Borough that this heavy industrial process has been permitted to be introduced into the countryside at the Preston New Road site. This has resulted in the constriction of a key 50mph primary route to be reduced to a 20mph permitting HGVs to turn right to and from the surface works across the carriageway. Surface works could be located on employment areas already provisioned by the district councils to support such activities. Instead surface works are proposed to be located on green field, designated countryside sites. These will cause further safety, health & amenity issues arising from the introduction of the largest articulated HGVs of the shale gas supply chain into already inadequate rural road networks.

Failure to consider the implementation of government policy is unsound. It will result in the loss of job opportunities in an area that will already be subject to reduced employment from major corporations who would otherwise bring national pay levels to the local economy, notably in aerospace and financial services sectors. Failure to consider the adverse impacts on housing need due to the risk of reduced attractiveness of fracking to a proportion of discretionary residents is similarly unsound. These discretionary residents form almost half of the housing need in the district. There are then further potential adverse employment economy impacts on the Borough's significant residential, leisure and agri-food supply chains, none of which are enhanced by the proximity of controversial, toxic heavy industrial processes. In summary, our previous submissions showed that over the plan period, there are reasonable medium case scenario alternatives that could yield a loss in demand of housing of 10,700 dwellings and over 900 direct jobs lost in the Visitor Economy alone as a result of the implementation of the Government Policy on Shale Gas. National Government Policy requires that this is taken into account. This should then flow to a reduction in the Overall Assessed Housing Need and provision of appropriate employment land & resources to mitigate some effects.



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Date 22<sup>nd</sup> March 2018

Planning Policy  
Planning Department  
Fylde Council  
Town Hall  
Lytham St. Annes  
FY8 1LW

By email: [planningpolicy@fylde.gov.uk](mailto:planningpolicy@fylde.gov.uk)

Dear Sir / Madam,

Fylde Local Plan - Schedule of Proposed Main Modifications for Consultation

Thank you for your consultation seeking the views of United Utilities as part of the Development Plan process.

United Utilities wishes to build a strong partnership with all Local Planning Authorities (LPAs) to aid sustainable development and growth within its area of operation. We aim to proactively identify future development needs and share our information. This helps:

- ensure a strong connection between development and infrastructure planning;
- deliver sound planning strategies; and
- inform our future infrastructure investment submissions for determination by our regulator.

When preparing the Development Plan and future policies, we can most appropriately manage the impact of development on our infrastructure if development is identified in locations where infrastructure is available with existing capacity. It may be necessary to co-ordinate the delivery of development with the delivery of infrastructure in some circumstances.

United Utilities has previously submitted comments to earlier stages of consultation on the emerging Local Plan, and we now write to submit the following comments to the **Council for consideration as part of the current 'Local Plan: Main Modifications'** consultation, which runs until 5pm on Thursday 22<sup>nd</sup> March 2018.

## GENERAL COMMENTS

We wish to highlight that United Utilities will seek to work closely with the Council during the Local Plan process to develop a coordinated approach for delivering sustainable growth in sustainable locations. New development should be focused in sustainable locations which are accessible to local services and infrastructure. United Utilities will continue to work with the Council to identify any infrastructure issues and appropriate resolutions throughout the development of the Local Plan.

## SPECIFIC COMMENTS

### Policy GD5 (Large Developed Sites in the Countryside and Green Belt)

United Utilities would like to highlight that it owns Clifton Wastewater Treatment Works which is currently located within the Countryside on the proposals map. Upgrades to this asset may be required in the near future, and it is important to ensure that any required upgrades and expansions to this site can be made in order for us to meet the infrastructure requirements of proposed future development in the borough.

On this basis, United Utilities' preference would be that Clifton Wastewater Treatment Works be included as part of the list of Large Development Sites included within Policy GD5. This would enable us to ensure that we can continue to meet the growth and development aspiration of the Borough as well as respond to environmental agendas in accordance with our obligations.

Any change would require an amendment to your proposals map and we have included an OS Location plan of this site for this purpose.

### Planning Policies

In respect of other Planning Policies, United Utilities would like to highlight that the previous representations made to the Local Plan process remain valid.

### Site Allocations

A large proportion of the allocated sites have been subject to planning applications, as identified by the inclusion of the additional sites which have been subject to planning applications during the Local Plan preparation. As such, United Utilities are aware of these sites and have no further comment to contribute.

### Summary

We trust the above comments will be afforded due consideration in the preparation of the emerging Local Plan. If you have any queries or would like to discuss this representation, please do not hesitate to contact me.

Yours faithfully

Andrew Leyssens  
Developer Services & Planning  
United Utilities Limited



## Fylde Local Plan

Representations to the Schedule of Proposed Main  
Modifications to the Fylde Local Plan to 2032 January 2018

for Wainhomes (North West) Ltd

Project : 16-334  
Site address : Land off Bryning Lane,  
Wrea Green, Preston  
Client : Wainhomes (North West)  
Ltd  
  
Date : 20 March 2018  
Author : Stephen Harris

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

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## 1. Introduction

- 1.1 Emery Planning is instructed by Wainhomes North West Ltd to submit representations to the consultation on the Schedule of Proposed Main Modifications to the Fylde Local Plan to 2032.
- 1.2 We have made representations to the previous stages of the emerging Local Plan and we also attended and made representations to the relevant Matters at the Stage 1, Stage 2 and Stage 3 hearing sessions.
- 1.3 The Schedule of Proposed Main Modifications to the Fylde Local Plan to 2032 was published following a review of the submission version of the emerging Fylde Local Plan and a review of issues raised during the Examination hearing sessions which took place in March, June and December 2017.
- 1.4 These representations focus on the proposed modifications relating to the housing requirement and the use of the 'Liverpool Method' of addressing the identified housing shortfall in the Borough, which we consider to be lacking in justification and evidence.
- 1.5 We also reiterate our established and consistent objections to the following elements of the plan, which we still consider to be fundamental issues that compromise the soundness of the plan going forward:
- The housing requirement is below the upper end of the OAN range and no evidence has been provided to demonstrate why a requirement of 430 dwellings per year cannot be achieved;
  - On the Council's own figures for the plan period against a requirement of 8,715 dwellings the total supply in the trajectory is 8,819. This represents a surplus of 104 dwellings which is a flexibility factor of 1.5% after completions. It only takes 1 site not to deliver as expected for the plan to be found out of date. This was a specific concern raised by the Inspector at the Examination. The 5 year supply should be increased through the allocation of new sites through the application of the Sedgfield method rather than seeking to artificially boost the years supply numerically through the use of the Liverpool method as the Council is proposing;
- 1.6 We make comments to each relevant proposed modification in turn.

## 2. MM1 – Paragraphs 1.24 to 1.28

- 2.1 The proposed change seeks to update the position with regard to Wyre Borough. The change states that the “*issue remains incomplete and the exact extent of their unmet need is unknown as the precise numbers of homes that will need to be delivered outside Wyre Council’s administrative area has not yet been assessed*”.
- 2.2 However Wyre has now submitted its plan for Examination and its plan states:

*“It is the only strategy possible within the constraints and results in a shortfall in meeting the OAHN; the Local Plan can deliver 8,225 dwellings or annually 411 dwellings within the local plan period 2011- 2031. The Local plan therefore delivers within the Local Plan period, nearly 86% of the OAN requirement”*

- 2.3 Therefore the precise figure is known which equates to 1,339 dwellings.
- 2.4 Whilst we accept the commitment to an early review we consider that whilst the Fylde Plan is still at Examination then the opportunity arises for both plans to now be aligned and for the unmet needs to then await a local plan review would not be appropriate.

## 3. MM6 – Policy DLF1

- 3.1 MM6 seeks to alter the housing requirement from 7,768 dwellings to 8,715 dwellings. This increase is based on the housing requirement of 415 dwellings as set out in MM40 for Policy H1. Therefore our position on MM40 applies equally to MM6 and we do not repeat the points here.
- 3.2 MM6 also proposed additional text to set out the broad distribution of development for the Borough with 7,845 homes (90%) being located in the four Strategic Locations and 870 homes (10%) located at the Non-Strategic Locations.
- 3.3 This addition is not justified as it reflects the allocations in the plan rather than an evidential based decision on the distribution of development. For example we demonstrated and evidenced that Wrea Green was not designated appropriately in the settlement hierarchy. Settlements such as Wrea Green can accommodate greater levels of development than the plan sets out. This applies equally to other settlements such as Elswick and Clifton which have had a number of applications and appeals approved for greater levels of housing that the plan envisaged. The 90% figure is also higher than the 83.6% in Table 2 of the Submission Plan which is now proposed for deletion.

3.4 Therefore we object to the percentages applied due to the lack of robust evidence and the inconsistent application of the evidence that does exist as we have set out in detail in our representations on the settlement hierarchy and Wrea Green.

## 4. MM40 - Policy H1

4.1 The proposed modification to criterion a) of this policy states that the council will apply a minimum housing requirement figure of 415 dwellings per annum for the plan period 2011-2032. We object to the proposed minimum requirement figure on the basis that it is lower than the upper end of the OAN range and there is no evidence provided to justify why the 430 dwelling requirement cannot be met. This is a serious and fundamental failing of the plan as whilst this may be 15 dwellings per annum over the plan period this means that there are 315 households not being provided with a home.

4.2 The Objectively Assessed Housing and Economic Development Needs and the Fylde Local Plan to 2032 document was prepared as part of the emerging Local Plan evidence base. It sets out the evidence for the proposed housing requirement based on demographic modelling and growth projections.

4.3 The demographic modelling aligned with the employment growth projections indicates the need for a range of between 408 to 432 dwellings to be provided per annum to ensure that the available labour supply does not constrain the anticipated economic growth.

4.4 In section 5.5 of the 'Summary of the Implication for OAN' the concluding paragraph (5.5.3) states that:

*"it is therefore considered that the full need for housing will be more closely aligned with the upper end of the identified OAN range."*

4.5 The NPPG, at paragraph Reference ID 2a-004-20140306, states that

*"The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans."*

- 4.6 The Council on the one hand acknowledges that the upper limit of the identified OAN is an appropriate housing requirement, but then fails to adopt this as the identified housing requirement for the plan. Furthermore, the proposed Main Modifications does not provide any explanation for a lower requirement. We strongly object to this figure and recommend the requirement is adjusted to the 'upper limit' of 432 dwellings per annum as set out and recommended in the Council's own evidence base. If not the plan is not sound.
- 4.7 Should the Council consider that supply is so constrained that it is not possible to identify a housing supply which will address the full OAN, they should be seeking to address the shortfall by other means rather than suppressing the full OAN. This would require that unmet housing need of 315 dwellings being met elsewhere under the Duty to Cooperate. No such request has been made and this is a failing contrary to national policy and guidance.
- 4.8 Furthermore, it is considered that the upper target of 432 should be considered to be a minimum requirement. There has already been an under-delivery of housing during the early plan period, which suggests that the Council has not identified a flexible enough supply to ensure the required delivery. Suppressing the proposed housing requirement will exacerbate this problem and create future shortfalls in delivery.
- 4.9 The proposed modification to paragraph 10.13 of the emerging Local Plan acknowledges the evidence set out above, stating that:
- "The 2014-based household projections to 2039 for England were published on 12 July 2016, and provide a new 'starting point' for the assessment of housing needs in line with the PPG. A further piece of work was commissioned by Fylde to take account of the 2014 SNHP and updated economic forecasts – The Objectively Assessed Housing and Economic Development Needs and the Fylde Local Plan to 2032(May 2017) (Addendum 3). Addendum 3 concludes that the evidence indicates an Objectively Assessed Need (OAN) of between 410-430 dwellings per annum. The Council has considered the findings and has determined the housing requirement for the 2011-2032 plan period is 415 net dwellings per annum."*
- 4.10 Again, no evidence is presented to justify the departure from the Council's own findings in the evidence base. We acknowledge the Inspector will assess the evidence as part of preparing her report but following a thorough review of the evidence, our position is that there is no justification for pursuing a suppressed housing requirement in the Fylde.

### The 'Liverpool Method' for shortfall delivery

4.11 The proposed modification to criterion c) of policy H1 states that the Council will manage the delivery of new housing through the application of the 'Liverpool Method', which distributes the delivery of the identified housing shortfall over the remaining plan period.

4.12 The proposed modification to paragraph 10.17 of the emerging plan states that:

*"1,538 dwellings have been completed in Fylde from 2011- 2017, an average of 256 dwellings per annum. When this figure is subtracted from the overall plan period requirement of 8,715, it gives a residual requirement of 7,177 dwellings to be completed from 2017 to 2032. This figure (7,177) includes the shortfall which has accrued during the early years of the plan when large sites were in the planning process. This equates to 479 dwellings per annum for the remaining years of the plan period. This is the 'Liverpool' method, for the purpose of calculating the 5 year housing land supply and is necessary in order to provide the most effective strategy to facilitate the delivery of housing during the plan period."*

4.13 As stated previously, no justification beyond the above is provided to justify the selection and reliance of the 'Liverpool Method' in the policy or supporting justification. The lack of any evidence was an issue raised by the Inspector in her letter dated 3<sup>rd</sup> July 2017 (EL5.014) where she stated:

*"3. However the factors that were highlighted by the Council in the session, on their own, do not provide sufficient justification for use of the Liverpool approach. Can I therefore ask the Council to respond to the following queries:*

- i. Can any sites proposed to be delivered later in the Plan period be realistically brought forward into the five year supply?*
- ii. Are there any additional sites available within the Borough that would conform to the Plan's development strategy and be deliverable within the first five years?"*

4.14 The consultation on the Additional Evidence in support of the Fylde Local Plan to 2032 dated August 2017 (EL7.002) and specifically paragraphs 3.19 to 3.27. However these are not new reasons and were the same points raised at Stage 2 and have not addressed the Inspector's concerns in EL5.014.

4.15 We therefore address the Council's reasons as to why the 'Liverpool Method' would be justified and set out why each should not be applied.

4.16 The Framework does not specifically state how the backlog should be addressed. However, it did introduce a requirement to “boost significantly” the supply of housing (paragraph 47), and importantly the backlog is a shortfall in supply which exists at the start of the 5 year requirement. Therefore, to defer addressing it until the end of the plan period makes little sense in the light of paragraph 47 when there are 890 households who have not been provided with a home in the Fylde. The purpose of the planning system must be to provide these households with a home and not to defer meeting this need in full until 2032.

4.17 Clear guidance is set out in paragraph 3-035 of the PPG (Reference ID: 3-035-20140306): “How should local planning authorities deal with past under-supply?”. It states:

*“Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the ‘Duty to Cooperate’.”*

4.18 We consider this guidance is a clear expression by the Government that local planning authorities should aim to deal with the backlog within 5 years. This is the Sedgefield approach. Whilst the PPG recognises that there may be circumstances when this is not possible, it is important to clarify that these circumstances do not apply in Fylde. This is because the only departure from the Sedgefield approach is for local planning authorities to work with neighbouring authorities under the ‘Duty to Co-operate’. This does not justify the use of the Liverpool approach. Rather, it advises that the unmet need should be addressed by making immediate provision in adjacent authorities. The overarching point is that the PPG does not endorse deferring meeting the shortfall over a longer period than five years as it requires it to be met somewhere (i.e. an adjacent authority) within 5 years. This must be correct as the only way to boost supply and meet the backlog.

4.19 There is therefore no support in either policy or guidance for the Council’s approach to addressing the backlog through the ‘Liverpool’ methodology and relying on neighbouring authorities to address the backlog is not an option for the Fylde. Indeed, Wyre Borough Council has requested that Fylde assists in meeting at least 1,300 homes of its OAHN under the Duty to Cooperate. These 890 homes cannot be just left unmet beyond the 5 year period which is seemingly the case.

4.20 In summary, addressing the backlog by the Liverpool method is contrary to the clear guidance in the PPG and contrary to the aim in the Framework to boost supply.

4.21 As noted above, the Council's most recent position on the use of the Liverpool methodology is set out in their "Response to Inspector's Questions Stage 3 Hearings November 2017". A number of points arise.

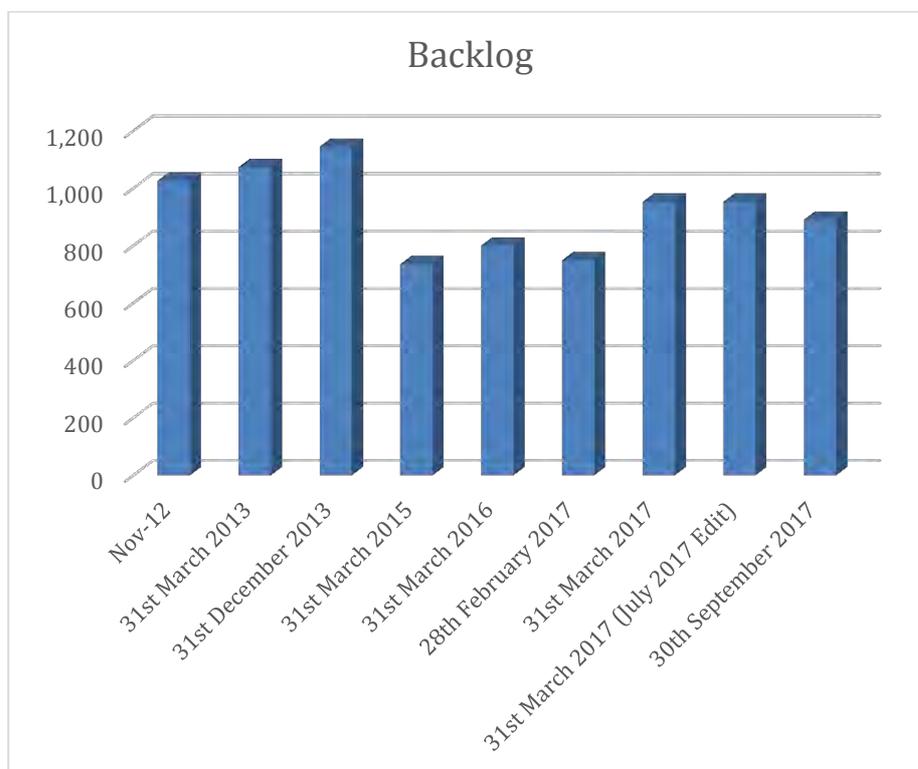
4.22 The first has been the Council's position for the determination of applications and appeals. Below is a table showing the buffer and the methodology adopted in each of the published housing position statements by the Council since 2012.

<b>Base Date of Five Year Housing Supply Statement</b>	<b>Buffer</b>	<b>Methodology applied</b>	<b>Years Supply</b>
November 2012	20%	Liverpool to 2021 which was end date for RSS	3.8
31st March 2013	20%	Liverpool to 2021 which was end date for RSS	3.1
31st December 2013	20%	Liverpool to 2021 which was end date for RSS	4.5
31st March 2015	20%	Sedgefield	4.3
31st March 2016	20%	Sedgefield	4.3
28th February 2017	20%	Sedgefield	5.58
31st March 2017	20%	Sedgefield	4.8
31st March 2017 (July 2017 Edit)	20%	Both Sedgefield and Liverpool set out	5.1 or 6.4
30th September 2017	20%	Both Sedgefield and Liverpool set out	5.1 or 6.3

4.23 The table demonstrates that the 20% buffer has consistently been applied and Sedgefield has been applied since 2015 for decision taking. The change from Liverpool in 2015 was when the

Council sought to apply the emerging OAHN rather than measuring performance following the revocation of the RSS.

- 4.24 The two latest position statements set out the supply against both methodologies although during this time the Council and Inspectors have applied the Sedgefield method for decision taking. For the reasons set out, the Liverpool method is not justified and it is considered that the the Council **has sought to apply the Liverpool method to seek to arithmetically boost its land supply figure** for the purposes of paragraph 49 of the Framework so that the plan would not be out of date soon after adoption, rather than actually boosting the delivery of new homes as required by paragraph 47 of the Framework by applying Sedgefield and allocating more land for development.
- 4.25 The second is that applying Liverpool is denying those in need of a home which is a significant number, as seen in Figure 1 below which sets out the number of homes not delivered in each of the Position Statements. The current backlog is 890 households. This is not just a theoretical number but is the number of households in need of a home.



- 4.26 The first three columns in Figure 1 above was the shortfall when assessed against the RSS. The remaining columns are when it was compared to the emerging OAHN which was applicable at that point in time.
- 4.27 The third is that the Council states that *"there does not exist any potential to bring sites forward, beyond the realistic assessment of delivery already accounted for within the plan"*. This is not correct as there are omission sites which could be allocated to increase supply to those already allocated in the plan. Our client's Wrea Green site is one such example. Its allocation would assist the Council in providing a more flexible housing land supply that would deliver an appropriate level of housing for the first time in a number of years in an authority that has a persistent record of under-delivery.
- 4.28 The fourth is the Council's belief that the Liverpool approach is *"likely to satisfy the principal objective of paragraph 47 of the Framework to identify a deliverable supply of housing land"*. With due respect that is not based on a full reading of paragraph 47 which seeks to boost the supply of housing rather than deferring it across the plan period or a local plan review.
- 4.29 The fifth is reference to an appeal decision in Huby, Hambleton (Appeal APP/G2713/A/13/2194376) which is used to seemingly endorse the Council's approach. However paragraph 60, which is set out below, clearly endorses the Sedgefield approach. It states:
- "60. It has become established practice to add all of any previous under-delivery during the plan period into the five year equation unless local circumstances suggest otherwise. The NPPG supports this 'Sedgefield' method of dealing with under-delivery and I have followed that practice. Furthermore, the Gresty Lane Secretary of State decision confirms that the buffer should not be applied to the backlog."*
- 4.30 The sixth is that there is no evidence for this approach is provided in the Main Modifications document, and none was provided at the hearings beyond intimation from the local plan Inspector that the 'Sedgefield' approach would result in a supply so marginal as to potentially be subject to challenge and the plan could be out of date soon after adoption. This in itself does not constitute justifiable evidence or reasoning for applying the 'Liverpool' method which would ultimately prevent sustainable sites from delivering much needed housing in the early part of the plan.

4.31 The seventh is the concern that *“the imposition of the Sedgefield approach through the Local Plan process would create a risk, that through unexpected events (e.g. market conditions) that are no fault of the Council, the tilted balance could suddenly be applied, and the plan strategy consequently be put at risk”*. This concern does not justify the fact that the plan is not providing sufficient housing where no flexibility has been provided and is a concern that every local authority could point to in order to justify pursuing a suppressed housing requirement. If Liverpool is adopted it sets an unfortunate precedent for local authorities to not meet its OAHN but also defer meeting its undersupply to date. Indeed Wyre Council now states:

*“The use of the Liverpool method allows for a realistic housing land supply which minimises the risk of the Local Plan being deemed out of date shortly after it is adopted.”*

4.32 Indeed, paragraph 47 of the Framework specifically states that *“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change”*. The solution therefore is not to artificially suppress much needed delivery through a constrained housing requirement target and delivery method, but rather to acknowledge the reality on the ground and implement the Sedgefield approach with additional allocations to ensure a flexible, deliverable supply of housing through the plan period that addresses the real and urgent housing shortfall as soon as possible.

4.33 The eighth is the concern that the largest sites in the plan *“are dependent on substantial early infrastructure investment to allow for their delivery, which could be threatened if the housing market became flooded through the application of the tilted balance”*. That is an unsubstantiated comment as there has been no evidence to the Examination or anywhere else that the application of Sedgefield would delay the delivery of any allocated site or harm the development strategy in any way. With all the key allocated sites delivering or progressing through the planning system then there is no evidence as to why the development strategy would be harmed. That must be evidenced if it is to be used as justification by the Council. It has not.

4.34 The various applications and appeal approved in settlements such as Wrea Green and other settlements<sup>1</sup> have demonstrated development is acceptable. Indeed where these decisions were approved but considered contrary to the development strategy there was no adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

<sup>1</sup> Please see decisions EL4.001 to EL4.012

- 4.35 Adopting the 'Liverpool Method' on this basis on the basis of the development strategy would therefore require further assessments and would need to be properly evidenced and justified by the authority.
- 4.36 The ninth is that the "*Liverpool method has been adopted in the Preston Local Plan, on which the Inspector reported in June 2015, after the revision to PPG relating to 5-year supply methodology*". It then states that "*the Preston Local Plan is dependent on delivery of large strategic sites and associated highways infrastructure, which is similar to the position relating to the Fylde Local Plan sites at Queensway and Whyndyke*".
- 4.37 There are three points arising which are addressed under the following headings:
- Queensway;
  - Whyndyke; and,
  - Preston Local Plan.

#### Queensway

- 4.38 The delivery rate of Queensway has been the subject of considerable debate at the Local Plan Examination. Kensington Developments confirm that they have no objection to the application of the Sedgfield approach and their delivery rates are not affected by its application. Referring to any infrastructure requirements on this site as part of the justification for applying the 'Liverpool Method' to delivering Local Plan housing shortfall would therefore not be appropriate.

#### Whyndyke

- 4.39 Whyndyke is a strategic site within Fylde but on the edge of Blackpool. Again, this site has been the subject of debate at the Examination and the agent for the owner advised the Examination of their lead in times and delivery rates. In their statement for Matter 5, they state:

*"In particular Queensway and Whyndyke Garden Village have each taken many years to progress to a reserved matters/outline application stage with no certainty of when delivery is likely to commence. Both are subject to s106 agreements of some complexity with the former reliant upon the delivery of a link road for which funding is not yet guaranteed and the latter the subject of ongoing negotiations of a cross boundary nature which has hindered progress for many years.*

*At the time of preparing this statement, the s106 agreement for Whyndyke Farm remained incomplete despite first being supported by Committee in June 2015. The delay is not due to the developer, rather it relates to ongoing discussions between the other interested parties.*

*It is therefore not clear when either site will commence."*

4.40 In their statement to the Stage 3 hearing, they state:

*"Given the ongoing failure of the respective local planning authorities, namely Fylde and Blackpool to agree to the terms of the s106 agreement for Whyndyke Farm, questions must begin to be asked about the extent to which this site will make a full contribution to the housing land supply of Fylde over the plan period."*

4.41 Therefore, the application of Sedgefield would not have any impact on the delivery of Whyndyke as it is the local planning authorities delaying the site coming forward rather than any infrastructure constraint. Referring to any infrastructure requirements on this site as part of the justification for applying the 'Liverpool Method' to delivering Local Plan housing shortfall would therefore not be appropriate.

4.42 The Preston Local Plan is then used as a direct comparator.

Preston Local Plan (2012-26)

4.43 The Preston Local Plan (2012-26) was adopted on the basis that the housing shortfall would be addressed via the 'Liverpool Method'. The Inspector's Report on the examination into the Preston Local Plan concluded that the shortfall via the 'Liverpool Method' was appropriate in that case. The Inspector acknowledged that the Sedgefield approach is "*consistent with the thrust of the Framework in positively seeking to increase housing supply*" and is consistent with the aims of the PPG.

4.44 However, the 'Liverpool Method' was considered to be the relevant method nonetheless, as set out in paragraphs 70 to 73 of the Inspectors Report which are set out below with specific parts highlighted for ease of reference. They state:

*"70. A further factor in determining what should be the plan requirement for housing supply in the first five year period is how quickly any previous under-supply is made good. The options are either to aim to make good any shortfall entirely during the first five years (the 'Sedgefield' approach) or, alternatively, to spread the requirement over the whole plan period (the 'Liverpool' approach). Neither approach is advocated as policy in the NPPF although*

paragraph 03519 in the PPG states that Local Planning Authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. As indicated in paragraph 65 above, the under-provision situation in Preston actually grew during the first three years of the plan period to April 2014. Realistically, any correction can only be applied from the latter date.

**71. Policy 4 in the adopted Core Strategy makes specific reference to the treatment of 'prior under-provision'. The policy states that it is to be made up over 'the remainder of the plan period', which is given as 2010-2026. So that covers the whole of the period of this local plan. It would not be logical to apply a different approach to under-supply arising since 2011 with that which occurred earlier.** The Inspectors report into his examination of the Core Strategy was issued in June 2012 and it is clear that he took the NPPF into account in making his recommendations<sup>20</sup>. Adoption was in July 2012. The PPG is guidance not policy and, although the 'Sedgefield' approach is consistent with the thrust of the Framework in positively seeking to increase housing supply, the Courts have indicated that the 'Liverpool' approach is equally valid. **This local plan, by making provision for a significant quantum of housing development on the strategic site of Cottam and in the North West Preston Strategic location in accordance with Core Strategy Policy 1, makes positive provision for increasing housing supply in the future.**

72. It is undoubtedly desirable to make up for past under-supply as quickly as possible but, as discussed below, the **evidence suggests that the constraints to the delivery of housing are now primarily due to market considerations rather than the result of there being insufficient land either with planning permission or through the allocation of sites in the local plan, especially in NW Preston.** As the **requirement figures in CS Policy 4 are minima there would be no policy bar to provision over and above those set in the plan. The September 2014 figures based on an updated portfolio of sites suggest capacity to make up for the full under-supply within the first five years should market conditions improve.**

73. Taking the above factors into account I do not find there to be a compelling reason to require a higher level of housing provision during the five years from April 2014 than that provided for in the adopted Core Strategy. In other words, the prior under-provision at the start of the plan period should be made good over the remaining plan period. It follows that the plan should make provision for the development of a minimum of 7301 dwellings over the remaining 12 years of the plan period to 2026, that is 608 dwellings a year. In that regard, there are references in the submitted plan to a plan period of 2011-2026 with statistics, for example on prior under-supply, relating to the 2011 base date. Other statistics on housing supply relate to a 2013 base with proposed changes to update to 2014. In putting forward changes, PCs 41, 42, 45-48 and SMs 21- 24 inc., the Council recognise the need to remove text which would become out-of-date. For the plan to be fully effective, all essential statistics to explain the background to allocations made in the plan should be as up-to-date as possible. At the time of writing that is a March 2014 base date (MM9)."

- 4.45 Emery Planning was involved with the Central Lancashire Core Strategy and Preston Local Plan Examination as well as giving housing land supply and planning evidence at planning inquiries in both authority jurisdictions. Therefore, we are well placed to consider the situations in Preston and the Fylde. As a result, we make the following points to demonstrate they are simply not comparable or a precedent which assists the Council through the local plan process.
- 4.46 The first is that in paragraph 71, the Local Plan Inspector concluded that as the Core Strategy Inspector has previously endorsed the Liverpool approach then it would not be logical to apply a different approach. In the Fylde the Local Plan is not bound by any such approach from another part of the development plan. Indeed, the position adopted by Inspectors and the Council for the determination of planning applications has been consistently based on Sedgefield, as demonstrated above.
- 4.47 The second is market considerations. The issue in Preston was that the North West Preston Strategic Location was for around 5,000 homes and was dependent on new road infrastructure and a new junction onto the M55. The market considerations were having a significant number of developers building on the site resulting in a highly competitive market thereby reducing the annual delivery rate per developer. In Fylde, the vast majority of the delivery rates are agreed and there is no site of a scale such as that in Preston.
- 4.48 The third is that there would be no "*policy bar to provision over and above those set in the plan*". In short, the Inspector was concluding that further planning permissions over and above those in the plan would not be prevented and there was potential for additional supply to come forward. Whilst this is applicable in the Fylde, the fact that there are a number of appeals being contested demonstrates that sustainable development is being frustrated due to an in principle objection on need across the Fylde and in Wrea Green.
- 4.49 The fourth is that the plan's delivery was predicated on strategic sites that depended upon infrastructure requirements forming a significant part of the supply. These evidenced physical infrastructure constraints meant it would be impossible to deliver these strategic allocations early in the plan period. Consequently, the local plan inspector took a view, based on analysis of the evidence and constraints, that the 'Liverpool Method' would be appropriate to ensure that delivery of the identified shortfall was possible.

- 4.50 There are no such constraints in Fylde as all the sites are coming forward and are not dependent on infrastructure as was the case in Preston. Therefore, comparing Fylde to Preston is simply untenable.
- 4.51 The fifth is that the portfolio of sites “*suggest capacity to make up for the full under-supply within the first five years should market conditions improve*” and therefore the Inspector applied Liverpool based on this understanding. In summary, what this means is that the existing allocations could have come forward quicker if the market changed. However, this has not occurred and Preston has had to contend with appeals being allowed due to the lack of a 5 year land supply, even with the Liverpool approach being endorsed. This is because they did not allocate sufficient sites at the outset and applications and appeals have had to be approved to make good the shortfall. In the Fylde the only sound solution would be to allocate more sites now by uplifting the requirement and adopting the Sedgefield method of addressing the existing shortfall.

#### Draft NPPF

- 4.52 The Draft NPPF was published on 9<sup>th</sup> March 2018 for consultation and therefore does not form Government policy and is not a consideration for plan's under examination. Nevertheless it shows the direction of the new policy and draft guidance on how to address any shortfall has also been issued. There are a number of relevant parts of the consultation.
- 4.53 Under a heading, “How can shortfalls in housing completions against planned requirements be addressed?” it states:

*“A shortfall will occur when completions fall below the housing requirement in the plan over a relevant time period. The level of deficit or shortfall should be calculated from the base date of the adopted plan and **should be added to the plan requirements for the next five year period.**”* [My emphasis]

- 4.54 It then states under “How quickly should past shortfalls be addressed?” that:

*“Local planning authorities should deal with deficits or shortfalls against planned requirements within the first five years of the plan period. If an area wishes to deal with past under delivery over a longer period, then this should be established as part of the plan making and examination process rather than on a case by case basis on appeal.*

*Where local planning authorities are unable to address past shortfalls over a five year period due to the scale of shortfalls they may need to reconsider their approach."*

- 4.55 The identified shortfall in the Fylde, whilst urgent and real, is not of a scale that would justify its distribution over the remainder of the plan period and could be delivered in the first five years. As set out above, there are no policy, physical or technical constraints in the Fylde that justify the 'Liverpool Method' either.
- 4.56 Consequently, the Inspector should ensure that policy H1 is amended to reflect a commitment that the identified housing shortfall will be addressed via the Sedgefield Method in order to ensure the soundness of the plan going forward.

## 5 Year Housing Land Supply

4.57 Criterion d) of policy H1 is proposed to be modified as follows:

*"The delivery of the developable sites, which are allocated for housing and mixed use from 1 April 2011 to 31 March 2032 and provided for through allowances, to provide ~~a total~~ for a minimum of ~~7,891~~ 8,715 homes."*

4.58 We support the inclusion of the word 'minimum' in this policy.

4.59 However, the proposed modification to paragraph 10.16 is as follows:

*"The historic rate of delivery of new homes in Fylde, before the recession, averaged around 250 homes each year. The annual housing requirement for Fylde is ~~370~~ 415 net dwellings per annum. A calculation of ~~370~~ 415 net dwellings per annum for 21 complete calendar years from 1 April 2011 to 31 March 2032 produces an overall net housing requirement figure of a minimum of 7,768 8,715 for the Plan period. The Council has identified sufficient sites, including an allowance for small sites and windfalls, to provide a supply figure of ~~7,891~~ 8,819 homes over the Plan period."*

4.60 Therefore, with what is considered to be an already suppressed housing requirement, the Council has identified a total of **104 surplus units** throughout the plan period to 2032. This is a surplus of **1.19%**. This is inappropriate and particularly precarious for plan making, and it is considered to fundamentally put the soundness of the plan at risk. Should there be slippage in delivery of a very modest number of identified sites, the Council would no longer be able to demonstrate a five year supply of housing land and the housing requirement for the plan period would not be met. Even if Liverpool is adopted the supply is well below the 6.3 years claimed.

4.61 Our significant concerns at Publication and at the Examination as to whether the plan would provide sufficient land to meet that requirement remain. Further, following evidence compiled as part of conjoined planning appeals APP/M2325/W/17/3179277, 3179809, 3176410 & 3181216, our concerns have increased as at least 435 units allocated in the latest Fylde housing land supply position (Housing Land Supply Statement Base dated 30th September 2017) will not come forward in the next five years. This could fundamentally compromise the figures set out in the emerging Local Plan and the housing trajectory (MM72). The consequence is therefore not providing for the minimum delivery of 8,715 required as part of an already suppressed housing requirement target. Furthermore, it would compromise the Council's 5 year supply as set out in the Housing Land Supply Statement Base dated 30th September 2017.

4.62 Below is a table setting out the Council's position as well as that of the 4 Appellants.

	Council Supply of 3,616	Appellants Supply of 3,181
20% and Sedgfield 3,558	5.08	4.47
20% and Liverpool 2,858	6.33	5.57

4.63 On the basis of the Appellants' figures then even applying Liverpool the surplus would be 323 dwellings which is a marginal oversupply.

4.64 Consequently, the plan in its current form is not sound and must be amended accordingly. Our evidence on delivery as set out in the Housing Land Supply Statement Base dated 30th September 2017 is appended to these representations at **EP1**.

4.65 In light of this and other evidence presented above, it is considered that a flexibility allowance is required, in the order of 20% additional land to be allocated. This would give a reasonable degree of security that should sites not deliver at the rates anticipated a 5 year housing land supply could still be maintained and the overall housing requirement could be met.

4.66 The plan as it stands fails to deliver a 5 year supply and fails to meet the suppressed housing requirement. Significant changes are required.

## 5. MM42 – Policy H2

5.1 MM42 adds in text to ensure flexibility. However the flexibility is only based on a future assessment of housing need. We consider there should be flexibility to take account of site specific issues and demand. This is an issue considered as part of the Sefton Local Plan and Policy HC2 states:

*"1. In developments of 25 or more dwellings, the mix of new properties provided must be as follows unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics:"*

- 5.2 This allows for exceptions to be made should there be site specific constraints or viability issues. A similar approach should be followed as MM42 has been added to provide flexibility. We agree with that approach but is not flexible enough.

## 6. Appendix EP1 (MM72)

This is the evidence submitted for Appeals APP/M2325/W/17/3179277, 3179809, 3176410 & 3181216

### Identifying a Realistic and Deliverable Supply

6.1 I now assess the deliverable supply. I set out the key policy considerations below.

6.2 Paragraph 47 of the NPPF states:

*"To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*

6.3 Footnote 11 of the NPPF states:

*"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."*

6.4 Footnote 11 advises that for a site to be deliverable it has to be suitable and available now and achievable in 5 years. This would apply to sites with and without planning permission; however, the test for including sites in the supply is that local planning authorities should have evidence to support the deliverability of sites, *"ensuring that their judgements on deliverability are clearly*

*and transparently set out*"<sup>2</sup>. Unfortunately, in my view the level of assessment of certain sites included in the supply is not robust when taking account of the requirements of national guidance, particularly in terms of some delivery rates and anticipated trajectory.

6.5 The matter of housing land supply has been assessed through the Local Plan Examination process and therefore many of the concerns raised by representors, of which I was one, have largely been addressed through revisions to the housing trajectory. Nevertheless there are three main points which I consider require a full assessment as part of these appeals, which are:

1. The base date is 30<sup>th</sup> September 2017, therefore this is 6 months on from when representations were made to the Local Plan Examination;
2. There are differences between the appellants and the Council on disputed sites which were not agreed through the Local Plan Examination process; and,
3. This is an up-to-date position as housing land supply assessments are by their nature a snapshot in time.

6.6 As set out above, in light of the changes made during the Local Plan Examination process the remaining issues are not significant. However there are cases where the Council is relying on sites delivering a higher number of dwellings per annum than is reasonable. In other instances, the Council is depending on sites coming forward for development in timeframes that are unrealistic for a variety of reasons.

6.7 In my judgement the Council should be taking a more critical assessment of the sites in the supply when determining their deliverability in accordance with Footnote 11 of the Framework. I have sought to apply such judgement based on what I have been told, the past history of the sites, site specific issues, and what has actually occurred on the ground regarding delivery rates. This accords with paragraph 13 of the Position Statement which justifies a departure from the standard methodology for lead in times and build out rates.

6.8 I have referred to an extract of Paragraph 031 (Reference ID: 3-031-20140306) of the PPG: "What constitutes a 'deliverable site' in the context of housing policy?" above, which closely follows earlier case law in the case of *Wainhomes v Wiltshire* [2013] EWHC 597. For ease of reference the full paragraph states:

*"What constitutes a 'deliverable site' in the context of housing policy?"*

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<sup>2</sup> Paragraph 031 (Reference ID: 3-031-20140306) of the PPG

*Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.*

*However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.*

*The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply."*

- 6.9 Since then there has been the St Modwen judgement which I consider only seeks to reemphasise the above guidance.

### **Site Assessments**

- 6.10 Appendix 2 of the Council's position statement (**CD15.1**) sets out the trajectory for sites in the housing supply. My assessment has considered each of these sites and I have made discounts to 18 sites in total. I have numbered these sites 1-18 and discuss them below.

#### **Site 1 – HSS1 – Queensway, St Annes (Kensington Developments, capacity = 992 dwellings, contribution to the five year supply = 400 dwellings)**

- 6.11 This is a large strategic site granted planning permission on appeal for 1,150 dwellings for a development of 1150 dwellings, provision of a 1.1ha school site and 34ha of parkland (application ref: 5/2008/0058) dated 21<sup>st</sup> June 2012. The site is controlled by Kensington Developments.
- 6.12 Reserved Matters for Phase 1 (110 dwellings) was approved in April 2015 and initial works have now started on site. 125 dwellings are being marketed for reservation under the guise of 'Richmond Point'. A further Reserved Matters application for 882 dwellings was approved in October 2017.
- 6.13 The site did not deliver any completions prior to 31<sup>st</sup> March 2017, therefore I agree with pushing back of the site by one year in the latest trajectory. Kensington Developments are the only developer therefore I have questioned the achievability of 400 dwellings over the five year

period through the Local Plan Examination process. The developer advised the Council on 20<sup>th</sup> June 2017 that they expected first occupancy in the second quarter of 2018 (Appendix HLS3 page 1).

6.14 However as part of the evidence gathering for this appeal I sought the updated position of Kensington Developments. The email from Mr McAteer is enclosed as Appendix HLS3 page 2.

6.15 Kensington Developments have informed me that due to delays in preparing the site, first occupancy will not occur until the fourth quarter of 2018. Whilst up to 65 dwellings can be delivered utilising the temporary site access, no further delivery can occur until the Queensway/Kilnhouse Lane junction is completed. At present Fylde and LCC have yet to design and agree a scheme which will be a traffic light junction, rather than the roundabout approved. Planning permission would then be required for these highways works, with the scheme put out to tender and then constructed. Kensington do not believe that they will be able to deliver more than the 65 until 2020 as a result. They consider that they would not have the first occupancy on the wider site until 2020, with 80 being delivered that year. They still believe, however, that from 2021 onwards they will deliver 100 dwellings per annum.

6.16 Therefore the build rate is proposed to be:

- 2018/19 – 25;
- 2019/20 – 40;
- 2020/21 – 80;
- 2021/22 – 100
- April 2022/ Oct 2023 – 50.

6.17 Whilst I have concern on the delivery of 100 dwellings per annum by a developer due to my experience on sites in the Fylde and the wider housing market area in general, for the purposes of this appeal I have included their delivery rate. Therefore the total discount I apply is 105 dwellings.

**Site 2 – Heyhouses Lane, St Annes (London Wall Outsourcing Investments, capacity = 160 dwellings, contribution to the five year supply = 120 dwellings)**

- 6.18 Outline planning permission for 160 dwellings was approved in October 2016, however to date no Reserved Matters application has been made. An application to enable demolition to commence on the site has recently been submitted and is yet to be determined.
- 6.19 However the developer of the adjacent site was contacted to see if they would be developing this site. Their response (Appendix HLS3 pages 3 and 4) is that they do not have any agreement on the site and that the site is still in use. However in the knowledge an application has been made to demolish the existing buildings there is an intention to develop the site. However I do not agree that commencement in Year 2 is realistic as it is necessary to allow time for the site's demolition, a developer to be chosen, the submission and determination of reserved matters, and the discharge of any associated planning conditions. Therefore in my view that no completions will not occur until at least the middle of year 3 (2019/20).
- 6.20 I therefore discount 30 dwellings.

**Site 3 - HS2 – Jubilee House, East Beach, Lytham (Danbro, capacity = 20 dwellings, contribution to the five year supply = 20 dwellings)**

- 6.21 Full planning permission was issued in August 2013 for remodelling of an existing office block and the erection of 20 apartments. The permission was part implemented, with the completion of the office works in March 2015. No work on the residential element has commenced. The applicant has advised (Appendix HLS3 page 5) that the residential component is on hold until suitable funding streams can be secured. There are also issues with car parking capacity on the site as the office development is now fully occupied.
- 6.22 I therefore discount the 20 dwellings due to the achievability in the 5 year period.

**Site 4 - HS10 – 34-36 Orchard Road, Lytham St Annes (Clifford House 2002, capacity = 12 dwellings, contribution to the five year supply = 12 dwellings)**

- 6.23 Outline planning permission was granted 18th June 2015 with a requirement for Reserved Matters to be submitted by 18th June 2018. In summer 2017 the applicant went in to receivership, and the property is now in the control of receivers (Moorfields). Moorfields have stated (Appendix HLS3 page 6) that they are in the process of disposing of the property. However there is a degree of uncertainty in this regard as a purchase needs to be made and a

new application would be required unless the buyer submits a reserved matters application before the outline permission expires.

6.24 I discount 12 dwellings due to the uncertainties of ownership (availability) and the planning status (suitability and achievability) at this stage.

**Site 5 - HS11 – The Galleries, 2-4 Kingsway, Lytham St Annes (Ms. V. Elliot, capacity = 10 dwellings, contribution to the five year supply = 10 dwellings)**

6.25 Full planning permission was granted November 2015 with a requirement for development to commence by November 2018 (Appendix HLS3 pages 7 to 15). The property remains in use as auction rooms and the permission has not been implemented. The property has been marketed for sale since November 2015 (Appendix HLS3 pages 7 and 8) for commercial purposes (with the benefit of the planning permission), indicating that the applicant, who also owns the auction business, does not intend to bring forward the residential redevelopment themselves.

6.26 Given the site has been marketed for sale for in excess of 2 years, and remains in use as auction rooms, I discount 10 dwellings due to concerns on achievability.

**Site 6 - HS13 – Kingsway Garage, St Annes (C. Threlfall, capacity = 30 dwellings, contribution to the five year supply = 30 dwellings)**

6.27 A resolution to grant outline planning permission was made on 10th October 2012 (Appendix HLS3 pages 18 to 22), yet the S106 has not been signed over 5.5 years later. The property has been marketed for sale for over 1 year for commercial purposes (Appendix HLS3 pages 23 and 24) and remains vacant.

6.28 There are clearly fundamental issues with the issuing of a planning consent on this site in light of the time it has taken since a resolution to grant some 5.5 years ago. Looking forward to the next 5 years I can only conclude that the 30 dwellings should be discounted.

**Site 7 - HS14 – Axa Lytham, (Gladman Care Homes, capacity = 65 dwellings, contribution to the five year supply = 65 dwellings)**

6.29 Planning permission has been granted (Feb 2018) for specialist accommodation comprising 65 apartments for the elderly (Use Class C2) (Appendix HLS3 pages 25 to 43). As a residential institution falling outside of Class C3 of the use classes order and therefore not part of the OAHN, this development should not contribute to the trajectory. I discount 65 dwellings.

**Site 8 - HS58 – Westmorland House, 29-31 Orchard Road, St Annes (Relintake, capacity = 25 dwellings, contribution to the five year supply = 25 dwellings)**

- 6.30 Prior Notification was granted and planning permission was secured for alterations to enable the change of use of this office building to 25 no. apartments in 2016. The ground floor of the building is currently in use by the Department of Work and Pensions as a job centre. Discussions with the DWP staff at the site indicate a new lease has been signed recently, for a period of 10 years, indicating that the permission as approved is unlikely to be implemented. This is now confirmed in writing (Appendix HLS3 page 44).
- 6.31 I discount 25 dwellings.

**Site 9 - HS67 – St Leonards Bridge Garage, St Leonards Road East, Lytham St Annes (Mr A. Ellison, capacity = 38 dwellings, contribution to the five year supply = 38 dwellings)**

- 6.32 Outline planning permission was applied for up to 38 apartments (Appendix HLS3 page 50). There was a resolution to approve at planning committee in July 2017, subject to a S.106 agreement being signed. Condition 3 of the minutes (Appendix HLS3 page 57) states that the permission shall be for the construction of no more than 34 residential units.
- 6.33 The s.106 remains unsigned some 8 months later. I discount 4 no. dwellings from this site resulting from the total number of dwellings permitted in outline, and a further 2 no. dwellings as a result of the two existing dwellings that would be lost through demolition (Appendix HLS3 page 50). I therefore discount 6 dwellings.

**Site 10 - HS26 – Georges Garage, Warton (C. Threlfall, capacity = 16 dwellings, contribution to the five year supply = 16 dwellings)**

- 6.34 The site is marketed as 'The Burtons' (Appendix HLS3 page 67) and construction on the site has commenced, however an earlier planning consent is being implemented (13/0562) for 7 dwellings (Appendix HLS3 page 73). I discount 9 dwellings.

**Site 11 - HSS12 – Land North of Freckleton Bypass, Warton (Warton East Developments Ltd, capacity = 350 dwellings, contribution to the five year supply = 30 dwellings)**

- 6.35 Outline consent was granted on Appeal in February 2017 but to date no reserved matters has been submitted by Warton East Developments Ltd.

6.36 The appeal decision (Appendix HLS3 pages 74 to 147) included condition 7 (HLS3 page 130) which stated:

*"7) No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of*

*a) The Preston Western Distributor Road*

*b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue*

*c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060"*

6.37 The condition was imposed on the Appellant and was not sought by LCC at the Inquiry. As the highway improvements require third party land there is a significant delivery issue. Therefore an application to vary a condition relating to the level of development that can be occupied in advance of off-site highway infrastructure improvements is currently being determined by the Council (Appendix HLS3 page 148). The Council allow for 30 completions in 2022-23. However the Appellant in that case has recently submitted a representation to another appeal (Appendix HLS3 page 152 to 162). Paragraph 3.10 states:

*"It is of note that the HLSS includes the provision of 30 dwellings in year 5 via land north of the Freckleton bypass (site HSS12). HSL has repeatedly informed the LPA that this site is not deliverable (see appendix 3) and currently has an application (no. 17/0851) pending for the variation of a condition to the outline permission. HSL has informed the LPA that this application must be approved in order for the site to be deliverable, but it is very likely that a decision will not be issued by the target date of 28/02/18; Lancashire County Council (LCC) Highways will not formalise its consultation response until it has submitted evidence for a number of conjoined appeals relating to sites in Wrea Green and this will not be done until mid-April. At the time of writing this IPR, HSL is considering an appeal against non-determination in March. The removal of this site alone would reduce the oversupply, as set out by the LPA in the HLSS, to only 28 dwellings."*

6.38 Therefore in the absence of a deliverable consent I discount 30 dwellings at this stage.

**Site 12 - HSS13 – Clifton House Farm, Lytham Road, Warton (Hallam Land Management, capacity = 115 dwellings, contribution to the five year supply = 15 dwellings)**

- 6.39 Outline consent was granted on Appeal in February 2017 (Appendix HLS3 pages 163 to 236) but to date no reserved matters has been submitted by HLM. As with Site 11, an application to vary a condition relating to the level of development that can be occupied in advance of off-site highway infrastructure improvements is currently being determined by the Council (Appendix HLS3 pages 237 to 257). The applicant is not a housebuilder and a housebuilder will need to be identified in addition to the submission of reserved matters. The council allow for 15 completions in 2022-23 however for the same reasons as Site 11 in the absence of a deliverable consent, I discount 15 dwellings.

**Site 13 - HS30 – Pennine View, Weeton Road, Wesham (Mr M.Sirdar, capacity = 12 dwellings, contribution to the five year supply = 12 dwellings)**

- 6.40 The outline planning permission (Appendix HLS3 page 258) has now expired as no reserved matters application was submitted prior to 4th September 2016. Whilst the site is in the local plan no more recent applications for the site have been lodged. I discount 12 dwellings on this basis.

**Site 14 - HS38 – Land rear of High Meadows, Lower Lane, Freckleton (JK Beardsworth, capacity = 13 dwellings, contribution to the five year supply = 13 dwellings)**

- 6.41 A planning application was submitted in January 2018 for 11 dwellings (Appendix HLS3 page 263). Therefore the intention is not to implement the existing consent for 13 dwellings. The new application is yet to be determined and if it is approved then it will be included in a new position statement at a new base date. As it was submitted after the agreed base date for this assessment then I discount the 13 dwellings as that consent is not intended for delivery and a new consent needs to be issued for the 11 dwellings.

**Site 15 - HS66 – Quernmore Trading Estate, Croft Butts Lane, Freckleton (No developer, capacity = 10 dwellings, contribution to the five year supply = 10 dwellings)**

- 6.42 Planning permission was granted in December 2017 for 9 dwellings on this site (Appendix HLS3 page 272). Development has now commenced with completion anticipated within year 2. I discount 1 dwelling.

**Site 16 - HS69 – Land at Naze Court, Naze Lane, Freckleton (No developer, capacity = -10 dwellings, contribution to the five year supply = -10 dwellings)**

- 6.43 Naze Court was demolished in 2014 with the net loss of 22 dwellings. The prior notification for its demolition (Appendix HLS3 page 278) is dated 28<sup>th</sup> February 2014.
- 6.44 The Council includes -10 in the trajectory for this site as it assumes a new development will take place to reduce the net loss to -10. However no planning applications for redevelopment of the site have come forward since that time. Therefore the net loss of dwellings should therefore remain as -22 as the property has been demolished.
- 6.45 Therefore I reduce the figure in the trajectory from -10 to -22, which is a reduction of 12 dwellings.

**Site 17 - HS50 – Land East of Rowan Close, Ash Lane, Clifton (Mr P. Keyes capacity = 30 dwellings, contribution to the five year supply = 30 dwellings)**

- 6.46 A resolution to grant outline planning permission was made at planning committee in September 2015 subject to s106 (Appendix HLS3 page 279). The decision is yet to be issued 2.5 years later. In the absence of a deliverable planning permission, I discount 30 dwellings.

**Site 18 - HS52 – Cobweb Barn, Oak Lane, Newton (Mr A. Robinson, capacity = 40 dwellings, contribution to the five year supply = 40 dwellings)**

- 6.47 An outline application for 30 dwellings was submitted in July 2017 (Appendix HLS3 page 286). The application is yet to be determined, however at the present time it is considered deliverable. I discount 10 dwellings.
- 6.48 In all I discount 435 dwellings from the supply at 30<sup>th</sup> September 2017. These discounts are set out in the summary table in Appendix HLS4.

## Conclusions

6.49 The Council's deliverable supply is claimed to be 3,616 dwellings. This equates to 5.1 years on Sedgefield or 6.3 years on Liverpool. This assumes that it is all deliverable. However, I have undertaken a detailed assessment of the supply to establish what I consider to be the true supply. I calculate the deliverable supply to be 3,181. The differences in the supply are as follows:

Category	Source	Deliverable Supply (Council)	Deliverable Supply (Appellants)
A	Existing Commitments	3,199	2,764
B	Planning Applications subject to S106		
C	Allocations in the emerging Fylde Plan		
D	Empty Homes	50	50
E	Small Sites	292	292
F	Windfall Allowance	80	80
G	Demolitions Allowance	-5	-5
	<b>Total</b>	<b>3,616</b>	<b>3,181</b>

6.50 Therefore, I calculate the differences between the Council's and the appellants supply to be as follows.

	Council Supply of 3,616	Appellants Supply of 3,181
20% and Sedgefield 3,558	5.08	4.47
20% and Liverpool 2,858	6.33	5.57

6.51 My assessment is that the supply is 4.49 years if the requirement in the emerging plan is used.

6.52 However if I apply the supply against the OAN of 430 the position is as follows:

	Council Supply of 3,616	Appellants Supply of 3,181
20% and Sedgefield 3,764	4.80	4.23
20% and Liverpool 3,108	5.99	5.27

6.53 My assessment is that the supply is 4.23 years if the upper end of the OAHN figure of 430 was used.

6.54 Therefore, in accordance with the aims and objectives of the Framework, it is considered that the shortfalls I have set out are a very significant material consideration in favour of the appeals being granted and engages paragraph 49 of the Framework.

**Eddie Graves**

---

**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 Schedule of Proposed Main Modifications for Consultation

---

**From:** Peter Whitehead [mailto:sails@windmillgroup.org.uk]

**Sent:** 08 February 2018 16:25

**To:** Sally Thompson <sally.thompson@fylde.gov.uk>

**Subject:** Re: CONSULTATION - Fylde Local Plan to 2032 Schedule of Proposed Main Modifications for Consultation

Many thanks Sally and best wishes with the process.

With kind regards,



**Tel:** 01253 736601 **Fax:** 01253 738769 **Mob:** 07973 686711

**Email:** sails@windmillgroup.org.uk **Web:** www.windmillgroup.org.uk

The Old Bakery, Green Street, Lytham, Lancashire, FY8 5LG

*Sponsors of: Street Wise [Blackpool]; URPotential [Blackpool]; Fylde Community Link Staff Awards; Lytham in Bloom; Park View 4 U; Lytham Beer Festival; the Sea Cadets; Lytham Juniors Football Club; and St John's & St Cuthbert's Churches' Worship Group, Holiday Club and Youth Worker.*

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Mark Evans  
Planning Policy  
Planning Department  
Fylde Council  
Town Hall  
St Annes Road West  
Lytham St Annes, FY8 1LW

**Ask for:** Len Harris  
**Email:** len.harris@wyre.gov.uk  
**Tel No:** 01253 887231  
**Our Ref:** DTC Fylde

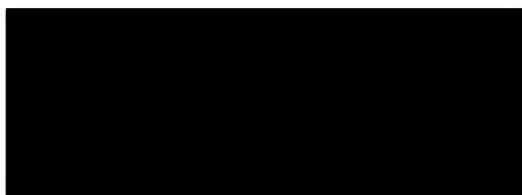
**Date** 9 March 2018

Dear Mark

### **Fylde Local Plan Proposed Main Modifications for Consultation January 2018**

With reference to the above, please find attached Wyre's proposed amendments to the Proposed Main Modifications. The council is of the opinion that the text in para's 1.24 and 1.26 that describe the position of Wyre with regard to the Objectively Assessed Housing Need contains factual errors and would benefit from additional clarity to better describe the current position of the Wyre Local Plan in relation to this matter.

Yours Sincerely



David Thow  
Head of Planning Services

## Fylde Local Plan Proposed Main Modifications for Consultation January 2018

### Wyre Council Representation Regarding Modification MM1 – 9 March 2018

#### Wyre council proposed amendments:

Struck through text = delete

Underlined text = additional text

All Wyre suggested amendments are highlighted in yellow.

#### 1. Amendments to para. 1.24:

1.24 Wyre Council wrote to Fylde Council in May 2016, under the Duty Cooperate, to request that Fylde Council assist Wyre Council in meeting its objectively assessed housing need. The Objectively Assessed Need (OAN) figures for the three Fylde Coast Authorities originate from the ranges set out in the original SHMA 2014 and its updates which considered revised population and household formation data. For Wyre Council this gave an ~~objectively assessed need~~ OAN of between 400 457 and 479 dwellings per annum from 2011 to 2031. Wyre Council considers 479 dwellings per annum to be an appropriate housing requirement figure which ties in with the economic evidence and this figure was accepted by Wyre Council on 14th April 2016. The figure is supported by the latest evidence OAN Update prepared for the Wyre Local Plan in September 2017 as an appropriate and justified figure.

#### 2. Amendments to para. 1.26:

Delete para. 1.26:

~~1.26 The Wyre Council's evidence base in relation to these issues is remains incomplete and the exact extent of the their unmet need is unknown as the precise numbers of homes that will need to be delivered outside Wyre Council's administrative area has not yet been assessed. It is also unclear what provision, if any, other neighbouring authorities will be able to make. The difficulty has arisen because of timing: the production of plans has not been aligned.~~

New para. 1.26 proposed as follows:

1.26 Wyre Council has submitted the Wyre Local Plan for examination showing that the identified objectively assessed housing need cannot be met in full. At the Duty to Cooperate meeting on 14 November 2018 it was agreed that both the identified OAHN figure and the evidence justification for there being unmet need should be confirmed through the examination process before adjoining local authorities respond to the request for assistance.



A. R. Yarwood, DipTP, MRTPI,  
 Planning Officer  
 National Federation of Gypsy Liaison Groups  
 Unit 3, Molyneux Business Park  
 Whitworth Road  
 Matlock,  
 DE4 3HJ  
 01629732744

Planning Policy,  
 Fylde Council,  
 Town Hall,  
 St Annes,  
 FY8 1LW

19 March 2018

Dear sirs  
Main Modifications Consultation

We object to the modifications to policy H5. They have made a bad policy worse.

The reduction in pitch requirement from 26 to 3 is a cynical attempt to exploit the change in definition as a means of the Council avoiding its responsibility to make proper provision for Gypsies and Travellers. It is not based on a robust assessment of need. The updated GTAA was not a comprehensive assessment of need and did not properly distinguish between those who did and those who did not meet the revised definition.

Even if it was a robust assessment, provision still needs to be made for those Travellers who fall outside the revised definition but no such provision is being made.

The requirement which states that a need must be established before planning permission will be granted is discriminatory because no such requirement would be sanctioned in regard to mainstream housing and, furthermore, it is not compliant with national guidance in Planning Policy for Traveller Sites (PPTS). Paragraph 10 of PPTS requires that Local Plans must set out criteria to be used in determining applications that come forward irrespective of need.

Criterion (b) remains unacceptable in restricting sites within "An Area of Separation."

Criterion (d) remains too restrictive. It should say "not significantly harm...."

Yours faithfully,

A. R. Yarwood

**Eddie Graves**

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**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

---

**From:** Joe Chabba [REDACTED]  
**Sent:** 18 February 2018 21:18  
**To:** Sally Thompson <[sally.thompson@fylde.gov.uk](mailto:sally.thompson@fylde.gov.uk)>  
**Subject:** Re: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

Dear madam

I received your email what is the point if you can't take the fact in to consideration  
You allowed constriction all around my site, to my site still it is a country side dose not make  
Any sense this is pure discrimination and waste of public time asking for consolation  
While ignoring the fact, that you don't want to devolve this site. this is not a fair at the  
Part of core planing, not fair practice, very small site surrounded by mix construction  
In your book a country side for the last twenty year, I have been denied and the others  
Has been entertained .  
Thanks for email

Sent from the iPad of... Joe Chabba



Ministry  
of Defence

Defence  
Infrastructure  
Organisation

Planning Policy  
Planning Department  
Fylde Council  
Town Hall  
St Annes Road West  
Lytham St. Annes  
FY8 1LW

Safeguarding Department  
Statutory & Offshore

Defence Infrastructure Organisation  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL

Tel: +44 (0)121 311 3847 Tel (MOD): 94421 3847  
Fax: +44 (0)121 311 2218  
E-mail: [DIO-safeguarding-statutory@mod.uk](mailto:DIO-safeguarding-statutory@mod.uk)  
www.mod.uk/DIO

16 March 2018

Dear Sir/Madam

**Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications**

Thank you for consulting the Ministry of Defence (MOD) in relation to the above referenced consultation document.

The MODs principle concern relates to ensuring that tall structures especially tall buildings do not cause an obstruction to air traffic movements at MOD aerodromes or compromise the operation of air navigational transmitter/receiver facilities located in the area.

As you will be aware air traffic approaches and technical installations at MOD aerodromes are protected with statutory safeguarding zones which identify height consultation zones in the area surrounding MOD aerodromes relative to topography and distance from the site.

The MOD statutory height safeguarding zone for the district of Fylde is Warton aerodrome. The district is also covered by the statutory birdstrike safeguarding zone. The MOD statutory birdstrike safeguarding zones for the district of Fylde are Warton aerodrome and RAF Woodvale.

The main concern regarding birdstrike is the creation of open water bodies, the use of sustainable urban drainage systems (SUDS) and landfill sites. This type of development has the potential to attract and or host large numbers of flocking bird species hazardous to aviation safety.

On reviewing the Schedule of Proposed Additional Modifications and the Schedule of Proposed Policies Map Modifications documents the following sites have been identified as follows:

**Policy SL1- Lytham St Annes HS58, HS59, HS60, HS61, HS62, HS67, HS68 and Policy SL2, MUS1** all fall within the aerodrome height and birdstrike safeguarding consultation zones surrounding Warton Aerodrome and the birdstrike safeguarding consultation zone surrounding

RAF Woodvale. Therefore we would need to be consulted on any development exceeding 91.4m AGL and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.)

**Policy SL3- HSS12, Policy SL4- HS57, Policy SL1-HS70 and Policy GD1 Alteration to Newton settlement Boundary** all fall within the aerodrome height and birdstrike safeguarding consultation zones surrounding Warton Aerodrome and the birdstrike safeguarding consultation zone surrounding RAF Woodvale. Therefore we would need to be consulted on any development exceeding 15.2m AGL and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.)

**Policy SL3- HSS13, Policy SL1- HS69 and Policy GD1 Alteration to Warton Settlement Boundary** all fall within the aerodrome height, birdstrike and technical safeguarding consultation zones surrounding Warton Aerodrome and the birdstrike safeguarding consultation zone surrounding RAF Woodvale. Therefore we would need to be consulted on any development exceeding 15.2m AGL and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.) and applications for overhead powerlines, and developments with large spans of reflective materials.

**Policy SL4- HS63 and Policy GD1 Alteration to Kirkham and Wesham Settlement Boundary** all fall within the aerodrome height and birdstrike safeguarding consultation zones surrounding Warton Aerodrome and the birdstrike safeguarding consultation zone surrounding RAF Woodvale. Therefore we would need to be consulted on any development exceeding 45.7m AGL and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.)

**Policy SL5- HS64, HS71, HS72, HS73 and Policy GD1 Addition of Settlement Boundary around Whyndyke and Alteration to Weeton Settlement Boundary** all fall within the aerodrome height and birdstrike safeguarding consultation zones surrounding Warton Aerodrome. Therefore we would need to be consulted on any development exceeding 91.4m AGL and review applications for developments which may have the potential to attract large flocking bird species hazardous to aviation (SUDS etc.)

Please note the above comments are purely related to the DIO Statutory Safeguarding interests. I trust this adequately explains our position on this matter.

Yours sincerely



Debbie Baker  
DIO Safeguarding

**Eddie Graves**

---

**From:** Steve.Newman@onr.gov.uk  
**Sent:** 12 February 2018 12:52  
**To:** PlanningPolicy  
**Cc:** ONR-Land.Use-Planning@onr.gov.uk  
**Subject:** Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications for Consultation  
**Attachments:** Fylde Local Plan to 2032.PDF

Dear Madam/Sir,

ONR has no comment to make on the Schedule Main Modifications for Consultation.

Kind regards

Steve

PS Could you please update your records to show me as the contact at the address below, for all land use planning matters at the Office for Nuclear Regulation (ONR). ONR is no longer part of the Health and Safety Executive, but remains responsible for regulating GB nuclear sites. We are happy to accept letters by email (to save a few trees), so you don't have to send them in the post if that is convenient for you.



**Steve Newman LLM, BSc (Hons)**  
**Para-Technical Officer – Emergency Preparedness & Response**

**T: 0203 028 0391 | E: [steve.newman@onr.gov.uk](mailto:steve.newman@onr.gov.uk)**  
**4N.2, Desk 58 – Redgrave Court, Merton Road, Bootle, L20 7HS**

\*\*\*\*\*

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[www.hse.gov.uk](http://www.hse.gov.uk)

\*\*\*\*\*

Subject: Consultation on Fylde Local Plan Schedule of Main Modifications

Thank you for your letter dated 6 February 2018.

The Commission does not have the resources to respond to all consultations, but will respond to consultations where it considers they raise issues of strategic importance.

Local, parish and town councils and other public authorities, as well as organisations exercising public functions, have obligations under the Public Sector Equality Duty (PSED) in the Equality Act 2010 to consider the effect of their policies and decisions on people sharing particular protected characteristics. The PSED is an on-going legal requirement and must be complied with as part of the planning process. The Commission is the regulator for the PSED and the Planning Inspectorate is also subject to it. In essence, you must consider the potential for planning proposals to have an impact on equality for different groups of people. To assist, you will find our technical guidance [here](#).

Yours sincerely

Tim White

Corporate Correspondence team

**Phone:** 0161 829 8520

Legal team, Manchester



**Eddie Graves**

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**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications for Consultation

---

**From:** Tim Armit [REDACTED]  
**Sent:** 06 March 2018 15:59  
**To:** Sally Thompson <sally.thompson@fylde.gov.uk>  
**Subject:** RE: CONSULTATION - Fylde Local Plan to 2032 - Schedule of Proposed Main Modifications for Consultation

Sally  
Thank you for this. My only comment would be we are still very weak on cycling. The Fylde is flat and has very wide, very straight flat roads. There are fewer places in the UK better designed to support designed cycling solutions. We see a push towards environmentally sound solutions, we see a desire for health and fitness, reduction of obesity and diabetes. We have a desire to reduce cars from the road and improve air quality. The fylde with the right design can lead the UK in this. We see in London and Manchester designed cycle ways. I believe a kerb separated cycle way from the Lemon Tree to Lea gate is possible using existing "white line" painted cycle ways used as car parking bays. I believe this would save lives at danger on the roads, increase the number of cyclists and link the schools to the towns and reduce parental drops offs. I would very much support a stronger detail on this in the plan. We know the white lines don't work and LCC have confirmed this, we know shared areas don't work for cyclists but we in the Fylde can do better and lead the way.

Regards  
Tim Armit

**Eddie Graves**

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**Subject:** FW: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

---

**From:** Stakeholder (MMO) [mailto:stakeholderMMO@marinemanagement.org.uk]

**Sent:** 20 March 2018 12:10

**To:** Sally Thompson <sally.thompson@fylde.gov.uk>

**Subject:** RE: CONSULTATION - Fylde Local Plan to 2032 – Schedule of Proposed Main Modifications for Consultation

Thank you for including the MMO in your recent consultation submission. Please remove [stakeholder@marinemanagement.org.uk](mailto:stakeholder@marinemanagement.org.uk) from your database and address further communications to [consultations.mmo@marinemanagement.org.uk](mailto:consultations.mmo@marinemanagement.org.uk).

The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

#### Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

#### Marine Licensing

Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

#### Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the process of developing marine plans for the South

Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response please email us at [consultations@marinemanagement.org.uk](mailto:consultations@marinemanagement.org.uk) or telephone us on 0300 123 1032.

Kind regards,

Her Majesty's Government – Marine Management Organisation  
 Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH  
 Tel: 0300 123 1032  
 Fax: 0191 376 2681  
 Web: [www.gov.uk/mmo](http://www.gov.uk/mmo)  
 Twitter: @the\_MMO  
 Facebook: /MarineManagementOrganisation

**Eddie Graves**

---

**From:** Helen Ledger <Helen.Ledger@sportengland.org>  
**Sent:** 20 March 2018 16:00  
**To:** PlanningPolicy  
**Subject:** Modifications consultation comments from Sport England

Dear planning policy team/programme officer,

Thank you for consulting on these latest modifications. I wish to make the following comments below.

Modifications to policy HW3 – I note that this policy is to be modified by the deletion of the footnotes. This policy was developed in close consultation with ourselves, including the addition of the footnote. I do not see the need to delete points 1 and 3, and do not understand the reasons given for their demise.

Both footnotes 1 and 3 reference the Playing Pitch Strategy and Built Sports Facility Strategy as qualifying as a needs assessment. The reason given for this change is that they will become out of date. Given there is no date in brackets listed with these documents this seems strange, particularly as the note is referring to documents well understood to be the key evidence base material for formal sport. I read this reference as generic, as in any strategy of this type produced at any point in time. It is the council's responsibility to ensure that the evidence base material is kept up to date and it is the strategy's steering group responsibility to ensure implementation is monitored and action plans reviewed as necessary; as well as commissioning a full strategy refresh if required. This would not stop a developer seeking to produce playing field or sports site specific research to create more up to date data following the PPS or BSFS methodologies, if pursuing a planning application for instance, where the council's evidence base is found lacking.

I am very concerned that the loss of these references in the footnote would create a worrying flexibility in this policy meaning any 'needs assessment' could be done without following the nationally recognised methodology, produced by ourselves as a national body on community sport and recognised in the planning practice guidance linked to the NPPF. Loss of a sports facility without following strategies recognised by us, would most certainly lead to an objection from Sport England. On playing field land this would be very likely to give rise to a statutory objection.

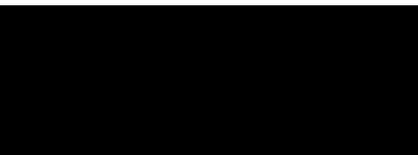
I have no objection to the loss of footnote 2.

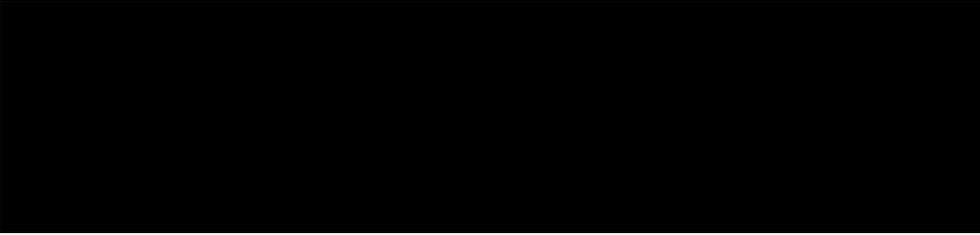
If you would like to discuss the issues raised here further please get in touch.

Sincerely,

**Helen Ledger**  
Planning Manager

**T:** 07785345277  
**F:** 01509 233 192  
**E:** Helen.Ledger@sportengland.org




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**Education and Skills Funding Agency**  
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 London  
 SW1P 3BT

**Tel: 0207 340 7000**

[www.gov.uk/esfa](http://www.gov.uk/esfa)

**Our Ref: ESFA/Fylde Local Plan Proposed Main Modifications for Consultation/March 2018**

22<sup>nd</sup> March 2018

Dear Sir/Madam,

**Re: Fylde Local Main Modifications for Consultation**

**Consultation under Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012**

**Submission of the Education and Skills Funding Agency**

1. The Education and Skills Funding Agency (ESFA) welcomes the opportunity to contribute to the development of planning policy at the local level.
2. The ESFA launched on 1st April 2017, brings together the existing responsibilities of the Education Funding Agency (EFA) and the Skills Funding Agency (SFA), to create a single funding agency accountable for funding education and training for children, young people and adults. The ESFA are accountable for £61 billion of funding a year for the education and training sector, including support for all state-provided education for 8 million children aged 3 to 16, and 1.6 million young people aged 16 to 19.
3. Under the provisions of the Education Act 2011 and the Academies Act 2010, all new state schools are now academies/free schools and the ESFA is the delivery body for many of these, rather than local education authorities. As such, we aim to work closely with local authority education departments and planning authorities to meet the need and demand for new school places and new schools. In this capacity, we would like to offer the following comments in response to the proposals outlined in the above consultation document.

**Comments on the Local Plan**

4. As you will be aware, the primary focus at this stage of the Local Plan's preparation is on the soundness of the plan, with regard to it being positively prepared, justified, effective and consistent with national policy. The following detailed comments set out the ESFA's view of the plan's soundness in respect of education provision.
5. The ESFA supports the Council's allocation and safeguarding of land for schools as set out in the following policies:
  - HW2 Community Facilities

In addition, the Infrastructure Delivery Plan (2016) provides helpful detail, in paragraph 6.17, regarding the requirement for future school places within Fylde. In particular, we commend the detail provided regarding the need for a new one and half form entry primary as part of the Queensway development at St Annes. For other development sites likely to generate a significant level of need, we would encourage the identification and allocation of sites for new schools. This will help to ensure the local plan is as effective as possible in terms of its approach to the planning and delivery of education infrastructure.

### **Forward Loan Fund**

6. In light of Policy HW2 Community Facilities, emerging ESFA proposals for forward funding schools as part of large residential developments may be relevant, for example if viability becomes an issue. The ESFA aims to be able to clarify forward funding options for schools in 2018. We would be happy to meet to discuss this opportunity further once the options have been finalised and if/when relevant. Any offer of forward funding would seek to maximise developer contributions to education infrastructure provision while supporting delivery of schools where and when they are needed.

### **Developer Contributions and CIL**

7. One of the tests of soundness is that a Local Plan is 'effective' i.e. the plan should be deliverable over its period. In this context and with specific regard to planning for schools, there is a need to ensure that education contributions made by developers are sufficient to deliver the additional school places required to meet the increase in demand generated by new developments. The ESFA notes that a draft CIL draft has been out for consultation and is currently being progressed towards adoption. The ESFA would be particularly interested in responding to any update to the Infrastructure Delivery Plan or review of infrastructure requirements, which will inform any CIL review and/or amendments to the Regulation 123 list. As such, please add the ESFA to the database for future CIL consultations.

### **Conclusion**

8. Finally, I hope the above comments are helpful in finalising Fylde borough's Local Plan, with specific regard to the provision of land for new schools.
9. Please notify the ESFA when the Local Plan is submitted for examination, the Inspector's report is published and the Local Plan is adopted.
10. Please do not hesitate to contact me if you have any queries regarding this response. The ESFA looks forward to continuing to work with Fylde Borough Council to develop a sound Local Plan which will aid in the delivery of new schools.

Yours faithfully,

J Pilgrim

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