



15 Ottawa Close  
Blackburn  
BB2 7EB

**By email and post**  
**Tony.Blackburn@fylde.gov.uk**  
let.003..AS.07920035

13 March 2017

Dear Tony

**FYLDE LOCAL PLAN EXAMINATION – MATTER 1 COMPLIANCE WITH STATUTORY PROCEDURES AND LEGAL MATTERS**

The following hearing statement is written on behalf of the administrators of Greenhurst Investments Ltd (Greenhurst). The statement responds to selected questions set out within Matter 1 of the Inspector's Matters, Issues and Questions.

The following responses should be read in conjunction with comments made to the submission version of the Local Plan, dated September 2016. Indigo has also expressed a desire to attend the examination hearing sessions.

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

**1) What are the relevant strategic matters in relation to this duty?**

Housing and employment matters are critical to the duty to cooperate, particularly given the housing and property market area spans two other local authorities, Blackpool and Wyre. Market areas are important because it is within this unit of geography (rather than within individual local authorities) that the NPPF expects housing and employment needs to be assessed (para 159) and then met (paras 47 and 181).

In respect of this, there are several elements in the Council's approach that need to be justified. For example, the reasoning behind the identification of the housing figure of 370 dwellings a year; the relationship between that figure and the full objectively assessed housing need; the value of the Strategic Housing Market Assessment (including the definition of the housing market area). The NPPF requires an employment land study to look at the wider property market areas for each use, which includes areas of adjoining authorities, a process which has not been fulfilled by Fylde.

Notwithstanding the above strategic concerns, the Council has stated there is

sufficient land outside of the green belt to meet the borough housing requirement, and thus a review of the green belt is not proposed. However, the Council has failed to recognise that a green belt review may be needed given Wyre's unmet housing need, particularly given the geographical constraints in all directions (Special Protection Area and Ramsar; golf course; historic parks and gardens; seafront) and the very limited opportunities of previously developed land within the settlement boundary.

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

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

The Memorandum of Understanding is not effective in terms of housing delivery as a 'consensus on housing provision across the Fylde Coast sub-region' has not been achieved.

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

Some of the unmet needs of Wyre will need to be met by Fylde, but this issue has not been adequately dealt with.

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

Fylde has not effectively co-operated with adjoining boroughs on an ongoing basis regarding housing related matters and the evidence base underpinning the Local Plan, contrary with the statutory duty to co-operate.

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

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

It seems unlikely that the mechanism for the delivery of unmet housing needs has been agreed.

- c) In what way has this influenced the Plan?**

The Council is relying on an early review to help meet the unmet housing need, but there is no firm commitment of this through the Local Plan.

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

There is an obligation for Fylde Council to help meet the OAN for the housing market area as a whole. In this respect, the Local Plan has not been positively prepared, as required by paragraph 182 of the NPPF, and it has failed to consider the effects of unmet need in neighbouring authority areas.

Section 33A of the 2004 Planning and Compulsory Purchase Act requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on matters relevant to land use planning. Whilst authorities are not required to come to a formal agreement, setting housing targets for Fylde without considering the implications of its decision for Wyre Council is not positive planning.

The lack of communication with Wyre Council prior to the submission of the Local Plan does not give satisfactory consideration to the identification of, and addressing of, cross-boundary matters and priorities. This is a significant matter relating to legal compliance of whether the Duty to Cooperate has been met and whether any cooperation that has been undertaken has been based on an appropriate assessment of issues that cross local boundaries, particularly but not exclusively with regard to overall housing provision.

The ability of Fylde to meet some of Wyre's housing need will impact on the annual housing number for Fylde. Against this backdrop, the Council will maintain an out-of-date figure and a potentially significant under-provision.

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

A commitment should be made by Fylde by firstly providing an element of additional capacity to assist in meeting the needs of Wyre over the short-term. A significant element of flexibility should be built into the plan. Only after this, should a plan review be considered.

Yours sincerely



Daniel Jackson