

**Barton Willmore on behalf of Story Homes Ltd**  
**Examination into the Fylde Council Local Plan to 2032**  
**Matter 1**  
**Representation ID: 058**

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

1. The following Hearing Statement is made for and on behalf of Story Homes. This Statement responds to selected questions set out within Matter 1 of the Inspector's *Matters, Issues and Question*.
2. The following responses should be read in conjunction with our comments to the Publication version of the Local Plan, dated September 2016. We have also expressed a desire to attend the Examination Hearing Sessions in relation to this Matter.

**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?*

3. The relevant strategic matters in relation to the DTC are set out within paragraph 156 of the NPPF and include the need to consider strategic policies to deliver the homes and jobs needed in the area.
4. Paragraph 179 of the NPPF expects local planning authorities to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans.
5. It is clear that housing need and delivery are key issues for the Fylde Coast authorities under the DTC. We believe the Council has failed to work positively and effectively with its neighbouring authorities of Wyre and Blackpool to meet the DTC in relation to housing matters. We expand on this point below.

*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?*

*b. Has the Council tried to resolve any issues through cooperation and what have been the outcomes?*

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

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

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

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

*b. In what way has this influence the Plan?*

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

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

6. Our concerns relate solely to the DTC in relation to meeting the unmet housing needs of Wyre Council, therefore, we have chosen to answer Questions 2 and 3 together to avoid any unnecessary repetition.

### **Nature of Cooperation (Questions 2a and 3a)**

7. Section 33A(2) of the Planning and Compulsory Purchase Act 2004 imposes the duty to cooperate to require the Council to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, which includes strategic priorities. This is reiterated within the Planning Practice Guidance (PPG)<sup>1</sup> on the DTC. It is for the Council to demonstrate how they have complied with the duty.
8. Our Client recognises that the DTC is not a duty to agree, however, local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary matters before they submit their Local Plans for Examination.

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<sup>1</sup> Reference ID: 9-001-20140306, PPG

9. The Council published their 'Statement of Compliance with the DTC'<sup>2</sup> in August 2016. As part of the DTC, the Council acknowledge that Fylde operates as part of the wider Fylde Coast Housing Market Area (HMA) with its neighbouring authorities of Wyre and Blackpool.
10. In the context of the Fylde Coast HMA, we note the Council agreed to establish DTC Officers and Members meetings. Quarterly DTC meetings were held between Officers from the Fylde Coast Authorities, where strategic planning issues were discussed including housing. The Fylde Coast Authorities Joint Member and Officer Advisory Steering Group was also established in November 2014, comprising of Councillors and Senior Officers from the Fylde Coast Authorities and LCC to oversee the work under the DTC.
11. As documented within Wyre Council's Regulation 20 representations, Fylde Council were first alerted to Wyre's concerns regarding its ability to meet its housing needs in May 2015. Over the following 12 months, both Councils have attended various DTC Officers and Members meetings to discuss the DTC in relation to housing. Wyre Council has also wrote to Fylde Council on two separate occasions clearly expressing their concerns regarding housing needs within the HMA asking Fylde Council to assist in meeting this unmet need.
12. The written requests submitted by Wyre Council are noted in the Statement of Compliance with the DTC<sup>3</sup> at paragraph 3.22. Paragraphs 3.24 – 3.26 of the Statement of Compliance with the DTC summarises the consideration that has been given to meeting the unmet need arising in Wyre. In effect, it confirms the Council will not seek to meet any of Wyre's unmet need as the level of unmet need is currently unknown.
13. Parallel to this, the Council has worked with its neighbouring authorities to produce a joint Strategic Housing Market Assessment (SHMA)<sup>4</sup> and has signed a formal Memorandum of Understanding which states that the three authorities will work together to:
- "Reach a consensus on housing provision across the Fylde-coast sub-region;"*
14. We welcome the fact that the three authorities have signed a MoU; however, as discussed below is clear that a consensus has not yet been reached between the three local authorities on where unmet housing need should be delivered across the HMA. Our Client therefore does not consider that the MoU is effective in terms of housing delivery and the Local Plan and as a result the DTC has not been satisfied.

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<sup>2</sup> Document Ref: SD007

<sup>3</sup> Document Ref: SD007

<sup>4</sup> Document Ref: ED021

**Mechanism for delivering unmet housing need within HMA (Questions 2b, 3b and 3c)**

15. There is no doubt that Fylde Council has actively engaged with other authorities within the HMA on an on-going basis through the production of the joint SHMA<sup>5</sup> and through attendance at various meetings with the MoU Fylde Coast Officers and Joint Officers. Notwithstanding this, despite numerous meeting and written correspondence, there is no evidence submitted as part of the Local Plan Examination that demonstrates an agreed mechanism is in place to ensure the delivery of unmet housing needs within the HMA are met.
16. The Statement of Compliance with the DTC states at paragraph 3.26 that the Council are committed to continuing to work with Wyre and its other neighbouring authorities, once the evidence base relating to Wyre's constraints is complete. However, the Council does not make any formal commitment to help meet the unmet needs of Wyre and there are no details provided within the Statement of Compliance with the DTC as to when the Local Plan will be reviewed or as to what the Council will do once the Local Plan is adopted. There is therefore no mechanism in place for delivering unmet housing need within the HMA.
17. The NPPF<sup>6</sup> and PPG is clear that local planning authorities are expected to work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans. To ensure the housing needs of the Fylde Coast HMA are met, the Council should seek to deliver a more positive approach to consider the quantum of assistance it is willing or able to provide. This could be achieved without significantly altering the strategy.
18. We recognise that the DTC is not a duty to agree and local planning authorities are not obliged to accept the unmet needs of other planning authorities, however, the NPPF requires local authorities to meet their objectively assessed need, including unmet requirements where it is reasonable to do so.
19. PPG<sup>7</sup> also states that if the local planning authority chooses not to help neighbouring authorities meet their housing needs this must be substantiated by robust evidence that this would be inconsistent with the policies set out in the NPPF, for example Green Belt policies, or other environmental constraints. Fylde Council has failed to provide any such

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<sup>5</sup> Document Ref: ED021

<sup>6</sup> Paragraph 179

<sup>7</sup> Paragraph 021 Reference ID: 9-021-20140410, PPG

evidence that they would be unable to meet any of the unmet need from Wyre and alternative scenarios have not been assessed as part of the Sustainability Appraisal<sup>8</sup>.

20. We consider the lack of progress of Wyre's Local Plan evidence base is insufficient justification for not satisfying the DTC. The failure to resolve this issue now means there is no guarantee that the long term housing need of the Fylde Coast will be met and this is in direct conflict with the requirements of paragraph 182 of the NPPF.
21. In summary, at present, there is no agreed mechanism in place to meet the housing needs of the HMA. The Council has not sought to work with neighbouring authorities in an effective and positive manner to address this issue and has simply deferred it until an unknown point in time with no commitment to help in the future. As such the Council has failed to try and resolve this issue through cooperation with neighbouring authorities. The Council has therefore failed to meet the DTC in this regard.

#### **Robust evidence to support the cooperation activities (Question 2c)**

22. The Statement of Compliance with the DTC<sup>9</sup> identifies the cooperation activities that have taken place. The document includes details of who the Council has cooperated with, the nature and timing of cooperation and how it has influenced the Local Plan.
23. Notwithstanding this, given our Client's concerns regarding the Council's approach to addressing the unmet need of Wyre Council we are unable to conclude that the evidence documented within the Statement of Compliance with the DTC is robust.

#### **Is Fylde Council obliged to ensure OAN for the HMA as a whole is met? (Question 3d)**

24. To boost significantly the supply of housing, paragraph 47 of the NPPF is clear that 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 within the Framework..."*

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<sup>8</sup> Document Ref: SD004a

<sup>9</sup> Document Ref: SD007

25. In assessing the soundness of a Local Plan, paragraph 182 of the NPPF confirms that part of planning for sustainable development is whether the Plan has been 'positively 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."*

[own emphasis]

26. Whilst there is no obligation for Fylde Council to ensure it meets the whole OAN for the HMA, it is clear from national policy that it is necessary for the Council to seek to meet this unmet need where it is reasonable to do so, taking account of other policies within the NPPF.

27. In comparison to other Fylde Coast authorities of Blackpool and Wyre, Fylde would appear to have the greatest capacity to meet the needs of the HMA surrounded largely by open countryside. The administrative boundaries of Blackpool are tightly constrained by coastline to the west and Green Belt to the north and east. Blackpool has also been unable to accommodate all of its own growth within its boundary, with substantial area (14ha) of employment land required to be met within the Blackpool Fylde Periphery Strategic Site.

28. We agree that Wyre is unlikely to be able to meet its housing needs in full, the Borough is tightly constrained by Green Belt and although Wyre Council is seeking to release land from the Green Belt to meet its housing need, the Borough also faces significant flood risk issues and highway constraints in terms of the capacity of the A585. Fylde is the only authority within the HMA that has the potential capacity and capability to meet this unmet need. Table 6 of the Strategic Housing Land Availability Assessment (SHLAA) 2012<sup>10</sup> states Fylde has the potential capacity to deliver 21,894 dwellings in and around existing settlements. This is therefore further proof that the Council has the ability to accommodate unmet need from Wyre.

29. The Council acknowledges the suggestion made by Wyre Council and others in their response to the Inspectors initial questions<sup>11</sup>; however, the Council state that as the extent of this unmet need is unclear and evidence has not been presented it is possible that the amount requested could require a new or redrawn development strategy for Fylde, which would undermine the progress of the Local Plan. Should the request, when detailed and evidenced, be considered reasonable, Fylde Council would consider the

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<sup>10</sup> Document Ref: ED025

<sup>11</sup> Document Ref: EL1.001b

request through the review of the Local Plan following adoption. In the meantime, the Council considers that they comply with the DTC in relation to housing.

30. Our Client appreciates that considerable time and effort has gone in to producing the Local Plan, however, the Council need to ensure the Local Plan is based on a strategy which seeks to meet objectively assessed development requirements, including unmet requirements from neighbouring local planning authorities where it is reasonable to do so. This is particularly important in the Fylde Coast where it is unlikely other authorities within the HMA can meet this need. The Council should seek to deliver a more positive approach to consider the quantum of assistance it is willing or able to provide.
31. We understand that Wyre have scheduled the release of their Preferred Options document for the Summer at which time evidence will be published that will help to determine the extent of the unmet need. We accept that Fylde do not want to delay the progress of the Local Plan, however, waiting for the release of this evidence would not cause a significant delay to its progress.

### **Commitment to Help Meet Housing Needs**

32. It is clear Fylde will need to accommodate some, if not all, of the unmet housing need from Wyre Council given the constraints to delivering this growth within neighbouring authorities. It is therefore fundamental that the Local Plan makes a commitment to help meet any unmet need now to ensure the delivery of long term housing need of the Fylde Coast.

To ensure the Local Plan is positively prepared and effective, the Council need to work with Wyre and Blackpool Council to consider the level of need that can realistically be met by Fylde and we understand from Wyre this evidence will be available within the next few months. Realistically, the Council will need to provide an uplift to the proposed housing requirement. The Council will then need to identify additional land for housing within the Local Plan to meet this unmet need.

33. If the Council fail to identify this additional land, housing needs of the HMA will simply not be met. The reliance upon the Local Plan review will create a delay of several years before the full needs of the HMA are met.
34. Despite our objections to the Council's approach to meeting the unmet housing need of Wyre Council, if the Inspector agrees that the correct approach is to deal with this through a review of the Local Plan, the Local Plan should provide a clear commitment for

timescales to review. Without such commitment there would be no guarantee that the long term housing needs of the Fylde Coast would be met in full.

**Issues 2: Has the Plan been positively prepared in accordance with other legal and procedural requirements?**

35. Our Client has no comments to make on this Issue.