

**INDEPENDENT EXAMINATION OF THE  
FYLDE COUNCIL LOCAL PLAN**

**INSPECTOR'S MATTERS, ISSUES AND QUESTIONS  
(Stage 1 Hearing Sessions)**

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

**Hearing Statement on behalf of The Rigby Organisation**

March 2017

PWA\_15-123\_M1

## **1. INTRODUCTION**

- 1.1. PWA Planning is retained by The Rigby Organisation (RO) in respect of a number of sites across Fylde Borough, including land within Wrea Green as well as land close to Junction 3 of the M55 Motorway and north of Kirkham / Wesham.
- 1.2. On behalf of RO additional employment land allocations are sought close to M55 Junction 3 as well as additional housing land allocations within the key settlement of Wrea Green.
- 1.3. The statement responds to selected questions set out within Matter 1 of the Inspector's Matters, Issues and Questions. The responses should be read together with the comments previously provided on the submission version of the Local Plan.
- 1.4. This statement is intended to follow the format provided by the Inspector in her MIQs document dated 06 February 2017.

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

### 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?**

#### Question 1.

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

1.5. It is common ground that Fylde, alongside Wyre and Blackpool Councils forms part of the wider Fylde Coast Housing Market Area (HMA). This has been recognised by the joint authorities who have prepared a Strategic Housing Market Assessment which seeks to assess the housing needs within the HMA in accordance with NPPF guidance.

1.6. Given that there is an identified and published SHMA which encompasses the three districts, Fylde Council are required to the Council should follow the requirements of the NPPF (paragraphs 47 and 159), which (inter alia) require that local planning authorities must

*“ensure that their local plan meets the full objectively assessed housing needs for market and affordable housing in the housing market area ...”*

1.7. Moreover, Planning Practice Guidance (PPG) indicates that

*“... local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. Local authority officers and councillors have an important role to play in this process.”*

1.8. Accordingly, Fylde are obligated by the NPPF to cooperate with Wyre and Blackpool in terms of addressing the overall needs of the identified HMA.

#### Question 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?***

1.9. Notwithstanding the details set out in the Statement of Compliance with the Duty to Cooperate (examination reference SD007) it remains unclear that these mechanisms have or will achieve effective outcomes. PPG Paragraph: 011 (Reference ID: 9-011-20140306) states that ...

*“Cooperation should produce effective policies on cross boundary strategic matters. This is what local planning authorities and other public bodies should focus on when they are considering how to meet the duty.”*

1.10. It seems clear that in terms of meeting the housing needs across the HMA and reaching a consensus on housing provision across the Fylde Coast (a stated aim of the Memorandum of Understanding) no such consensus has been achieved and indeed the opposite appears to be the case. Therefore, the MOU appears not to be effective or up to date in this regard.

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

1.11. Notwithstanding more general efforts to cooperate made by the Council, the fact that there would appear to be little prospect of Wyre Borough Council meeting its identified housing needs within its area and that Fylde Borough Council has not sought to respond proactively to this situation suggests that the duty to cooperate has not been adequately fulfilled in this respect. As a result it is very likely that there will remain unmet housing needs across the HMA (particularly related to Wyre), which could potentially be addressed by Fylde Borough through its local plan. It is not clear that the Council has done enough to satisfy the duty to cooperate in this respect.

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

1.12. The Council's Statement of Compliance indicates the cooperation activities that have occurred. Unfortunately, the statement appears to provide only sparse evidence related to the efforts made to respond to the request for cooperation from Wyre Council in respect of its inability to meet its housing needs. This is a serious concern, given the importance of this issue.

**Question 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?***

1.13. It is for the Council to address this matter, in light of the duty to cooperate.

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

1.14. Not at this stage.

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

1.15. There is no evidence that the plan has been influenced by the need to meet unmet housing needs within the HMA.

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

1.16. Yes this is a fundamental requirement. Failing to address this obligation, means that the plan potentially fails the legal test of 'duty to cooperate' – a key first test for the Inspector.

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

- 1.17. Yes the plan ought to include a commitment to meet unmet housing needs by way of a suitable increase in its housing requirement figure. Use of an overall housing requirement at least at the upper end of the range identified in the SHMA would consequently require additional housing capacity to better ensure that the long-term housing needs of the Fylde Coast can be met.

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

- 1.18. We have no further comments on these matters.