

# Fylde Council Local Plan to 2032

FYLDE BOROUGH COUNCIL STATEMENT

## MATTER 1

### COMPLIANCE WITH STATUTORY PROCEDURES AND LEGAL MATTERS



Stage 1 Hearing Sessions  
March 2017

## Content

Matter 1	Compliance with statutory procedures and legal matters	Page
<i>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?</i>		
1.	What are the relevant strategic matters in relation to this duty?	
2.	<p>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:</p> <ul style="list-style-type: none"> <li>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?</li> <li>b. Has the Council tried to resolve any issues through cooperation and what have been the outcomes?</li> <li>c. Is there robust evidence to support the cooperation activities that have taken place?</li> </ul>	
3.	<p>In light of Wyre Borough Council's statement that they will be unable to meet their own objectively assessed housing need (OAN):</p> <ul style="list-style-type: none"> <li>a. What has been the nature of any cooperation in this regard?</li> <li>b. Has cooperation led to an agreed mechanism for the delivery of unmet housing needs within the HMA?</li> <li>c. In what way has this influenced the Plan?</li> <li>d. Is there an obligation for Fylde Council to ensure that the objectively assessed need for the HMA as a whole is met?</li> <li>e. Should the Plan include a commitment to help meet any unmet housing needs or to review the Plan?</li> </ul>	

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

4.	Has the Plan been prepared in accordance with the Local Development Scheme, including in terms of timing and content?	
5.	Has consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations?	
6.	Is the plan period of 2011 to 2032 justified? Is the plan period set out with sufficient clarity in the Plan?	
7.	<p>Does the sustainability appraisal (SA) adequately assess the environmental, social and economic effects of the Plan? In particular:</p> <ul style="list-style-type: none"> <li>a. Has the SA followed the correct processes in terms of consultation and content?</li> <li>b. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?</li> <li>c. Have any unreasonable alternatives been noted and if so have reasons been given as to why these have not been selected?</li> <li>d. Does the SA adequately assess the likely significant effects of policies and proposals?</li> <li>e. Is it clear how the SA has influenced the Plan? Is there anything in the SA which indicates that changes should be made to the Plan?</li> </ul>	
8.	Has the requirement for appropriate assessment under the Habitats Regulation Assessment (HRA) been met? Is it clear how the HRA screening report has influenced the Plan?	
9.	Has the Plan been prepared in accordance with the relevant legislation and regulations?	
10.	Are there any significant departures from national policy in the Plan? If so, have these been justified?	

## **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?***

**Yes, the Council has.**

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

1.1 The strategic matters are set out in the Statement of Compliance – Duty to Co-Operate (SD007), Table A. They are:

- Housing delivery: to meet identified needs in the context of the wider sub-regional housing market and to establish a more balanced and wider choice in the housing market area;
- Employment land delivery: to meet identified employment land need in the context of the Fylde Coast sub-regional market area to strengthen, promote and enhance the economy;
- Commuting patterns: Fylde forms part of the Fylde Coast Travel to Work Area, which shows that there is a close correlation between work and housing in the sub-region.
- Provision for Gypsies and Travellers: to meet the identified needs of Gypsies and Travellers in the wider sub-regional context.
- Retail provision and Fylde Coast sub-regional hierarchy of centres: to establish the role of town centres within the Fylde Coast and their position in the retail hierarchy and future retail growth; and to recognise the role and importance of Preston City Centre (in the neighbouring sub-region of Central Lancashire) in providing for the retail needs of residents of Fylde. Fylde has three town centres; two District Centres and five local centres.
- Transport: Regional connectivity is important to Fylde due to both the advanced engineering and manufacturing economy and tourism. Therefore, there is a need to manage the impact of new development on the strategic and local transport network.
- Water-related infrastructure is a key cross boundary issue which directly affects the delivery of built development across the Fylde Coast and Central Lancashire. The main issues relate to surface water drainage; the capacity of the existing wastewater treatment network and the need to ensure that proposals for new development have no adverse effect on bathing water quality along the Fylde Coast, including the Ribble Estuary, the Wyre Estuary and the Irish Sea.
- Health, security, community and cultural infrastructure: new development as proposed in the Fylde Local Plan will have implications for a range of health, education, community and cultural providers.
- Natural Environment – managing impacts on habitats and/or landscape character designations.

**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?**

2a.1 The Statement of Compliance – Duty to Co-Operate (SD007) sets out, in particular in Table A (pages 14-20), how the Council has engaged with bodies during the plan preparation process.

2a.2 The Duty to Co-Operate Memorandum of Understanding (Appendix 2 to SD007) was developed to formalise on-going dialogue that takes place between the four Fylde Coast authorities (Fylde, Blackpool, Wyre and Lancashire County Council), highlighting the strategic issues and statements of intent as to how the authorities work together in relation to those issues. The DtC MoU established the Member and Officer Advisory Steering Group to oversee work under the Duty to Co-Operate. The MoU explains how the authorities have decided not to have joint approaches to plan-making, in favour of the development of separate Local Plans, albeit closely aligned.

2a.3 The Member and Officer Advisory Steering Group meetings are held as and when required, to provide guidance on particular areas of contention. DtC officers meetings are held approximately every quarter. They provide a context within which the issues facing each authority in their plan-making process can be discussed openly, experience shared, and potential areas for joint working can be explored. The hosting of these meetings is rotated between the four authorities.

2a.4 The Council considers that the Memorandum of Understanding remains fit for purpose in enabling ongoing co-operation. In addition, no request for amendments to it have been received from Wyre, or from Blackpool.

2a.5 The Blackpool Airport Enterprise Zone Memorandum of Understanding (ED048) provided the formal means to allow the setting up and operation of the Blackpool Airport Enterprise Zone, avoiding the need to form a formal partnership or joint venture. The parties are The Secretary of State for Communities and Local Government, Blackpool Borough Council, Fylde Borough Council and Lancashire Local Enterprise Partnership. Monthly Project Board meetings are held in which Fylde Council participates.

2a.6 In addition, Fylde Council, Wyre Council and Blackpool Council have established a jointly-owned and operated Economic Development Company with quarterly board meetings being held. An important role of the Economic Development Company is to jointly manage the Enterprise Zones throughout the sub-region, including one located wholly in Wyre at Hillhouse.

2a.7 Meetings are also held with Preston City Council: these have particularly involved co-operation on the subject of the Preston Western Distributor Road. Co-operation has also been undertaken with other bodies. The Fylde Education Liaison Group has been an effective forum for co-operation with the Local Education Authority; regular meetings are held involving the School Planning Team from Lancashire County Council and members and officers from Fylde Council. Co-operation is maintained with Natural England through regular correspondence and conference calls when required. Regular contact is maintained with Highways England, Lancashire County Council as highway authority, the Environment Agency, the Marine Management Organisation, the Clinical Commissioning Group and all other bodies referred to within the Statement of Compliance, in line with statutory requirements.

2a.8 The measures described above have enabled the Council to engage constructively with other local authorities and relevant stakeholders with a view to maximising the effectiveness of drafting and making the Local Plan.

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

2b.1 The Council has recognised, during the preparation of the Blackpool Core Strategy, that the tightly-drawn boundaries around Blackpool meant that it was unable to provide its full complement of employment land within the borough boundaries. Evidence was provided to support this in the form of the Blackpool Employment Land Study. The Council agreed to provide 14 ha of employment land to meet Blackpool's unmet need. The Inspector's report into the examination of the Blackpool Core Strategy confirmed in paragraph 65 that there was a 13.7 ha shortfall in supply, and that Fylde Council had agreed to provide 14 ha in a letter dated 8<sup>th</sup> December 2014. This helped ensure the soundness of Blackpool's Core Strategy and underlines Fylde's constructive approach to cooperation with other local authorities where justified, appropriate and based on sound evidence.

2b.2 The opportunity to establish the Blackpool Airport Enterprise Zone was pursued through co-operation, by means of agreement of the Memorandum of Understanding, which provided the framework which allowed the Enterprise Zone designation to be delivered. Co-operation remains ongoing on this issue.

2b.3 The Lancashire Advanced Engineering and Manufacturing Enterprise Zone is co-located at Warton and at Samlesbury in Ribble Valley/South Ribble. The Council has worked together with Lancashire County Council and BAE Systems to produce a Local Development Order for phase 1 of the Enterprise Zone, in order to ensure development of the EZ in line with its masterplan.

2b.4 In order to provide robust evidence on needs for Gypsy and Traveller accommodation, the Fylde Coast Gypsy and Traveller Accommodation Assessment (2014) (ED020) was produced for Fylde, Blackpool and Wyre jointly, working under the Duty to Co-Operate. A subsequent update to this was also produced (EL1.002), again jointly under the Duty to Co-Operate. The resulting evidence is being put forward in support of the approach of the plan in relation to Matter 2, Issue 3, Question 19.

2b.5 Co-operation with infrastructure providers and statutory agencies was used to develop the Infrastructure Delivery Plan that accompanies the Local Plan. This enabled the Council to have a clear understanding of the infrastructure that would be required in support of the plan, and any issues that would arise in relation to its delivery. The result is the IDP (SD003)

2b.6 Co-operation with the other Fylde Coast authorities in relation to housing resulted in the decision to produce joint evidence in the form of the SHMA. This helped all three authorities gain an understanding of the housing market area and housing needs, essential evidence for the authorities' respective plans.

2b.7 The issue of bathing water quality is being addressed through the Fylde Peninsula Water Management Partnership. This involves 2 monthly meetings with members and officers of Fylde, Blackpool and Wyre Councils, together with Lancashire County Council as lead authority, United Utilities, Love My Beach and the Environment Agency. The group has produced an action plan to

improve bathing waters across the Fylde Peninsula; the partners have successfully implemented a number of the targets, and a new action plan is being drawn up.

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

2c.1 The Statement of Compliance – Duty to Co-Operate (SD007) provides evidence of the co-operation that has taken place.

2c.2 Evidence of the joint working that has been undertaken is available in the form of the finished documents that have resulted. These include the Fylde Coast Gypsy and Traveller Accommodation Assessment (2014) (ED020) and the subsequent update to this (EL1.002), the Infrastructure Delivery Plan (SD003), the LDO for the EZ at Warton (ED033a), the Fylde Coast Retail Study (ED040), the SHMA (ED021) and others detailed in the Statement of Compliance.

**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?**

3a.1 The relevant forums have been the Fylde Coast Authorities and Lancashire County Council Duty to Co-Operate Officers' meetings and the Fylde Coast Authorities and Lancashire County Council Joint Members and Officers Advisory Steering Group meetings. There have also been exchanges of correspondence by letter.

3a.2 The issues have been discussed at Duty to Co-Operate officers' meetings. Initial mention of concerns by Wyre regarding their ability to accommodate their OAN for housing was recorded in the minutes of the DtC Officers' meeting of 5<sup>th</sup> July 2015, where the minutes state: "*Wyre constrained by flood risk and highways. In the urban area there are limited sites. Also undertaking a green belt review (not strategic). Meeting the housing requirement will be a challenge. NPL consultants are looking at job growth and housing requirement. In some sectors there is uncertainty about job growth. Further work to be completed by Turleys on Addendum 2. RP requested of Turleys a single figure as Turley have for Fylde.*"

3a.3 However, at the same time, Wyre were consulting on an Issues and Options document, which indicated a housing figure of between 340 and 485 dwellings per annum. The housing requirement was therefore far from being determined at that stage, and conclusions as to whether the requirement would be met could therefore not possibly be drawn at that time.

3a.4 The draft Fylde Local Plan (Revised Preferred Option)) was issued for consultation between 15<sup>th</sup> October 2015 and 3<sup>rd</sup> December 2015. The representation letter from Wyre Council, dated 30<sup>th</sup> November 2015, in response to the consultation on the RPO Local Plan stated "*Wyre Borough Council has considered the Revised Preferred Option and is, in general, supportive of the emerging Fylde Local Plan. Wyre Borough Council notes the proposed development strategy set out in policies S1 and DLF1. The strategy as a whole is not likely to have significant implications for Wyre Borough.*" There then followed concerns that the level of development in the northern rural parts of the borough (closest to Wyre) would have impacts on the A585 and the wider highway network, and on health infrastructure. At no stage in the response was there any suggestion of a request to assist in the provision of housing

land to meet Wyre's needs. The representation is attached as Appendix 1 to this document. These generally supportive comments were provided notwithstanding Wyre's indication in the July DtC meeting that "meeting the housing requirement will be a challenge". In the absence of any formal request from Wyre for Fylde to assist with meeting the former's housing need, Fylde progressed with its Local Plan.

3a.5 At the Duty to Co-Operate Officers meeting of 5th April 2016, Wyre Council informed the other Fylde Coast authorities that its OAN was now set at 479, that it would not be able to meet it, principally due to the constraints of highways capacity and flood risk, and that neighbouring councils would be asked for assistance. Wyre also announced that they would be seeking support from Fylde for the provision of a new road, partly within Fylde, in order to deliver a strategic site within Wyre, to the south-east of Poulton-le-Fylde.

3a.6 Following on, a letter was received from Wyre's Chief Executive dated 4th May 2016 (this was reproduced in Wyre's representation, pages 1671 – 1673 of SD013d), in which the request for assistance was formally made. The letter of 4<sup>th</sup> May 2016 referred to evidence being brought forward in support of Wyre's request. The constraints that would cause the shortfall include highways, flood risk and green belt. However, no evidence was brought forward to accompany the request, nor had any such evidence been produced previously. The letter also requested the support of Fylde Council for the new road mentioned previously at the DtC meeting.

3a.7 The request came at an advanced stage in the preparation of the plan. The plan was scheduled for presentation to members of the Development Management Committee for approval on 15<sup>th</sup> June 2016; the internal deadline for the report was 2<sup>nd</sup> June 2016. This would be followed by a period for the preparation of the Sustainability Appraisal, Habitats Regulations Assessment, Viability Assessment, Rural Proofing Assessment and Health Impact Assessment. Allowing also for printing, this would allow for publication on the 11<sup>th</sup> August. Following receipt of the initial letter from Wyre, it was considered that, given the unquantified and largely unsubstantiated nature of the request and absence of supporting evidence, preparation for publication and submission should continue. This approach was confirmed by advice given to the Council by DCLG.

3a.8 The Council replied to Wyre's letter of 4th May 2016 on 18<sup>th</sup> May 2016 (pages 1675 – 1677 of SD013d), stressing the common challenges in respect of highways infrastructure, querying the objectively assessed need figure employed, highlighting the constraint of pink-footed geese in Fylde, and offering qualified potential support for the new road south-east of Poulton-le-Fylde. Wyre in turn responded, reiterating their position, and noting that they also are faced with the constraint of pink-footed geese.

3a.9 The Member and Officer Advisory Steering Group met on 22<sup>nd</sup> June to further consider the issues surrounding the request. In advance of the meeting, Wyre provided a summary document, a Draft Housing Technical Paper, providing the background for the basis for their choice of OAN, and a document with the title Draft Wyre Local Plan Highways Implications, produced by Lancashire County Council, which assessed the ability of the existing highway network to deal with additional vehicle movements arising from potential development. The Draft Housing Technical Paper did not indicate a specific number for the housing shortfall in Wyre, leaving this to be specified later.

3a.10 No further evidence had been provided prior to the Officers' Duty to Co-Operate meeting on 14<sup>th</sup> November 2016, although in the meantime Wyre had submitted their representation to the Fylde

Local Plan, objecting. At the November meeting, Wyre reported that there was a delay to their Local Plan due to the need to finalise highway evidence; a conference was to take place with the barrister regarding queries and concerns over the robustness of the highway evidence prepared by LCC. Other work was stalled until the final scale and distribution of housing could be established. It was intended to discuss the highways evidence with the adjoining authorities. The shortfall was approximately one third of the requirement, pending the specific highways study for Poulton and final highways evidence. Capacity in Over Wyre was unclear, with the potential for 2000 dwellings. Wyre stated the intention to prepare statements of common ground either individually or collectively with neighbouring authorities. There was agreement at the meeting for Wyre to arrange a separate meeting for the presentation of evidence.

3a.11 On barrister's advice, Fylde Council wrote to Wyre on 23<sup>rd</sup> January 2017 (Appendix 2), seeking to clarify the nature of any evidence that was to be brought forward, in order that it would demonstrate the said shortfall in advance of any strategy having been published.

3a.12 At the Officers' DtC meeting of February 6<sup>th</sup> 2017, it was revealed that the highways evidence was still incomplete. Wyre Council had not received the letter of 23<sup>rd</sup> January in advance of the meeting and therefore could not comment on its contents. The letter was sent again, this time electronically, and was acknowledged. At the meeting, Wyre revealed that although the main highways work had been completed, it was being reviewed by LCC; additional work was being undertaken by Jacobs concerning Poulton-le-Fylde. Nonetheless, it was asserted that the shortfall would likely be 1500-2000 dwellings. Questions remained about a site in Thornton, where its viability was not confirmed. The large site to the SE of Poulton would depend on delivery of the road to serve it, and appeared to be in some doubt. Issues were now being raised by Natural England regarding pink-footed geese.

3a.13 The incomplete position revealed at the 6<sup>th</sup> February meeting is confirmed by the report made to Wyre Council's Overview and Scrutiny Committee on 6<sup>th</sup> February 2017. This notes that "*the consultants submitted a draft report in relation to Poulton-le-Fylde before Christmas, however there were serious concerns with the quality of the report and comments were sent to LCC accordingly ... until the highways evidence is complete it is not possible to establish the scale and distribution of housing ... As reported in September, although the evidence is not complete, a draft local plan was prepared*". This draft had not been shared with Fylde or Blackpool Councils. "*As the latest highways evidence has changed substantially, the draft local plan will need major revisions in particular with regards to the growth on the A6 corridor, Over Wyre, Thornton and Poulton-le-Fylde.*" More detail follows on how the position had arisen: "*Further to the highways report received at the end of August, LCC submitted a further report at the end of October. The October report did not resolve the issues raised in respect of the August report and furthermore raised additional issues. At conference the barrister advised that the October report did not represent robust evidence*" In respect of the work concerning Poulton-le-Fylde: "*The main concern is that the report does not comply with the study brief, which required looking at the local highway network at Poulton and establishing what level of growth can be supported with deliverable mitigation.*" A more useful brief might have been to assess how the level of growth in the chosen OAN could be planned for through deliverable infrastructure.

3a.14 Wyre were seeking to bring forward the next DtC Officers' meeting to a very early stage, initially to be within 2 weeks of the previous meeting, although in practice this has been impossible. However, this practical constraint had not been based on the availability of their highways evidence, which Wyre officers indicated would still not have been available.

3a.15 Wyre have since arranged a meeting to present their highways evidence, to take place on Wednesday 22<sup>nd</sup> March 2017. A reply from Wyre to the letter sent on 23<sup>rd</sup> January 2017 has been received, explaining that the highways evidence to be presented on 22<sup>nd</sup> March will be an updated version of that already produced for the Member and Officer DtC meeting in June 2016.

3a.16 The position remains that although the request for assistance has been made, it has not been quantified, and has not been based on any published strategy for Wyre to seek to meet its own needs. The objectively assessed need figure proposed by Wyre is at the top end of the range given within their evidence, even though Wyre state that they will be unable to provide the transport infrastructure to support their chosen economic growth aspiration on which this OAN is based. Evidence so far provided by Wyre for the lack of capacity for further development has been based on existing highways infrastructure, rather than consideration of what new infrastructure, either highways or sustainable transport, might be provided in order to support the delivery of the housing required. This is supported by Wyre's own Draft Wyre Local Plan Highways Implications document, which notes that: "*A comprehensive approach to transport improvements should extend to improvements to the existing network to increase its effectiveness, as well as increasing opportunities for travel by alternative modes to the private car. Based on these transport assessments, these improvements must also include new road space.*" Fylde Council has indicated that, in principle, it will support transport infrastructure schemes that provide necessary infrastructure for Wyre's emerging plan. The Council awaits the information to be presented on 22<sup>nd</sup> March.

3a.17 Fylde Council has maintained co-operation with Wyre, throughout the period, in relation to their stated shortfall. However, it was considered that to abort the publication and submission of the Fylde Local Plan in order to meet Wyre's request would not be justified, as it was considered that the request to assist, without the production of evidence, was premature. Fylde Council remains committed to working with Wyre to resolve the issues, and a commitment to this effect is written into the submitted plan. In the face of this, the objection to the plan by Wyre on the grounds of DtC is wholly unwarranted.

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

3b.1 No specific mechanism is yet developed. However, Fylde Council has committed to continuing to work with neighbours, through the Duty to Co-Operate, to ensure the needs of the HMA are met. Blackpool Council have a specific commitment to this effect written into their adopted Core Strategy. The Memorandum of Understanding provides a framework for coming to agreement on a mechanism, if required.

3b.2 The need in Blackpool has been established through the local planning process. Blackpool's Core Strategy was adopted in January 2016; it plans for a requirement of 4200 new homes (net) over the plan period 2012 to 2027, equivalent to 280 dpa. The Fylde Local Plan would give 370dpa. The Fylde Coast SHMA (2014) (document no. ED021) gives a housing requirement range for the three Fylde Coast authorities of 890 – 1305 dwellings per annum (dpa). Although account must be taken of subsequent sub-national household projection updates of 2012 and 2014 on the SHMA totals, it will be possible for the HMA total to be met without Wyre adopting the maximum figure in their range.

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

3c.1 The Revised Preferred Option (RPO) Fylde Local Plan (October 2015) (EL3.003) was the draft version of the plan that, with the exception of limited amendments and updates, very closely resembles the Publication Plan as submitted for examination. As noted above, no objection was received from Wyre in the consultation, and therefore it was anticipated that no changes would be needed to the Publication version for submission. The Responses Report to the RPO (included on pages 519-842 of SD010, the particular item on page 526) was presented to members on Wednesday 9<sup>th</sup> March 2016 on this basis.

3c.2 However, following the Duty to Co-Operate Officers meeting of 5<sup>th</sup> April 2016, where Wyre announced its new position, and the subsequent letter from Wyre dated 4<sup>th</sup> May 2016, the plan was amended. The Publication Version Local Plan (the version submitted for examination) included text added to the earlier RPO version to reflect the new position of Wyre. Paragraphs 1.23 to 1.28 of the submitted plan set out the Council's position. The Fylde Local Plan should proceed, and any unmet need be considered later when its extent is known, and when evidence of the constraints is complete, in accordance with the approach dictated by the Secretary of State in his letter to the Planning Inspectorate of 21 July 2015, in which he placed great emphasis on getting plans in place.

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

3d.1 No. The Duty to Co-Operate requires that the Council must co-operate by engaging constructively, actively and on an ongoing basis with local planning authorities, county councils and other prescribed bodies. The Duty does not require the Council to plan for the needs arising in other council areas.

3d.2 Paragraph 47 of the Framework requires that LPAs should "use their evidence base to ensure that their local plan meets the full OAN for market and affordable housing in the housing market area". However, paragraph 153 states that each local planning authority should prepare a local plan for its area. Paragraph 157 states that Local Plans should plan positively for the development and infrastructure required in the area.

3d.3 For each authority to individually ensure that the OAN for the whole HMA is met would be impossible, where the HMA extends to three councils as it does for the Fylde Coast HMA. Even where the remainder of the HMA has already been planned for, the authority remaining cannot ensure the delivery of what has already been planned for. However, as required by paragraph 182, an authority should prepare a plan based on a strategy that seeks to meet the OAN and unmet requirements of neighbouring authorities where reasonable to do so and consistent with achieving sustainable development. Here, the OAN referred to will be for the single authority. In respect of the wider HMA, Blackpool has an adopted sound plan that provides for its need within its own boundaries; on adoption, the Fylde Local Plan will achieve the same. In the event that Wyre were to demonstrate that its plan would fall short, the Council will continue to work with Blackpool and Wyre, working under the Duty to Co-Operate, to ensure the overall housing needs of the housing market area are met in full, where consistent with the achievement of sustainable development.

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

3e.1 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, nor is it clear whether other authorities adjoining Wyre's administrative area will ultimately accommodate some of its unmet need (if any). It is crucial that Fylde's plan is not delayed: an up-to-date local plan must be adopted as soon as possible. However, in accordance with the Duty to Co-Operate, 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 issue.

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

Yes, the Plan has been positively prepared in accordance with all legal and procedural requirements, as set out below.

**4. Has the Plan been prepared in accordance with the Local Development Scheme, including in terms of timing and content?**

4.1 Yes, the Plan was submitted with the latest version of the Local Development Scheme (LDS) (BD094), which was approved at Planning Committee (formally Development Management Committee) on 18 November 2015 and came into immediate effect. It sets out the timetable for the Fylde Council Development Plan preparation 2015 - 2018. The Local Plan submission was programmed for December 2016, and actual submission took place on 09 December 2016. The LDS sets out an expected adoption date of March 2017, although, having regard to the latest examination programme it is acknowledged that adoption will now take place later in the year.

4.2 In addition to the LDS, in order to keep interested parties up to date on the progress of the Plan, the Council has, in accordance with provisions set out in the Localism Act, published a timetable on the Planning Policy (Local Plan) pages of the Fylde Council website, which are updated on a regular basis, showing the latest position with respect to the Council's compliance with the LDS.

**5. Has consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations?**

5.1 Yes, the Plan has been prepared in accordance with the Council's Statement of Community Involvement (SCI) (BD093), which was formally adopted by Council members in March 2016, following two rounds of consultation; and all other prevailing regulatory requirements. The SCI sets out how the local community will be involved in all stages of producing plans, from the early 'evidence gathering' stage, and throughout their production since, to ensure that the final documents are shaped by local people. The consultation process for the Plan has met with the all stages as set out in the SCI and also in accordance with legislation as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Pages 6 – 9 of the submitted plan describe the consultations that have taken place. The Council considers it has exceeded the minimum standards set out in the regulations.

5.2 In addition to the above, the Council has prepared two Consultation Statements (SD010 and SD011), in accordance with Regulation 18 & 22 of the Town and Country Planning (Local Planning)

(England) Regulations 2012, which provide further information in regards to the consultation undertaken to inform and shape the Plan, including extensive summaries of all the representations received, together with appropriate responses, made at all stages in the production of the Plan and modifications as appropriate.

**6. Is the plan period of 2011 to 2032 justified? Is the plan period set out with sufficient clarity in the Plan?**

6.1 The Council consider that the Plan period of 2011 to 2032 is justified. The Council first began its consultation process on the plan in February 2011 with a large and varied consultation exercise on the “Vision, Issues and Objectives”. This was then followed up by a more formal consultation under Regulation 25 of the Town and Country Planning Regulation 2004, between May and July 2011, more information on this consultation is set out in the submitted Statement of Regulation 18 Consultation document (SD010 pages 8-10). The start date has therefore always remained 2011 with the end date changing through the various stages of the Plan formulation from 2030 and ultimately to 2032, as this would ensure there was a 15 year period from adoption, in conformity with paragraph 157 of the Framework, which requires Local Plans to be “...drawn up over an appropriate time scale, preferably a 15-year time horizon...”

6.2 The Infrastructure Delivery Plan (IDP) (SD003) has been developed by close co-operation with infrastructure providers and the level of proposed growth is not dependent on major infrastructure projects for delivery. There is no indication from statutory providers that the infrastructure that is required across the borough cannot be delivered within the plan period.

6.3 Chapter 1, pages 7 to 9 of the submitted Local Plan (SD001), sets out the various stages of Plan preparation, starting with Vision, Issues and Objectives in February 2011, right through to Publication Version in 2016. Each section gives an overall explanation of what was asked for and the consultation details undertaken in line with paragraph 155 of the Framework.

**7. Does the sustainability appraisal (SA) adequately assess the environmental, social and economic effects of the Plan? In particular:**

**a. Has the SA followed the correct processes in terms of consultation and content?**

7a.1 Yes

7a.2 A SA Scoping Report was produced in November 2010 (EL3.005, with appendices EL3.006 and EL3.007) to provide the framework within which the emerging plan would be assessed. This was subject to consultation in May 2011 in accordance with the statutory requirements of the SEA Regulations, and the results were integrated into the reports that followed. The Issues and Options document in 2012 (EL3.001) was subject to SA (EL3.008 and EL3.009), and the results informed the development of the Preferred Option version of the Plan (EL3.002) which followed. This was itself subject to SA (EL3.010) and the results informed the Revised Preferred Option of the plan. In advance of the RPO, an update of the SA Scoping Report was produced (EL3.012). The RPO (EL3.003) was subject to SA (EL3.013). At all stages, the SAs have been subject to formal public consultation, alongside the version of the plan to which each appertained. This is in accordance with the Government’s published SA and SEA guidance and with the SEA Regulations. The SA has considered the environmental, social and economic effects of the plan through the SA Framework and the scope of the appraisal was agreed with the statutory bodies. The content of the SA Reports produced meets the requirements of the SEA

Regulations for inclusions in an Environmental Report. Each of these requirements in terms of content and procedure is clearly signposted in the reports.

- b. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?**

7b.1 Yes

7b.2 Appendix J of the SA (SD004c, pages 623-628 of the pdf) shows the effects of alternative sites using the same approach as the sites chosen (which are considered in Appendix I, SD004c, pages 603-622).

7b.3 The scale of development at different locations was subject to SA within the SA of the Issues and Options document. The original summary is found within the SA to the Issues and Options stage (EL3.008) on pages 40 – 53 (pages 46-59 of the pdf). This is explained within pages 34-36 of the SA main report (SD004a, pages 42-44 of the pdf), and the detailed assessment matrices are provided in Appendix D of the SA (pages 152-170 of the pdf, of SD004c). Development in Lytham St. Annes provided sustainability benefits, but options involving slightly less development there would have advantages in avoiding adverse impacts on the European-designated sites; development in Warton and Kirkham/Wesham would perform well on sustainability; options for rural dispersal would have greater environmental impacts, but it was recommended that some rural development does occur where less sensitive sites exist, on a small scale and to a design that reflects local character. The spatial development framework that was developed from this was a hybrid option, the explanation for which is given in the SA to the Preferred Option (EL3.010, pages 52-55, pages 62-65 of the pdf), which goes on to provide SA of the option.

7b.4 The SA of the various previous stages of the plan makes no criticism of policies in relation to employment land, suggesting that alternative use for housing be considered on sustainability grounds. Equally, no suggestion is made in the SA of any stage that housing land should be considered for employment.

- c. Have any unreasonable alternatives been noted and if so have reasons been given as to why these have not been selected?**

7c.1 Yes. Appendix K of the SA (SD004c, pages 629-637) provides a recommendation in relation to each of the alternative sites considered in Appendix J, explaining why each site concerned was not chosen. This is supported by the SA scoring for each site concerned within Appendix J against each of 28 SA criteria.

- d. Does the SA adequately assess the likely significant effects of policies and proposals?**

7d.1 Yes. The full appraisal of each policy against the strategic objectives is set out in Appendix H of the SA (SD004c, pages 428 – 602 of the pdf). Each policy is scored against each of the strategic objectives, with a commentary and recommendations. The results are set out in the main SA report

(SD004a), on pages 40 – 57 (pages 48 – 65 of the pdf). Schedule 1 of the SEA Regulations provides criteria for how to assess significance. This includes (in summary): the characteristics of plan being assessed and the characteristics of the effects and of the area likely to be affected, having regard, in particular, to: the timescale of effects, the reversibility of the effects; the cumulative and transboundary nature of the effects; the risks to human health; the geographical scale of effect and the value and vulnerability of the area likely to be affected. Each appraisal matrix considers each of these parameters by way of identifying the likely significant effects of the policies and proposals.

7d.2 Proposals for the development of sites is considered in detail against the objectives, in relation to the strategic sites in Appendix H of the SA, and in relation to the non-strategic sites in Appendix I (SD004c, pages 603 – 622 of the pdf).

**e. Is it clear how the SA has influenced the Plan? Is there anything in the SA which indicates that changes should be made to the Plan?**

7e.1 The plan has developed over a number of previous stages. Following SA of each successive earlier version of the plan, recommendations have been put forward. The main SA Report (SD004a, pages 37-57 (pages 45-65 of the pdf)) includes explanation of how SA findings at earlier stages have been incorporated into the plan, in each section under the sub-heading Influence of the SA.

7e.2 The appraisal matrices in Appendix H of the SA include some recommendations; however, these are not framed in such a way as to be necessary for the soundness of the plan, but small changes that could improve its sustainability. Where these have involved making reference to requirements or practices to be encouraged which are found elsewhere in the plan, or suggestions for deliberate cross-references to other policies, the amendments have not been considered necessary, as the plan should be read as a whole.

7e.3 The SA of the Publication Version Local Plan contains very few recommendations, as the changes to the plan from the previous RPO version were relatively limited, and previous recommendations had already been considered in the Publication Version.

**8. Has the requirement for appropriate assessment under the Habitats Regulation Assessment (HRA) been met? Is it clear how the HRA screening report has influenced the Plan?**

8.1 The HRA Screening Report (SD005) has identified that the plan would not result in likely significant effects alone or in combination with other plans or policies. As HRA is an iterative process, a re-presentation of the HRA has been produced, on the advice of Natural England, in order to present the information required in a clearer way that accords more correctly with Natural England's requirements. Proponents of individual projects with the potential for likely significant effects would be required, through the plan's policies, to undertake a Habitats Regulations Assessment; if likely significant effects were demonstrated, the plans policies would require Appropriate Assessment for the individual project, with the scheme refused if adverse effects on the integrity of the designated sites could not be ruled out. One previously-developed site allocated within the plan has been identified as having likely significant effects; Appropriate Assessment has been undertaken for the site, which has concluded that development would not, either alone or in combination with other

projects, result in adverse effects on the integrity of the SPA/Ramsar site. This conclusion has now been agreed with Natural England. The requirements therefore have been met.

8.2 The HRAs of earlier stages of the plan (EL3.011 and EL3.014) reveal that at that stage, policies did not provide safeguards that certain strategic policies, in particular relating to major housing allocations and major transport proposals, would allow development that would lead to significant effects on the European-designated sites. A solution would have been to incorporate additional text within those policies, but, as the plan is read as a whole, the safeguard has been provided by policy ENV2. This is explained in the HRA Screening Report (SD005) of the submitted plan. It should be recognised that policy ENV2 is important but it should not take the place of appraising each plan element on its own merits. Each proposed policy, strategic site and allocation has also been subject to HRA to determine the likelihood of effects irrespective of policy ENV2. This has given consideration to any project-level HRA that has been undertaken for each site and again concluded that no significant effects are likely alone or in-combination. This process has been undertaken in liaison with Natural England.

## **9. Has the Plan been prepared in accordance with the relevant legislation and regulations?**

9.1 Yes, the Plan has been prepared in accordance with and complies with the relevant Acts and regulations (as amended). Further details are given in the following documents:

- SD007 – The Fylde Statement of Compliance – Duty to Cooperate
- SD010 – The Statement of Regulation 18 Consultation (Regulation 22(1)(c)(i-iv)document)
- SD011 – The Statement of Regulation 20 Consultation (Regulation 22(1)(c)(v)document)

9.2 Prior to submission, the Council completed the Planning Advisory services soundness and legal compliance checklists, which provided useful checks regarding how the Plan was prepared and assisted in helping the Council ensure that all relevant legislation and regulations and tests of soundness had been met. In the early stages of plan preparation training on community involvement was provided by PAS, who also carried out an early check of the plan with respect to the Framework. In addition, the Planning Policy team have been supported throughout the Plan preparation by the Council's in-house legal team and more detailed legal guidance and assistance has been provided by Counsel.

## **10. Are there are any significant departures from national policy in the Plan? If so, have these been justified?**

10.1 The Council do not consider that there are any departures from national policy. The Council considers that the Plan is "sound" and is in line with the bullet points in paragraph 182 of the Framework, as such:

- *Positively prepared* – the Plan policies make provision to meet the objectively assessed development needs for Fylde Borough by allocating more than sufficient land to meet its need, together with the allocation of additional employment land, including Blackpool's unmet need for employment land of 14Ha.
- *Justified* – the SA (Ref: SD004a, SD004b, SD004c) has assessed all reasonable alternative policy options (Ref: SD004a page 35) along with strategic and non-strategic locations for development. The Council considers therefore, that the Plan is justified and supported with an up to date and relevant evidence base;

- *Effective* - The Council consider the Plan is deliverable over the Plan period, and is soundly based on effective joint working on cross-boundary strategic priorities including employment land delivery, housing delivery, provision for Gypsies and Travellers, various infrastructure networks, including transport and utilities, retail, leisure and other commercial development; and
- *Consistent with national policy* – the Plan is considered to be consistent with the Framework, Planning Practice Guidance and all other relevant legislation and regulations, see response to question 9.