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To:  
The Inspector: Mrs Yvonne Wright  
Via Tony Blackburn, Programme Officer  
12<sup>th</sup> June 2017

## **Fylde Council Local Plan to 2032 Examination Stage 2 Hearing Sessions Response to the Inspector's Matters, Issues and Questions**

The Lancashire Branch of the Campaign to Protect Rural England (CPRE Lancashire) and its CPRE Fylde District Group herein submits responses against a subset of the questions in the Stage 2 Hearing MIQs (Version 1, 15-May-17).

Our primary concern is that the Plan should protect and enhance the Fylde's living and working countryside for the benefit of all. Consequently we believe aspects of the proposed Plan identified in some of the issues raised might result in unnecessary loss of, or unsustainable harm to, the countryside of this predominately rural Borough.

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## Matter 5 – Housing – Site Allocations and Delivery

*Issue 9 – Does the Plan set out a positively prepared strategy for the supply and delivery of housing that is justified, effective and consistent with national policy?*

1. In relation to the 5 year supply does the Plan clearly set out annual targets, completions to date, the approach to catching up the shortfall and the buffer to be applied?

The NPPF and NPPG (currently) do not define the methodology for calculating 5-Year Housing Land Supply, eg. ‘Sedgefield’ or ‘Liverpool’.

The Council uses Sedgefield for 5-Year Supply Statements. At 28<sup>th</sup> February 2017, with the proposed OAHN of 370 homes/year, the supply was 5.58 years. (See *FC Interim 5-Year Housing Supply Statement base dated 28<sup>th</sup> February 2017*).

However, the proposal to increase the OAHN from 370 to 415 homes/year now means that the housing trajectory cannot demonstrate a 5-Year Supply using Sedgefield. But the Liverpool method gives a supply of 6.07 years. (See *Fylde Council 5-Year Housing Supply Statement base dated 31<sup>st</sup> March 2017*).

The Examination will need to rule on how the Local Plan is to demonstrate a 5-Year Housing Land Supply at adoption.

2. Appendix 2 of the Plan includes a housing trajectory for the Plan period. In light of the Council’s recent evidence this is proposed to be updated.

However is it necessary to include site specific details given it may quickly become out of date? Should a housing trajectory graph be included in the Plan?

The Council’s various attempts in recent years to assess the 5-Year HLS confirms that site-specific housing trajectory details do quickly become out of date!

It is not sensible for housing trajectory data to be published in three documents, ie:

- Local Plan Appendix 2
- Housing Land Supply Trajectory (EL5.003g)
- Fylde Council 5-Year Housing Supply Statement

Historically the Council’s Local Development Scheme first defined in 2005 had Core Strategy and Site Allocations DPD in separate stages. This continued to the LP Preferred Options Part 1, with Site Allocations to be in Part 2. But the LP Revised Preferred Option combined the stages.

### Site Allocations - Policies SL1-SL5

3. In light of further planning permissions that have been brought to my attention, do these policies need updating with new sites?

In the policy vacuum prior to adoption of the Local Plan, pre-emptive schemes for sites not proposed for allocation continue to receive planning permission, with consequent continuing loss of Fylde countryside. Such omission sites that now have planning permission will have to be allocated in the Plan.

The list below gives planning applications for housing on greenfield/Countryside Area sites outside the proposed new settlement boundaries (\*) and not proposed for allocation in the Local Plan Submission Version. (\* Not land at Kilnhouse Lane & Queensway = greenfield designated for employment – see MIQ 51.)

Total approved/allowed to date: **758**

FYLDE LOCAL PLAN TO 2032 EXAMINATION - CPRE REPRESENTATION

| App.    | Homes | Site  | Notes  |
|---------|-------|---|--|
| 16/0061 | 45    | Land at Roseacre, Wildings Lane, St Annes   | Approved by DMC 2-Nov-16 <u>subject to matters</u> |
| 16/0148 | 10    | Coppice Farm, West Moss Lane, Westby        | Not dec. By DMC. Appeal dismissed 14-Feb-17        |
| 16/0180 | 50    | Land North of Mill Lane, Elswick            | Refused by DMC 8-Feb-17                            |
| 17/0247 | 50    | Land North of Mill Lane, Elswick            | Resubmission of 16/0180 27-Mar-17                  |
| 16/0524 | 115   | Land at Kilnhouse Lane & Queensway St Annes | Refused 3-Nov-16 (Delegated). Appeal 3164516       |
| 17/0296 | 115   | Land at Kilnhouse Lane & Queensway St Annes | Resubmission of 16/0524 12-Apr-17                  |
| 16/0811 | 25    | Land West of Church Road, Weeton            | Approved by DMC 8-Feb-17                           |
| 16/0903 | 53    | Land at Valentines Kennels, St Annes        | Approved by DMC 11-Jan-17                          |
| 15/0303 | 350   | Land East of Warton                         | Appeal 3004502 Allowed 13-Feb-17                   |
| 15/0903 | 115   | Land West of Warton – Clifton House Farm    | Appeal 3143198 Allowed 13-Feb-17                   |
| 15/0547 | 170   | Brook Farm, Dowbridge, Kirkham              | Appeal 3144925 Allowed 23-Jan-17                   |
| 16/0645 | 50    | Land North of Beech Road, Elswick           | Refused by DMC 15-Mar-17                           |
| 16/0846 | 24    | Land N.of Highgate E.of Copp Lane Elswick   | DMC 24-May-17 – Decision deferred                  |
| 16/1038 | 9     | Land West of West View Elswick              | Refused by DMC 24-May-17                           |
| 16/1028 | 41    | Land West of Bryning Lane, Wrea Green       | DMC date tbd                                       |
| 17/0005 | 20    | Land adjacent 53 Bryning Lane, Wrea Green   | DMC date tbd                                       |
| 16/1029 | 68    | Land North of Sanderling Way, Wesham        | DMC date tbd                                       |
| 16/1036 | 19    | Land at West View, Elswick                  | DMC date tbd                                       |
| 17/0146 | 48    | Land West of The Brooklands, Wrea Green     | DMC date tbd.                                      |
| 16/1025 | 550   | Land at Lytham Moss, St Annes               | Application validated 17-May-17                    |
| tbd     | 190   | Land at Weeton Road, Wesham                 | Community Consultation Event 13-Jun-17             |

8. In Policy SL5 no sites are listed for Elswick as these will be determined as part of the Neighbourhood Plan (NP). What is the timescale for the NP and is this approach justified?

A Neighbourhood Area covering the whole parish of Elswick was approved on 3<sup>rd</sup> August 2016. But the village settlement boundary proposed in the Local Plan determines where new housing development would be allowed. In our opinion a future Neighbourhood Plan must be in conformity with the Local Plan, and would therefore respect the settlement boundary with regard to any proposed allocations of sites for housing.

However, while planning officers continue to declare that the Council does not have a 5-year supply, developers are attempting to get sites approved outside the village settlement in Countryside Area. Thus the proposed figure of 50 additional homes is at risk of being greatly exceeded before the LP is adopted.

| App.    | Homes | Site                                      | Notes                             |
|---------|-------|---|-----------------------------------|
| 16/0180 | 50    | Land North of Mill Lane, Elswick          | Refused by DMC 8-Feb-17           |
| 17/0247 | 50    | Land North of Mill Lane, Elswick          | Resubmission of 16/0180 27-Mar-17 |
| 16/0645 | 50    | Land North of Beech Road, Elswick         | Refused by DMC 15-Mar-17          |
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| 16/1036 | 19    | Land at West View, Elswick                | DMC date tbd                      |

Policies H6 and H7 – Homes in the Countryside

20. Do these policies apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policies?

In our opinion these policies clearly ought to apply to Areas of Separation and Green Belt.

We still suggest there is inconsistency between Policy H6 *Isolated New Homes in the Countryside*, and Policy H7 *Replacement of, and Extension to Existing Homes in the Countryside*.

We see no reason why the criteria b) of Policy H7 and the associated justification at 10.87 should not also apply also to Policy H6, ie:

*b) The appearance of the replacement or extended home respects the character of the original building and surrounding rural area with regard to scale, design and use of materials.*

*10.87 Most importantly, the impact on the rural landscape must be considered. Large homes are often overbearing in appearance, they dominate the landscape and are surrounded by suburban style gardens with ornate walls, gates and floodlighting. The overall impact is to make the appearance of the rural area more suburban.*

Any 'new' home in the countryside, be it an extension, conversion, replacement or brand new, ought to follow the same rules and justification.

Also, why should H6 confine raising of standards of design of 'exceptional quality or innovative nature' just to the countryside?

## **Matter 6 – General Development**

*Issue 9 [10?] – Does the Plan provide a robust framework for the management and delivery of development across the Borough that is justified, effective and consistent with national policy?*

23. Does the Plan overall take adequate account of shale gas exploration, production and distribution?

CPRE Lancashire is concerned about the potentially serious impact of industrialisation of Fylde’s countryside by shale gas exploration and exploitation.

Despite Fylde Council not being the MPA, the Fylde Local Plan ought to define or reference applicable planning policy and guidance for dealing with shale gas matters for which Fylde Council has responsibility or influence as a consultee to the MPA.

The Local Plan should to take account of the following:

1. National Planning Practice Guidance
2. Well pad site allocation
3. Environmental protection
4. Infrastructure planning

CPRE Lancashire continues to provide policy and guidance on shale gas matters. Further local planning policy recommendations are given in our Shale Gas Policy. (See ‘Background’ below).

### **1. National Planning Practice Guidance**

The Local Plan should refer to National Planning Practice Guidance: Minerals. NPPG Ref ID:27-\*. See:

[www.gov.uk/guidance/minerals#Definitions-in-minerals\\_guidance](http://www.gov.uk/guidance/minerals#Definitions-in-minerals_guidance)

It applies in the first instance to the MPA, ie. Lancashire County Council, but also to subordinate LPAs with respect to decision making and planning conditions for consultation responses to the MPA.

### **2. Well pad site allocation**

Shale gas exploration and exploitation is an industrial activity which in our opinion is inappropriate in the countryside. But directional drilling allows access to target geologies at some distance from a well pad. (Up to 11km is reported).

The Local Plan already identifies employment / B2-industrial sites, and in addition there are the Warton and Blackpool Airport Enterprise Zones.

We therefore recommend a Local Plan policy such that shale gas production well pad site allocations are prioritised to existing B2 employment/industrial sites before greenfield sites in Countryside Areas (Policy GD4).

### **3. Environmental protection**

The Local Plan should acknowledge the responsibility of the Council for protection from effects on health, natural environment and general amenity associated with shale gas exploration and exploitation. This includes: noise; dust; air quality; lighting; flood risk; visual impact; impact on archaeological and heritage features; traffic; risk of land contamination; soil resources; impact on agricultural land; flood risk; land stability/subsidence; impact on ecology; site restoration and aftercare.

#### 4. Infrastructure planning

Exploration and exploitation will require significant infrastructure which the Local Plan should acknowledge to be covered by appropriate planning policy, eg:

- water pipelines
- pumping stations, storage tanks
- gas distribution networks
- site access roads
- buildings, lighting and fencing

#### Background to CPRE Lancashire's Shale Gas Policy

The CPRE Lancashire Shale Gas Policy calls on planners to ensure three key conditions are met by planning applications:

1. that any exploitation of shale gas is consistent with the UK's statutory and international commitments to limit global warming to not more than 2 degrees C above the pre-industrial level;
2. transparency in planning and environmental regulation is important to ensure the locations are best placed and managed to minimise the landscape and environmental impacts, and harm to residential amenity as a result of drilling and fracking operations; and,
3. technically sound decommissioning of shale gas operations is paramount, followed by adequate site monitoring after operations cease, and that abandoned well pads on former greenfield sites are not redesignated as brownfield sites.

The CPRE Lancashire Shale Gas Policy is available at:

[www.cprelancashire.org.uk/campaigns/energy-and-waste/climate-change-and-energy/in-depth/item/2255-cpre-lancashire-policy-on-shale-gas](http://www.cprelancashire.org.uk/campaigns/energy-and-waste/climate-change-and-energy/in-depth/item/2255-cpre-lancashire-policy-on-shale-gas)

The Fylde Local Plan should ensure that the recommendations of the joint committee of the Royal Society and Royal Academy of Engineering, under the chairmanship of Prof. Robert Mair, which reported in June 2012, are implemented in full by the regulatory authorities.

CPRE Lancashire is particularly concerned that well developers and operators ensure that the fracking fluid stays within the specified target geological formation(s). At present, neither the Environment Agency (EA) nor the Oil and Gas Authority (OGA) assumes responsibility for this crucial aspect of environmental protection despite our calls for them to do so. Specifically, in the case of the exploration site at Preston New Road, the EA permit specifies that it is important that fracking fluid should not penetrate beyond the target formation, but states, were it to do so, it would not be regarded as a breach of the permit.

We submit this is a failure of the EA's regulatory responsibility, which should be made good by an appropriate statement in Fylde Council's Local Plan, in keeping with NPPG Ref ID:27-112-20140306. Because of the absence of such a statement in the Local Plan of the MPA (LCC), CPRE Lancashire objected to the planning applications to hydraulic fracture shale in exploration for natural gas at Preston New Road and Roseacre Wood, and we continue to strive for an adequate arrangement. The Fylde Local Plan could help in this regard by including explicit reference to the requirement of well developers to limit fracking to the target formation(s) as a condition of any consent.

The abandonment of wells and subsequent aftercare is important, and we recommend an up-front bond to cover for insolvency of the operator. The NPPG deals with this aspect at

Ref ID:27-036-20140306 and the several following sections. Once operations have ceased, former greenfield sites should not be allowed to be considered as previously developed (brownfield) land, to avoid redevelopment of rural sites for inappropriate use, such as housing. If originally in agricultural use, the land should revert back to this use, with the land/soils in the same or improved condition. The location and ownership of all shale gas wells need to be adequately recorded, for the purpose of long-term monitoring and enforcement of planning conditions over an extended period.

Policy GD1 - Settlement boundaries

26. Policy GD1 refers to development being focussed on previously developed land within and immediately abutting the existing settlements. Does this relate to allocated sites and if so are settlement boundaries drawn around them? Are the boundaries around each settlement justified?

Fylde means 'field'. Our countryside is an important environmental asset and characteristic of the Borough.

Policy GD1, in conjunction with Policy GD4 - *Development in the Countryside*, are the most important policies in the Plan for protection of the countryside from urban sprawl.

Clearly the settlement boundaries must enclose all allocated housing and employment sites, including sites of pre-emptive schemes on omission sites not proposed for allocation but which have now received planning permission. (See Question 3 above).

Any previously developed/brownfield land immediately abutting the settlement ought to be included within the settlement boundary.

The policy which GD1/4 replaces, SP2 - *Development in Countryside Areas*, was an excellent policy which served the Borough well in promoting environmental sustainability and protection of the countryside for its own sake, a core planning principle of the NPPF (*Section 17*) being to recognise the intrinsic character and beauty of the countryside.

However, in recent years particularly following introduction of the NPPF, SP2 has been constantly overridden by decision makers due to claimed inability to demonstrate a 5-Year Housing Land Supply.

27. Will some settlement boundaries be determined through Neighbourhood Plans? If so, does this need to be referenced in GD1?

In our opinion the Local Plan defines settlement boundaries. Any future Neighbourhood Plans must be in conformity with the Local Plan, and would therefore respect the Local Plan settlement boundaries which fall within approved Neighbourhood Development Areas.

29. Is it necessary to refer to agricultural land within a settlement boundary policy?

No – resisting loss of agricultural land should be within Policy GD4.

Policies GD4 and GD5 – Development in the countryside

35. Do Policies GD4 and GD5 apply to the countryside, Areas of Separation and the Green Belt? Is this clear within the policy? Are the policies justified and consistent with national policy?

Policies GD4 ought to apply to *Areas of Separation* and *Green Belt*, in addition to *Countryside Areas* defined by the Policies Map.

We accept that it is not practical for the restrictions of GD4 to apply to the *Large developed sites in the Countryside* defined by GD5.

See also Q47 re adverts in the countryside.

36. Are both policies consistent with Policy S1 which includes allowing 'minor infill development' within rural areas?

It must be clear that any new '*minor infill development*' in the smaller rural settlements defined in S1 (Clifton, Salwick, Singleton and Weeton) must be compliant with Policy GD1 and GD4.

Policy GD7 – Achieving Good Design in Development

47. The policy includes reference to advertisements. Is the policy adequate in this regard taking into account that the Advertisement Regulations state that "A local planning authority shall exercise its powers under these Regulations in the interests of *amenity and public safety*"?

Control of advertisements is an important aspect of protection of the countryside.

In our opinion the reference to advertisements in GD7 is inadequate.

We would like to see a specific policy for control of advertisements in the Local Plan.

Existence of the *Fylde Area of Special Control of Advertisements* (ASCA) ought to be referenced in the Local Plan as being the key policy basis for determining planning consent in compliance with Regulation 7 Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The Fylde ASCA map was last consulted on by the Council in June 2011. (See *Proposed amendments to Area of Special Advertisement Control Order*. Fylde Council Ref: MDE/DC11/3. 6<sup>th</sup> June 2011).

In general, the Fylde ASCA corresponds with Countryside Areas and Green Belt in the current adopted Local Plan, but it also includes the coastal fringe, estuary, and golf courses in Lytham St Annes.

The Planning Policy Team has indicated that an SPD is to be produced. In which case the purpose of this SPD ought to be referenced in the Local Plan, eg. in GD4 *Development in the Countryside*.



## Matter 7 – The Economy – Site Allocations and Delivery

Issue 10 [11?] – Does the Plan set out a positively prepared strategy for the delivery of economic development (Employment, Retail Centres, Leisure Culture and Tourism Development) within Fylde that is justified, effective and consistent with national policy?

### Site Allocations - Policies SL1-SL4 and EC1

48. Are these policies up-to-date with regards to the allocation of employment sites? Is there justification for the allocation of any other sites (such as land SW of junction 3 of the M55, Corner Hall Farm)?

Several responders, including ourselves, have argued that the allocation of employment land in the Local Plan Submission Version is too high. The site at M55 J3 is an omission site which has never been proposed for allocation by the Council.

51. Are the proposed site allocations justified and deliverable? Is there justification for some sites to be removed from the policies (such as ES1)?

ES1 is a greenfield site (4.8 Ha) at the corner of Kilnhouse Lane/Queensway. The site has long been scrub and grass which has recently been cleared. The North-East corner is in Green Belt, consequently development schemes have proposed this as open space.

The site has been allocated for employment for over 40 years. It was allocated within the settlement boundary of St Annes for employment in the 1996-2006 Local Plan. Since 1991 the site has received various permissions for retail/office/business park use, none of which have been taken up.

The agent justifiably argues that the site is not viable for employment use, and long standing retention of the site for employment goes against the NPPF para 22.

The agent is seeking, by a combination of a re-submitted planning application and pending appeal, to change the proposed use to housing:

|         |     |   |  |
|---------|-----|---|--|
| 16/0524 | 115 | Land at Kilnhouse Lane & Queensway St Annes | Refused 3-Nov-16 (Delegated). Appeal 3164516 |
| 17/0296 | 115 | Land at Kilnhouse Lane & Queensway St Annes | Resubmission of 16/0524 12-Apr-17            |

In the opinion of CPRE this gateway site on the outskirts of St Annes should be left as open green space.

54. Is it effective to list existing employment sites in Policy EC1? Is the list justified, based on up-to-date evidence and in accordance with paragraph

See our response to Question 51.

### Policies EC4 and T3 – Blackpool Airport Enterprise Zone

56. Do the policies support delivery of the objectives and purposes of the Enterprise Zone designation and the long term operation of the airport? Would the relocation of the aviation functions closer to the runway and within the Green Belt be justified? Is the inclusion of 'enabling development' appropriate and justified?

Relocation of aviation functions closer to the runway is unlikely. Any hope of long term reopening of Blackpool Airport for international passenger services was dashed by the demolition of the modern passenger terminal in 2016, now replaced by the Lancashire Energy HQ.