



Fylde Council Local Plan to 2032

COPIES OF REPRESENTATIONS MADE TO THE EVIDENCE CONSULTATION

Part 5 of 7

September 2017

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Fylde Local Plan

Consultation on Additional Evidence

Further Representations by The Strategic Land Group Ltd (SLG)

Land at Peel Hill Farm, Whitehills

September 2017

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1. Introduction

- 1.1 These representations have been prepared by The Strategic Land Group Limited ('SLG') in response to the 'Consultation on Additional Evidence in support of the Fylde Local Plan to 2032'.
- 1.2 This response deals solely with matters relating to section 2 of that document, 'Economic Forecasts, Objectively Assessed Needs and the Housing Requirement Figure.' It should be read in conjunction with our previous representations on this matter.
- 1.3 A separate response, prepared on our behalf by Turley, will address the other elements of the consultation.

2. Housing Requirement

Background

- 2.1 This section considers the information contained in Section 2 of Fylde Council's 'Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032' ('Additional Evidence Report'). A separate response prepared by Turley considers, *inter alia*, the impact of unmet need in Wyre and the importance of flexibility in delivery upon any agreed housing target.
- 2.2 The submitted Fylde Local Plan ('FLP') makes provision for a housing requirement of 370 dwellings per annum (7,770 dwellings in total) over the 21-year plan period (2011-2032). This housing requirement was informed by the Fylde Coast Strategic Housing Market Assessment ('SHMA') which comprised:
- The original SHMA which was prepared in 2013 and identified an Objectively Assessed Need ('OAN') figure across the Fylde Coast authorities (Fylde, Wyre and Blackpool). It also established a distinct OAN range for Fylde of 300 to 420 dwellings per annum (dpa) across the plan period
 - Following the publication of the 2012-based Sub-national Population Projections dataset, an Addendum ('Addendum 1') was prepared to consider its implications.
 - A second Addendum ('Addendum 2') was commissioned by the Council following the release of the 2012-based household projections. Published in May 2015, Addendum 2 recommended that the OAN was updated to reflect the higher end of a recommended range of 440 to 450 dpa ((7,770 dwellings in total)).
- 2.3 SLG, along with other representors at the examination, has objected to the level of housing provision proposed citing its inconsistency with the plan's own independently produced evidence base. That evidence base recommended a higher level of provision and insufficient justification has been presented to justify the approach taken.
- 2.4 Following a request from the Planning Inspector, a further update of the SHMA was completed ('Addendum 3'). This was intended to take into account updated economic growth data from a separate report produced by Amion Consulting, 'Independent Assessment of the Economic Prospects of Fylde' ('Amion Report'). Addendum 3 concluded that the OAN range was between 410 and 430 dpa.
- 2.5 As a consequence, the Council now considers their objectively assessed housing need to be 415 dwellings per annum. The Council seeks to justify that figure through the updated composite evidence that forms this consultation.
- 2.6 SLG disagrees with the Council's proposition that its OAN is 415 dpa. Our reasoning for that is set out below.

The proposed OAN is inconsistent with the evidence

- 2.7 Although the Council assert that the OAN is 415 dpa the Council's own independently produced evidence base indicates a higher OAN.
- 2.8 Addendum 3 is a direct response to the Planning Inspector's request for the Council to consider the implications arising from the 2014-based Sub-national Household Projections which present a new starting point for the assessment of housing needs. Addendum 3 is also informed by the Amion Report.
- 2.9 The Amion Report concludes that it is considered reasonable that the level of future employment growth in Fylde will lie in the range of 55 to 91 jobs per year over the remainder of the plan period and this indicates a need to provide for between 397 and 421 dpa. Addendum 3 applies adjustments to the demographic projection rates, resulting in a range of assessed need of 408 and 432 dpa (and subsequently rounded to 410 to 430 dpa).
- 2.10 Both Amion and Turley comment on where in that range the OAN is likely to fall.
- 2.11 The AMION Report concludes that it is '*expected ...that the likely level of employment growth will be at the upper end of this range*'.
- 2.12 In Addendum 3, Turley note that the significant need for affordable housing identified in the SHMA '*provides further support for placing greater emphasis on the upper end of the OAN range.*'¹²
- 2.13 Despite the independent evidence from both Amion and Turley clearly identifying that the housing requirement should be at the upper end of the 410 to 430 dpa range, the Council has resolved to pursue a housing requirement of 415 dpa. Far from being at the upper end of this range, it is actually below the mid-point.
- 2.14 The Council's position is therefore not justified by the evidence base – indeed, it is contrary to it. Instead, a housing requirement of 430 dpa should be delivered within the FLP in accordance with the Council's own independent evidence based produced by Turley and Amion.

Inadequate consideration of affordable housing need

- 2.15 The proposed housing requirement does not take sufficient account of the need for affordable housing in the borough.
- 2.16 The affordable housing need of 249 dpa is derived from Addendum 1. The council assume that 30% of the total housing requirement would be delivered as affordable housing, equating to 124.5 dpa – exactly half of the assessed affordable housing need.

¹ Amion Consulting, *Independent Assessment of Economic Prospects*, May 2017, p. 177.

² Turley, *Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP*, May 2017, Executive Summary, para. 15.

- 2.17 That discrepancy is one of the reasons that Turley advocate “*placing greater emphasis on the upper end of the OAN range.*”³
- 2.18 The correct process for how the OAN for affordable housing should be reflected in the housing target is set out in the High Court’s Judgement in a 2015 case between Satnam Millenium Ltd and Warrington Borough Council⁴. The judgement recognises that the requirement in national policy is for a Local Plan to meet “*the full, objectively assessed need for market and affordable housing*” (my emphasis).⁵
- 2.19 Paragraph 43 (iv) of the judgement outlines the steps to be taken to ensure that is the case:

“This exercise is:

- (a) *having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;*
- (b) *the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

- 2.20 The second limb of (a) has not been carried out - the council have made no consideration of how an increase in the market housing requirement beyond the OAN for market housing could enable the OAN for affordable homes to be met. The Council’s analysis is limited to a consideration of historic trends which, as is considered in paragraphs 2.35 to 2.38 of this response, is irrelevant in the case of Fylde.
- 2.21 Consequently, the housing requirement cannot be considered to be in accordance with national policy, nor will it be effective in meeting the need for affordable homes. To ensure the plan is sound, either the housing requirement should be increased to ensure the full OAN for affordable housing is met, or the Council should robustly demonstrate why such a higher housing requirement would be contrary to the paragraphs 14 and 47 of the Framework.

Potential impacts of the Enterprise Zones on the housing target

- 2.22 In assessing both the OAN and the housing target, insufficient account has been taken of the impact the two Enterprise Zones (‘EZs’) in Fylde will have on economic activity and jobs growth.
- 2.23 In determining the anticipated rate of jobs growth, which in turn influenced the OAN, Amion noted “*that there is not sufficient evidence to include an*

³ Turley, *Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP*, May 2017, Executive Summary, para. 15.

⁴ Satnam Millenium v Warrington BC, [2015] EWHC 370 (Admin).

⁵ DCLG, *National Planning Policy Framework*, March 2012, para. 47.

allowance...for additional employment growth in Fylde from the Enterprise Zones.”⁶ Consequently, their impact is not reflected in the OAN.

- 2.24 However, as paragraph 2.11 of the Additional Evidence Report notes, the OAN should be a “policy-off” figure, while the EZs are a “policy-on” consideration. The question, therefore, should be whether the presence of the EZs requires any adjustment to be made to the OAN when determining the housing requirement.
- 2.25 In respect of the Warton EZ, the council note that although there has been no new job creation to date, ‘*new activity could possibly come forward within the next three years.*’⁷
- 2.26 Despite that, the council employ ‘planning judgement’ to decide that the Warton EZ will deliver no new jobs at all in the period to 2032 (a total of 15 years). This is patently absurd. The EZ was designated to stimulate jobs growth, and there are potential plans for activity to come forward in as little as three years. To plan for no jobs growth whatsoever from the EZ is simply not justified and the antithesis of positive planning advocated by national policy.
- 2.27 The Council express similar uncertainty and reach a similar conclusion about the Blackpool Airport EZ. Likewise, this approach is not justified. Blackpool Council have recently completed the purchase of the Airport from Balfour Beatty in an effort to stimulate development of the EZ. That follows Blackpool Council’s earlier purchase of 27 acres of land both adjacent to and within the EZ from Mar Properties. The reports for both of those acquisitions state that the express intention of the purchases was to ‘*aid in the successful delivery of the Blackpool Airport Enterprise Zone.*’⁸
- 2.28 Indeed, the council themselves recognise that ‘*considerable weight*’ should be afforded to the fact that both EZs are ‘*expected to lead to the creation of new employment opportunities in Fylde over the Plan period.*’⁹
- 2.29 Yet despite that claimed ‘*considerable weight*’ no account whatsoever is made of the EZs in the housing target because of uncertainty of the precise timing and quantum of job creation.
- 2.30 This approach is not consistent with national policy, is not justified by the evidence and will not be effective in either meeting the borough’s need for new homes or helping stimulate economic growth.
- 2.31 To remedy this shortcoming and ensure that the FLP is sound, the Council have two alternatives. The housing target can be increased to reflect economic activity from the EZs; or, the Council can commit to an early review of the Plan once more details about the EZs are known. SLG have a clear preference for the

⁶ Amion Consulting, *Independent Assessment of Economic Prospects*, May 2017, para. 4.19, p. 66.

⁷ Fylde BC, *Consultation on Additional Evidence in Support of the Fylde Local Plan*, August 2017, para. 2.15.

⁸ Blackpool C, *Acquisition of Property at Blackpool Airport*, 25 August 2017, para. 3.1

⁹ Fylde BC, *Consultation on Additional Evidence in Support of the Fylde Local Plan*, August 2017, para. 2.18.

former approach, as that is the best way of providing certainty for both residents and developers - one of the key objectives of the plan-led system.

Inadequate justification of the depressed OAN from the Council

2.32 Little justification has been provided by the Council for their choice of OAN from within the range provided in their evidence base.

2.33 The council's case for a housing target of 415 dpa broadly consists of the following assertions, summarised in the Additional Evidence Report:

"It provides a significant uplift from the demographic starting point."

2.34 This is, of course, entirely irrelevant. The demographic starting point is exactly that – a starting point. Uplifts and adjustments should be applied to reflect a variety of factors and to ensure housing need is accurately assessed. Those adjustments should be properly applied regardless of the degree of uplift they provide from the starting point.

"415 dpa represents a step change in historic housing delivery" and is a figure that has only been exceeded twice since 1991.

2.35 Again, this is entirely irrelevant. Housing delivery in the past has been governed by very different policy requirements. For example, the housing requirement in the Lancashire Structure Plan (covering 2001-16) was just 155 dpa. It would be surprising if planning policies intended to deliver 155 dpa actually resulted in delivery of in excess of 415 dpa, regardless of market conditions and developer appetite.

2.36 Indeed, the Council acknowledge that they refused planning applications on sustainable sites simply to avoid exceeding the Joint Lancashire Structure Plan housing requirement. It was their policy to actively suppress housing supply. As paragraph 3.16 of the Fylde Borough Local Plan (As Altered: October 2005) states in respect of the housing requirement:

"In conclusion on the quantitative issue, there is already a significant potential over-supply of housing land, as calculated against the average annual housing requirement contained in the Joint Lancashire Structure Plan. In terms of the necessity to manage the release of housing sites in accordance with the annual rates of provision, there is no current need to release additional housing sites simply on the basis of housing numbers. Against this background, the Council has recently refused a number of planning applications for housing on otherwise acceptable sustainable previously developed sites."

2.37 This housing target and policy approach remained in force until 2008 when it was replaced by the Regional Strategy requirement of 308 dpa. That higher target has never been reflected in an adopted plan and has never had local plan policies or development allocations intended to deliver it.

- 2.38 Despite the Council's proactive efforts to minimise housing delivery, there has actually been an increase in delivery since 2013/14 when the impacts of the Framework's tilted balance and the emerging FLP began to feed through into completions. In 2016/17, there were 455 completions and there is no evidence that similar (or higher) levels of completions cannot be maintained over the plan period given a more proactive policy requirement.

The difference between 415 dpa and the top end of the range “represents a very minor deviation in the context of the inexact nature of forecasting.”

- 2.39 This argument, of course, works both ways. If the difference is so minor, why not select the top end of the range as the OAN? This response has already explained that the upper end of the OAN range is actually the figure supported by the evidence base. It would also be the figure that is in line with the requirements of national policy to significantly boost the supply of housing.
- 2.40 In addition to that, the proposed housing requirement does not take adequate account of either the need for affordable housing or the economic impact of the borough's two Enterprise Zones.

3. Conclusions

- 3.1 This response has considered section 2 of the Council's Additional Evidence Report. Having considered the position advanced by the Council and assessed the available evidence, it has reached the following conclusions:
 - (a) The SHMA and the Amion Report both support an OAN that is higher than the housing target selected by the Council.
 - (b) The housing target does not take adequate account of the need for affordable housing in the borough.
 - (c) The housing target does not make an appropriate allowance for new economic activity derived from the Enterprise Zones.
 - (d) The Council have not adequately justified their choice of 415 dpa as their housing requirement.
- 3.2 For all those reasons, the proposed housing target is unsound. It is not justified by the evidence, is not compliant with national policy, and will not be effective in meeting housing need in the borough.
- 3.3 To enable the FLP to be found sound, the housing requirement needs to be increased in line with the recommendations in this response.

Fylde Local Plan

Consultation on Additional Evidence

Further Representations by The Strategic Land Group (SLG)

Land at Peel Hill Farm, Whitehills

September 2017

Turley

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14 September 2017

1. Introduction

- 1.1 These representations have been prepared on behalf of The Strategic Land Group (hereafter referred to as “SLG” or “our client”) which has land interests in respect of land at Peel Hill Farm, Whitehills (“the Site”). It provides representations to Fylde Borough Council in respect of the additional evidence document which has been prepared to support the Fylde Local Plan (FLP) which is currently the subject of examination.
- 1.2 The additional evidence which is the subject of this current consultation covers a range of matters including housing requirement and supply; further justification in respect of the settlement hierarchy and an update on Gypsy and Traveller Accommodation.
- 1.3 A separate representation, on behalf of SLG, has been made in respect of the council’s proposed revision to the FLP housing requirement. In respect of these representations, we concern ourselves with the other elements of the consultation; namely the updated position in terms of its housing supply (including methodology and approach) and trajectory across the plan period. In addition, we also submit representations in respect of the following matters:

(a) Meeting unmet housing need from Wyre

While the Planning Inspector concluded on the duty to cooperate after the first examination session, we consider the issue as to whether the FLP positively seeks to accommodate Wyre’s unmet housing need remains a material consideration in the determining whether the FLP is effective and sound. This position is reinforced owing to the imminent publication of the Wyre Local Plan (and evidence base) for formal consultation.

(b) Site Specific Matters

The council’s additional evidence refers to ecological and highway issues as being development constraints in respect of the ‘omission’ sites that have been advanced by objectors including land at Peel Hill Farm, Whitehills. It is considered appropriate that we respond to these assertions as well as providing an update more generally on the suitability and deliverability of the Site for residential development.

2. Housing Supply & Trajectory

- 2.1 The additional evidence¹ provides an updated five year Housing Supply Statement (HSS) (July 2017). This includes a five year supply statement and housing trajectories for the next five years and for the remaining plan period.
- 2.2 The council has updated its HSS to reflect further information provided by respective developers and information that was advanced by representors at the examination session on housing supply and allocations (Matter 5).
- 2.3 The updated HLS indicates the following:
- (a) The council has made adjustments to a number of supply trajectories of individual sites and has amended its approach² to housing supply. This has resulted in the identification of marginal-improved position³ in five year housing supply when considered against the Council's previous HLS.
 - (b) In light of the amendments, the council can now demonstrate a five year housing land supply of 5.1 years under the Sedgefield method and a 6.4 years under the Liverpool method.
 - (c) No additional sites have been included within the updated HLS and adjustments in the anticipated delivery of existing sites within the identified supply still provides sufficient supply to meet the housing requirement through the plan period⁴.
 - (d) The council considers that no additional sites are required to meet housing needs citing that other candidate larger sites:
 - would threaten the viability of existing strategic site allocations/permissions and would be contrary to the FLP development strategy
 - face significant hurdles to development citing ecological implications in respect of developing greenfield sites and the need to demonstrate no unacceptable highway impacts.

Revisions to Trajectory

- 2.4 The council has sought to amend the supply trajectory in respect of a number of sites that were the focus of discussion at the examination sessions. We have liaised with a number of participants at the examination and have supported a joint statement, prepared by Lichfields on behalf of Taylor Wimpey, which sets out an understanding of the general consensus which was reached in respect of the five year housing supply

¹ Annex 2

² The council considers the 10% allowance for slippage now only needs to be applied to small sites rather than to all sites as the council considers that all large sites were subject to 'forensic' evaluation and the examination sessions and their trajectory amended accordingly

³ The HLS identifies a total five year land supply of 3,677 dwellings compared to 3,487 dwellings as stated in previous HLS presented at FLP examination (EL05.007)

⁴ The HLS identifies a housing supply of 8,793 dwellings across the plan period compared with a housing requirement of 8,715 dwellings from the previous HLS presented at FLP examination

position during the Stage 2 examination session. The letter is at Appendix 1 to these representations.

- 2.5 In addition, we have additional comments about housing delivery across the whole plan period. Our main concern is the suggestion that land at Queensway, St Annes – a development by Kensington Developments – is expected to deliver 100 units per annum from 2019/2020 and achieve full delivery (1,150 dwellings⁵) within the plan period.
- 2.6 It is our understanding that the council are reliant upon evidence presented by Kensington Developments and the expectation that they will deliver units from two outlets running concurrently throughout the plan period.
- 2.7 SLG consider that this suggested level of output is unrealistic and not founded on any evidence which has been tested. The council's own supply methodology states that up to 60 dwellings per annum are forecast to be achieved from large sites with two separate house-builders; both with separate financial resources, supply chains and labour force to draw upon and accelerate completions. This is not the case here.
- 2.8 Kensington Developments are a locally based privately owned developer with resources likely to be commensurate to their scale. For instance, according to their 2016 financial accounts (see Appendix 2) Kensington Developments achieved a turnover of just under £9m. For comparison, a regional division of a top five national house-builder regularly achieves a turnover of over £100m. As Appendix 3 shows, we are not aware of any available evidence to suggest that Kensington Developments have delivered a site of this scale and at the rate they are asserting that can be achieved. The nearest site of scale that Kensington Developments are delivering upon which is commensurate with St Annes is land at Moss House Road, Marton Moss in Blackpool (422 dwellings). It is understood that development commenced on the site on 3rd December 2015 and according to the council's latest housing monitoring report (April 2017), five dwellings are currently under construction and none have been completed.
- 2.9 SLG therefore consider a more realistic level of delivery should be identified for this site and would assert that an output of 60 dwellings per annum (from 2019/20) would be far more appropriate and realistic. This would result in the St Annes, Queensway delivering 675 dwellings across the plan period (a reduction of 475 dwellings). Owing to the minimal flexibility currently envisaged within the FLP, this reduction alone precipitates the need to identify additional housing allocations to meet the borough's housing requirement.

Meeting Requirement with Supply

- 2.10 The council has committed itself to a development strategy which seeks to identify housing allocations for the whole plan period (with allowances for small sites). The council asserts that in adopting this approach, much greater certainty over the deliverability of housing over the plan period is provided.

⁵ While the HLS states 1,150 dwellings are anticipated to come forward, it should be noted that the applicants own planning statement (prepared by McAteer Associates) supporting the latest reserved matters application (0095/01) confirms that the site would deliver 1,037 dwellings overall.

- 2.11 SLG disagrees with this assertion. Regardless of allocations or indeed a receipt of planning permission which the vast majority of FLP allocations have, doesn't automatically result in housing delivery being more certain. As explained in our previous matter statements, recent DLG analysis⁶ has indicated that 10-20% of planning permissions are not implemented, whilst a further 15-20% is subject to a revised planning application which delays delivery. The large number of changes that have been made to the housing trajectory since the FLP was submitted are in themselves testament to the inherent difficulty with accurately forecasting future delivery.
- 2.12 It is simply unrealistic therefore to assume that the identified supply is 'guaranteed' and will be delivered in full and at the time expected in order to meet the FLP's housing requirement. The FLP does not account for any degree of slippage or allowance of a plan B should housing delivery start to falter on any it's identified sites.
- 2.13 It is SLG's view that the council is not identifying sufficient housing land to provide a contingency and sufficient flexibility to ensure that a significant boost in housing is realised and a supply which is responsive to rapid change⁷. The council has only identified sufficient land to 'just about' meet the proposed minimum housing requirement. The extent of the over-supply amounts to 78 dwellings; less than 1% flexibility in the supply.
- 2.14 This challenge is exacerbated by the changes made to the trajectory by the council since the FLP was submitted. Those amendments have resulted in the council claiming the proposed allocations can deliver more dwellings both in total across the FLP period and in the initial five-year period. Inevitably, that has resulted in the trajectory becoming 'squeezed' and increasing the prospect of slippage in delivery.
- 2.15 Numerous Local Plans have acknowledged that not all sites are delivered within the timescales expected. This has been an issue in many authorities in recent years. The Local Plans Expert Group⁸ (LPEG) identified this as a particular problem in maintaining a supply of homes which are required to meet needs:
- "...because Plans tend only to allocate the minimum amount of land they consider necessary, once adopted, there is little that Local Plans can do to address any shortages that appear in the five year supply..."* (paragraph 11.2)
- 2.16 The LPEG report therefore set out a clear recommendation that Local Plans should make provision for, and provide a mechanism for the release of, developable 'reserve sites' equivalent to 20% of their housing requirement.
- 2.17 The identification of additional allocations/reserve sites and/or added flexibility has been progressed by other local authorities throughout the UK, including in the North West. For example:
- The Stratford upon Avon Core Strategy (adopted July 2016) specifically includes reserve sites over and above allocated sites necessary to meet its housing

⁶ DCLG presentations to the HBF Planning Conference (September 2015)

⁷ NPPF paragraph 14

⁸ Report to the Communities Secretary and to the Minister of Housing and Planning, Local Plans Expert Group (March 2016)

requirement and/or to respond to the need to meet housing need arising outside the Coventry and Warwickshire Housing Market Area (HMA). Reserve sites have the capacity to deliver up to 20% of its total housing requirement for the plan period.

- The recently adopted Cheshire East Local Plan Strategy provides an additional 7% housing land to provide for an element of non-delivery.
 - The draft St Helens Local Plan⁹ has identified land for Green Belt releases and safeguarding, and includes a mechanism to undertake a review of those sites for release should there be under-delivery during the course of the plan period.
 - The draft Warrington Local Plan¹⁰ makes an additional 5% provision in meeting its housing requirement to allow for market choice and in the event that specific sites do not come forward.
 - The draft Rugby Local Plan¹¹ specifically allocates additional housing land to ensure sufficient flexibility is provided to meet housing needs (allocating sites to potentially deliver 5,182 dwellings as opposed to just allocating enough land to meet the shortfall required to meet identified needs (3,918 dwellings)).
- 2.18 While it is noted that the council has proposed a modification to facilitate a Local Plan Review – in response to the need to potentially accommodate some of Wyre's housing needs in the future – it is considered that this alone is insufficient both in terms of meeting unmet need from Wyre (see Section 4 below) and in terms of providing sufficient flexibility to meet its own needs. There is a need for the FLP to increase flexibility in its housing supply now. It is also pertinent to note that the above local plan examples have introduced flexibility in the overall supply to ensure delivery throughout the plan period, not just within the first five years.
- 2.19 In conclusion, SLG considers that the FLP should recognise that between 15-20% of the total anticipated housing supply may not come forward within the plan period and it is essential that additional provision is identified in the FLP to provide flexibility and responsiveness to rapid change. The absence of such additional flexibility renders the FLP ineffective, not compliant with national policy and unsound.

Five Year Supply – 15 units

- 2.20 In paragraph's 3.10 to 3.18 of the additional evidence document, the council appear to suggest that any additional sites considered for inclusion within its five year supply should only be between 10 and 15 dwellings.
- 2.21 SLG does not understand the logic with this approach. Whilst sites of less than 15 units could add to the five year supply, so can larger sites. The fact that larger sites would not fully deliver in the five years is largely irrelevant. As we identify in Section 4 below,

⁹ St. Helens Local Plan 2018-2033: Preferred Options, St. Helens Council (December 2016)

¹⁰ Warrington Local Plan, Preferred Development Option, July 2017

¹¹ Rugby Local Plan 2011-2031, Publication Draft, September 2016, paras 4.10-4.15 – Submitted for examination on 14th July 2017

Peel Hill Farm would have the ability to contribute over 50 dwellings to the five year housing land supply.

Five Year Supply – Sedgefield v Liverpool

- 2.22 SLG maintains its objection to the council's preference for adopting the Liverpool method moving forward (paragraph 3.27). By adopting the Liverpool method this means that housing needs identified now will not be delivered in full until much later in the plan period. This is the antithesis of national policy which seeks to significantly boost housing now as well as the principles set out in PPG (ID 3-035).
- 2.23 The rationale behind the council's approach is simply supply based owing to the reluctance to identify additional housing land which can contribute to meeting the five year supply (including sites larger than 15 units) and the precarious nature of the existing supply identified.
- 2.24 SLG maintain that the Sedgefield approach is the most appropriate method to rectify shortfalls and deficiencies in delivery as soon as possible.

Viability of Strategic Sites

- 2.25 In its evidence, the council asserts that further sites would threaten the viability and deliverability of allocated strategic sites. No evidence or justification has been provided by the council to justify this. Indeed it is rather a negative stance to take. The assertion is also against the grain of national policy which seeks to sufficiently boost housing, increase choice and a requiring a local plan needing to be positively prepared.
- 2.26 Further comments in respect of market capacity are provided in Section 4 of these representations.

3. Housing Needs from Wyre

- 3.1 The council will be aware that SLG made strong representations to the FLP and its examination in respect of the Duty to Co-operate; a statutory test which SLG considered Fylde Council to have failed owing to its unwillingness to positively engage with Wyre Council and seek to accommodate objectively assessed needs which cannot be accommodated in Wyre.
- 3.2 The Planning Inspector considered this matter during Stage 1 of the examination session into the FLP (28th March 2017) and provided her conclusions on the matter in her interim findings letter to the council on 11th April 2017¹². In her letter, the Planning Inspector states the following:
- "In respect of the duty to cooperate I have considered all relevant evidence presented both in writing and orally at the hearing sessions. The Council has submitted evidence that illustrates the extent and nature of engagement that has occurred on relevant strategy matters. I acknowledge that there is a strong possibility that Wyre Council may not be able to meet all its objectively assessed housing needs within its own administrative area. However I note that the Wyre Local Plan (WLP) is at an early stage of production and considered that there is insufficient evidence at this time [emphasis added] to ascertain with any degree of certainty the level of any unmet need and the proportion that may need to be accommodated within Fylde."*
- 3.3 Some four months have advanced since the Planning Inspector made her conclusions known and in that time the FLP has been subsequently delayed through the examination process. SLG also consider that since then, circumstances have developed to such an extent as to warrant a re-consideration of the issue, particularly in respect of Fylde Council's reluctance in accommodating unmet housing need from Wyre.

Wyre Local Plan

- 3.4 In addition to the delay in the FLP examination process, the main change in circumstance relates to the emergence of a Local Plan for Wyre (publication version) and its associated evidence base.
- 3.5 The draft Wyre Local Plan (WLP) was considered at Wyre Council's Full Council on 7th September and was approved for public consultation. It is understood that public consultation on the Local Plan will take place towards the end of September for a six week period with an intention to submit the WLP for examination before the end of 2017.
- 3.6 The WLP reaffirms the following:
- The borough's objectively assessed housing need (OAN) is 479 dwellings per year (9,580 dwellings over the plan period 2011-2031).

¹² Ref EL5.003A

- The Local Plan can only provide and deliver 8,224 dwellings due to various constraints and results in a shortfall of 1,356 dwellings in meeting its OAN in full.
 - As such, the WLP proposes a housing requirement of 8,224 dwellings.
- 3.7 The degree of constraints which exist within the borough are significant and this has restricted the council's ability in meeting its housing needs in full. Land supply in the borough is constrained by:
- Highway capacity around the A585 and the A6 corridor
 - Green Belt which extends to some 750 hectares and surrounds its main urban areas
 - Flood risk with large extents of the borough in Flood Zones 2 and 3 and with some entire settlements within higher risk flood areas
 - Environmental constraints including the Forest of Bowland AONB which comprises 18% of the borough, five SSI and two Special Protection Areas
 - A lack of deliverable land within urban areas particularly the main urban areas on the peninsula.
- 3.8 The WLP seeks to strike a balance between development needs and environmental protection. While it doesn't deliver objectively assessed housing needs in full, it has sought to minimise the shortfall. This has been informed by a detailed evidence base on the following matters:
- (a) Highways
Lancashire County Council (LCC) has produced an assessment of highway and development capacity which indicates a maximum level of housing development within each settlement that could be accommodated. The WLP maximises the delivery of housing within the limits set by highway capacity with the exception of Fleetwood and Cleveleys because of a lack of suitable development land and Pilling because of flood risk.
 - (b) Green Belt
The council has reviewed its Green Belt boundaries and has sought to release Green Belt land without affecting the integrity, function and permanency of the Green Belt.
 - (c) Flood Risk
A detailed Level 2 Flood Risk Assessment has been prepared which has informed decision making in respect of proposed allocations and spatial strategy.
 - (d) SHLAA

An up to date assessment (July 2017) of development site potential has been undertaken and identifies suitable and available development land for some 10,751 dwellings. This figure is 'un-constrained' capacity in the sense that it does not consider the highway capacity limits imposed on each settlement which is set out in the highway evidence.

(e) Settlement Appraisal and Hierarchy

Wyre Council has considered in detail a number of spatial options to accommodate housing need including considering expanding a number of villages and in some case doubling their size. Where considered appropriate this has been proposed in the draft plan. For example, the main rural settlements and rural service centres are to collectively receive 19.0% + growth in housing provision.

- 3.9 The body of evidence points towards the conclusion that Wyre has left 'no stone unturned' in its attempt to accommodate its OAN.

Implications for FLP

- 3.10 National planning policy and guidance aims to ensure that the needs arising in a particular housing market area (HMA) are met in that HMA¹³. While the conclusions of the Planning Inspector regarding lawful compliance with the Duty to Cooperate are noted and respected, SLG considers that there is now up to date and substantive evidence to provide the certainty sought by Fylde Council and the Planning Inspector that there is an unmet housing need from Wyre. This evidence, by virtue of a Regulation 18 plan and associated evidence base, now justifies a re-consideration as to whether Fylde should assist in accommodating this unmet need now.
- 3.11 It is SLG's view that this unmet need should and can be met in Fylde and can be achieved sustainably without conflicting with the spatial strategy or other policies in the Framework. Indeed, the council's own evidence base such as the SHLAA indicates that Fylde has suitable and available developments to absorb some, if not all, of Wyre's unmet need. As such, the FLP should identify additional housing allocations to ensure they make a significant contribution towards meeting Wyre's unmet housing need. In the absence of such provision, the FLP remains ineffective and unsound.

¹³ NPPF, paragraph 47.

4. Land at Peel Farm, Whitehills

- 4.1 Paragraph 3.16 of the overarching consultation document asserts that the council has considered additional sites to form part of the overall residential land supply and the option has been discounted. The rationale behind this rejection partly relates to the council's view that additional sites are not necessary but also that other sites face significant hurdles to development citing:
- (i) The loss of greenfield land used for winter feeding by pink-footed geese meaning that there could be potential for likely significant effects on the Ribble and Alt Estuaries SPA; any greenfield site may need Habitats Regulations Assessment and in some cases Appropriate Assessment;
 - (ii) Developments need to demonstrate that no unacceptable highway impacts result from the development; highway authorities have stated that certain key junctions and routes within the borough are at capacity and the impact on M55 junction 4 would need to be considered at any sites in the Fylde-Blackpool periphery. As far as the Council is concerned, promoters of additional sites have not sufficiently demonstrated that the site is deliverable.

- 4.2 SLG has considered these assertions and respond as follows:

Ecological Matters

- 4.3 A rebuttal note¹⁴ and a phase I ecological appraisal of the Site is appended to these representations (Appendix 4) from Rachel Hacking Ecology in respect to the council's concerns about winter feeding by pink-footed geese meaning that there could be potential for likely significant effects on the Ribble and Alt Estuaries SPA.
- 4.4 The note reconfirms that the site lies over 5km away from the SPA and comprises mainly species poor, sheep-grazed pasture and the habitats present are not optimal feeding habitat for the qualifying bid species of the SPA. Owing to the habitats present and the distance between the site and the SPA, it is not considered that there will be a significant impact on the SPA or its qualifying species from the development of Peel Hill Farm.

Highway Matters

- 4.5 The council are aware that SLG prepared and submitted an advocacy document in May 2017 which assesses the deliverability of the Site and concluded that the Site is deliverable, being available, suitable and achievable. The advocacy document also included a summary of a transport appraisal undertaken by Croft Transport Consultants which concluded that there are no insurmountable constraints to development from a highway perspective.

¹⁴ The rebuttal note forms part of SLG's response to comments raised by Natural England in respect of the client's formal request for an EIA screening opinion. The rebuttal covers the same issues raised by the council.

- 4.6 In light of the council's comments, SLG has commissioned Croft to update its appraisal further note which can be seen in Appendix 5. The advice confirms the following:
- (a) The Site is a sustainable location with access to local facilities and frequent bus services running in close proximity of the Site.
 - (b) The Wyndyke Farm mixed use development proposal is required to implement a range of off-site transport highway works to mitigate the impact of traffic likely to be generated; this will provide a substantially improved sustainable transport network and improved operation of Junction 4 of the M55. A review of the assessment work supporting the Wyndyke Farm proposals suggest that during peak periods the improved junction would operate at just over 90% capacity indicating that there is spare capacity to accommodate further traffic during peak periods.
 - (c) Evidence prepared by the local highways authority, Lancashire County Council, for the FLP examination¹⁵ reveals that a series of additional improvements (over and above those cited above) to the junction will be required to further increase traffic capacity to accommodate anticipated committed development during the FLP plan period. The document confirms that a range of traffic improvements to the junction could be undertaken within the limits of the adopted highway to increase traffic at AM and PM peak periods. It is pertinent to note that the document does not state that the junction is a significant constraint to further development throughout the plan period.
- 4.7 In light of this, it is SLG's view that there is no highways impediment in respect of accommodating further development in and around Junction 4 of the M55 and the Fylde-Blackpool periphery and there is clear evidence which demonstrates this position.

Site Prospectus & Delivery Strategy

- 4.8 SLG recognise that ensuring development on the Site is delivered as quickly as possible will be an important factor in helping support the council's housing objectives. It is worth noting that, as a land promoter, it is also in the interests of SLG to ensure early delivery.
- 4.9 If the Site were allocated for development, we would expect development on the site to proceed as indicated in table 1 below.

Action	Time From Allocation
Submit outline planning application	6 months
Outline permission granted	12 months
Commence marketing of Phase 1	12 months
Identify preferred developer for Phase 1	15 months
Exchange contracts with preferred developer	18 months
Submit Phase 1 Reserved Matters application	21 months
Phase 1 Reserved Matters permission granted	27 months
Start on site (infrastructure)	30 months
Start first dwelling	36 months
First dwelling completed	39 months

¹⁵ Examination document EL5.008

Table 1: Anticipated development timetable for Peel Hill Farm

- 4.10 The intention would be that the outline application would include a proposed masterplan for the site which identified distinct development parcels. The illustrative masterplan included within the Development Prospectus shows one way in which that could be achieved.
- 4.11 To ensure design quality is maintained, the outline application would also be supported by design parameters that the developer of each parcel would have to adhere to. This will pay particular attention to the main spine road and circulation route, to help give the overall scheme a consistent character and appearance.
- 4.12 That strategy would allow the site to be sold on a phased-basis. It is intended that parcels varying in size from 50 dwellings to 250 dwellings would be released to the market for sale at different times. The aim of that approach is to ensure that there are development parcels suitable for a wide range of developers, helping to deliver a mixed housing offer. It will also make sure that there is consistent developer interest in the site. That, in turn, will help accelerate delivery.
- 4.13 It is likely that parcels will be released for sale at 12 to 18 months intervals, with a maximum of 3 developers being active on the site at any given time. At peak output, we envisage a minimum of 60 dwelling per year would be achieved at the Site.
- 4.14 On that basis, we would expect delivery as per table 2.

2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	Total
0	0	0	23	30	60	60	60	60	60	60	60	60	60	593

Table 2: Anticipated development trajectory for Peel Hill Farm

Market Capacity

- 4.15 The Council have expressed concerns about the ability of the market to absorb the additional homes that development on the Peel Hill Farm site would provide. There is no evidence or justification for that assertion. To the contrary, the evidence points to their being no market difficulty at all with the delivery of additional homes over the proposed housing target.
- 4.16 Firstly, as we have covered elsewhere, the Council's own evidence points to the need for new homes being higher than the housing requirement currently proposed. It therefore stands to reason that there is market demand for additional homes – that is precisely what the SHMA is intended to assess.
- 4.17 Secondly, the council's housing trajectory also indicates that the market will be able to absorb additional homes across the Plan period. The latest housing trajectory accompanying this consultation shows the peak period for housing delivery to be Years 7 to 11 (2017-2021) when the council expect 3,252 new homes to be delivered. The Council has expressed no concern with the market's ability to absorb that number of homes. Indeed, their position is one of extreme confidence that it will be all be delivered,

leading them to the conclusion that they have a five-year housing land supply and that there is no need to introduce flexibility into the supply.

- 4.18 Delivery is then predicted to fall by 30% to 2,299 dwellings in Years 12 to 16 (2022-2026). A further fall of 60% to 876 dwellings is expected by years 17 to 21 (2027-2031). Based on those forecasts, delivery in that final five-year period will be at just a quarter of the level it is forecast to be over the next five-year period.
- 4.19 Should Peel Hill Farm be allocated for development, the delivery of new homes would be weighted towards the end of the Plan period. The homes would, therefore, be coming forward at exactly the time when the council expects delivery rates to be beginning to decline rapidly. Even with the extra homes that Peel Hill Farm would contribute to supply, the market would still be expected to absorb far fewer new homes than the council believe it is capable of over the next five-years.

- 4.20 Table 3 summarises that position:

	Years 7 to 11 (2017-2022)	Years 12 to 16 (2022-2026)	Years 17 to 21 (2027-2031)
Delivery Forecast in Housing Trajectory	3,252	2,299	876
Peel Hill Farm	53	390	337
Revised Total	3,305	2,689	1,213
Revised Total as a % of currently forecast peak delivery	101.6%	82.7%	37.3%

Table 3: Total delivery of new homes, with and without Peel Hill Farm

- 4.21 In contrast, allocating additional small sites, where delivery might reasonably be expected to occur earlier in the plan period, would have the effect of loading more homes into the market at the exact time when delivery rates are expected to be highest. That approach would therefore be expected to pose the greatest risk of exceeding market capacity (whatever that may actually be).
- 4.22 Based on the evidence, therefore, it can be concluded as follows:
- (a) Fylde Council's evidence base indicates there is market demand for a greater number of homes than are currently proposed.
 - (b) The likely development and disposal strategy of Peel Hill Farm would see new dwellings delivered into the market at a time when the Council forecasts delivery rates would be significantly below their peak, and falling.
 - (c) There is therefore no evidence of insufficient market capacity for the site, but there is ample evidence that market will be able to accommodate the new homes.

5. Conclusions

- 5.1 These representations have been made on behalf of the Strategic Land Group (SLG) in respect of additional evidence that has been prepared by Fylde Borough Council to support its Local Plan. SLG maintains its objection to the Fylde Local Plan (FLP) on the following basis:
- (a) The revised housing requirement now advanced for the FLP is not justified and effective and at odds with the independent evidence base which inherently seeks to underpin and support it (see separate representations made directly to the council by SLG).
 - (b) Proposed revisions to the FLP's housing supply and anticipated trajectory across both the immediate five year period and across the plan period is insufficient to meet the housing requirement (at 415 dpa or 430 dpa) and significantly lacks the necessary flexibility and contingency to ensure a continuous level (and boost) in housing supply and an ability to respond to rapid change. As a result, the FLP as proposed is ineffective and will fail.
 - (c) The emergence of the Wyre Local Plan and associated evidence based warrants reconsideration of the FLP's response to whether it can and should accommodate unmet housing need arising from Wyre.
- 5.2 The individual severity of each and the combination of these concerns all point to an unsound and an ineffective plan. Further residential land allocations are required to rectify the effectiveness of the plan, its compliance with national policy and overall soundness.
- 5.3 SLG has provided detailed information to justify the suitability and deliverability of Peel Hill Farm and Fylde Borough Council should positively identify it as a residential allocation to meet development needs and rectify deficiencies in the FLP.

Appendix 1: Joint 5YHLS Statement

Ship Canal House
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Manchester M2 4WU

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manchester@lichfields.uk
lichfields.uk

Mr T Blackburn
15 Ottawa Close
Blackburn
BB2 7EB

Date: 14 September 2017
Our ref: 41917/02/MW/PN/14780793v1
Your ref:

Dear Mr Blackburn

This Statement has been prepared for the Inspector's attention on behalf of representatives of the development industry with land interests in Fylde and who were, either themselves or through their agents, in attendance at the Fylde Local Plan Examination in Public [EiP] Stage 2 Hearing Sessions in June 2017. They include Colin Robinson of Lichfields (on behalf of Taylor Wimpey UK Limited), Graham Lamb of Pegasus Planning (on behalf of Hallam Land Management Limited), Stephen Harris of Emery Planning (on behalf of Wainhomes Limited) and David Diggle of Turleys (on behalf of Strategic Land Group).

The EiP Inspector will recall that on days 1 and 2 (Tuesday 20th and Wednesday 21st June 2017) of the Stage 2 hearing sessions a forensic examination was undertaken regarding the delivery from several sites in the Council's Five Year Housing Land Supply [5YHLS] trajectory from June 2017¹. A general consensus was reached between all parties (including the Council) in relation to the delivery of many of the sites and it was the understanding of the undersigned parties that the agreed position would be accurately reflected when the Council produced and published its updated 5YHLS position for consultation.

As part of the current Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032, Fylde Borough Council [FBC] has published a 'Five Year Housing Supply Statement, base dated 31st March 2017 Examination in Public Edit July 2017' [July 2017 HSS]. The July 2017 HSS states that the Council considers it can demonstrate a 5.1 year supply of housing land, based on the Sedgefield method.

The undersigned parties have now reviewed the updated July 2017 HSS and wish to notify the Inspector that the claimed delivery from many of the sites does not reflect the general consensus reached and/or points discussed had during the Stage 2 hearing sessions.

This statement addresses each site in turn and for each site, sets out:

- 1 A summary of the points discussed and/or consensus reached;
- 2 The delivery from the site set out in the June 2017 HSS;
- 3 The expected delivery following the Stage 2 Hearings;
- 4 The delivery from the site set out in the July 2017 HSS; and,

¹ Set out in the 'Five Year Housing Supply Statement, base dated 31st March 2017.'

- 5 A summary of how the delivery in the July 2017 HSS reflects, or otherwise, the points discussed and/or general consensus reached at the Stage 2 Hearing Sessions.

Fairways, Heeley Road, St Annes - HS12

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 1 Housing Supply from Fairways, Heeley Road, St Annes - HS12

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	5	0	20
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	5	0	20

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 20 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Kingsway Garage, St Annes - HS13

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 2 Housing Supply from Kingsway Garage, St Annes - HS13

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	15	0	30
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 30 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Axa, Lytham - HS14

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 3 Housing Supply from Axa, Lytham - HS14

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	30	0	45
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	0	45

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 45 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Land to the West, Ballam Road, Lytham - HS15

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 4 Housing Supply from Land to the West, Ballam Road, Lytham - HS15

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	12	0	0	0	12
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	9	0	0	0	0	9

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 9 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4

Discussions at Stage 2 hearings: To reflect advice of developer/agent, delivery rates should be adjusted to 45 dwellings per year with delivery starting in Q4 2017/18 (i.e. ¼ of a year's delivery in 2017/18).

Table 5 Housing Supply from Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	60	60	60	60	270
Consensus reached at stage 2 Hearing Sessions	11	45	45	45	45	191
July 2017 HSS	30	45	45	45	45	210

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 19 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings and has provided no evidence that the developer has indicated an earlier start to deliveries.

Oaklands Caravan Park, 252 Lytham Road, Warton – HS27

Discussions at Stage 2 hearings: This site is very unlikely to come forward for housing within the 5 year period as it is an active caravan park. Therefore it should be removed from the 5YHLS.

Table 6 Housing Supply from Oaklands Caravan Park, 252 Lytham Road, Warton – HS27

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	30	8	53
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	8	53

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 53 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

The Pastures, Fleetwood Road, Wesham - HSS8

Discussions at Stage 2 hearings: No increase in delivery from this site was discussed and agreed at the Stage 2 hearings.

Table 7 Housing Supply from The Pastures, Fleetwood Road, Wesham - HSS8

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	30	30	30	30	150
Consensus reached at stage 2 Hearing Sessions	30	30	30	30	30	150
July 2017 HSS	39	39	38	38	38	192

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 42 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

Elswick Neighbourhood Development Plan Allocation

Discussions at Stage 2 hearings: No increase in delivery from this site was discussed or a consensus reached at the Stage 2 hearings.

Table 8 Housing Supply from Elswick Neighbourhood Development Plan Allocation

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	0	0	15	15
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	15	15
July 2017 HSS	0	0	15	30	5	50

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 35 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

Rear of 54 Bryning Lane, Wrea Green - HS45

Discussions at Stage 2 hearings: No increase in delivery from this site was discussed and agreed at the Stage 2 hearings.

Table 9 Housing Supply from Rear of 54 Bryning Lane, Wrea Green - HS45

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	15	10	0	0	25
Consensus reached at stage 2 Hearing Sessions	0	15	10	0	0	25
July 2017 HSS	0	15	21	0	0	36

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 11 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

Rowan Close, Ash Lane – HS50

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 10 Housing Supply from Rowan Close, Ash Lane – HS50

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	15	0	30
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 30 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Pennine View – HS30

Discussions at Stage 2 hearings: Planning Permission has lapsed and this site should therefore not be included in the 5YHLS.

Table 11 Housing Supply from Pennine View – HS30

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	0	0	12	12
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	0	0	12	12

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 12 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Queensway, St Annes – HSS1

Discussions at Stage 2 hearings: At least a year of site preparation works was required (potentially more given that there are significant issues with delivering the required link road for which funding had not yet been approved). The funding was based on 30 dwellings per annum over the next 12 years. A general consensus was reached however regarding the start of delivery on the site, which would be pushed back to 2018/19.

The Council claimed that the delivery rates it used were based on direct information from the developer (Kensington Developments) however no representatives of the developer were in attendance to confirm this point. The Inspector requested that the Council provide evidence of the anticipated build out rates or of past build rates on other Kensington sites.

Table 12 Housing Supply from Queensway, St.Annes (HSS1)

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	60	60	60	60	270
Position discussed at stage 2 Hearing Sessions	0	30	45	60	60	195
July 2017 HSS	0	50	100	100	100	350

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council appears to have taken on board the consensus reached over when delivery will start on the site but is now claiming significantly higher rates of delivery in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS without any evidence or justification for doing so.

Conclusion

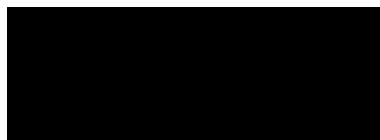
In total it is considered that the Council has included 306 additional dwellings in the July 2017 HSS than was expected following the discussions and general consensus reached during the Stage 2 hearing sessions. Furthermore, the Council has not provided any evidence or justification for its claimed delivery from the sites set out in this statement.

Delivery was also questioned on other sites (including Jubilee House, Valentines Kennels and Brook Farm, Dowbridge) and whilst no consensus was reached in terms of reducing delivery rates on these sites, this suggests that further reductions may be required to the wider 5 year supply, and that 306 dwelling figure should be viewed as a minimum reduction.

The undersigned parties confirm that this statement gives a fair reflection of the discussions during the Stage 2 hearing sessions to the best of their recollection.

This joint statement focusses upon our understanding of the agreements reached between the parties, in respect of the 5YHLS. However, some of the representors to the Local Plan will, through separate representations, make additional comments in respect of housing supply across the plan period.

Colin Robinson Lichfields
(on behalf of Taylor Wimpey UK Limited)



Graham Lamb Pegasus Planning
(on behalf of Hallam Land Management Limited)



Stephen Harris Emery Planning
(on behalf of Wainhomes Limited)



David Diggle Turleys
(on behalf of Strategic Land Group)



Appendix 2: Kensington Developments – Financial Accounts 2016

Registration number: 02591373

Kensington Developments Limited

Annual Report and Financial Statements

for the Year Ended 31 August 2016



A6795GSH

A16 26/05/2017 #305
COMPANIES HOUSE

Horne Brooke Shenton
Chartered Accountants & Registered Auditors
15 Olympic Court Boardmans Way
Whitehills Business Park
Blackpool
FY4 5GU

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Kensington Developments Limited

Company Information

Directors Mr D Barrow
Mr D Tingle (appointed 21st March 2016)

Company secretary Mr D Tingle

Registered office 94 Park View Road
Lytham ST Annes
Lancashire
FY8 4JF

Auditors Horne Brooke Shenton
Chartered Accountants & Registered Auditors
15 Olympic Court Boardmans Way
Whitehills Business Park
Blackpool
FY4 5GU

Kensington Developments Limited

Directors' Report for the Year Ended 31 August 2016

The directors present their report and the financial statements for the year ended 31 August 2016.

Directors of the company

The directors who held office during the year were as follows:

Mr D Barrow

Mr D Tingle (appointed 21 March 2016)

Principal activity

The principal activity of the company is development and sale of private housing

Non adjusting event after the financial period

Details of a non adjusting event after the financial period can be found in note 16 of the accounts.

Disclosure of information to the auditors

Each director has taken steps that they ought to have taken as a director in order to make themselves aware of any relevant audit information and to establish that the company's auditors are aware of that information. The directors confirm that there is no relevant information that they know of and of which they know the auditors are unaware.

Reappointment of auditors

In accordance with section 485 of the Companies Act 2006, a resolution for the re-appointment of Horne Brooke Shenton as auditors of the company is to be proposed at the forthcoming Annual General Meeting.

Small companies provision statement

This report has been prepared in accordance with the special provisions relating to companies subject to the small companies regime within Part 15 of the Companies Act 2006.

Approved by the Board on 19 May 2017 and signed on its behalf by:

[Redacted]
Mr D Tingle/
Director

Kensington Developments Limited**Statement of Directors' Responsibilities**

The directors acknowledge their responsibilities for preparing the Annual Report and the financial statements in accordance with applicable law and regulations.

Company law requires the directors to prepare financial statements for each financial year. Under that law the directors have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). Under company law the directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the state of affairs of the company and of the profit or loss of the company for that period. In preparing these financial statements, the directors are required to:

- select suitable accounting policies and apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the company will continue in business.

The directors are responsible for keeping adequate accounting records that are sufficient to show and explain the company's transactions and disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 2006 and in accordance with FRS 102 Section 1A The Financial Reporting Standard applicable to the Small-entities Regime. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Kensington Developments Limited

Independent Auditor's Report to the Members of Kensington Developments Limited

We have audited the financial statements of Kensington Developments Limited for the year ended 31 August 2016, set out on pages 6 to 23. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice) including FRS 102 Section 1A 'The Financial Reporting Standard applicable in the UK and Republic of Ireland'.

This report is made solely to the company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006. Our audit work has been undertaken so that we might state to the company's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the company and the company's members as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of directors and auditor

As explained more fully in the Statement of Directors' Responsibilities (set out on page 3), the directors are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's (APB's) Ethical Standards for Auditors to the financial statements, including "APB Ethical Standard - Provisions Available for Small Entities (Revised)".

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the company's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the directors; and the overall presentation of the financial statements. In addition, we read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by us in the course of performing the audit. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.

Opinion on the financial statements

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 August 2016 and of its profit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice applicable to smaller entities; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

Kensington Developments Limited**Independent Auditor's Report to the Members of Kensington Developments Limited****Opinion on other matter prescribed by the Companies Act 2006**

In our opinion, based on the work undertaken in the course of the audit:

- the information given in the Directors' Report for the financial year for which the financial statements are prepared is consistent with the financial statements; and
- the Directors' Report has been prepared in accordance with applicable legal requirements.

In the light of our knowledge and understanding of the company and its environment obtained in the course of the audit, we have not identified material misstatements in the Directors' Report.

Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit; or
- the directors were not entitled to prepare the financial statements in accordance with the small companies regime and take advantage of the small companies exemption in preparing the Directors' Report.

[REDACTED]
Diane Garlick ACA FCCA (Senior Statutory Auditor)
For and on behalf of Horne Brooke Shenton, Statutory Auditor

15 Olympic Court Boardmans Way
Whitehills Business Park
Blackpool
FY4 5GU

19 May 2017

Kensington Developments Limited**Statement of Income and Retained Earnings for the Year Ended 31 August 2016**

	Note	2016 £	2015 £
Turnover		8,930,547	9,075,052
Cost of sales - Recurring		(6,570,837)	(8,799,602)
Cost of sales - Exceptional	4	-	1,510,683
Cost of sales		(6,570,837)	(7,288,919)
Gross profit		2,359,710	1,786,133
Distribution costs		(215)	(300)
Administrative expenses		(1,748,703)	(1,519,575)
Other operating income		206,059	63,169
Operating profit		816,851	329,427
Other interest receivable and similar income		4,499	3,077
Interest payable and similar charges		(368,288)	(133,364)
		(363,789)	(130,287)
Profit before tax		453,062	199,140
Taxation		(117,157)	(72,132)
Profit for the financial year		335,905	127,008
Retained earnings brought forward		171,063	44,055
Retained earnings carried forward		506,968	171,063

The notes on pages 10 to 23 form an integral part of these financial statements.

Kensington Developments Limited**Statement of Comprehensive Income for the Year Ended 31 August 2016**

	2016 £	2015 £
Profit for the year	335,905	127,008
Surplus/(deficit) on intangible asset revaluation	<u>84,684</u>	-
Total comprehensive income for the year	<u><u>420,589</u></u>	<u><u>127,008</u></u>

The notes on pages 10 to 23 form an integral part of these financial statements.

Kensington Developments Limited

(Registration number: 02591373)
Balance Sheet as at 31 August 2016

	Note	2016 £	2015 £
Fixed assets			
Intangible assets	6	98,400	138,900
Tangible assets	7	21,411	11,923
Investments	8	4	4
		<u>119,815</u>	<u>150,827</u>
Current assets			
Stocks	9	27,842,925	22,364,228
Debtors	10	4,418,151	4,419,412
Deferred tax	10	519,453	635,601
Cash at bank and in hand		<u>102,410</u>	<u>403,234</u>
		<u>32,882,939</u>	<u>27,822,475</u>
Creditors: Amounts falling due within one year	11	<u>(30,554,454)</u>	<u>(8,483,908)</u>
Net current assets		<u>2,328,485</u>	<u>19,338,567</u>
Total assets less current liabilities		2,448,300	19,489,394
Creditors: Amounts falling due after more than one year	11	<u>(1,707,648)</u>	<u>(19,185,331)</u>
Provisions for liabilities		<u>(74,000)</u>	<u>(58,000)</u>
Net assets		<u>666,652</u>	<u>246,063</u>
Capital and reserves			
Called up share capital		75,000	75,000
Revaluation reserve		84,684	-
Profit and loss account		<u>506,968</u>	<u>171,063</u>
Total equity		<u>666,652</u>	<u>246,063</u>

These financial statements have been prepared and delivered in accordance with the special provisions relating to companies subject to the small companies regime within Part 15 of the Companies Act 2006 and FRS 102 Section 1A.

The directors acknowledge their responsibilities for complying with the requirements of the Companies Act 2006 with respect to accounting records and the preparation of accounts.

Approved and authorised by the Board on 19 May 2017 and signed on its behalf by:

Mr D Tingle

Director

Kensington Developments Limited

Statement of Changes in Equity for the Year Ended 31 August 2016

	Share capital £	Revaluation reserve £	Profit and loss account £	Total £
At 1 September 2015	75,000	-	171,063	246,063
Profit for the year	-	-	335,905	335,905
Other comprehensive income	-	84,684	-	84,684
Total comprehensive income	-	84,684	335,905	420,589
At 31 August 2016	75,000	84,684	506,968	666,652
			Profit and loss account £	Total £
At 1 September 2014	75,000	44,055	119,055	
Profit for the year	-	127,008	127,008	
Total comprehensive income	-	127,008	127,008	
At 31 August 2015	75,000	171,063	246,063	

The notes on pages 10 to 23 form an integral part of these financial statements.

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Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

1 General information

The company is a private company limited by share capital incorporated in England and Wales.

The address of its registered office is:

94 Park View Road
Lytham ST Annes
Lancashire
FY8 4JF

These financial statements were authorised for issue by the Board on 19 May 2017.

2 Accounting policies

Summary of significant accounting policies and key accounting estimates

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

These financial statements are prepared for the individual company as a member of a small group.

Statement of compliance

These financial statements have been prepared in accordance with Financial Reporting Standard 102 Section 1A small entities - 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' and the Companies Act 2006.

This is the first year in which the financial statements have been prepared in accordance with FRS 102 Section 1A. The date of transition is 1st September 2014.

The transition to FRS 102 Section 1A small entities has resulted in a small number of changes in accounting policies to those used previously.

The nature of these changes and their impact on opening equity and profit for the comparative period are explained in note 17.

The company directors have elected to adopt the new small companies thresholds as provided within The Companies, Partnerships and Groups (Accounts and Reports) Regulations 2015 (SI 2015/980) for the accounting period commencing 1st September 2015.

Basis of preparation

These financial statements have been prepared using the historical cost convention except that as disclosed in the accounting policies certain items are shown at fair value.

The financial statements are presented in Sterling (£) and are rounded to the nearest whole pound.

FRS 102 has been applied early as permitted by the standard.

Summary of disclosure exemptions

The company has taken advantage of exemptions in respect of the disclosure of transactions with other companies that are wholly owned within the group in line with FRS 102 33.1A.

Going concern

The financial statements have been prepared on a going concern basis.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

Changes in accounting policy

New standards, interpretations and amendments effective

The following have been applied for the first time from 1 September 2015 and have had an effect on the financial statements:

Ground rents capitalisation

Following changes in FRS 102 the company has applied changes to the accounting policy in respect of recognising ground rents in the accounts. The ground rents are recognised initially at cost and then revalued at the year end to their fair value.

	Relating to the current period disclosed in these financial statements	Relating to the prior period disclosed in these financial statements	Relating to periods before the prior period disclosed in these financial statements
	£	£	£
Intangible assets revaluation	84,684	-	-
Revaluation reserve	<u>(84,684)</u>	<u>-</u>	<u>-</u>

The change in accounting policy is to bring it in line with section 18 of FRS 102. The company has taken the exemption in section 35.10 section (c) of FRS 102 and as an early adopter, has elected to measure ground rents at fair value which has been used as the deemed cost at the date of transition.

Changes in accounting estimate

Ground rents

During the year the company has changed its accounting estimate in relation to the cost of Ground rents. Due to the requirements of FRS 102 the directors felt it was more appropriate to allocate the cost of Ground rents based on the estimated freehold land cost as a percentage of total sales revenue per development.

The effect of the change on assets, liabilities, income and expense in the current year is as follows:

	£
Intangible asset additions	16,116
Land Costs - Stock	<u>(16,116)</u>

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

Critical accounting judgements and key sources of estimation uncertainty

In the application of the company's accounting policies, management is required to make judgements, estimates and assumptions about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and underlying assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of revision and the future periods if the revision affects both current and future periods.

The key sources of judgements, estimates and assumptions about the carrying values of assets and liabilities that have a significant effect on the amounts recognised in the financial statements are detailed in the accounting policies below and relate to

- short term compensated absences
- revenue recognition
- construction services
- recognition of intangible assets

Revenue recognition

The turnover shown in the profit and loss account represents sales of properties or land and charges of construction services net of value added tax.

Sales of properties or land are recognised when legal completion has been achieved

The sale of significant parcels of land are recognised on exchange of contract in the event that the likelihood of the contract reaching completion is known with a high degree of certainty by the end of the relevant accounting period.

Construction services are recognised in proportion to the amount of certified work completed during the period.

Tax

The tax expense for the period comprises current and deferred tax. Tax is recognised in profit or loss, except that a change attributable to an item of income or expense recognised as other comprehensive income is also recognised directly in other comprehensive income.

The current income tax charge is calculated on the basis of tax rates and laws that have been enacted or substantively enacted by the reporting date in the countries where the company operates and generates taxable income.

Deferred income tax is recognised on temporary differences arising between the tax bases of assets and liabilities and their carrying amounts in the financial statements and on unused tax losses or tax credits in the company. Deferred income tax is determined using tax rates and laws that have been enacted or substantively enacted by the reporting date.

The carrying amount of deferred tax assets are reviewed at each reporting date and a valuation allowance is set up against deferred tax assets so that the net carrying amount equals the highest amount that is more likely than not to be recovered based on current or future taxable profit.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

Tangible assets

Tangible assets are stated in the statement of financial position at cost, less any subsequent accumulated depreciation and subsequent accumulated impairment losses.

The cost of tangible assets includes directly attributable incremental costs incurred in their acquisition and installation.

Depreciation

Depreciation is charged so as to write off the cost of assets, other than land and properties under construction over their estimated useful lives, as follows:

Asset class	Depreciation method and rate
Plant and machinery	25% straight line
Office furniture	10% straight line
Motor vehicles	25% straight line
Office equipment	20% straight line
Computer equipment	33% straight line
Sales & site cabins	33% straight line

Business combinations

Business combinations are accounted for using the purchase method. The consideration for each acquisition is measured at the aggregate of the fair values at acquisition date of assets given, liabilities incurred or assumed, and equity instruments issued by the group in exchange for control of the acquired, plus any costs directly attributable to the business combination. When a business combination agreement provides for an adjustment to the cost of the combination contingent on future events, the group includes the estimated amount of that adjustment in the cost of the combination at the acquisition date if the adjustment is probable and can be measured reliably.

Intangible assets

Ground rents are initially recorded at cost when purchased.

Internally generated ground rents are recorded at cost, based on the estimated cost of acquiring the freehold interest in the land to which the ground rent relates. All ground rents are revalued at the balance sheet date at their fair value.

Ground rents are not amortised as they are held on a 999 year lease and any amortisation is immaterial.

Amortisation

Amortisation is provided on intangible assets so as to write off the cost, less any estimated residual value, over their useful life as follows:

Asset class	Amortisation method and rate
Ground rents	Nil

Investments

Fixed asset investments are stated at historical cost less provision for any diminution in value.

Interest income on debt securities, where applicable, is recognised in income using the effective interest method. Dividends on equity securities are recognised in income when receivable.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and call deposits, and other short-term highly liquid investments that are readily convertible to a known amount of cash and are subject to an insignificant risk of change in value.

Trade debtors

Trade debtors are amounts due from customers for rents due and construction work invoiced in the ordinary course of business.

Stocks

Stocks are stated at the lower of cost and net realisable value after making due allowances for obsolete, slow moving items and foreseeable losses.

Work in progress is stated at costs incurred, including development fees capitalised, less those transferred to the profit and loss account after deducting foreseeable losses. For sites under development, and housing in the course of construction, cost is taken as all direct costs incurred in bringing them to their present condition.

The amount of profit attributable in the period on housing construction is recognised when legal completion has been achieved.

Trade creditors

Trade creditors are obligations to pay for goods or services that have been acquired in the ordinary course of business from suppliers.

Borrowings

Interest-bearing borrowings are initially recorded at fair value, net of transaction costs. Interest-bearing borrowings are subsequently carried at amortised cost, with the difference between the proceeds, net of transaction costs, and the amount due on redemption being recognised as a charge to the Profit and Loss Account over the period of the relevant borrowing.

Interest expense is recognised on the basis of the effective interest method and is included in interest payable and similar charges.

Borrowings are classified as current liabilities unless the company has an unconditional right to defer settlement of the liability for at least twelve months after the reporting date.

Provisions

Provisions are recognised when the company has an obligation at the reporting date as a result of a past event, it is probable that the company will be required to settle that obligation and a reliable estimate can be made of the amount of the obligation.

Leases

Leases in which substantially all the risks and rewards of ownership are retained by the lessor are classified as operating leases. Payments made under operating leases are charged to profit or loss on a straight-line basis over the period of the lease.

Share capital

Ordinary shares are classified as equity. Equity instruments are measured at the fair value of the cash or other resources received or receivable, net of the direct costs of issuing the equity instruments. If payment is deferred and the time value of money is material, the initial measurement is on a present value basis.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

Financial instruments

Recognition and measurement

Financial instruments are classified and accounted for, according to the substance of the contractual arrangement, as financial assets, financial liabilities or equity instruments. An equity instrument is any contract that evidences a residual interest in the assets of the company after deducting all of its liabilities. Where shares are issued, any component that creates a financial liability of the company is presented as a liability in the balance sheet. The corresponding dividends relating to the liability component are charged as interest expense in the profit and loss account.

Inter-group balances (being repayable on demand), trade debtors, trade creditors and other loans are measured at the undiscounted amount of cash or other consideration expected to be paid or received.

3 Staff numbers

The average number of persons employed by the company (including directors) during the year, was 29 (2015 - 24).

4 Exceptional items

Included in cost of sales is a net credit of £Nil (2015 - £1,510.683) which relates to the release of a provision against the cost of land on and surrounding Dock Road in Lytham St Annes. This treatment is in accordance with the company's policy of stating costs at the lower of cost and net realisable value after making due allowance for obsolete, slow moving items and foreseeable losses.

5 Auditors' remuneration

	2016	2015
	£	£
Audit of the financial statements	16,000	18,000

This is the cost of the audit for all members of the group, but as Kensington Developments Limited is the main trading company, it bears the full cost and does not recharge to the holding company or other members of the group. The nominal value for auditing the other group members is £4,500 (2015 - £5,500).

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

6 Intangible assets

	Ground rents £	Total £
Cost or valuation		
At 1 September 2015	138,900	138,900
Additions	16,116	16,116
Revaluations	84,684	84,684
Disposals	<u>(141,300)</u>	<u>(141,300)</u>
At 31 August 2016	98,400	98,400
Amortisation		
At 31 August 2016	-	-
Carrying amount		
At 31 August 2016	<u>98,400</u>	<u>98,400</u>
At 31 August 2015	<u>138,900</u>	<u>138,900</u>

Intangible assets carried at revalued amounts

The fair value of the company's Ground rents was revalued on 31 August 2016 by the directors. An independent valuer was not involved. The Ground rents have been valued based on prior history of sales at 12 times annual rental yield.

Had this class of asset been measured on a historical cost basis, their carrying amount would have been £16,116 (2015 - £138,900).

The amounts transferred to the revaluation reserve of £84,684 (2015 - £Nil) have no impact for taxation purposes.

Kensington Developments Limited**Notes to the Financial Statements for the Year Ended 31 August 2016****7 Tangible assets**

	Furniture, fittings and equipment £	Motor vehicles £	Other property, plant and equipment £	Total £
Cost or valuation				
At 1 September 2015	112,236	12,965	47,480	172,681
Additions	189	-	16,265	16,454
At 31 August 2016	<u>112,425</u>	<u>12,965</u>	<u>63,745</u>	<u>189,135</u>
Depreciation				
At 1 September 2015	108,695	12,965	39,100	160,760
Charge for the year	1,007	-	5,957	6,964
At 31 August 2016	<u>109,702</u>	<u>12,965</u>	<u>45,057</u>	<u>167,724</u>
Carrying amount				
At 31 August 2016	2,723	-	18,688	21,411
At 31 August 2015	<u>3,541</u>	<u>-</u>	<u>8,382</u>	<u>11,923</u>

Kensington Developments Limited**Notes to the Financial Statements for the Year Ended 31 August 2016****8 Investments**

	2016 £	2015 £
Investments in subsidiaries	<u>4</u>	<u>4</u>
Subsidiaries		£
Cost or valuation		
At 1 September 2015		4
Provision		-
Carrying amount		
At 31 August 2016		4
At 31 August 2015		4

9 Stocks

	2016 £	2015 £
Development land	17,963,127	17,815,435
Work in progress	<u>9,879,798</u>	<u>4,548,793</u>
	<u>27,842,925</u>	<u>22,364,228</u>

10 Debtors

	Note	2016 £	2015 £
Trade debtors		8,488	28,482
Amounts owed by group undertakings		4,060,745	4,060,745
Amounts owed by related parties	14	210,998	211,796
Other debtors		123,280	104,635
Prepayments and accrued income		<u>14,640</u>	<u>13,754</u>
		<u>4,418,151</u>	<u>4,419,412</u>
Deferred tax		<u>519,453</u>	<u>635,601</u>
Total current trade and other debtors		<u>4,937,604</u>	<u>5,055,013</u>

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

11 Creditors

	Note	2016 £	2015 £
Due within one year			
Trade creditors		858,956	793,726
Non-convertible debentures	12	1,000,000	1,000,000
Bank loans and overdrafts	12	4,568,525	1,794,828
Amounts owed to group undertakings		4,090,501	4,089,886
Amounts due from related parties	14	420,519	432,558
Taxation and social security		79,482	54,161
Other creditors		18,391,285	161,658
Accrued expenses		1,145,186	157,091
		<u>30,554,454</u>	<u>8,483,908</u>
Due after one year			
Loans and borrowings	12	1,707,648	-
Other non-current financial liabilities		-	19,185,331
		<u>1,707,648</u>	<u>19,185,331</u>

Included in other creditors due within one year is £18,200,000 which, was included in amounts due after one year in the previous period. This change is in line with the terms of the loan agreement.

Included in accrued expenses due within one year is £985,331 which, was included in amounts due after one year in the previous period. This change is in line with the terms of the loan agreement.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

12 Loans and borrowings

	2016 £	2015 £
Non-current loans and borrowings		
Bank borrowings	<u>1,707,648</u>	-
Current loans and borrowings		
Bank borrowings	3,965,540	1,399,443
Bank overdrafts	602,985	395,385
Non-convertible debentures	<u>1,000,000</u>	<u>1,000,000</u>
	<u>5,568,525</u>	<u>2,794,828</u>

Bank borrowings

Bank loans are denominated in sterling with a nominal interest rate of LIBOR, and the final instalment is due on 31 March 2019. The carrying amount at year end is £5,673,188 (2015 - £1,399,443).

The loan facility with the bank is secured against certain assets of the group.

Other borrowings

Non-convertible debentures with a carrying amount of £1,000,000 (2015 - £1,000,000) are denominated in Sterling with a nominal interest rate of 2% above base. The final instalment is due on 30 April 2017.

The loan facility with the M. A. Hawe Settlement is secured by way of a debture dated 30th April 1996.

13 Financial commitments, guarantees and contingencies

The total amount of guarantees not included in the balance sheet is £296,500 (2015 - £110,000). The NHBC has offered guarantees to local authorities for road and sewer bonds on behalf of the company.

The total amount of contingencies not included in the balance sheet is £750,000 (2015 - £750,000). During the previous year the company purchased land from a related party being Kensington Developments (1991) Limited for an initial amount of £500,000. A further amount of £750,000 is payable upon certain conditions being met. The timing of these conditions is uncertain and as such in line with FRS 102 the company has not recognised the transactions as a provision. Should these conditions be met at some point in the future the company will become liable for the additional amount.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

14 Related party transactions

Summary of transactions with other related parties

The M. A. Hawe Settlement

One fixed term loan agreement has been granted by The M A Hawe Settlement, at an interest rate of 2% above the Royal Bank of Scotland base rate. The M.A. Hawe Settlement is a charity of which Mr M. G. Hawe is a trustee. Mr M. G. Hawe is also one of the trustees of the M A Hawe estate which was the principal shareholder and ultimate controlling party of the group throughout the period. The loan is for a period of 18 months and is due to be repaid 30th April 2017. The loan is repayable on demand should the M A Hawe Settlement give appropriate notice. During the year Kensington Developments Limited was charged interest on the loans totalling £24,876 (2015 - £32,159). Accrued interest due to the settlement amounts to £58,299 (2015 - £33,423). At the balance sheet date the amount due to The M. A. Hawe Settlement was £1,000,000 (2015 - £1,000,000).

KDL Pension Fund

During the year the company has operated a trading non interest bearing current account with KDL Pension Fund, Mrs G Hawe was the sole member of the KDL Pension Fund throughout the period. The company also paid rent to the KDL Pension Fund of £25,900 (2015 - £37,000) in the year. At the balance sheet date the amount due to KDL Pension Fund was £25,238 (2015 - £Nil).

Kensington Developments (2002) Limited

During the year the company operated a non interest bearing current account with Kensington Developments (2002) Limited of which the executors of the M. A. Hawe estate are the ultimate controlling party. At the balance sheet date the amount due to Kensington Developments (2002) Limited was £382,558 (2015 - £432,558).

Kensington House Trust

During the year the company paid some expenses on behalf of the Kensington House Trust. One of the executors of the M. A. Hawe estate is a trustee of the Kensington House Trust. At the balance sheet date the amount due from Kensington House Trust was £Nil (2015 - £26,618).

The Kensington Partnership

During a previous period the company paid some expenses on behalf of the Kensington Partnership. The Kensington Partnership comprises of two trusts for which the executors of the M. A. Hawe estate and Mr D. Barrow were the settlors and beneficiaries. At the balance sheet date the amount due from The Kensington Partnership was £4,230 (2015 - £4,230).

Kensington Developments (Queensway) Limited

During the period the company operated a non interest bearing current account with Kensington Developments (Queensway) Limited. A net amount of £(1,000) (2015 - £32,248) was charged in the period by the company in respect of a contribution towards the work completed on the site less administration charges incurred by Kensington Developments (Queensway) Limited. The executors of the M. A. Hawe estate are the principal shareholder and ultimate controlling party of both companies. At the balance sheet date the amount due from Kensington Developments (Queensway) Limited was £206,768 (2015 - £207,566).

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

Summary of transactions with related parties continued..

Kensington Developments Trustee Limited

On the 3rd January 2012 the company entered into a loan agreement with Kensington Developments (2002) Limited for £18,200,000 on normal commercial terms. The loan agreement as varied in 2014 states that the loan is repayable 12 months after the principal is demanded. On 4th January 2012 an agreement was made between Kensington Developments (2002) Limited and Kensington Developments Trustee Limited where the debt owed by Kensington Developments Limited to Kensington Developments (2002) Limited was assigned from Kensington Developments (2002) Limited to Kensington Developments Trustee Limited. Kensington Developments Trustee Limited is the corporate trustee of an Employee Benefit Trust for the benefit of the employees of Kensington Developments Limited. The terms of the original loan agreement (as varied in 2014) are not altered in anyway other than the debt now being owed to Kensington Developments Trustee Limited. Interest is being charged on the loan at 0% from 1st September 2014 and total interest charged in the period was £Nil (2015 - £Nil). Interest accrued to date was £985,331 (2015 - £985,331). At the balance sheet date the amount due to Kensington Developments Trustee Limited was £18,200,000 (2015 - £18,200,000).

Denley Barrow SIPP

During the year the company operated a non interest bearing current account with the Denley Barrow SIPP. Mr D. Barrow is a director of the company. The company also paid rent to the KDL Pension Fund of £11,100 (2015 - £Nil) in the year. At the balance sheet date the amount due to Denley Barrow SIPP was £Nil (2015 - £Nil).

15 Parent and ultimate parent undertaking

The company's immediate parent is Kensington Developments Holdings Limited, incorporated in England.

94 Park View Road
Lytham ST Annes
Lancashire
FY8 4JF

The ultimate controlling party is The Executors & Trustees of Mr M A Hawe's estate, Mr M. G. Hawe and Mr K. G. Melling.

16 Non adjusting events after the financial period

A conditional agreement was in place at the year end and has since been satisfied. As the contract was only satisfied after the balance sheet date, the costs associated with it only become payable in the next financial year. No impact on the results is reflected in these accounts. The contract covers an annual cost of £30,000, payable as and when certain performance related requirements are met.

Kensington Developments Limited

Notes to the Financial Statements for the Year Ended 31 August 2016

17 Transition to FRS 102

This is the first year that the company has presented its financial statements under Financial Reporting Standard 102 (FRS 102) issued by the Financial Reporting Council. The last financial statements under previous UK GAAP were for the year ended 31st August 2015 and the date of transition to FRS 102 was therefore 1st September 2014. The only adjustment arising on transition to FRS102 is in relation to short-term compensated absences as detailed below:

Prior to the adoption of FRS102, Kensington Developments Limited did not make provision for holiday pay earned but not taken before the year end. FRS 102 requires the cost of short-term compensated absences to be recognised when employees render the services that increases their entitlement.

Consequently an additional wage accrual of £8,667 at 1st September 2014 has been made to reflect this. The provision at 31st August 2015 had increased to £9,087 and the increase in provision of £420 has been charged to equity reserves in the year ended 31st August 2015.

The company has also changed it's accounting policy in respect of the capitalisation of ground rents as described in note 2, accounting policies to take account of the changes in treatment of internally generated intangible assets in line with section 18 of FRS 102. This has had no effect on the figures as previously reported.

	1st September 2014	31st August 2015
	£	£
Shareholders' funds (as previously stated)	127,722	255,150
Adjustment for holiday pay accrual	(8,667)	(9,087)
Shareholders' funds (as restated)	119,055	246,063

	Year ended
	31st August 2015
Profit for the year after tax (as previously stated)	127,428
Movement in holiday pay accrual	(420)
Profit for the year after tax (as restated)	127,008

Appendix 3: Briefing Note – Kensington Developments

Briefing

Kensington Developments

September 2017

1. Kensington Developments is a private developer based in Fylde, established in 1991.
2. Recent developments include:

Reference	Address	Number of dwellings	Decision	Notes
13/0213	Westfield Nurseries, Whitehill Road, Westby with Plumpton	36	Approved Nov 2013	The housing trajectory ¹ suggests this came forward in 2014/15 and 2015/16 with 23 and 13 units respectively
16/0276	Dock Road, Lytham St Annes	37	Withdrawn	
11/0685	Former Stanways Site, Preston Road, Lytham St Annes	34	Refused Aug 2012	No information in housing trajectory
11/0847	Former Clock Garage, Preston New Road, Westby with Plumpton	14	Awaiting decision	The housing trajectory ² suggests this will come forward in the year 2017/18, with all 14 being built in that monitoring year
15/0686	Whitehill Road, Westby with Plumpton	14	Refused May 2017	
17/0005	Bryning Lane, Ribby with Wrea	20	Awaiting decision	Currently at appeal (Ref: APP/M2325/W/17/3176410)
15/0472	Cropper Road, Blackpool	80	Approved Feb 2016	Outline application for 146 dwellings (12/0717) granted in 2012, RM for 80 dwellings (15/0472) granted in 2014.
				Housing trajectory states that this will come forward in 2017/18 (15 dwellings), 2018/19 (30 dwellings), 2019/20 (30 dwellings) and 2020/21 (5 dwellings).

¹ Appendix 2, Fylde Local Plan – Publication Version, August 2017

² Appendix 2, Fylde Local Plan – Publication Version, August 2017

Redwood Point at Marton Moss, 422
Blackpool

Outline planning permission
granted in 2010 (Ref: 09/0740)

Reserved Matters approval
(Ref: 13/078) for 579 dwellings
approved 13 January 2014.

Commencement of
development – 3rd December
2015.

Further submission of Reserved
Matters (Ref: 17/0095) for 422
dwellings. Approved in April
2017.

Blackpool Council's latest
Monitoring Report (April 2017)
indicates that 5 dwellings are
currently under construction
with no dwellings completed.

Appendix 4: Ecological Rebuttal & Phase I Appraisal



RACHEL HACKING ECOLOGY

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1st September 2017

RE: ECOLOGICAL ADVICE REGARDING EIA SCREENING FOR POTENTIAL ALLOCATION FOR DEVELOPMENT AT PEEL HILL FARM, FYLDE, LANCASHIRE

Background

Rachel Hacking Ecology was commissioned in 2017 to undertake a baseline ecology survey (Extended Phase 1 Habitat Survey) of land at Peel Hill Farm, Fylde. The land is the subject of an application for allocation for development. Fylde Borough Council were approached for an EIA screening opinion of the site and Natural England responded on the 27th July 2017. The Natural England response states:

“We can confirm that the application site is located within land which is known to be functionally linked to Ribble & Alt Estuaries Special Protection Area (SPA) ...Natural England cannot rule out significant effects upon designated sites and advise the further assessment is needed.”

This document aims to provide further ecological information regarding the site, an assessment of the impacts on the protected site, mitigation measures that can be implemented on the site and why an EIA is not required at this site.

Ribble & Alt Estuaries Special Protection Area (SPA)

The Ribble & Alt Estuaries SPA is also a RAMSAR and is designated for its estuarine habitats and its importance for bird species, especially over-wintering birds. Qualifying bird species include Whooper Swan *Cygnus cygnus*, Pink-footed Goose *Anser brachyrhynchus* and Wigeon *Anas penelope* which require habitats such as coastal grazing marsh, sand and mud-flats and diverse agricultural land.

The SPA lies **over 5km** to the west of the proposed allocation site.

The Site

The site comprises mainly species-poor, sheep-grazed pasture (see Figure 1 – Phase 1 Habitat Map). There are pockets of other habitats such as ruderal vegetation, two ponds, a caravan park, buildings, hedgerows and bare ground.

The habitats present are not optimal feeding habitat for the qualifying bird species of the SPA. The habitats are species-poor, offering little diversity, and the grassland supports an extremely short sward, due to the grazing, which offers little cover for feeding birds.

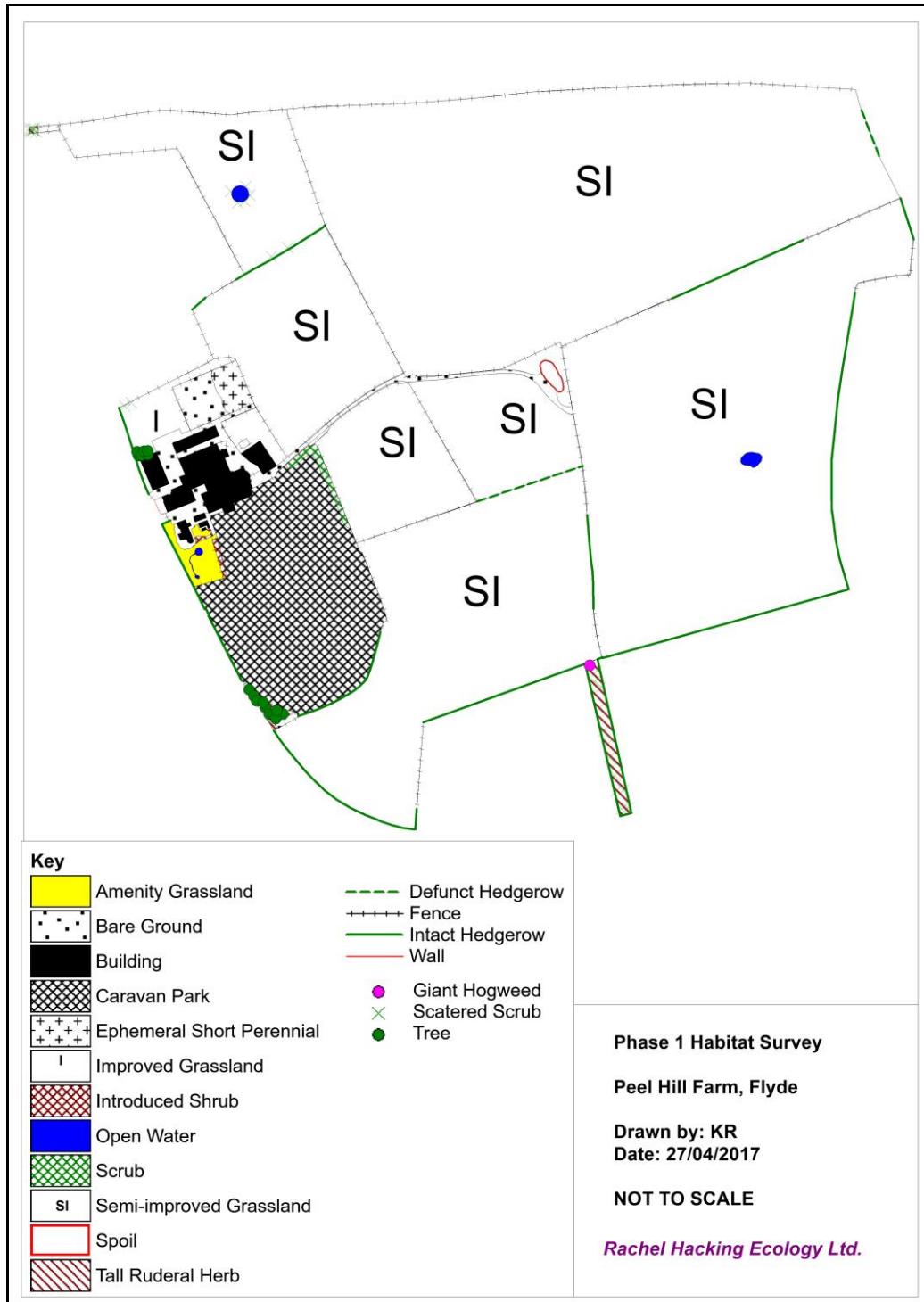


Figure 1 showing the Phase 1 Habitat Map

The site is bordered to the north by the M55, to the west and south by the A583 and caravan parks, and to the east by woodland, with farmland lying further afield. To the west of the A583 lies heavily built-up land.

Assessment

The Peel Hill Farm site is isolated by major roads and built-up development. The habitats on site are species-poor and the majority of the site is grazed grassland. The site is not considered to be suitable to support the qualifying bird species of the SPA.

Outline planning permission was granted in 2015 for a site to the north of the Peel Hill Farm site. This is the Whyndyke Farm site, on the opposite side of the M55 (planning reference: 11/0221). The Whyndyke Farm site was the subject of an Environmental Assessment and Natural England were consulted on this site. The Whyndyke Farm site supported 'multiple features of environmental value', for example, many ponds, hedgerows and copses. The site was predominantly species-poor semi-improved grassland.

Following lengthy consultations, it was concluded that the Whyndyke Farm development would have no significant effects on any protected site. Natural England concluded that they had no objections to the development, subject to conditions. This was due in part to the following reasons:

- The offer of the provision of high hoarding fencing,
- Isolation of the site and it being surrounded by a woodlands, roads and built-up development.
- The distance between the site from the winter feeding grounds of the qualifying species.

In addition, a number of planning conditions were recommended, which removed objections from the ecological consultees. These conditions included:

- A sensitive lighting scheme,
- A Construction Environmental Management Plan (CEMP)
- A survey immediately prior to work commencing (if work commences between November and March) to search for qualifying bird species of the SPA on the site,
- Noise barriers, to prevent disturbance to local protected sites,
- The retention and enhancement of ecologically valuable habitats on site.
- Provision of high quality greenspace to encourage the residents and the public to use the site for dog walking and walking in general, to prevent recreational pressure on the protected sites.

Given the decision of the Whyndyke Farm development, it is considered unnecessary for an EIA to be undertaken on the Peel Hill Farm site. This is due to the following reasons.

- 1) The Peel Hill Farm site is smaller and supports less diverse habitats and very limited habitats of ecological value, when compared to Whyndyke Farm.
- 2) There is a significant distance (>5km) between the site and the SPA.
- 3) There are no habitats present on site that are likely to support qualifying species of the SPA.

- 4) Similar features can be implemented on the Peel Hill Farm site, as at Whyndyke Farm, such as fencing, a sensitive lighting scheme, landscaping to enhance the biodiversity of the site, retention and protection of the eastern tree belt (off-site), retention of hedgerows where possible and undertaking the construction under a CEMP.
- 5) The provision of greenspace may be possible, to encourage people to use the site for recreation rather than the protected sites, and the provision of residents packs, highlighting other walking routes.

Summary

Given the habitats present on the site, and the distance between the protected site (SPA) and the site, it is not considered that there will be a significant impact on the SPA or its qualifying species from the development of Peel Hill Farm.

EXTENDED PHASE 1 HABITAT SURVEY OF LAND AT PEEL HILL FARM, PEEL HILL, FYLDE, LANCASHIRE

2017



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1.0 INTRODUCTION

- 1.1 Rachel Hacking Ecology Limited was commissioned in 2017 by Strategic Land Group to undertake an Extended Phase 1 Habitat Survey of land at Peel Hill Farm, Peel Hill, Fylde. The site will be the subject of an application for allocation for residential development.
- 1.2 The site is situated in Peel Hill, east of Blackpool, directly south of the M55 and east of Preston New Road (O.S. grid reference: SD357332 – see Figure 1). The site currently comprises fields of permanent pasture, a farmyard with buildings and a caravan park. The boundaries are mainly hedgerows on the southern part of the site and wooden fence, partly lined by trees, on the northern part of the site. ‘Main Drain’, a small tree-lined watercourse, exists along the eastern boundary of the site. The site lies adjacent to roads and residential development.
- 1.3 The aims of the survey were to:
- Describe and map the habitats present on the site
 - Assess the potential for protected species to be present on the site or just outside the immediate site boundary
 - Identify where further survey may be necessary.

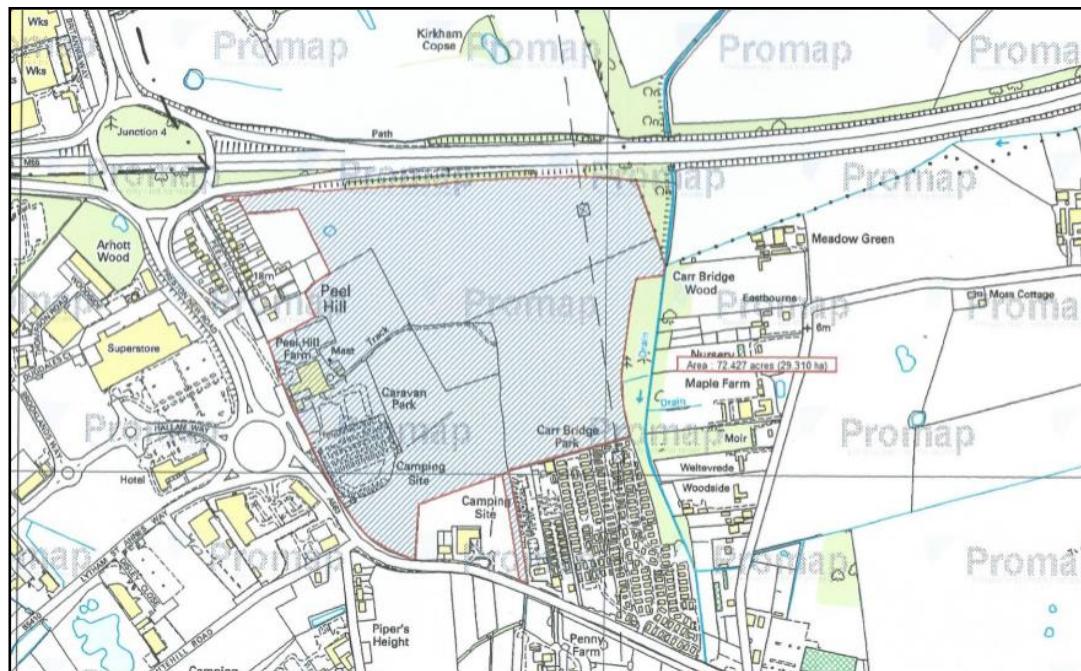


Figure 1 showing the site highlighted in blue with a red line boundary

2.0 METHODOLOGY

- 2.1 A Phase 1 Habitat survey was undertaken to JNCC standards (JNCC, 2010). The site was walked and each habitat was assigned a Phase 1 habitat category. Species lists were taken at locations of botanical interest. All botanical nomenclature follows Stace, 2010. A Phase 1 map was produced showing habitat boundaries.
- 2.2 During the Phase 1 survey, the habitats were assessed for their potential to support protected species. This included, for example, looking for signs of Badger activity (e.g. setts, paths, latrines and hairs on fences), assessing any waterbodies on site or near the site for their potential to support Great Crested Newt and assessing the potential for any buildings or mature trees to be used by bats.
- 2.3 The site was also surveyed for invasive, non-native plant species such as Japanese Knotweed and Giant Hogweed.
- 2.4 Joel Hacking and Kate Reed undertook the survey on 7th April 2017. The weather was dry, cool and bright. Both Surveyors have experience of habitat and protected species surveys. April is in the optimum survey season for botanical work, however, given the types of habitats present on the site, a thorough assessment could be made at this time. There were no constraints to the survey and the site could be fully accessed.

3.0 RESULTS

HABITATS

- 3.1 The Phase 1 Habitat Map can be found at the back of the report. The habitats present are described below.

Semi-improved Grassland

- 3.2 The majority of the site comprises fields of semi improved grassland (see Photograph 1). There grassland is species-poor and grazed by sheep. Species within the grassland include mainly Perennial Rye-grass *Lolium perenne* with Common Daisy *Bellis perennis*, Meadow Foxtail *Alopecurus pratensis*, White Clover *Trifolium repens*, Creeping Buttercup *Ranunculus repens*, Common Chickweed *Stellaria media* and Purple Dead-nettle *Lamium purpureum*.



Photograph 1 showing the semi-improved grassland

Improved Grassland

- 3.3 A small field of improved grassland exists in the western part of the site. This has less species diversity than the semi-improved grassland and is mainly Perennial Rye-grass *Lolium perenne* with occasional White Clover *Trifolium repens*, Creeping Buttercup *Ranunculus repens* and Broad-leaved Dock *Rumex obtusifolius* (see Photograph 2).



Photograph 2 showing the improved grassland

Dense and Scattered Scrub

- 3.4 Dense scrub exists in a line next to the caravan park. This is a stretch of Hawthorn *Crataegus monogyna* and Bramble *Rubus fruticosus* agg. Scattered scrub exists along some of the internal field boundaries and around the pond in the north-western part of the site (see Photograph 3). There is also scattered scrub within areas of tall ruderal vegetation on the southern half of the site. Scattered scrub includes Bramble and Hawthorn.



Photograph 3 showing the scattered scrub around the northern pond

Tall, Ruderal Herb

- 3.5 Tall, ruderal vegetation occurs in a linear strip on the southern edge of the site (see Photograph 4). The habitat comprises Stinging Nettle *Urtica dioica*, Cow Parsley *Anthriscus sylvestris* and Cleavers *Galium aparine*. A small patch of ruderal vegetation also occurs at the north-western tip of the site.



Photograph 4 showing the tall, ruderal vegetation

Bare Ground

- 3.6 Most of the farm complex is covered with hardstanding, which is mapped as bare ground. Farm tracks and a small paddock to the north of the farm complex are also mapped as bare ground (see Photographs 4 and 5).



Photograph 4 showing the hardstanding at the farm complex



Photograph 5 showing the paddock area

Ephemeral/Short Perennial

- 3.7 Ephemeral, low-growing vegetation has developed over some of the bare ground within the paddock. The habitat is species-poor and includes Common Ragwort *Senecio jacobaea*, Perennial Rye-grass *Lolium perenne* and Wavy Bittercress *Cardamine flexuosa* (see Photograph 6).



Photograph 6 showing the ephemeral/short perennial habitat

Amenity Grassland & Introduced Shrub

- 3.8 A garden exists to the south of the main farmhouse. This comprises an area of amenity grassland with some mature shrub beds, which are mapped as introduced shrub. The amenity grassland is a species-poor, regularly mown lawn. There is also a water feature and some small areas of hardstanding (see Photograph 7).



Photograph 7 showing part of the garden

Caravan Park

- 3.9 A caravan park exists at the eastern edge of the site. The habitats within the caravan park include mown lawns (amenity grassland), hardstanding and shrub beds (see Photograph 8).



Photograph 8 showing the caravan park

Open Water

- 3.10 Two ponds exist on site (see Photographs 9 and 10). Both ponds are of poor quality and are shallow. They support little aquatic vegetation other than scattered patches of Floating Sweet-grass *Glyceria fluitans*.



Photograph 9 showing the pond in the north-western field



Photograph 10 showing the pond in the south-eastern field

Hedgerows

- 3.11 Species-poor intact hedgerows exist on the site and field boundaries. The hedgerows comprise mainly Hawthorn *Crataegus monogyna* and Blackthorn *Prunus spinosa* (see Photograph 11). Some sections of the hedgerow are defunct (gappy) particularly on the internal field boundaries. The caravan site is surrounded by a Willow *Salix* sp. hedgerow (see Photograph 12). The hedgerow on the southern boundary has garden species intermixed such as Garden Privet *Ligustrum ovalifolium*.



Photograph 11 showing hedgerow on eastern boundary



Photograph 12 showing the willow hedgerow around the caravan site

Trees

- 3.12 A small number of trees exist on site, on the eastern edge of the site. These are mainly semi-mature trees (see Photograph 13). Species present include Willow *Salix* sp., Beech *Fagus sylvatica* and Silver Birch *Betula pendula*.



Photograph 13 showing some of the trees on site

Giant Hogweed

- 3.13 Giant Hogweed *Heracleum mantegazzianum*, is present at the southern end of the site, within the tall ruderal vegetation (see Photograph 14). Giant Hogweed is a non-native invasive species and is listed on Schedule 9 Part II (plants) of the Wildlife and Countryside Act 1981 (as amended). The act makes it an offence to cause Japanese Knotweed to grow in the wild. Japanese Knotweed is classified as 'controlled waste' under the Environmental Protection Act (Duty of Care) Regulations 1991.



Photograph 14 showing the Giant Hogweed

Other Habitats

- 3.14 There are several buildings on site, within the farm complex. These are currently in use. In addition, a small electricity building exists on the south-western part of the site. A drain exists just east of the site. This is called 'Main Drain' and is of poor quality (see Photograph 15). The water supports little aquatic vegetation, is turbid and the banks are shallow.



Photograph 15 showing the drainage ditch

PROTECTED SPECIES

Badger

- 3.15 Badgers *Meles meles* are protected under the Protection of Badgers Act 1992. This Act, for example, makes it illegal to disturb a Badger whilst it is in a sett, to kill, injure or take a badger and to obstruct the entrance to a Badger sett.
- 3.16 No evidence of Badger activity was located on the site. No Badger setts were located within the site or on the immediate boundaries of the site.

Bats

- 3.17 All bat species are European Protected Species under the Conservation (Natural Habitats etc.) Regulations 1994. This is implemented in the UK through the Conservation of Habitats and Species Regulations 2010. Bats are also protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act (NERC, 2006). It is illegal to disturb or damage a bat roost.
- 3.18 Some of the farm buildings on site support features such as pitched roofs with potential roof spaces beneath or are brick-built barns with potential bat access and exit points. The electricity unit is well-sealed, with a flat roof, and does not provide suitable bat roosting habitat. There are no permanent structures within the caravan park and the caravans do not offer suitable bat roosting habitat. The trees on site are semi-mature and do not support cavities, or other features, that are suitable for roosting bats.

Great Crested Newt

- 3.19 Great Crested Newt *Triturus cristatus* is a European Protected Species (EPS). It is listed under Annex IV of the EC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. This is implemented in the UK through The Conservation of Habitats and Species Regulations 2010 and the species is fully protected under the Wildlife and Countryside Act 1981 (as amended).
- 3.20 Two ponds exist on the proposed development site. These are of poor quality with shallow water, little aquatic vegetation and are surrounded by grazed grassland. Two other waterbodies exist within 250 metres of the site, but these are both on the opposite side of busy roads; the M55 and Preston New Road. Very little suitable Great Crested Newt terrestrial habitat exists on the site. The grazed grassland is not considered to offer cover or foraging and commuting habitat. The hedgerows and ruderal vegetation offer suitable habitat.

Water Vole

- 3.21 Water Vole *Arvicola amphibius* is fully protected under the Wildlife and Countryside Act 1981 (as amended). This act, for example, makes it illegal to intentionally kill, injure or take (capture) a Water Vole or intentionally or recklessly damage, destroy or obstruct access to any structure or place which Water Voles use for shelter or protection or disturb Water Voles while they are using such a place.
- 3.22 The drainage ditch that borders the site to the east was searched fully for field signs of Water Vole and no evidence of Water Vole was located. The drainage ditch will not be affected during the development. The banks are shallow and offer limited suitable Water Vole habitat. In addition, little aquatic vegetation exists.

Nesting Birds

- 3.23 All bird species are protected at their nest under the Wildlife and Countryside Act 1981 (as amended).
- 3.24 The trees, hedgerows and scrub on site provide suitable nesting habitat for birds.

PROTECTED SITES

- 3.25 No statutory or non-statutory protected sites exist within the site or immediately adjacent to the site. Ribble & Alt Estuaries Special Protection Area (SPA) and RAMSAR site lies over 5km to the west of the site. This is designated for its estuarine habitats and its importance for bird species, especially migrating birds. Marton Mere Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR) lies over 2.5km from the site to the north. This is designated for its wetland habitats and resident and migrant birds.

- 3.26 The nearest non-statutory protected site is Herons Reach Golf Course– Marton Mere Habitat Complex Biological Heritage Sites (BHS), designated for its wetland habitats and amphibian assemblage. This lies over 2.5km from the site.

4.0 ASSESSMENT

HABITATS

- 4.1 The Phase 1 Habitats present on the site are common throughout the UK. No nationally rare or locally rare plant species were located during the extended Phase 1 Habitat Survey.
- 4.2 The site is of poor ecological value. The hardstanding and fields of grazed, species-poor grassland offer little value to wildlife. The boundary habitats are the most ecologically valuable habitats, with the hedgerows offering a wildlife dispersal route and nesting habitat for birds. The ruderal vegetation offers a limited source of pollen and nectar for invertebrates. The ponds are of poor quality.

PROTECTED SPECIES

Badger

- 4.3 No Badger sett was located on the site or immediately adjacent to the site. No evidence of Badger activity was found, such as latrines. Badger is not considered to be a constraint on development at this time.

Bats

- 4.4 The buildings on site offer potential bat roosting habitat. Further bat survey work will be required during a full or outline planning application, if the buildings are to be affected by the proposals. The semi-mature trees do not support features, such as cavities, which could support roosting bats. It is possible that the hedgerows are used by bats to forage and commute along, as bats use linear features within the landscape.

Great Crested Newt

- 4.5 The two waterbodies on site are sub-optimal breeding habitat for Great Crested Newt. They have limited aquatic vegetation, which is required for egg-laying. The water quality is poor and they are heavily poached by cattle. The ponds are surrounded by grazed grassland which is considered to be a hostile habitat for Great Crested Newt. Two other waterbodies exist within 250m of the site. These are separated from the site by the M55 to the north and Preston New Road to the, which are barriers to newt dispersal. The site supports limited suitable Great Crested Newt terrestrial habitat. Given the lack of suitable breeding habitat in the locality, and lack of habitat connectivity to other waterbodies, and the lack of good quality connected terrestrial habitat on site, Great Crested Newt is not considered to be a constraint on development at this time.

Water Vole

- 4.6 The site does not support suitable Water Vole habitat. The drainage ditch to the east was surveyed and found to be sub-optimal Water Vole habitat, due to the shallow banks and poor water quality. No field signs of Water Vole were found. Water Vole is not considered to be a constraint on development.

Nesting Birds

- 4.7 The site does support suitable nesting habitats for birds within the scrub, hedgerows and trees. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season (which is generally March – August), unless a nesting bird survey is undertaken first.

INVASIVE SPECIES

- 4.8 Giant Hogweed *Heracleum mantegazzianum*, is present on the southern end of the site within the tall ruderal vegetation. This species will require eradication prior development work commencing to prevent the species from spreading.

PROTECTED SITES

- 4.9 No statutory or non-statutory protected sites exist within the site or immediately adjacent to the site. The nearest protected site is Marton Mere SSSI, LNR and BHS, which lies over 2.5km from the site to the north. It is separated from the proposed development site by major roads, including the M55, infrastructure and farmland. There is expected to be no deleterious impact from any development of the site to any protected sites in the locality, given the distances and the adequate buffer zones.

5.0 RECOMMENDATIONS

Further Survey

5.1 Protected species are a material consideration when a planning authority is considering a planning application. The presence of protected species, the effect of the proposed development and suitable mitigation, if required, must be established before planning permission can be granted. Following the findings from the Extended Phase 1 Habitat Survey, the following may be required for a full or outline planning application on the site:

- **Nesting Birds** - If any work to the scrub, hedgerows or trees needs to be carried out within the bird nesting season (generally March to August) then a nesting bird survey will be required by experienced personnel immediately prior to work commencing.
- **Bats** – The farm buildings have features that potentially could be used by bats. If these buildings are to be affected by any development proposals, a daytime bat survey will be required, searching for evidence indicative of a bat roost, such as bat droppings and feeding remains. If evidence of bat activity is found, bat emergence and re-entry surveys (at dusk and dawn) may be required.

Habitat Enhancement

5.2 It is recommended that the following measures are taken into account if a landscaping plan is produced, to increase the biodiversity value of the site:

- Tree planting – where practical, native tree species should be planted.
- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Bird and bat boxes erected onto retained trees or new dwellings.

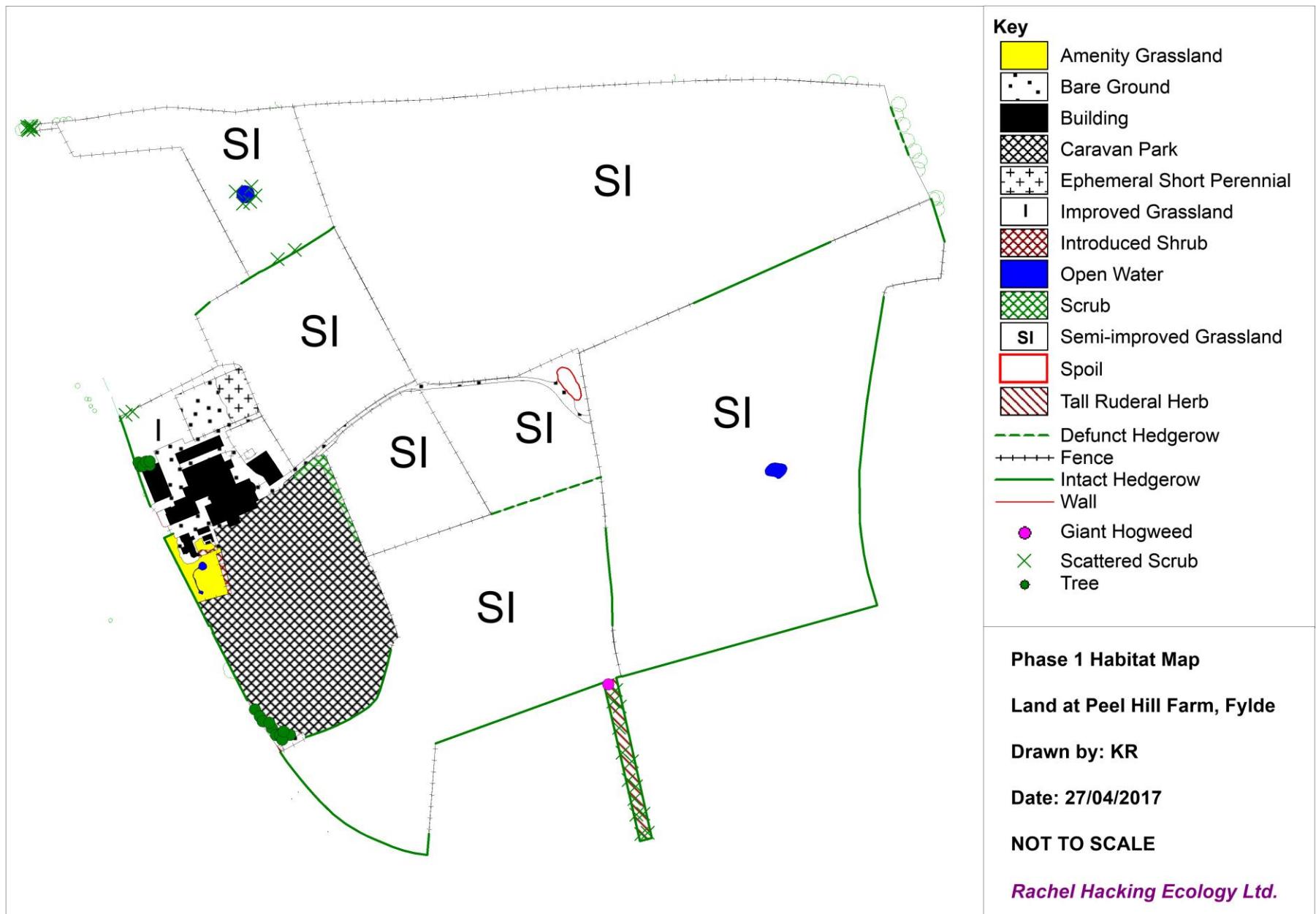
6.0 REFERENCES

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PHASE 1 HABITAT MAP



Appendix 5: Highways Rebuttal

PROPOSED RESIDENTIAL DEVELOPMENT, PEEL HILL FARM, FYLDE (1680)

TRANSPORT APPRAISAL – SEPTEMBER 2017

Location and Accessibility

The site is located to the south-east of Blackpool close to the Blackpool and Fylde Industrial Estate within Fylde Borough. The site is bordered to the north by the M55, to the east by residential properties on Moss House Lane, to the south by further residential properties off the A583 and to the west by the A583 Preston New Road itself.

As we will demonstrate later in this appraisal note, the site is located in an accessible location with a regular and frequent bus service running in close proximity. There is also strong potential to connect to nearby existing footway and cycle networks.

This note will demonstrate that the site is in a sustainable location within the area with access to local facilities, and should therefore be allocated for residential development in the emerging Fylde Local Plan.

Education

The Manor Nursery is situated approximately 1.5 kilometres north-west of the site and access to the nursery can be achieved directly utilising the existing footways along Preston New Road.

The nearest primary school to the site is Mereside Primary School, which is located around 2 kilometres from the site. This involves just over a 20 minute walk along Preston New Road, Britannic Way, Clifton Road, Deepdale Road and Lindbeck Road. The nearest secondary school is St George's School off Cherry Tree Road in Little Marton around 3 kilometres from the site.

Healthcare

The nearest medical facilities are located around 1.8 kilometres from the site with a Co-operative Pharmacy on Langdale Road and The Harris Medical Centre situated on Kentmere Drive. These can be accessed by using the existing footways along Preston New Road and the pedestrian links from Preston New Road onto Langdale Road.

The Harbour Mental Health Hospital is situated approximately 1.3 kilometres from the site, and can be accessed using the existing footways on Preston New Road.

Employment

Blackpool and Fylde Industrial Estate is located immediately to the west of the site and many other small employment areas are located in Mereside, approximately 2 kilometres from the site and can be reached using the existing pedestrian footways along Preston New Road and Clifton Road. This demonstrates that there are employment opportunities all within walking distance of the site.

Retail

There are retail facilities within the vicinity of the site. The closest is B&Q which is located to the west of the site, approximately 280 metres from the site. A large Tesco supermarket, Next, Matalan and Clarks Outlet, are all situated off Clifton Road, around 1.3 kilometres from the site, equating to a walking time of around 15 minutes from the site.

In addition to the above, many other retail amenities are located in Marton and Great Marton, which is accessible via bus service 61, which passes the development site.

Sports and Recreation

CrossFit Blackpool is located to the west of the site off Barrow Close, approximately 900 metres from the site, just over 10 minute walk from the site. Additionally, Universe Gym and Fanatical Fitness are both located in Little Marton, approximately 2 kilometres from the site. Blackpool Football Club is accessible via a bus journey into the town centre and a short walk.

Transportation

The nearest bus stops to the site are located along Preston New Road, with the closest stop being located to the immediate west of the site.

Table 1, below, summarises the bus services that operate in the immediate vicinity of the site together with their frequencies per hour.

Service	Route	Daytime	Evening	Sat	Sun
61	Blackpool Town Centre – Marton – Kirkham - Preston	2 per hour	1 per hour	2 per hour	1 per hour

Table 1 – Summary of Bus Services Operating Past The Site

The table demonstrates that up to 2 buses per hour travel past to the site during weekdays and Saturdays and an hourly service during evenings and Sundays. These provide direct access to a number of destinations between Blackpool and Preston.

The services also provide access into Blackpool and Preston town centres where rail stations are located including Preston train station, Blackpool North and Blackpool South, providing services to destinations throughout the North-West.

These services would provide the opportunity to access numerous destinations in and around the site. As such, the site can be seen as highly accessible by public transport.

Sustainability Summary

This section clearly demonstrates that the site is within a reasonably short walking distance of a range of day-to-day amenities.

There is the scope for a range of improvements to sustainable transport connectivity. These could be in the form of potential improvements to footway and cycleway facilities in the area that could be promoted as part of the site. These could include potential new footway links Preston New Road, and potential bus stop improvements.

Vehicular Access

Vehicular access to the site can be achieved via an improved eastern arm of the existing Preston New Road/Annes Way roundabout to the western frontage of the site. The existing eastern arm forms one of the five existing approaches to the roundabout and currently serves as the access to Peel Hill Farm and a caravan park to the south.

At this stage the site is likely to be able to accommodate around 700 residential dwellings. As such, it is likely that only one formal vehicular access point would be required, although the internal layout will need to be designed to ensure that the length of cul-de-sac at the site will not cause any safety issues. This can be done in a number of ways and will be the subject of further discussions with Lancashire County Council (LCC), the local highway authority.

The improved roundabout approach has been designed to accord with current design guidance and can be achieved on land within the site boundary or land which is currently adopted highway.

Traffic Impact

In terms of off site impact the proposals are likely to generate in the region of 450 two-way vehicular trips in the two busiest hours of the day which are likely to be between 0800 and 0900 hours and 1700 to 1800 hours. There are numerous routes for traffic to be dispersed onto the local highway network.

Vehicles travelling towards Preston or Manchester, for example, will do so to/from the north along Preston New Road and onto the M55 to the east. Those vehicles travelling towards Blackpool will do the same but travel west along Yeadon Way, whilst those vehicles travelling towards Lytham and St Annes would do so using Annes Way to the west of the site. Alternatively, vehicles travelling to or from the Kirkham area would travel south along Cropper Road.

The Whyndyke Farm mixed use development to the north of this site was recently granted planning permission for up to 1,400 dwellings and other commercial and retail uses. As part of the Whyndyke planning permission, both LCC and Highways England required a range of off site transport and highway works to mitigate the impact of the traffic likely to be generated by the Whyndyke Farm proposals.

These works included the following elements:

- Improvement works on Preston New Road.
- Improvements to Junction 4 of the M55.
- Off site pedestrian and cycle works.
- Contributions to improving bus accessibility to the area.

The final two elements will provide a substantially improved sustainable transport network in the area which will greatly enhance the non-car accessibility of the area including the Peel Hill Farm site.

The major junction in the area is Junction 4 of the M55. This operation of this junction came under particular scrutiny in the Whyndyke Farm proposals from both LCC and Highways England.

The modelling results for Junction 4 of the M55 reveal that during peak periods the junction would operate at just over 90% of capacity with the Whyndyke Farm proposals with their proposed improvements. This is also in the year 2028, the assessment year agreed for the Whyndyke Farm planning application.

As such, there would seem to be some spare capacity at the junction to accommodate further traffic during peak periods. Consideration of the physical layout of the junction reveals that there are opportunities to improve the approach and entry widths of all arms of the roundabout. Even minor improvements are likely to produce substantial improvements in the capacity of the junction.

These potential works can be considered in more detail at a more advanced stage in the planning process.

Whilst we are of the view that the junction, and surrounding highway network, can accommodate the Peel Hill Farm proposals, this also seems to be the view of LCC. LCC's own evidence (contained within the document entitled 'Highways implications for proposed housing development within the draft Fylde Local Plan on M55 Junction 4' dated August 2016¹) suggest a series of potential additional improvements (over and above those conditioned for the Whyndyke Farm planning permission to Junction 4 to mitigate the potential allocated traffic (from existing proposed allocations).

This is summarised on Page 23 of the document and consists of four approach improvements all of which can be accommodated within the existing limits of adopted highway.

As such, there are no particular capacity constraints to the local highway network which would provide an issue for this additional traffic generation although this would need to be demonstrated in detail within a Transport Assessment that would accompany any formal submission on this site.

Conclusions

In summary, this note clearly demonstrates that the site within this area of Fylde is very well located for new residential development. The site is in close proximity to a good range of shops, employment opportunities, education provision and other facilities and services. The site is highly accessible by public transport with bus services that pass the site that connect to Preston and Blackpool.

¹ Examination document Ref: EL5.008

**PROPOSED RESIDENTIAL DEVELOPMENT, PEEL HILL FARM, FYLDE (1680)
TRANSPORT ISSUES NOTE – APRIL 2017**

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The site can be satisfactorily accessed and will generate a modest number of additional vehicular trips onto the local highway network.

Potential exists for off site highway works, in particular at Junction 4 of the M55, to mitigate the impact of the Peel Hill Farm proposals.

All of these issues will be covered within a formal Transport Assessment at the time of a planning application and this document will be formally scoped and agreed with LCC and Highways England and the contents of this document will be discussed and agreed with both authorities to ensure that the proposals do not have a severe residual transport impact in line with the NPPF.

As such, the site should be allocated for residential development in the emerging Fylde Local Plan.

The modelling results for Junction 4 of the M55 reveal that during peak periods the junction would operate at just over 90% of capacity with the Whyndyke Farm proposals with their proposed improvements. This is also in the year 2028, the assessment year agreed for the Whyndyke Farm planning application.

As such, there would seem to be a little spare capacity at the junction to accommodate further traffic during peak periods. Consideration of the physical layout of the junction reveals that there are opportunities to improve the approach and entry widths of all arms of the roundabout. Even minor improvements are likely to produce substantial improvements in the capacity of the junction.

These potential works can be considered in more detail at a more advanced stage in the planning process.

As such, there are no particular capacity constraints to the local highway network which would provide an issue for this additional traffic generation although this would need to be demonstrated in detail within a Transport Assessment that would accompany any formal submission on this site.

Conclusions

In summary, this note clearly demonstrates that the site within this area of Fylde is very well located for new residential development. The site is in close proximity to a good range of shops, employment opportunities, education provision and other facilities and services. The site is highly accessible by public transport with bus services that pass the site that connect to Preston and Blackpool.

The site can be satisfactorily accessed and will generate a modest number of additional vehicular trips onto the local highway network.

Potential exists for off site highway works, in particular at Junction 4 of the M55, to mitigate the impact of the Peel Hill Farm proposals.

As such, the site should be allocated for residential development in the emerging Fylde Local Plan.

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Turley

Ms J Glaister
Planning Policy Manager
Planning Policy
Fylde Council
Town Hall
Lytham St Annes
FY8 1LW

Date: 14th September 2017
Our ref: 41917/02/MW/KH/14727283v5
Your ref:

Dear Ms Glaister

Representations to Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032

Lichfields has been instructed by Taylor Wimpey UK Limited [Taylor Wimpey] to make representations on its behalf to the Fylde Council Local Plan to 2032 [FCLP] ‘Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032’ [Additional Evidence Document].

As you may be aware, Taylor Wimpey is seeking to bring forward a high quality residential extension on land at Weeton Road, Wesham which would assist in the delivery of sustainable development within the Borough by making a significant contribution towards meeting the need for market and affordable housing. An outline planning application for the development of up to 190 residential dwellings is currently being considered by the Council [LPA ref. 17/0568].

These representations follow Taylor Wimpey’s responses to the Matters, Issues and Questions raised by the Inspector in relation to the Examination in Public [EiP] Stage 1 and 2 Hearing Sessions. It also makes reference to a Counsel Opinion [Appendix1] prepared by Christopher Boyle QC, submitted to the Council and Inspector on 22nd August 2017, which raises significant issues in relation to the Council’s July 2017 Five Year Housing Land Supply Statement [July 2017 HSS].

The representations below provide a response to each section of the Additional Evidence Document in turn.

Section 2: Economic Forecasts, Objectively Assessed Needs and the Housing Requirement Figure

The Housing Requirement

The Additional Evidence Document [§2.1] asserts that the Council’s paper entitled ‘The Objectively Assessed Housing and Economic Development Needs and the Fylde Local Plan to 2032’¹ published in May 2017 “provides justification for the new Housing Requirement figure of 415 dwellings per annum (dpa) over the plan period.” Taylor Wimpey disagrees with this statement. As set out its representations submitted in

¹ Examination document ref: EL5.003f

relation to the Examination in Public Stage 2 Hearings², the paper provides no justification for the 415 dpa figure other than that it sits somewhere within the 410dpa – 430dpa range identified by Turley in its '*Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP*' [Fylde Addendum 3] which forms Appendix 1 of Annex 1 of the Additional Evidence Document.

There is no reference anywhere within Fylde Addendum 3 that states the Borough's housing requirement is 415dpa. In fact, the document clearly suggests that the full need for housing is more closely aligned with the upper end of the range identified i.e. 430dpa. Taylor Wimpey therefore remains firmly of the view that the Borough's housing requirement is higher than 415dpa. This issue is considered in further detail below.

OAN, Housing Delivery and Affordable Housing

OAN in full

The Fylde Addendum 3 was commissioned by the Council in response to the request from the Inspector³ that further clarity was provided on the implications of the 2014-based subnational population projections [SNPP] and the 2014-based sub-national household projections [SNHP] for the objectively assessed need for housing in Fylde.

The method used by Turley in the Fylde Addendum 3 is based on the following steps:

- 1 2014-based SNHP used as the demographic starting point (274dpa);
- 2 Upward adjustments to reflect projection of population growth based upon longer-term historic period SNHP (351dpa);
- 3 Market signals adjustment to demographic projection = uplift of 10% applied (386dpa);
- 4 Modelling assumptions around labour-force behaviour applied (397 - 421dpa); and,
- 5 Consistent headship rate adjustment applied to demographic projections (408 - 432dpa).

Table 1 Fylde Addendum 3 'Adjustments to the 'Starting Point' in Arriving at the OAN'

	Adjustment (dwellings per annum)	Dwellings per annum 2011 - 2032	% uplift from 'starting point'
The 'starting point' – 2014- based SNHP		274	
Adjusted demographic projection	+77	351	28%
Supporting likely job growth	+57 -81	408 - 432	49% - 58%
(Market signals adjustment to demographic projection +10%)	(+35)	(386)	(40%)
Objectively assessed need (OAN) rounded	+134 - 156	410 - 430	50% - 57%

Source: Table 6.1 of Fylde Addendum 3: Analysis of the OAN in light of the 2014-based SNPP and SNHP (Turley, May 2017)

Overall, Lichfields broadly agree with the method adopted by Turley and, in particular, welcome the adjustments to headship rates and the application of a 10% market signals uplift which reflects the overall performance in relation to a number of market signals and a significant level of under-delivery in Fylde

² Examination document ref:EL6.015a 'Matter 5 Hearing Statement and Technical Appendix - Taylor Wimpey (o60)'

³ Examination document ref: EL5.003a 'Letter from Inspector to Council 11.04.17'

Borough. The Fylde Addendum 3 concludes that the evidence indicates an OAHN of between 410-430 dpa. However, the Council has failed to acknowledge that the document [§6.38] clearly states that:

*"Whilst a range of OAN for housing has been concluded – associated with the range of job growth considered reasonable within the Independent Economic Assessment – it is recognised that this report concludes that it is 'expected...that the likely level of employment growth will be at the upper end of this range'. **It is therefore considered that the full need for housing will be more closely aligned with the upper end of the identified OAN range."***

A housing requirement of 430dpa should therefore be set in the Local Plan in accordance with the Council's own evidence.

In terms of affordable housing, the 2014 SHMA suggested that the level of affordable housing need is 207dpa, rising to 249dpa in Addendum 1. The Council's position set out in the Additional Evidence Document [§2.8] is that *"it would not be possible to meet the full calculated need for affordable housing"*. Rather than simply accepting that the affordable housing need is so acute that it cannot be met in full, the Council should adopt a more positive and proactive approach and allocate additional sites in sustainable locations that can come forward in the short term and provide for a mix of market and affordable housing. Taylor Wimpey therefore request that land at Weeton Road, Wesham is allocated for residential development in order to assist in meeting its objectively assessed need for housing.

The Additional Evidence Document makes several references to the Council reaching a 'planning judgement' in selecting an OAHN from within the range to form the basis of its housing requirement. Taylor Wimpey wish to reiterate that the OAHN needs to provide a positive approach to planning for housing needs in Fylde. It must be set at a level that would significantly boost housing delivery and fully address worsening market signals, affordable housing needs and economic growth requirements. As set out in further detail below, Taylor Wimpey is concerned that the Council has failed to properly take account of economic considerations in the determination of the OAN.

Accommodating a Reasonable Level of Job Growth

The Practice Guidance [ID: 2a-015-20140306] notes that demographic trends should be applied as a starting point when assessing the OAHN. It goes on to state that consideration should also be given to the likely change in job numbers. This reflects the importance that the Framework [§158] places on the economy and the requirement to *"ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals"*.

In modelling the impact forecast job growth on OAN, the Fylde Addendum 3 utilises the findings of the Council's *'Independent Assessment of the Economic Prospects of Fylde'* prepared by AMION in May 2017⁴ [Independent Economic Assessment] which states that an average of three forecasts (Oxford Economic, Cambridge Econometrics and Experian) is considered to be representative of future job growth within Fylde. The Independent Economic Assessment presents two variant approaches to calculating the likely future job growth on the basis of a calculated average and concludes at Section 5 that *"it is reasonable to assume that the level of future employment growth in Fylde will lie in the range of 55 jobs to 91 jobs per year, between 2015 and 2032."*

Overall, the Fylde Addendum 3 concludes that it is reasonable to assume that there will be an associated need for between **408 and 432dpa** to support the forecast job growth in the Borough and notes that *"the*

⁴ Additional Evidence Document. Appendix 1, Annex 1. Page 46.

Independent Economic Assessment concludes that it is ‘expected...that the likely level of employment growth will be at the upper end of this range. It is therefore considered that the full need for housing will be more closely aligned with the upper end of the modelled jobs-led scenarios.’ [§4.49]

The Council states in its Additional Evidence Document [§2.11] that it considers “*OAN is an assessment of need reflecting future jobs growth independent of any policy influences. Within Fylde the Council considers that the two Enterprise Zones are a ‘policy-on’ consideration that should at this moment in time not unduly influence the assessment of likely job growth to be considered through assessment of OAN.*”

Taylor Wimpey considers that the Council has misinterpreted its evidence base in coming to this conclusion. The Fylde Addendum 3 [§4.21 & §4.38] clearly states that 410 - 430dpa is the OAHN for the Borough. It does not at any point refer to this range being a policy choice or the housing requirement for the Borough. In referring to the lower level of population growth and housing growth identified at Table 4.3 of Fylde Addendum 3, the Council has failed to acknowledge that Section 4 of the Independent Economic Assessment concludes that:

“The analysis of the labour force profile in the Independent Economic Assessment recommends that it would be prudent to retain the more modest adjustments to labour force adjustments used in the main scenarios presented in this Addendum. This recognises the scale of job growth forecast in Fylde, the distinct projected changes to the age profile of Fylde and the significant impact of an increasingly ageing population as well as the range of industrial sectors in which growth is forecast. It is considered on this basis that it is reasonable to assume that in order to support the likely job growth concluded in the Independent Economic Assessment that there will be an associated need for between 408 and 432 dwellings per annum to support the forecast job growth.”⁵

In this context, Taylor Wimpey considers it important to highlight that:

- 1 The upper and lower figures of employment change presented at Table 5.1 are simply different ways of projecting forward the average of the three forecasts i.e. they have nothing to do with policy choices;
- 2 The higher figure (based on the yearly average of the three forecast data sets) is still below the growth in employment seen over some years within Fylde;
- 3 The implications for job growth of the Enterprise Zones has no influence on the model; and,
- 4 The level of growth suggested by the yearly average of the three forecast datasets is more reflective of recent historic trends and therefore allows for flexibility.

The Independent Economic Assessment concludes that:

“The level of growth suggested by the yearly average of the three forecast datasets is more reflective of recent historic trends than the three-year moving average, albeit it is still below the growth in employment seen over some years within Fylde. The implications for job growth of local interventions, such as the Enterprise Zones at Blackpool Airport and Warton, also needs to be noted, despite sufficient evidence not yet being available to make specific adjustments to the baseline forecasts. Therefore, on balance, it is considered that the likely level of employment growth will be at the upper end of the range suggested by the yearly and three-year moving averages.” [Lichfields emphasis]

It is right and proper that consideration of OAHN seeks to address economic growth needs and the Council has failed to acknowledge that the two Enterprise Zones are already established within the Borough and

⁵ Additional Evidence Document. Appendix 1, Annex 1. §4.48 and 4.49.

represent a key part of the largest concentration of aerospace activity within the UK. They cannot therefore be considered as ‘policy-on’ consideration. Furthermore, whilst recent job growth at the Enterprise Zone may have been slower than anticipated, this has to be seen in the context of a Plan with a time horizon that stretches to 2032.

The approach relating to Enterprise Zones is further clarified in Fylde Addendum 3, which states that “*AMION consider that there is not sufficient evidence to include an allowance under the baseline scenario for additional employment growth in Fylde from the Enterprise Zones.*” [§4.19]. It is therefore totally unnecessary for the Council to make any ‘planning judgement’ on the implications of additional job growth at the two Enterprise Zones in selecting its OAHN from the range identified within its evidence base as this has not been factored into the baseline forecasts.

The Council’s position completely disregards the creation of new jobs at the Enterprise Zones over the plan period. This not only conflicts with its economic strategy, but also fails to take into account the need to attract more residents of working age to the Borough in order to create a more balanced community and one that is able to provide a better match with the skilled employment opportunities that are likely to be generated. This gives further weight to the argument that the OAHN should be at the upper end of the 410dpa – 430dpa range identified by Turley in its Fylde Addendum 3.

Balancing Housing Needs and Employment Growth: Towards an OAHN

Taylor Wimpey recognises that in certain cases, there may be a requirement to make a ‘planning judgement’ in relation to balancing housing needs and employment growth. However, in making its ‘planning judgement’ the Council is clearly seeking to justify a lower housing requirement than is evidenced by the work produced by Turley and AMION. The Council’s evidence base concludes that there will be a need for 432dpa to support the forecast job growth and the Fylde Addendum 3 is clear that “*the full need for housing will be more closely aligned with the upper end of the modelled jobs-led scenarios*” [§4.49].

It is imperative that the Council is planning for realistic levels of growth and it is disingenuous for the Additional Evidence Document [§2.20] to state that “*planning for the provision of 415 dwellings per annum evidently provides a significant level of headroom against this lower projection of need.*” In seeking to balance housing needs and employment growth, the Council should ensure that its economic and housing strategies are aligned. A failure to do so means that the plan is not positively prepared and the full housing needs of the Borough will not be met.

Housing Delivery

In terms of housing delivery, the Additional Evidence Document [§2.6] states that the “*Housing Requirement figure of 415dpa represents a step change in historic housing delivery*” and the “*Local Plan is seeking to significantly boost the delivery of housing.*” Taylor Wimpey disagrees with these statements.

It is clear from the Council’s own evidence that the Borough has consistently under-delivered housing in the past. However, the Council has failed to acknowledge that this is a result of a lack of supply rather than delivery, including the severe lack of any housing allocations in its Local Plan, its reliance on windfall development and a moratorium on housebuilding which effectively lasted seven years. The previous under-delivery of housing does not therefore justify the Council’s selection of an OAHN at the lower end of the range identified in its evidence base. The backlog of households whose needs have not been met have not gone away or been met elsewhere. As such, there is a need to address this shortfall as a matter of urgency. There is significant demand for housing in Fylde, and by failing to plan adequately for growth, the Council is perpetuating the problem of historic under-delivery.

Section 3: Five-Year Housing Supply and the Housing Trajectory

The Five Year Housing Supply Statement

As part of additional evidence being consulted on, the Council has published (at Annex 2 of the Additional Evidence Document) a document titled ‘Fylde Council Five-Year Housing Supply Statement, Base Dated 31st March 2017, Examination in Public Edit July 2017’ [July 2017 HSS] which provides the 5-year supply statement and housing trajectories for both the 5-year period and the plan period. The July 2017 HSS states that the Council considers it can demonstrate a 5.1 year supply of housing land, based on the Sedgefield method.

Lichfields has reviewed the Council’s methodology used to identify this level of provision and considers that it is unsound. Furthermore, it does not fully reflect discussions around the table at the Stage 2 Hearings Sessions. A general consensus was reached between all parties (including the Council) in relation to the delivery of many sites in the trajectory, and that it was understood that this would be accurately reflected when the Council produced and published its updated 5YHLS position for consultation. A joint statement has been prepared by representatives of the development industry who were in attendance at the Stage 2 Hearing Sessions, setting out how this is not the case. The statement is appended to these representations and further detail is given in the ‘Housing Supply – Existing Supply’ section.

Housing Requirement – Appropriate Buffer and Treatment of Backlog

As set out above at Section 2, whilst the Council persists with an OAHN of 415dpa contrary to the evidence prepared by its own consultant, Taylor Wimpey considers that the full OAHN should be at least 430dpa.

The July 2017 HSS identifies that since 2011, the Council has only met the OAN annual housing requirement in one year (2016/17) and this constitutes persistent under delivery. The Council considers that there has been a cumulative under delivery (shortfall) of 952 homes against the annual housing requirement [July 2017 HSS §5] based on an OAHN of 415dpa. Taylor Wimpey however considers the backlog to be 1,042 as delivery since 2011 should be set against the correct OAHN of 430dpa.

Therefore, as previously set out in its Matter 5 Hearing Statement relating to the Stage 2 hearing sessions [Technical Appendix - §§2.9-2.10], Taylor Wimpey continues to support the application of the 20% buffer to the requirement and backlog combined in accordance with the Framework [§47].

At the Stage 2 hearing sessions round up session, the Council attempted to justify the use of the Liverpool method rather than the Sedgefield method of treating backlog. However, following the stage 2 hearings sessions, the Inspector wrote to the Council on 3rd July setting out points on which she sought clarification. As part of the request for clarification the Inspector states that:

“...the factors that were highlighted by the Council in the session, on their own, do not provide sufficient justification for use of the Liverpool approach.”

In response, the Council attempts to provide further justification for continuing to advocate the Liverpool method as the preferred method for calculating the 5-year supply from the adoption of the plan [Additional Evidence Document - §3.19]. The Council’s justification [Additional Evidence Document - §§3.20-3.27] is, in summary:

- 1 That there are constraints beyond the control of the Council, such as the delivery of the Preston Western Distributor Road, and the developers’ own intentions regards delivery. These mean that no sites can be brought forward from later in the plan period and the trajectory in the 2017 HSS is the best that can be achieved in terms of delivery of sites;

- 2 There are no additional sites that are able to deliver in accordance with the development strategy where it has been demonstrated that the broad constraints facing sites within the borough have been addressed satisfactorily. In trying to find sites to make up any deficiency within the 5 years, larger sites would be offered that would deliver later and destabilise the strategy, by threatening the delivery of the key sites which are critical to the delivery of the housing strategy and associated infrastructure, that principally deliver in the latter part of the plan period;
- 3 The other authorities in the HMA (Blackpool and Wyre) are unable to contribute to Fylde's 5YHLS under the duty to co-operate; and,
- 4 The housing requirement figure of 415dpa represents a marked increase in housing delivery over recent years and the new housing requirement of 415dpa will therefore represent a significant boost to the supply of housing, in line with the Framework [§47]. A consistently higher requirement may not be achievable because of factors such as a temporary slowdown in the housing market and this may result in the failure of the Local Plan development strategy.

As Taylor Wimpey has maintained throughout the Examination, it is a well-established principle, and one with clear precedent that under delivery against requirements should be addressed within the 5-year period (the 'Sedgefield approach'), rather than being recovered over the lifetime of the plan period (to 2032). The shortfall accrued represents a backlog of households whose needs have not been met. These needs have not gone away or been met elsewhere and as such, there is a need to address this shortfall as a matter of urgency. To postpone dealing fully with the backlog now, and by taking the 'residual approach' advocated by the Council, would only delay meeting the identified needs of the community for new homes and give rise to social problems.

The Council's claim that no additional sites are available to deliver in accordance with the development strategy, and that any large sites would deliver later in the plan period and de-stabilise the strategy, is plainly wrong and the Council has provided no evidence to demonstrate that this would be the case. Large sites such as Taylor Wimpey's site at Weeton Road, Wesham are available and deliverable and can therefore make a contribution to the 5YHLS. In any case, delivery later in the plan period from additional sites would not destabilise the development strategy but in fact help to stabilise it. The Council currently has very little headroom in the overall supply of sites for the plan period and therefore additional sites should be identified to provide the necessary flexibility to deliver the development strategy in a situation where one or more large sites failed to deliver the anticipated housing.

The fact that Wyre and Blackpool are unable to contribute to Fylde's housing needs is irrelevant to the people of Fylde who in need of housing now and low rates of past delivery in Fylde are do not provide a reason for not meeting the objectively identified need for housing that exists now.

At the Stage 2 Hearing Sessions the Inspector acknowledged that the Council had failed to justify the use of the Liverpool method and invited the Council to do so. However, the Council has failed to provide any robust evidence as part of the Additional Evidence Document to justify the use of the Liverpool method. Taylor Wimpey has sought legal advice, a copy of which has been shared with the Inspector and Council and is appended to these representations for reference. With respect to the treatment of the backlog, given that the Council has not sought to identify any additional sites, the advice states that:

“...the Council cannot use the alleged inability of early delivery as a reason for adopting the Liverpool approach it seeks to advocate contrary to the inspector’s clear indication in favour of the orthodox Sedgefield approach.” [§12]

Taylor Wimpey therefore strongly objects to the use of the Liverpool approach and supports the use of the Sedgefield method as set out in Table 1 of the July 2017 HSS. The use of the Liverpool approach would

conflict with the objective of the Framework to 'boost significantly' the supply of housing [§47]. In these circumstances, as a minimum the under-provision since 2011 (952 dwellings or 1,042 dwellings depending on the OAHN applied) should be addressed within the 5-year period in accordance with the Practice Guidance⁶.

Housing Requirement - Summary

Table 2 and Table 3 set out the housing requirement for Fylde after applying a 20% buffer to the OAHN and backlog and using the Sedgefield method of dealing with the backlog. The annual requirement is 726dpa based on an OAHN of 415dpa, and 766dpa based on a requirement of 430dpa.

Table 2 Five Year Requirement - FBC Approach

	Calculation	Totals
OAHN	415dpa x 5	2,075
Under Provision (2011-2016)		952
Sub Total	2,075 + 952	3,027
Buffer at 20%	3,027 x 20%	605
Total Requirement	3,027 + 605	3,632
Annual Requirement	3,632 / 5	726

Source: FBC and Lichfields Analysis

Table 3 Five Year Requirement - Lichfields Approach

	Calculation	Totals
OAHN	430dpa x 5	2,150
Under Provision (2011-2016)		1,042
Sub Total	2,150 + 1,042	3,192
Buffer at 20%	3,192 x 20%	638
Total Requirement	3,192 + 638	3,830
Annual Requirement	3,830 / 5	766

Source: FBC and Lichfields Analysis

Housing Supply - Components of the 5YHLS

FBC's claimed 5YHLS of **3,632 dwellings** is made up of:

- 1 **3,580** dwellings (328 from small sites of 1-9 dwellings and 3,252 from large sites of more than 10 dwellings) from an 'existing Supply', which comprises:
 - a Allocations (in the emerging FLP);
 - b Planning Applications which the Council is minded to approve subject to a S106 agreement; and,

⁶ Practice Guidance - ID: 3-035-20140306

- c Planning Application Commitments.
- 2 **130** dwellings from a ‘potential supply’, which comprises:
 - a A windfall allowance for small sites of 40dpa in each of years 4 and 5 (80 dwellings total); and,
 - b An allowance for long term empty homes re-entering the market of 10dpa in each of years 1-5 (50 dwellings total).
- 3 A 10% discount for small sites not coming forward (-33 dwellings total).

The Council claims that the 5 year supply statement and trajectory have been corrected to reflect factual information regarding delivery rates supplied by the developers of the sites concerned at the Local Plan Examination hearings and that they have also been corrected to reflect other additional information that has provided improved understanding to the Council concerning the delivery of sites [Additional Evidence Document - §3.1].

Taylor Wimpey has serious concerns over this assertion for two main reasons:

- 1 The ‘factual information regarding delivery rates’ supplied by developers at the examination is not specified or evidenced anywhere in the Additional Evidence Document or accompanying information; and,
- 2 The Council’s claimed delivery from many of the sites in the latest trajectory does not reflect the position agreed during the Stage 2 hearing sessions.

On 2nd August 2017, on behalf of TW, Lichfields wrote to the Inspector (via the Programme Officer) setting out serious concerns over the July 2017 HSS, particularly FBC’s disregarding of the general consensus reached on the delivery of several of the large sites at the Stage 2 Hearing Sessions.

Taylor Wimpey also has concerns over the Council’s treatment of small site commitments, namely that the updated housing trajectory in the July 2017 HSS now assumed that all current small sites commitments (minus a 10% discount for non-delivery) will be delivered in years 1-3 with a windfall allowance of 40 dwellings introduced from year 4 onwards.

Housing Supply – Existing Supply

The July 2017 HSS continues to use the build out rate assumptions used in the emerging Local Plan and the Strategic Housing Land Availability Assessment [SHLAA] 2015 (i.e. that 15 homes will be built in the first year and 30 homes in subsequent years on sites with one developer and doubled for sites with two developers).

The Councils lead-in time assumptions are set out in the July 2017 HSS [§14]. The assumptions are that only on sites with full planning permission and a signed Section 106 agreement (if applicable) will development be able to commence in year 1.

The July 2017 HSS [§13] and Additional Evidence Document [§3.6] both recognise the fact that the methodology has now been revised to allow for the build out rates for sites to be amended on the basis of more accurate information provided by developers, agents or landowners or where there is sufficient evidence that an established development site is delivering at a rate that is at variance to the general delivery assumptions. This accords with the approach followed by the Inspector during the Stage 2 Hearing Sessions.

On days 1 and 2 (Tuesday 20th and Wednesday 21st June 2017) of the Stage 2 hearing sessions, a forensic examination was undertaken regarding the delivery of several sites in the Council’s Five Year Housing Land

Supply [5YHLS] trajectory from June 2017⁷. A consensus was reached between all parties (including the Council) in relation to the delivery of the vast majority of these sites. It was Lichfields understanding that the agreed position would be accurately reflected when the Council produced and published its updated 5YHLS position for consultation.

Lichfields has reviewed the updated July 2017 HSS and the claimed delivery from many of the sites does not appear to reflect the position agreed during the Stage 2 hearing sessions. Taylor Wimpey considers that the Council has disregarded the consensus reached at the Stage 2 hearing sessions in June 2017 and has provided no evidence or justification in the Additional Evidence Document or annexes for doing so.

This view is shared by others in the development industry who were also in attendance at the Stage 2 hearings and a joint statement has been prepared by Lichfields (on behalf of Taylor Wimpey), Pegasus Planning (on behalf of Hallam Land Management) and Emery Planning (on behalf of Wainhomes) and is appended to these representations at Appendix 2. The statement demonstrates the consensus amongst the development industry that the Council has misrepresented the discussions and has over-estimated the contribution that 12 sites make to the 5YHLS as a result.

Taking into account the general consensus reached at the Stage 2 hearings, Taylor Wimpey considers that the Council has over-estimated the delivery from 12 large sites in the 5YHLS by 461 dwellings. The actual number of dwellings in the 5YHLS from the 'existing supply' is therefore 3,119 dwellings. Table 4 summarises this position and reflects the detailed site by site summary in the appended joint statement.

Table 4 Council's over-estimation from large sites

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
Fairways, Heeley Road, St Annes - HS12						
June 2017 HSS	0	0	15	5	0	20
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	5	0	20
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+20
 Kingsway Garage, St Annes - HS13						
June 2017 HSS	0	0	15	15	0	30
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+30

⁷ Set out in the 'Five Year Housing Supply Statement, base dated 31st March 2017.

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
Axa, Lytham - HS14						
June 2017 HSS	0	0	15	30	0	45
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	0	45
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+45
Land to the West, Ballam Road, Lytham - HS15						
June 2017 HSS	0	12	0	0	0	12
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	9	0	0	0	0	9
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+9
Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4						
June 2017 HSS	30	60	60	60	60	270
Expected position following the Stage 2 Hearings	11	45	45	45	45	191
July 2017 HSS	30	45	45	45	45	210
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+19
Oaklands Caravan Park, 252 Lytham Road, Warton – HS27						
June 2017 HSS	0	0	15	30	8	53
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	8	53
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+53
The Pastures, Fleetwood Road, Wesham - HSS8						
June 2017 HSS	30	30	30	30	30	150
Expected position following the Stage 2 Hearings	30	30	30	30	30	150
July 2017 HSS	39	39	38	38	38	192
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+42

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
Elswick Neighbourhood Development Plan Allocation						
June 2017 HSS	0	0	0	0	15	15
Expected position following the Stage 2 Hearings	0	0	0	0	15	15
July 2017 HSS	0	0	15	30	5	50
Difference between Council's latest trajectory (July 2017 HSS) and expected position						
Rear of 54 Bryning Lane, Wrea Green - HS45						
June 2017 HSS	0	15	10	0	0	25
Expected position following the Stage 2 Hearings	0	15	10	0	0	25
July 2017 HSS	0	15	21	0	0	36
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+11
Rowan Close, Ash Lane – HS50						
June 2017 HSS	0	0	15	15	0	30
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+30
Pennine View – HS30						
June 2017 HSS	0	0	0	0	12	12
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	0	0	12	12
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+12
Queensway, St Annes – HSS1						
June 2017 HSS	30	60	60	60	60	270
Expected position following the Stage 2 Hearings	0	30	45	60	60	195
July 2017 HSS	0	50	100	100	100	350
Difference between Council's latest trajectory (July 2017 HSS) and expected position						+155

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
Total						
Expected position following the Stage 2 Hearings						576
July 2017 HSS						1037
Difference between Council's latest trajectory (July 2017 HSS) and expected position						461

Source: FBC, Lichfields, Emery Planning, Pegasus Planning, Turleys

Housing Supply – Potential Supply

Immediately prior to the Stage 2 Hearing Sessions, FBC provided an update statement which included an update on Five Year Housing Land Supply [June 2017 HSS]. The June 2017 HSS included 335 dwellings from small sites (0-9 dwellings) commitments, spread across the first 5 years of the trajectory at 67 dwellings per year.

The July 2017 HSS now shows 327 dwellings from small sites commitments being delivered in years 1-3 at a rate of 109 dwellings per year (plus 1 dwelling in year 4). As a result of this the July 2017 HSS has introduced a small sites windfall allowance of 40 dwellings per year in years 4 and 5 as part of a ‘potential supply’, resulting in an additional 80 dwellings within the 5YHLS.

The Council’s justification for this in the July 2017 HSS [§17] is that the standard delivery assumptions have now been applied to those small sites and they are expected to be delivered during the next 3 years and that an analysis of previous planning permissions coming forward in regard to small ‘windfall’ sites has revealed that it is likely that 40 dwellings per annum will be delivered. The Additional Evidence Document [§3.6] also sets out the same justification and goes on to state that detailed analysis of individual small sites has not been applied but for consistency with the large sites the small sites should deliver within three years.

This justification however is not clear or robust. The standard assumptions included in the July 2017 can only be applied following some level of site by site analysis as the lead in time to first deliver for any particular site depends on the planning status of that site. The Council does not set out the status of each small site in the trajectory, when each site is expected to begin delivery based on the standard assumptions, and therefore how many of the small site commitments will be delivered in each of years 1 to 5. Furthermore, the Council now claims that 109 dwellings will be delivered in each of years 1-3 from the small site commitments. For this to be achieved would see an unrealistic increase in the number of annual completions from small sites in Fylde. Table 5 shows the completions from small and medium sites for each monitoring year since the start of the plan period and the Council’s anticipated delivery for such sites within the 5YHLS.

Table 5 Completions from Small Sites (1-9 dwellings) Since Start of Plan Period

Monitoring Year	No of Completions from sites 1-9 dwellings
2011/12	9
2012/13	57
2013/14	25

Monitoring Year	No of Completions from sites 1-9 dwellings
2014/15	35
2015/16	34
2016/17	47
Annual Average 2011-2017	35
2017/18	109
2018/19	109
2019/20	109
Annual Average 2017-2020	109
2020/21	41
2021/22	40
Annual Average 2017-2022	82

Source: July 2017 HSS

In summary, the Council is now claiming that completions from small sites in years 1-3 will be at a rate (109dpa) that is over 3 times the annual average since the start of the plan period (35 dpa) before dropping to 40 dpa (which is more in line with the longer term average) from year 4 onwards.

As set out in this section, Taylor Wimpey considers that there is no justification for this approach. Therefore the Council should return to the approach taken in the June 2016 HSS of spreading the small site commitments equally across the first 5 years and then applying an appropriate discount for non-delivery. The windfall allowance should only start from year 6 at the earliest. We have reflected these elements in our calculations at Table 6 and Table 7 below.

Housing Supply - Discount for non-delivery

The June 2016 HSS applied a 10% discount for non-delivery to all sites in the 5YHLS. The July 2017 HSS [§15] recognises that not all developments identified within the five year supply will be developed but that following a 'forensic' examination of large site (over 10 dwellings) at the Stage 2 Hearings, it would no longer be appropriate to apply a 10% discount to all sites within the supply; instead the discount applies to small sites only.

Whilst Taylor Wimpey considers it reasonable to only apply a discount to small sites following the examination of individual large sites, a 10% discount is too low.

The Council seeks to justify a 10% discount for small sites on the basis that 61 units were the subject of a lapsed planning permission from 2011 to 2017 and this represents 11% of the total number of small site completions and the total number of current small site commitments during that period (July 2017 HSS - §15).

However, in Lichfields broad experience of this type of work, smaller sites often experience non-delivery for a multitude of reasons including but not limited to lapsed permissions (e.g. individual landowners with no

immediate desire or need to see a site delivered, unlike a commercial housebuilder). A 10% reduction small sites (1-9 dwellings) is likely to under-estimate the scale of under-delivery.

Table 5 above shows the completions from small sites for each monitoring year since the start of the plan period and the Council's anticipated delivery for such sites within the 5YHLS. The annual average delivery expected from small sites in the 5YHLS by the Council is 109 dwellings in years 1-3. This is over three times the total average annual completions from such sites (35) since the start of the plan period. Factoring in the Council's windfall allowance of 40 dwellings in years 4 and 5, the average delivery from small sites in years 1-5 would be 82 dwellings which is well over double the average since the start of the plan period.

As set out in the previous section, Taylor Wimpey considers that the 328 small site commitments should be spread evenly across the first 5 years (as previously in the June 2017 HSS) at a rate of were spread across the first 5 years as previously in the June 2017 HSS. This would lead to a projected 66 dwellings from small site commitments per year in the trajectory, which would still be nearly double the plan period average.

Therefore, a minimum 20% discount for non-delivery should be applied to small site commitments. This has been applied to our calculations below at Tables Table 6 and Table 7.

It should be noted that even with a 20% reduction, the Council's anticipated trajectory would still see 262 dwellings from small sites within the 5YHLS at an average rate of 52 completions per year (substantially higher than past rates of development).

Balance of Requirement vs Supply

In summary, for an OAHD of 415dpa, based on Lichfields methodology (spreading small sites commitments across years 1-5 and applying a 20% reduction to reflect past delivery), FBC cannot currently demonstrate a 5 year supply of housing land (4.3 years at best) if the general consensus following the forensic examination of large sites during the Stage 2 Hearings is accurately reflected. This is set out in Table 6 below.

Set against an OAHD of 430dpa, even based on FBC's claimed supply and methodology in the July 2017 HSS, the deliverable 5-year supply position is 4.8 years at best. Based on Lichfields methodology, the supply is just 4.1 years. This is set out in Table 7 below.

Table 6 5-Year Housing Land Supply Position based on OAN of 415dpa

Housing Requirement (2017/18-2022/23)	FBC Approach		Lichfields Approach	
5-year Requirement	(5x415)	2,075	(5x415)	2,075
Backlog (2011-2016)		952		952
Requirement + Backlog		3,027		3,027
Framework 20% Buffer		605		605
Outstanding 5 Year Requirement Requirement + Backlog + Buffer		3,632		3,632
Residual Annual 5-Year Requirement		726		726
Existing Supply				
Large Sites		3,252		2,791
Small Site Commitments		328		328
Sub Total		3,580		3,119
Potential Supply				
Small sites and windfall allowance (unallocated sites)		80		-
Long Term Empty Homes re-entering market		50		50
Sub Total		130		50
Allowances				
10% Reduction from Small Sites		-33		-
20% Reduction from Small Sites		-		-66
Sub Total		-33		-66
Total Supply		3,677		3,103
Over/Under Supply 5 year period (Under Supply Expressed as a Minus)		45		-529
5-year Housing Supply (Expressed as Years of Residual Requirement)		5.1		4.3

Source: FBC and Lichfields

Table 7 5-Year Housing Land Supply Position based on OAN of 430dpa

Housing Requirement (2017/18-2022/23)	FBC Approach		Lichfields Approach	
5-year Requirement	(5x430)	2,150	(5x430)	2,150
Backlog (2011-2016)		1,042		1,042
Requirement + Backlog		3,192		3,192
Framework 20% Buffer		638		638
Outstanding 5 Year Requirement		3,830		3,830
Requirement + Backlog + Buffer				
Residual Annual 5-Year Requirement		766		766
Existing Supply				
Large Sites		3,252		2,791
Small Site Commitments		328		328
Sub Total		3,580		3,119
Potential Supply				
Small sites and windfall allowance (unallocated sites)		80		-
Long Term Empty Homes re-entering market		50		50
Sub Total		130		50
Allowances				
10% Reduction from Small Sites		-33		-
20% Reduction from Small Sites		-		-66
Sub Total		-33		-66
Total Supply		3,677		3,103
Over/Under Supply 5 year period (Under Supply Expressed as a Minus)		-153		-727
5-year Housing Supply (Expressed as Years of Residual Requirement)		4.8		4.1

Source: FBC and Lichfields

Therefore in its current form, due to the lack of a 5 year supply of housing land, the Local Plan fails to meet the requirements of the Framework and is unsound. The Council must allocate additional sustainable and deliverable sites such as land at Weeton Road, Wesham to make the Local Plan sound.

Taylor Wimpey notes that a recent appeal decision at Land Off Woodlands Close, Newton with Scales⁸ sets out that despite the Council producing a Supply Statement (assumed to be the July 2017 HSS) which stated that it can demonstrate a housing land supply of 5.1 years, the Council acknowledged in advance of the Appeal Hearing, that the housing land supply figure of 5.1 years is subject to further public consultation and it should only be afforded moderate weight. Subsequently, during the Appeal Hearing, the parties submitted an agreed updated position that the Council can only demonstrate a supply of 4.8 years and the Council acknowledged that the Supply statement could in fact only be afforded limited weight. Whilst the Appeal decision does not provide an analysis of the Council's 5YHLS, The Inspector concluded that the Council can only demonstrate a 4.8 year supply for the purposes of the appeal.

Legal Opinion

Taylor Wimpey has obtained a legal opinion on the issues detailed in these representations. Leading Counsel has advised that:

"...both the Council and the Inspector are required to consider the plan against the evidence presented. It would be irrational for the Council to adopt a position contrary to the evidence the Council itself gave, or for the Inspector to be persuaded to that position, unless information had subsequently come to light that justified the change of stance." [§4]

And,

"...there is a significant risk of procedural unfairness if other stakeholders, having participated in the examination of the evidence which led to the consensus being reached were then not given appropriate opportunity to challenge the justification for the change from that consensus. For this reason, it is within the power of the examining inspector either to refuse to admit this late information departing from the earlier agreed position, or to re-open the examination to establish the credibility of the new position." [§5]

The legal opinion also notes that none of the 'additional information' referred to by the Council is presented in either the July 2017 HSS or the August 2017 Additional Evidence documents and on this basis states that:

"Consequently, there is no evidence currently before the inspector which would allow her rationally to depart from the consensus reached at the hearing session, and, further, nothing for the stakeholders to consider during the current 'consultation', rendering it ineffective." [§7]

And,

"...unless the Council publish the additional evidence said to justify the change of stance, it and the inspector cannot lawfully resile from the agreed position; and if they do publish that information (whatever it is) procedural fairness requires that a proper consultation and examination of it must be undertaken once it is available." [§8]

Based on the legal opinion:

- 1 No material weight can be given to the claim by FBC that it does not need to allocate additional sites and no evidence is provided in the Additional Evidence Document additional documents that justifies the proposition that sites in excess of 15 units would prejudice the development strategy.
- 2 Given that the Council has not sought to identify additional sites, it cannot use the alleged inability of early delivery as a reason for adopting the Liverpool approach.

⁸ APP/M2325/W/17/3166394

Additional Sites

In the Additional Evidence Document, the Council reasons that any additional sites would have to be deliverable within 5 years in order to provide assurance to the five year housing land supply [Additional Evidence Document - §3.11], which it states would be the purpose of including them.

The Council claims that the challenges that the development industry highlighted during the forensic examination of sites at the Stage 2 Hearing Sessions resulted in longer lead-in times and lower build out rates and that:

"It has been agreed that a site with a single developer allocated in the plan will commence development in the 5th year and add only 15 dwellings to the five year supply." [Additional Evidence Document - §3.12]

On this basis the Council therefore contends that adding any site over 15 dwellings would simply add to the overall provision, affect the viability and delivery rates of sites already allocated, and therefore is contrary to the overall development strategy [Additional Evidence Document - §3.13].

The Council goes on to state that due to it having a 5 year supply under both the Sedgefield and Liverpool methods, no additional sites are needed but if they were they should be between 10-15 dwellings to be wholly deliverable within the first 5 years [Additional Evidence Document - §3.14].

The Council sets out specific highways and ecology constraints that any additional site would need to overcome [Additional Evidence Document - §3.16] and states that:

"Whilst sites have been put forward to the Council in previous calls for sites, there are none where the Council has been provided with information to show that the site is deliverable, i.e. that the above constraints or others do not apply to the site." [Additional Evidence Document - §3.17]

The lack of a demonstrable 5 YHLS renders the plan unsound and unadoptable. Despite claiming a 5.1 year supply of housing land, FBC only has a 4.1 year supply. This is largely because, although it acknowledges the constraints to delivery and the lower build rates and longer lead in times discussed at the Stage 2 hearing sessions [Additional Evidence Document - §3.13], the Council has disregarded the consensus reached on several sites. Given the high degree of uncertainty over job growth linked to the Enterprise Zone, which could see a higher need for housing in Fylde, even a supply of 5.1 years would not provide the necessary degree of flexibility recommended by the Local Plan Expert Group [LPEG]⁹.

Taylor Wimpey does not recall it being agreed that 'all' large sites with a single developer will only deliver 15 dwellings in year 5. This is clearly not a robust or realistic assumption. In any case a site does not need to be delivered in its entirety within the first 5 years to be capable of contributing to, and to be included within the 5YHLS. The Council's suggestion that this is the case is simply wrong and contrary to the Framework [Footnote 11]. The Council's claim that such sites would affect the development strategy is unfounded and is not evidenced, explained or reasoned.

Therefore the Council must allocate additional sustainable and deliverable sites such as land at Weeton Road, Wesham to be able to demonstrate a 5 year supply of housing land and make the Local Plan sound and adoptable.

⁹ Local Plans Expert Group - Report to the Communities Secretary and to the Minister of Housing and Planning (March 2016) - §41

The Council's contention that no sites have been put forward with information demonstrating they are deliverable is also plainly wrong. Taylor Wimpey has promoted the Weeton Road, Wesham site throughout the local plan process and has provided the council with sufficient information to demonstrate that the site could commence delivery within 5 years. Furthermore Taylor Wimpey's existing planning application which is currently pending consideration has received no technical objections from statutory consultees or stakeholders which further confirms it's sustainability and deliverability.

Section 4: Settlement Hierarchy

Taylor Wimpey does not have any specific comments to make on the issues raised in the Inspector's Letter dated 3 July 2017 or the '*Settlement Hierarchy Note*' at Annex 3 of the Additional Evidence Document in relation to the position of Elswick in the settlement hierarchy. However, as Taylor Wimpey has made clear in its previous submissions, Kirkham and Wesham is considered to be a suitable location to which additional balanced and sustainable growth should be directed. In particular, the allocation of land at Weeton Road, Wesham would assist in the delivery of sustainable development within the Borough and make a significant contribution to the housing land supply including affordable housing in the area.

Section 5: Implications for Policies of the Fylde Local Plan to 2032

Policy S1

Taylor Wimpey does not have comments on the implications for Policy S1 resulting from the Additional Evidence Document at this time.

Policy DLF1

As set out in its comments at Section 2, Taylor Wimpey considers that the Borough's housing requirement should be a minimum of **430dpa**. Policy DLF1 should therefore be amended accordingly to reflect the minimum requirement for **9,030** new homes over the plan period.

Taylor Wimpey reserves the right to comment on the modified Policy DLF1 in due course, but at this stage wishes to reiterate its concerns that the Council's is relying on extant planning permissions when identifying its housing sites, rather than steering development to sustainable locations within the Strategic Locations for Development. Such an approach lacks strategic vision and is reactive, not proactive.

Policies SL1 – SL5

Taylor Wimpey's concerns in relation the Borough's housing requirement and its 5YHLS are outlined in full detail above. Overall, it is clear that there is a compelling need to deliver additional development in the Borough and Taylor Wimpey considers that its land at Weeton Road, Wesham is a suitable, sustainable and deliverable option to assist it meeting these requirements. The site is a sustainable location for development, is deliverable and has no technical or environmental constraints that would prevent its coming forward. It should therefore be included as an allocation under Policy SL4 of the Local Plan.

Policy GD1

Taylor Wimpey requests that the settlement boundary for Kirkham and Wesham is adjusted to include the land at Weeton Road, to ensure that the Council is providing sufficient land to meet the housing needs of the Borough.

Policy H1

The Council's latest evidence produced by Turleys and Amion suggests that the OAN should be 430dpa rather than the 415dpa pursued by the Council. For the reasons set out in preceding sections, Taylor Wimpey considers that an OAHN of at least 430dpa should be used and Policy H1 (and its written justification) should therefore be modified accordingly.

As set out in these representations, the Council needs to identify additional sites within its housing trajectory and therefore rather than the 8,823 homes stated, the corrected higher figure should be included in Policy H1.

Section 6: Implications for Sustainability Appraisal

Taylor Wimpey agrees that it will be necessary for Sustainability Appraisal to be updated as a result of the proposed modifications to the Local Plan.

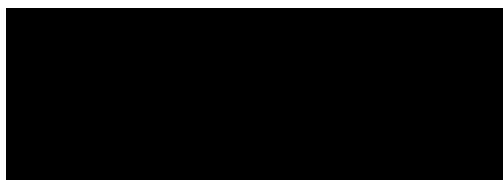
Section 7: Gypsy and Traveller Accommodation Assessment Update

Taylor Wimpey does not have comments on the Gypsy and Traveller Accommodation Assessment Update contained at Annex 4 of the Additional Evidence Document at this time.

Summary

It is requested that full account of these representations is taken by the Inspector and the Council and Taylor Wimpey reserves the right to submit further evidence at the EIP hearing sessions to justify its position on the points raised in these representations.

Yours sincerely



Colin Robinson
Planning Director

APPENDIX 1: LEGAL OPINION

IN THE MATTER OF
THE PLANING AND COMPULSORY PURCHASE ACT 2004

AND IN THE MATTER OF
FYLDE LOCAL PLAN TO 2032

OPINION

1. I am asked to advise Taylor Wimpey ['TW'], who are promoting a site for 690 dwellings on the edge of Kirkham/Wesham through the emerging 'Fylde Local Plan to 2032' ['the FLP'], and who have submitted a planning application to Fylde Borough Council ['FBC'] for up to 190 dwellings on land north of Weeton Road, Wesham, due to be determined by 9th October 2017.
2. The first consultation into the FLP took place in 2011 and TW have made appropriate representations at each of the subsequent consultation stages. Following the submission for examination, the relevant stages have been as follows:
 - On 6th February 2017, the Programme Officer published the examining inspector's 'Stage 1 Matters, Issues and Questions';
 - On 13th March, TW submitted its responses;
 - On 22nd March, FBC published an 'Interim Five Year Supply Statement';
 - On 28th and 29th March, the 'Stage 1' hearing sessions were held, at which TW appeared;
 - On 31st March, following the Stage 1 hearings, the Council published an updated housing trajectory;
 - On 15th May, the 'Stage 2 Matters, Issues and Questions' were published, with confirmation on 17th May that this would include delivery of proposed allocations;
 - On 12th June, TW submitted its responses;

- On 14th June, FBC published a further update housing trajectory;
 - On 20th-29th June, the inspector held ‘Stage 2’ hearing sessions, at which FBC produced a yet further Housing Land Supply Statement [‘June 2017 HSS’], which was considered over two days on 20th and 21st June;
 - I am instructed that at those sessions, FBC and objectors reached a consensus on the delivery of the majority of sites, which it was expected would be incorporated into an updated HSS;
 - On 3rd July, the Inspector wrote to FBC asking whether identified sites might be brought forward or any additional sites identified;
 - In response, FBC published a further Five Year Housing Land Supply Statement [‘July 2017 HSS’]; this purports to demonstrate a 5.1 year land supply on the Sedgefield basis, using delivery figures which depart from the apparent consensus reached at the Stage 2 hearing; as such it has not advanced any sites or identified any additional sites, as requested by the inspector;
 - The July 2017 HSS is incorporated into an August 2017 ‘Additional Evidence’ document, subject to consultation 3rd August to 14th September;
 - By letter dated 2nd August 2017, TW wrote to the examining inspector identifying 12 sites where the latest FBC position departed from the consensus reached in the Stage 2 sessions; correctly calculated, TW identify the HLS at 4.4 years, which will, therefore, require additional sites to be identified;
 - I am asked to advise on the above situation.
3. While an LPA is not ‘bound’ by the concessions given in evidence by its officers at an EiP in the sense of any estoppel or contractual commitment, an LPA which subsequently seeks to resile from an agreed position publicly stated at the EiP will encounter two significant legal obstacles to further progress.
4. First, both the Council and the Inspector are required to consider the plan against the evidence presented. It would be irrational for the Council to adopt a position contrary to the evidence the Council itself gave, or for the Inspector to be persuaded to that position, unless information had subsequently come to light that justified the change of stance.

5. Second, there is a significant risk of procedural unfairness if other stakeholders, having participated in the examination of the evidence which led to the consensus being reached were then not given appropriate opportunity to challenge the justification for the change from that consensus. For this reason, it is within the power of the examining inspector either to refuse to admit this late information departing from the earlier agreed position, or to re-open the examination to establish the credibility of the new position.
6. Both of the above legal matters arise here. I have examined the July 2017 HSS document and the August 2017 ‘Additional Evidence’ document out for consultation. It is said that the revised trajectories are as a result of information from objectors (ie at the hearing sessions) and ‘they have also been corrected to reflect other additional information that has improved understanding to the Council [sic] concerning the delivery of sites’¹.
7. As the first mentioned source of information led to the consensus reached at the hearing sessions, it can only be the second which has led to the departure from that consensus on the 12 sites identified by TW. However, there is no such ‘additional information’ vouchsafed in either the July 2017 HSS or the August 2017 Additional Evidence documents. Consequently, there is no evidence currently before the inspector which would allow her rationally to depart from the consensus reached at the hearing session, and, further, nothing for the stakeholders to consider during the current ‘consultation’, rendering it ineffective.
8. The result is that unless the Council publish the additional evidence said to justify the change of stance, it and the inspector cannot lawfully resile from the agreed position; and if they do publish that information (whatever it is) procedural fairness requires that a proper consultation and examination of it must be undertaken once it is available.
9. I would also observe three other matters arising out of the above.

¹ August 2017 ‘Additional Evidence’ para. 3.1

10. First, in the absence of the publication of the alleged ‘additional information’ and its examination by the FLP inspector, no material weight can be attributed for development control purposes to the claim by FBC that it has a 5.1 year HLS, as opposed to the 4.4 years which derives from the consensus position.
11. Secondly, until the HLS position under the emerging FLP is established by the examining inspector, no material weight can be given to the claim by FBC that it does not need to allocate additional sites. This goes to both principle and size. In particular, no evidence is provided in the additional documents that justifies the proposition that sites in excess of 15 units would ‘destabilise the strategy’ by putting the viability of strategic sites at risk².
12. Thirdly, as a result of the above and the fact that the Council admits that it has not sought to advance identified sites or identify additional sites³, the Council cannot use the alleged inability of early delivery as a reason for adopting the Liverpool approach it seeks to advocate⁴ contrary to the inspector’s clear indication in favour of the orthodox Sedgefield approach.
13. It is my advice that TW make this Opinion available both to FBC and to the examining inspector and invite the FBC either to return to the established consensus of the Stage 2 hearings, or publish the ‘additional information’ purportedly relied upon. If the former, FBC will need to identify sites to advance or additionally include, as already requested by the inspector; if the latter, the inspector will first need to consider whether she is willing to admit this new evidence and, if she is, to provide adequate opportunity for consultation on that new evidence and for its examination at a resumed hearing session.

CHRISTOPHER BOYLE QC

21st August 2017

Landmark Chambers,
180 Fleet Street, London, EC4A 2HG.

² August 2017 ‘Additional Evidence’ para. 3.22 and 3.13

³ Ibid 3.13 and 3.14

⁴ Ibid 3.19-3.27

APPENDIX 2: JOINT STATEMENT

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Mr T Blackburn
15 Ottawa Close
Blackburn
BB2 7EB

Date: 14 September 2017
Our ref: 41917/02/MW/PN/14780793v1
Your ref:

Dear Mr Blackburn

This Statement has been prepared for the Inspector's attention on behalf of representatives of the development industry with land interests in Fylde and who were, either themselves or through their agents, in attendance at the Fylde Local Plan Examination in Public [EiP] Stage 2 Hearing Sessions in June 2017. They include Colin Robinson of Lichfields (on behalf of Taylor Wimpey UK Limited), Graham Lamb of Pegasus Planning (on behalf of Hallam Land Management Limited), Stephen Harris of Emery Planning (on behalf of Wainhomes Limited) and David Diggle of Turleys (on behalf of Strategic Land Group).

The EiP Inspector will recall that on days 1 and 2 (Tuesday 20th and Wednesday 21st June 2017) of the Stage 2 hearing sessions a forensic examination was undertaken regarding the delivery from several sites in the Council's Five Year Housing Land Supply [5YHLS] trajectory from June 2017¹. A general consensus was reached between all parties (including the Council) in relation to the delivery of many of the sites and it was the understanding of the undersigned parties that the agreed position would be accurately reflected when the Council produced and published its updated 5YHLS position for consultation.

As part of the current Consultation on Additional Evidence in Support of the Fylde Local Plan to 2032, Fylde Borough Council [FBC] has published a 'Five Year Housing Supply Statement, base dated 31st March 2017 Examination in Public Edit July 2017' [July 2017 HSS]. The July 2017 HSS states that the Council considers it can demonstrate a 5.1 year supply of housing land, based on the Sedgefield method.

The undersigned parties have now reviewed the updated July 2017 HSS and wish to notify the Inspector that the claimed delivery from many of the sites does not reflect the general consensus reached and/or points discussed had during the Stage 2 hearing sessions.

This statement addresses each site in turn and for each site, sets out:

- 1 A summary of the points discussed and/or consensus reached;
- 2 The delivery from the site set out in the June 2017 HSS;
- 3 The expected delivery following the Stage 2 Hearings;
- 4 The delivery from the site set out in the July 2017 HSS; and,

¹ Set out in the 'Five Year Housing Supply Statement, base dated 31st March 2017.

- 5 A summary of how the delivery in the July 2017 HSS reflects, or otherwise, the points discussed and/or general consensus reached at the Stage 2 Hearing Sessions.

Fairways, Heeley Road, St Annes - HS12

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 1 Housing Supply from Fairways, Heeley Road, St Annes - HS12

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	5	0	20
Expected position following the Stage 2 Hearings	0	0	0	0	0	0
July 2017 HSS	0	0	15	5	0	20

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 20 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Kingsway Garage, St Annes - HS13

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 2 Housing Supply from Kingsway Garage, St Annes - HS13

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	15	0	30
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 30 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Axa, Lytham - HS14

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 3 Housing Supply from Axa, Lytham - HS14

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	30	0	45
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	0	45

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 45 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Land to the West, Ballam Road, Lytham - HS15

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 4 Housing Supply from Land to the West, Ballam Road, Lytham - HS15

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	12	0	0	0	12
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	9	0	0	0	0	9

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 9 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4

Discussions at Stage 2 hearings: To reflect advice of developer/agent, delivery rates should be adjusted to 45 dwellings per year with delivery starting in Q4 2017/18 (i.e. ¼ of a year's delivery in 2017/18).

Table 5 Housing Supply from Coastal Dunes, Clifton Drive North, Blackpool Airport Corridor - HSS4

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	60	60	60	60	270
Consensus reached at stage 2 Hearing Sessions	11	45	45	45	45	191
July 2017 HSS	30	45	45	45	45	210

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 19 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings and has provided no evidence that the developer has indicated an earlier start to deliveries.

Oaklands Caravan Park, 252 Lytham Road, Warton – HS27

Discussions at Stage 2 hearings: This site is very unlikely to come forward for housing within the 5 year period as it is an active caravan park. Therefore it should be removed from the 5YHLS.

Table 6 Housing Supply from Oaklands Caravan Park, 252 Lytham Road, Warton – HS27

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	30	8	53
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	30	8	53

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 53 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

The Pastures, Fleetwood Road, Wesham - HSS8

Discussions at Stage 2 hearings: No increase in delivery from this site was discussed and agreed at the Stage 2 hearings.

Table 7 Housing Supply from The Pastures, Fleetwood Road, Wesham - HSS8

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	30	30	30	30	150
Consensus reached at stage 2 Hearing Sessions	30	30	30	30	30	150
July 2017 HSS	39	39	38	38	38	192

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 42 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

Elswick Neighbourhood Development Plan Allocation

Discussions at Stage 2 hearings: No increase in delivery from this site was discussed or a consensus reached at the Stage 2 hearings.

Table 8 Housing Supply from Elswick Neighbourhood Development Plan Allocation

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	0	0	15	15
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	15	15
July 2017 HSS	0	0	15	30	5	50

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 35 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

Rear of 54 Bryning Lane, Wrea Green - HS45

Discussions at Stage 2 hearings: No increase in delivery from this site was discussed and agreed at the Stage 2 hearings.

Table 9 Housing Supply from Rear of 54 Bryning Lane, Wrea Green - HS45

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	15	10	0	0	25
Consensus reached at stage 2 Hearing Sessions	0	15	10	0	0	25
July 2017 HSS	0	15	21	0	0	36

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 11 more dwellings in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS but has provided no evidence or justification for doing so.

Rowan Close, Ash Lane – HS50

Discussions at Stage 2 hearings: No permission currently exists, only a resolution to grant permission but no Section 106 agreement has been signed. Therefore this site should not be included in the 5YHLS.

Table 10 Housing Supply from Rowan Close, Ash Lane – HS50

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	15	15	0	30
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	15	15	0	30

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 30 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Pennine View – HS30

Discussions at Stage 2 hearings: Planning Permission has lapsed and this site should therefore not be included in the 5YHLS.

Table 11 Housing Supply from Pennine View – HS30

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	0	0	0	0	12	12
Consensus reached at stage 2 Hearing Sessions	0	0	0	0	0	0
July 2017 HSS	0	0	0	0	12	12

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council has included 12 more dwellings in the 5YHLS than the position on which consensus was reached at the Stage 2 hearings.

Queensway, St Annes – HSS1

Discussions at Stage 2 hearings: At least a year of site preparation works was required (potentially more given that there are significant issues with delivering the required link road for which funding had not yet been approved). The funding was based on 30 dwellings per annum over the next 12 years. A general consensus was reached however regarding the start of delivery on the site, which would be pushed back to 2018/19.

The Council claimed that the delivery rates it used were based on direct information from the developer (Kensington Developments) however no representatives of the developer were in attendance to confirm this point. The Inspector requested that the Council provide evidence of the anticipated build out rates or of past build rates on other Kensington sites.

Table 12 Housing Supply from Queensway, St.Annes (HSS1)

	Year 7 2017/18	Year 8 2018/19	Year 9 2019/20	Year 10 2020/21	Year 11 2021/22	Total 5YHLS
June 2017 HSS	30	60	60	60	60	270
Position discussed at stage 2 Hearing Sessions	0	30	45	60	60	195
July 2017 HSS	0	50	100	100	100	350

Source: June 2017 HSS, July 2017 HSS, Stage 2 hearing sessions and Lichfields Analysis

Summary: The Council appears to have taken on board the consensus reached over when delivery will start on the site but is now claiming significantly higher rates of delivery in the July 2017 HSS 5YHLS than the June 2017 HSS 5YHLS without any evidence or justification for doing so.

Conclusion

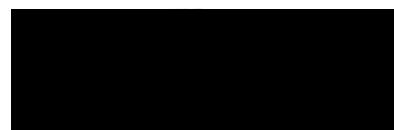
In total it is considered that the Council has included 306 additional dwellings in the July 2017 HSS than was expected following the discussions and general consensus reached during the Stage 2 hearing sessions. Furthermore, the Council has not provided any evidence or justification for its claimed delivery from the sites set out in this statement.

Delivery was also questioned on other sites (including Jubilee House, Valentines Kennels and Brook Farm, Dowbridge) and whilst no consensus was reached in terms of reducing delivery rates on these sites, this suggests that further reductions may be required to the wider 5 year supply, and that 306 dwelling figure should be viewed as a minimum reduction.

The undersigned parties confirm that this statement gives a fair reflection of the discussions during the Stage 2 hearing sessions to the best of their recollection.

This joint statement focusses upon our understanding of the agreements reached between the parties, in respect of the 5YHLS. However, some of the representors to the Local Plan will, through separate representations, make additional comments in respect of housing supply across the plan period.

Colin Robinson Lichfields
(on behalf of Taylor Wimpey UK Limited)



Graham Lamb Pegasus Planning
(on behalf of Hallam Land Management Limited)



Stephen Harris Emery Planning
(on behalf of Wainhomes Limited)



David Diggle Turleys
(on behalf of Strategic Land Group)



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Planning Policy
Fylde Council, Town Hall,
St Annes, Lancashire,
FY8 1LW

Ref. PWA_15_123

14th September 2017

Dear Sir / Madam,

CONSULTATION ON ADDITIONAL EVIDENCE IN SUPPORT OF THE FYLDE LOCAL PLAN TO 2032 – AUGUST 2017

This letter provides a response to the consultation on additional evidence in support of the Fylde Local Plan to 2032 (August 2017) on behalf of our client, The Rigby Organisation. In the consultation, Fylde Borough Council have invited comments on evidence documents which have been put forward by the Council in support of the Fylde Local Plan to 2032, during the course of Stage 1 and 2 of the Examination in Public. The documents provide information on the justification for the amended housing requirement, the justification for the approach to the backlog of housing delivery and specific queries relating to the settlement hierarchy.

This letter provides comments on *Annex 1 to the consultation – The Objectively Assessed Housing and Economic Development Needs and the Fylde Local Plan to 2032 (May 2017)* and *Annex 2 – Fylde Council Five-Year Housing Land Supply Statement, Base Dated 31st March 2017, Examination in Public (edit July 2017)*.

Annex 1: The Objectively Assessed Housing and Economic Needs and the Fylde Local Plan (May 2017)

It is acknowledged that the 415 figure marks an increase in both the previously included number within the emerging Local Plan, but also recent annual completions by some margin, however, past completion rates have consistently failed to meet identified requirements. In this respect, it is maintained that it is still difficult to accept that the selection of 415, as opposed to 430 at the top of the objectively assessed need range put forward, would significantly boost housing supply. By maximizing this number, at the top end of the range proposed, it will help significantly boost housing supply achieving the more fundamental aims required of a local plan.

The selection of a number at the higher end of the range is further prudent given the constraints associated with the neighbouring boundaries of both Blackpool and Wyre. The administrative boundary of Blackpool is tightly constrained by coastline and Green Belt and the settlement boundaries were recently amended to accommodate allocations as part of the adopted Blackpool Core Strategy (2016), therefore, suitable land is in



short supply. Wyre is also tightly constrained by Green Belt and faces significant flood risk issues and highway constraints in terms of the capacity of the A585. At the Stage 1 Local Plan Examination Hearing Sessions, Wyre also made it clear that they would be unable to meet their own housing needs within its boundary let alone accommodate any need from neighbouring Boroughs. They asked Fylde to consider taking some of their unmet need due to constraints within their own Borough.

In this respect, and taking into account the historical undersupply within Fylde (see the 20% buffer added to the housing land supply calculations) and in order to meet the test set by Paragraph 47 of the NPPF, the Council should be looking to boost significantly the supply of housing. The selection of 415 dpa, as opposed to 430, on these grounds and through the evidence presented does not appear robust or justified.

Annex 2: Fylde Council Five-Year Housing Land Supply Statement, Base Dated 31st March 2017, Examination in Public Edit July 2017

Through accepting an annual requirement of 415 dpa (though as discussed above it is considered this should be 430 dpa), the Council has sought to make-up the considerable backlog since the start of the plan over the remainder of the plan period. Other methods (Sedgefield - as discussed below) of assessing the five-year housing supply might suggest that this backlog ought properly to be addressed in the initial five-year period of the plan adoption, in addition to which the buffer of 20% then ought to be applied. This results in an increased five-year requirement which is better aligned to the need to boost significantly the supply of housing.

In this respect, the Council has also now considered it not appropriate to apply a 10% allowance to all sites within the supply (Paragraph 15 of Annex 2), and instead is now applying the discount to small sites only. This approach is not considered to be robust, nor in line with general practice with calculating five-year housing land supplies. As previously discussed, Paragraph 47 seeks to boost significantly the supply of housing, and through this change, it is apparent that the Council could only just demonstrate a 5.1 year housing land supply when using the 'Sedgefield' approach. When using the 'Liverpool' method the Council's calculations demonstrate a 6.4 year housing land supply.

Notwithstanding this, The Rigby Organisation has concerns that the Council's use of the 'Liverpool' approach to backlog, spreading the shortfall over the remaining plan period is unjustified. It is noted that since 2011 the Council has utilised the 'Sedgefield' approach to calculate their five year housing land supply position, with the Council claiming that it is a 'robust methodology' for calculating the position. The Sedgefield approach aims to deal with the accrued under-delivery over the first five years and then apply the 20% buffer to both the under-delivery and housing requirement. There is still no clear justification as to why the Council has now chosen to deviate from this approach.

PPG (Paragraph: 035 Reference ID: 3-035-20140306) is clear that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible. Where this cannot be met in the first five years, local planning authorities (LPA) will need to work with neighbouring authorities under the duty to cooperate. This method clearly favours the Sedgefield approach unless the LPA can demonstrate unmet need can be met within neighbouring authorities. There are clear concerns that the neighbouring authorities within the Fylde Coast HMA would be unable to meet any of Fylde's unmet housing needs, these are discussed above. It is as such maintained that the Council should be continuing to use the 'Sedgefield' method.

Taking the Council's Sedgefield calculations, and 5.1 years housing land supply, the Council has identified enough land to accommodate a supply of 8,823 within its 2011 to 2032 Fylde Local Plan Trajectory (Appendix 3 to Annex 2), only 108 dwellings above the proposed housing requirement (415 dpa), providing just over 1% flexibility in the plan. Furthermore, in substituting an annual housing requirement of 430 dpa into the Council's calculations, and therefore an adjusted annualised requirement of 766 delivers, a 4.8 year housing land supply can only be demonstrated, below the five years sought by Paragraph 47 of the NPPF. It is as such argued that the Council at this time, when taking into account the upper figure of the objectively assessed need, along with the need to boost housing land supply are unable to demonstrate a five-year housing land supply.

Further to this, the tables below clearly demonstrate that, when taking into account a 10% allowance for all sites, that regardless of a 415 dpa or 430 dpa, and based upon the Council's own evidence, it will not be able to demonstrate a deliverable five-year supply upon adoption. To remedy this situation, we recommend further allocations are provided. These should provide sufficient capacity not only to meet the current shortfall but also provide necessary flexibility over the remainder of the plan period.

Five Year Requirement	Scenario 1	Scenario 2
Annual Housing Requirement	415	430
Shortfall since start of the plan period	952	1042
5 year requirement and shortfall	3027	3192
Adjusted 5 year requirement including 20% buffer	3632	3830
Adjusted annualised requirement	726	766

Five Year Supply	Scenario 1	Scenario 2
Adjusted 5 year requirement	3632	3830
Identified supply	3710	3710
10% allowance for supply not coming forward	371	371
Total supply	3339	3339
Over / Under Supply	-293	-491
Equivalent years supply	4.7	4.4

As such, there is a clear need to allocate additional sites now which are suitable, available and deliverable to create greater flexibility in the supply and to ensure the Council can demonstrate a robust five year housing land supply as required by Paragraph 47 of the NPPF.

Yours faithfully,

[Redacted]
Daniel Hughes MRTPI | Associate
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