

Fylde Local Plan – Stage 3 Hearing Sessions **Response Statement**

Hollins Strategic Land
November 2017

1 Introduction

- 1.1 This Response Statement (RS) relates to the Inspector's Questions for Session 3 of the Stage 3 Hearing Sessions. As requested in the Guidance Note, this RS supplements previous representations. It focuses on the 5-year housing land supply (HLS) and it is demonstrated that the Council:
- cannot demonstrate a 5-year HLS now or via the emerging Local Plan;
 - should apply a non-implementation rate to sites between 10 and 100 dwellings;
 - has not satisfactorily considered a number of matters in seeking to justify the Liverpool method; and,
 - must allocate additional sites that can contribute to the 5-year supply and overall developable supply to provide a sufficient degree of flexibility.
- 1.2 On 16/11/2017 a decision was issued on Appeal 3164516, which found the Sedgefield approach to be most appropriate, confirmed that the Council cannot demonstrate a 5-year supply and stated that "*the Council's 4.9 year housing land supply should be further reduced*" (para. 20). It is understood that this decision was based on the 'Supplementary Proof and Rebuttal Evidence of Stephen Smith' which formed Appendix 3 of Document EL7.003h.
- 1.3 As with the HSL Representations on the Stage 2 Additional Evidence, this RS demonstrates that the Council must undertake significant additional work in order to produce a sound LP for adoption.

2 Session 3

Q1: in the light of the Council's updated site allocations and site delivery methodology:

- a. **Is the amount of housing proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?**
- b. **Are the Council's revisions to the methodology for site delivery and adjustments to the build out rates reasonable and justified?**
- c. **Is the housing trajectory realistic for each updated allocation: are there any sites which might not be delivered in accordance with the timescale set out in the trajectory?**

2.1 Supplementary to the Representations made with regard Stage 2 Additional Evidence and in response to EL7.003h, HSL would like to make the following comments.

HS12: Fairways, Heeley Road, St Annes

2.2 The Decision Letter for appeal 3164516 confirmed that "*the evidence provided does not justify including Fairways (HS12)*" (para. 20).

2.3 The Council states that "*the site is proposed for allocation in the emerging local plan: a barrier to delivery has therefore been removed*" (EL7.003h). However, had the s106 been signed over the last 9 years, there would have been no barrier to development as the site would have had planning permission. An allocation in an eLP is no stronger a guarantee that development will take place in the next 5 years than a planning permission.

2.4 The Council also states that "*upon visual inspection demolition and site clearance work is currently taking place*". However, this will simply be due to the Council having served a s.215 Notice.

2.5 It is evident that 20 dwellings should be removed from the 5-year HLS.

HS13: Kingsway Garage

2.6 The FBC Matter 5 Statement confirmed that "*the site was offered for sale at auction in December 2016 and it is believed that it did change hands*". Document EL7.003h now

states that the property is now “reduced for quick sale”. It appears as though there are no developers interested in acquiring the property at the current time, despite it being an allocation in an eLP.

- 2.7 It is evident that 30 dwellings should be removed from the 5-year HLS.

HSS12 Land East of Warton

- 2.8 An application (no. 17/0851) has now been submitted by HSL to vary condition 7 in order to enable 65% of the dwellings to be occupied prior to the completion of various highways works, as referenced in previous Representations. The submission confirms that if the variation is not approved, the site is simply unviable.
- 2.9 To date, LCC Highways has not provided a consultation response. Whilst HSL considers that the application should be approved, there can be no certainty at this stage that LCC Highways will be satisfied or that Members will consider the proposals appropriate. Therefore, as previously stated, the site should not be included in the deliverable supply.
- 2.10 It is evident that 30 dwellings should be removed from the 5-year HLS and the site must not be relied upon early in the plan period.

HS66 Quernmore Trading Estate, Croft Butts Lane, Freckleton

- 2.11 The appeal (ref: 3176657) against the refusal of the application for 10 dwellings was dismissed on 18/10/17. A resubmission (no. 17/0961) has been submitted and proposes only 9 dwellings. It remains to be seen whether the LPA will approve this application or find that the design remains inappropriate.
- 2.12 At least 1 dwelling should be removed from the 5-year HLS.

HS51 Newton Hall, School Lane, Newton

- 2.13 The Decision Letter for appeal 3164516 confirmed that “*the evidence provided does not justify including ... Newton Hall (HS51)*” (para. 20).
- 2.14 HSL has partnered with the Trust which owns Newton Hall (on another site). The Agent for the Trust recently informed HSL that FBC has been told that HS51 should not be considered deliverable. It is understood that the Trust does not wish to sell the Farm. This must also cast doubt over the developability of the Farm during the Plan period.

- 2.15 It is evident that 15 dwellings should be removed from the 5-year HLS and that the site should not be relied upon to deliver the Local Plan housing requirement; rather it should simply provide flexibility. The Council must find additional sites.

HS52 Cobweb Barn, Oak Lane, Newton

- 2.16 The application (no. 17/0595) has been approved, subject to a s106 Agreement. However, it was only for 30 dwellings and so 14 dwellings should be removed from the developable supply, but it is acknowledged that 15 dwellings can be added to the 5-year HLS.

HS53 Singleton Village, Singleton

- 2.17 FBC has agreed that this site should be removed from the supply because the application was withdrawn. The withdrawal of an application must be tantamount to a s106 not being signed for several years. If FBC has additional evidence to demonstrate why this site has been removed, it should be provided, and a distinction should be made between the removal of this site and the retention of several others which appear to have as limited a chance of being delivered.

Elswick NP Allocation

- 2.18 Document EL7.003h states that “*the Council has maintained that 50 homes will be brought forward through the Neighbourhood Plan*”. It then refers to 24 dwellings having been approved at land off Copp Lane. It is unclear as to whether FBC has counted these 24 dwellings as coming forward via the NP allowance of 50. However, Appendix 2 to EL7.003h states that “*it is anticipated that suitable sites will provide the remainder within the 5-year period, given the level of active developer interest in the settlement*” (para. 3.14). FBC is unable to provide a suitable degree of certainty that the NP will be Made and sites will come forward for 26 dwellings within the 5-year period.
- 2.19 It is evident that 26 dwellings should be removed from the 5-year HLS.

Summary

- 2.20 Notwithstanding previous Representations and those made by others, this RS has demonstrated that at least 126 dwellings should be removed from the deliverable supply (sites HS12, HS13, HS66, HS51, HS52, HS53 and Elswick NP Allocation). This RS has also demonstrated that 100 dwellings should be removed from the developable supply (HS51 and HS52).
- 2.21 Furthermore, the Inspector for Appeal 3164516 also removed sites HSS6, HS28, HS41 and HS47 from the 5-year supply which results in the loss of 60 dwellings. The Inspector also stated that “*the Queensway site (HSS1) has yet to have an agreed*

means of access and a build rate of 100 units per year has rarely been shown to have been achieved by the developer of that site in the past” (para. 20). If the build rate were reduced to 30 dwellings in the first year and 60 thereafter, which is still unlikely as it is understood that the site will be built out by one developer, the supply would fall by another 140 dwellings.

2.22 Therefore, this section of the RS and Appeal 3164516 have demonstrated that the 5-year HLS should be reduced by at least 326 dwellings. This would result in a supply of 4.4 years using the Sedgfield method.

2.23 As stated by the Inspector for Appeal 3164516, “*the Council has been over optimistic regarding the delivery of housing in the relevant 5 year period*” (para. 19) and cannot demonstrate a 5-year HLS.

Q2: It has been suggested that the 10% non-implementation rate should be applied to all sites with planning permission, not just small sites: is this approach justified? What implications, if any, would this have on housing supply, specifically the 5 year housing land supply, if it was applied across the board? Does evidence support the use of a higher 20% non-implementation rate for small sites?

2.24 HSL Representations on the Stage 2 Additional Evidence confirmed that “*the Council has not carried out a forensic evaluation of all Large sites that have capacity for between 10 and 100 dwellings*” and that “*the Council has focused on all strategic sites that have a capacity of more than 100 dwellings*” (SoCG for appeal 3166394).

2.25 In EL7.003h, the Council states the following:

This reference in the SoCG for the Woodlands Close Newton appeal referred to the build out rates for sites, rather than for whether a site would deliver. The EiP hearing sessions did consider whether each allocated site would deliver, in the level of detail required by the Inspector.

2.26 It also states the following:

Where early delivery is known, the trajectory is amended. The Council encourages applicants to deliver early, and the existing delivery rates reflect those efforts. Further advancement of sites beyond that already known cannot be relied upon without further information.

2.27 Appendix 2 to EL7.003h states:

During the Local Plan to 2032 Examination in Public Hearing Sessions a detailed ‘forensic’ evaluation of all large sites (sites of 10 units or more) was completed and the Housing Land Supply Trajectory amended according. Given this site specific evidence, the Council no longer considers it appropriate to apply a 10% allowance to all sites within the supply; instead the discount applies to small sites only.

2.28 FBC is not clear as to whether it has undertaken a ‘forensic’ evaluation of the deliverability (including build out rates) of sites between 10 and 100 dwellings. If it has not done this, a non-implementation allowance must be applied to the sites of this size.

Q3: In my letter of 3 July 2017 I asked the Council for further clarification on their preferred approach to delivering the identified shortfall in housing delivery using the Liverpool method (across the plan period). In light of the Council's evidence on bringing sites forward for delivery and the availability of additional sites, is the use of the Liverpool method justified?

- 2.29 The HSL Representation on the Stage 2 Additional Evidence stated that the Council cannot justify the Liverpool approach for numerous reasons. The Council has responded to some of these reasons in document EL7.003h. It is not considered necessary to respond to all as it would result in repetition of previous representations. However, HSL would like to take the opportunity to respond on the following Council responses.

Point raised	Council response
No evidence provided by Council to support statement that further larger sites would threaten the delivery of those allocated, also against national policy objective to boost housing and increase choice	Strategic sites allocated in the plan that have significant infrastructure requirements at the outset are less likely to be brought forward if the market is saturated

- 2.30 HSL has promoted land off Fleetwood Road, Wesham as an additional site that could be allocated for housing. The Council does not have any evidence to show that this additional site would result in other strategic sites in Kirkham/Wesham being less likely to be brought forward. Moreover, eLP policy SL4 confirms that the majority of housing sites within the Kirkham/Wesham Strategic Location have already commenced, with only small sites of 31 dwellings or less not having commenced at the time of publication of SD001.

- 2.31 It is unlikely that additional sites in the Kirkham/Wesham Strategic Location would prevent sites in other Strategic Locations from coming forward. The Council must provide evidence if it is to rely upon this argument as part of its justification for adopting the Liverpool method.

Point raised	Council response
Constraint of the requirement to assess and demonstrate no LSE from effect on pink-footed geese does not apply to all potential sites	Although this is the case, identifying that a site is not affected is not straightforward and is often only achievable through the planning application process, or a plan-level screening

- 2.32 If the Council intends to use pink-footed geese as a reason to justify the Liverpool approach, it is considered that a plan-level screening should be undertaken.

Point raised	Council response
Constraint of PWDR delivery is known to be a constraint in Warton and not in Kirkham, on the basis of applications and appeals. The Council must produce evidence if it is to be considered a constraint in all parts of the borough to justify the use of Liverpool approach.	Not all of the constraints apply to all sites

- 2.33 The Council seeks to justify the Liverpool method by partly referring to the PWDR constraint, amongst others. If it is to do this, it should set out which constraints apply to which locations/additional sites. Unless it does this, there can be no certainty that the Council has undertaken a full assessment of its constraints.

Point raised	Council response
Constraint of M55 J3 capacity on sites not yet allocated must be demonstrated by the Council if it is to use it to justify Liverpool approach; not used as a RfR for the Sanderling Way, Wesham site, which demonstrates there is further capacity.	Highways England response to the LP is found in pages 465-469 of SD013b. It is clear that additional works will be required in order to deliver even the committed levels of development, and there is no certainty that further works could be funded; added to that, there were limits to development that could be accommodated in Wyre, which is served by the junction.

- 2.34 It is of note that HE has since provided its consultation on application no. 17/0568, which is for outline permission for up to 190 dwellings on land north of Weeton Road, Wesham. HE has confirmed that it has no objections subject to the imposition of conditions and LCC Highways has, to date, asked for further information rather than objecting. It is considered that the Council must fully assess the capacity of M55 J3 if it is to use it to justify the Liverpool method.

Point raised	Council response
Considered to be a strong housing market in Fylde; further demonstrated by	The Council will have a five-year supply at adoption under the Liverpool method,

<p>the participation of numerous housebuilders at the EiP; no evidence to demonstrate that the housing market cannot achieve the five-year housing requirement if the Sedgefield method were applied.</p>	<p>with a supply approximating to five years under Sedgefield. However, writing the Sedgefield method into the Local Plan poses risks to the effectiveness of the plan should delivery slip for any reason, even though the Local Plan allocates sites for the whole plan period housing requirement.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2.35 The desire of housebuilders to deliver housing in Fylde can be further demonstrated on two sites that HSL obtained outline permission on via appeal:

- Land off Dowbridge, Kirkham: outline permission was allowed on 23/01/2017 and a reserved matters application is now pending consideration;
- Land off Woodlands Close, Newton with Scales: outline permission was allowed on 18/08/2017, pre-application discussions were held during October 2017 and a reserved matters application is due to be submitted in December 2017.

Summary

2.36 Further to previous HSL Representations and those made by others, this RS has demonstrated that the Council has not satisfactorily considered the following matters in seeking to use them to justify the Liverpool method:

- The impact of additional sites on the delivery of strategic sites, the majority of which have already commenced in Kirkham/Wesham;
- A plan-level screening of the impact of development on pink-footed geese;
- The impact of the PWDR and other constraints on specific locations and additional sites;
- The impact of additional sites on J3 of the M55; and,
- The strength of the housing market in light of the desire to build housing in Kirkham and Newton with Scales.

2.37 It is considered that the Council should not continue to rule out additional sites and thereby seek to adopt the Liverpool approach without having first undertaken the gathering of necessary evidence.

Q4: The Council in EL7.002 confirm that they have a 5-year housing land supply whether Sedgefield (5.1 years) or Liverpool (6.4 years) is used. A recent Council planning policy statement (dated September 2017) produced for an appeal (PINS ref: APP/M2325/W/16/3174723) indicates that the supply is now 4.9 years using the Sedgefield approach or 6.2 years using the Liverpool method. Can the Council comment on their update and its implications for housing land supply within the plan? Will the housing provision have a reasonable prospect of delivering a 5-year housing land supply at the point of adoption of the plan?

- 2.38 HSL does not consider it necessary to expand upon previous representations on HLS or those made with regard Q1 – Q3.
- 2.39 However, it is worth noting the falling supply and making use of a North-West case study. The Cheshire East Local Plan was adopted in July 2017 and an appeal decision was issued in November 2017 confirming that the Council does not have a 5-year HLS. This highlights the importance of securing an appropriate buffer for both the deliverable and developable supplies in order to be able to maintain a rolling 5-year supply once the Plan is adopted. It is considered that FBC must allocate additional sites that can contribute to the 5-year supply and overall developable supply to provide a sufficient degree of flexibility.

3 Conclusions

- 3.1 This RS has demonstrated that the Council has been over optimistic regarding the delivery of housing in the initial 5-year period and cannot demonstrate a 5-year HLS. Furthermore, the Council has not satisfactorily considered a number of matters in seeking to justify the Liverpool method.

- 3.2 HSL considers that the Council must undertake significant additional work in order to be able to provide a sound LP for adoption, including the allocation of additional sites which are capable of contributing towards the 5-year supply and flexibility across the plan period.