

**Gladman Hearing Statement**  
**Fylde Local Plan to 2032 Partial Review**  
**Examination**

**Matter 1: Statutory Procedures and Legal Compliance**



**February 2021**

# CONTENTS

<b>1</b>	<b>Matter 1 – Compliance with Statutory procedures and legal matters .....</b>	<b>3</b>
<b>1.1</b>	<b>Issue 1a.....</b>	<b>3</b>
	<b>Question 1 .....</b>	<b>3</b>
	<b>Question 2.....</b>	<b>4</b>
	<b>Question 2 a .....</b>	<b>4</b>
	<b>Question 2 b.....</b>	<b>4</b>
<b>1.2</b>	<b>Issue 1b .....</b>	<b>6</b>
	<b>Question 3.....</b>	<b>6</b>

# 1 MATTER 1 – COMPLIANCE WITH STATUTORY PROCEDURES AND LEGAL MATTERS

## 1.1 Issue 1a – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004

**Q1 – Has the Council engaged constructively actively and on an on-going basis in the preparation of the Partial Review, in the context of relevant strategic matters, including meeting any unmet needs from neighbouring authorities? Does the evidence clearly demonstrate the nature of any cooperation activities and the outcomes that have been achieved?**

1.1.1 As described further in relation to Question 2 below and in our Matter 2 Hearing Statement, Gladman Developments (Gladman) question whether satisfactory cross-boundary working and co-operation has taken place to address the issue of unmet housing needs in the Fylde Coast Housing Market Area and with neighbouring authorities, and in particular the issue of cross-boundary housing needs between Fylde and Wyre Borough Councils.

1.1.2 Although the October 2020 Statement of Common Ground between Fylde Council, Wyre Council and Blackpool Council (SPDR05(a)) seeks to describe the co-operation that has taken place between the three Councils when identifying housing needs and requirements, this appears to highlight that no effective measures have been put in place to address the issue of unmet housing needs between the Fylde and Wyre authority areas and demonstrate the Duty to Cooperate has been met in this respect.

1.1.3 This can be seen with reference to Wyre Borough Council's comments on the FLP32 Partial Review Regulation 19 consultation, dated 25<sup>th</sup> August 2020 (SPDR08(a)), which described the work that still needs to be undertaken to establish Wyre's unmet needs:

*"I also wish to draw your attention to the fact that it cannot be assumed that Wyre Council, through the partial review process, will be able to meet its housing needs in full within the Borough...Until detailed consideration has been given to this issue through the review process, it has not been established that Wyre can meet any unmet needs within the Borough."*

1.1.4 We also note that paragraph 6.11 of the Fylde, Wyre and Blackpool Statement of Common Ground (SDPR05(a)) states that *"In undertaking the Partial Review of the Fylde Local Plan it has not been assumed that Wyre Council, through its own partial review process, will be able to meet housing needs in full within the Borough."* This appears to contradict statements that are made elsewhere in the Council's Housing Needs and Requirement Background Paper 2020 (EDPR04) regarding the assumption that Wyre will be able to meet any unmet needs in its own administrative area, and the proposed amendments to FLP32 paragraphs 1.24 – 1.27.

- 1.1.5 A key driver of the Fylde Local Plan Review process has been the need to assess the issue of unmet needs between Fylde and Wyre, stemming from the Examination in Public of the adopted Fylde Local Plan to 2032 (FLP32) and the requirements of FLP32 paragraph 1.27. This committed the Council to undertaking a full or partial review of FLP32 once the extent of any housing shortfall had been correctly quantified through the Wyre Local Plan Examination process.
- 1.1.6 In this context, we continue to question whether it is now the right time for the Council to be proceeding with a Local Plan review when there is still no clarity on this important matter. Until Wyre Borough Council have correctly identified the level of unmet need that will arise from their own on-going Local Plan review process, as required by Wyre Local Policy LPR1, there can still be no assurances on the scale of unmet need that will need to be accommodated through the Council's amended proposals.
- 1.1.7 Advancing the FLP32 Review when there is still no clarity on the issue of unmet needs arising from Wyre only risks creating the same situation that arose through the preparation and Examination of the Councils' current Local Plans.
- 1.1.8 We also note from the current Blackpool Local Plan Part 2 Regulation 19 consultation that it is not considered possible to meet any of Wyre's unmet needs in Blackpool's administrative area, and that this is an agreed position between the two authorities<sup>1</sup>, placing more emphasis on the need to resolve this matter in cooperation with Fylde.
- 1.1.9 On this basis and in light of the aforementioned points, we believe that the best course of action would be to postpone work on the current review of the FLP32, so that a fully aligned process of review can be undertaken by Fylde and Wyre, ensuring that any unmet needs are properly addressed between the two authorities.

**Q2 – In relation to Wyre Borough Council's unmet housing needs, a revised approach is set out for paragraphs 1.24-1.27 in the Partial Review. My queries are:**

**a. How has the duty to cooperate been specifically met in this regard?**

**b. Does the evidence demonstrate that Wyre Borough Council will be able to deliver unmet housing needs in its own area, or is there still a potential that unmet needs may need to be provided elsewhere?**

- 1.1.10 Gladman object to the proposed amendments to FLP32 paragraphs 1.26 – 1.27, which state that "Whether the unmet need of 380 dwellings from the Wyre Local Plan (2011-2031) cannot be met in Wyre is a matter for the Partial Review of the Wyre Local Plan's reassessment of housing need in Wyre and how it is to be met", and making the assumption that any unmet need will be met by either Wyre being able to meet its housing needs in full when assessed against the revised Standard method, or within the Fylde's revised housing target range of 275 – 415 dwellings per annum.

---

<sup>1</sup> Paragraph 1.18, Blackpool Local Plan Part 2 Duty to Co-operate Draft Statement of Common Ground (December 2020)

- 1.1.11 Gladman contend that this is not a satisfactory response to the issue of unmet needs arising from Wyre. In the first instance and as demonstrated in Wyre Borough Council's response to the FLP32 Review Regulation 19 consultation, dated 25<sup>th</sup> August 2020, Wyre Borough Council has yet to establish the scale of housing need that it will be seeking to accommodate in its own on-going Local Plan review process, and may elect to plan for a higher level of housing need than required by the starting point of the Standard Method.
- 1.1.12 Until Wyre's Local Plan review has been advanced to the stage where the Council's housing needs have been identified and confirmed, it cannot be assumed that they will be able to accommodate their full housing needs within their own administrative area.
- 1.1.13 On the basis of our Matter 2 submissions, we also object to the statement that any unmet needs could be accommodated within Fylde's revised housing requirement range of 275 – 415 dpa. We do not believe that there are justifiable or sound grounds for revising the Council's adopted FLP32 housing requirement, and this revised housing range should not be viewed as a mechanism to meet any housing shortfall arising from Wyre.
- 1.1.14 The upper end figure of this range corresponds with allocations that were identified to meet Fylde's own requirements. Notwithstanding the lack of clarity on Wyre's unmet needs at this stage, we submit that the most appropriate course of action would be to identify additional housing sites, in addition to those already allocated in the FLP32, should the Council wish to make an allowance for any housing shortfall that may arise from Wyre's administrative area.
- 1.1.15 For the above reasons, we do not believe that it can be assumed that the Duty to Cooperate has been satisfied and any unmet needs have been addressed, as claimed by these proposed revisions to the FLP32.

## **1.2 Issue 1b – Has the Partial Review been prepared in accordance with other legal and procedural requirements?**

### **Q3 – Is the Sustainability Appraisal and Strategic Environmental Assessment Report [SPDR02] suitably comprehensive in assessing the environmental, social and economic effects of the Partial Review, in accordance with legal and national policy requirements?**

- 1.2.1 Whilst Gladman has no specific comments to make on the current findings of the Council's Sustainability Appraisal and Strategic Environmental Assessment (SPDR02), we do believe that it would have been appropriate and reasonable to assess other alternatives to the revised housing requirement of 275 – 415 dpa that is now being advanced through the FLP32 Partial Review.
- 1.2.2 In this respect, paragraph 3.3.2.3 of the Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) seeks to explain why it has not been considered necessary to test any 'reasonable' alternatives to the changes that have been put forward in the Council's Schedule of Revisions to the FLP32 (SPDR01), stating that *"each of the proposed revisions to policies are considered to be necessary for the Plan to be legally sound in light of the latest version of the NPPF, whilst also being necessary to ensure that the Council works effectively with neighbouring authorities"*, and that *"to revise policies in a different way such that they may not be legally sound or contribute towards effective co-operation with neighbouring authorities, would not be a reasonable approach"*.
- 1.2.3 However, for the reasons explained in our Matter 2 Hearing Statement, we believe that it would have been reasonable for the Council to have assessed alternative housing requirement figures as part of the SA/SEA process. An increased housing target and requirement would conform with the requirements of national planning policy and guidance, would be sound, and could potentially assist neighbouring authorities in meeting their potential unmet housing needs under the Duty to Cooperate.
- 1.2.4 If it is determined that the Council should be seeking to plan for a higher level of housing need or maintain its current housing target of 415 dpa through the Examination process, then at the very least we believe that this must be assessed as part of an update to the Council's SA/SEA work.