

EIP Statement

Partial Review of the Fylde Local Plan to 2032

Taylor Wimpey UK Limited

Representor ID: 11

Our ref 41917/06/CM/NMi
Date 23 February 2021

Subject **Matter 1: Compliance with Statutory Procedures and Legal Matters**

1.0 Introduction

- 1.1 Lichfields is instructed by Taylor Wimpey UK Limited [TW] to make representations on its behalf to the Partial Review of the Fylde Local Plan to 2032. [the Partial Review].
- 1.2 This statement has been prepared in response to the Matters, Issues and Questions raised by the Inspector for the Matter 1 Examination in Public [EiP] hearing sessions.
- 1.3 Separate representations have been submitted in respect of the following Matters:
- 1 Matter 2: Housing
- 1.4 These Matter Papers representations should be read in conjunction with previous submissions on the Partial Review [Representor ID: 11].
- 1.5 These representations are made in relation to Taylor Wimpey's land interests at Weeton Road, Wesham. The Weeton Road site was promoted for residential development through the now adopted Fylde Local Plan but was not identified as an allocation. Despite this, Taylor Wimpey considers that the site is available now, deliverable and sustainable if required to meet future housing needs.
- 1.6 This statement expands upon TW's previous representations made throughout the Local Plan preparation process in light of the Inspector's specific issues and questions. Where relevant, the comments made are assessed against the tests of soundness established by the National Planning Policy Framework [the Framework] and the National Planning Practice Guidance [Practice Guidance].

2.0 Planning Issues

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?

- 2.1 The Purpose of the Duty to Cooperate is to ensure that local planning authorities continue to take a strategic approach to planning for issues that extend across boundaries, following the abolition of regional planning. It requires that councils and other bodies engage constructively, actively and on an ongoing basis to develop strategic policies in the preparation of Local Plans and any documents and activities that can reasonably be considered to prepare the way for such plans.
- 2.2 The Fylde Partial Review was necessitated (in part) by a commitment made through the Examination of the adopted Local Plan to meet any outstanding needs of Wyre following the adoption of their Local Plan. Because Fylde and Wyre progressed plans at different times, despite relying on shared evidence and a Memorandum of Understanding, the result was a need for the early review commitment to be embedded in the Fylde Local Plan.
- 2.3 One of the issues grappled with during the Examination into the now adopted Fylde Local Plan was Fylde not aligning its timetable with Wyre, particularly given their relationships, sharing of evidence and reliance on each other to meet the housing need in their Housing Market Area [HMA].
- 2.4 Taylor Wimpey is concerned that there is a similar lack of alignment between the Fylde and Wyre Partial Review processes and this could result in similar consequences. It is not clear how Fylde Council and Wyre Council have engaged constructively and actively and on an on-going basis as the timing of the two Partial Reviews has not been aligned and the Wyre Partial Review is not at stage where it has been confirmed what the housing requirement for Wyre will be. The Fylde Partial Review is therefore unable to confirm whether or not there is a need to accommodate unmet need in Wyre.
- 2.5 As required by Section 20(5)c of the Planning and Compulsory Purchase Act 2004, the purpose of the examination will be to determine whether Fylde has complied with any duty imposed on the authority by section 33A in relation to its preparation. This includes considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities including the preparation of development plan documents. Taylor Wimpey considers that Fylde Council has failed in this duty as there is no clear joint approach with Wyre. It is clear that Wyre is behind in terms of progress on its Partial Review preparation compared to Fylde and cannot therefore have been party to active and ongoing cooperation. The evidence available therefore fails to clearly demonstrate the nature of any cooperation activities and the outcomes that have been achieved between Fylde and Wyre Councils.
- 2.6 With regard to this matter, Taylor Wimpey notes that a significant number of plans have been withdrawn from examination or recommended for non-adoption since 2012 because of a failure to meet the Duty to Cooperate¹.

2.7 As such, Taylor Wimpey considers that Fylde Council should not continue with its Partial Review at the current time given the uncertainty surrounding the need to meet Wyre’s unmet housing requirement. We provide more detail on this matter in our responses below.

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?

2.8 In accordance with the Framework², the Partial Review of the Local Plan needs to take account of any need that cannot be met in neighbouring areas. Taylor Wimpey considers that the proposed approach to meeting Wyre’s needs in the Fylde Partial Review is flawed and the duty to cooperate has not been met. As Wyre’s housing requirement has yet to be confirmed through its own Partial Review, it is not possible to confirm whether the revised approach set out in paragraphs 1.24-1.27 of the Fylde Partial Review will be effective in addressing one of the key purposes of the review which is to meet any outstanding needs of Wyre.

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?

2.9 The adopted Wyre Local Plan identifies the Objectively Assessed Need (OAN) for housing to be 479 dwellings per annum, equating to 9,580 over the plan period to 2031. Policy SP1 states that it will deliver a minimum of 9,200 dwellings, which equates to 460 dwellings per annum over the plan period, resulting in a shortfall of 380 dwellings.

2.10 Policy LPR1 of the Wyre Local Plan (2011-2031) requires that Wyre Council undertakes a partial review of the plan as follows:

The Local Planning Authority will bring forward a partial review of the Plan with the objective of meeting the full Objectively Assessed Housing Needs. This will commence before the end of 2019 with submission of the review for examination by early 2022.

Specific matters to be addressed by the review include the following:

1. An update of Objectively Assessed Housing Needs.

2. A review of transport and highway issues taking into account:

(i) housing commitments and updated housing needs;

(ii) implemented and committed highway schemes;

(iii) the scope for sustainably located sites where the use of sustainable transport modes can be maximised; and

(iv) the additional transport and highways infrastructure that will be needed to meet in full the updated Objectively Assessed Housing Needs.

3. Allocation of sites to meet the full Objectively Assessed Housing Needs taking into account 2. above.

¹ <https://www.planningresource.co.uk/article/1681910/why-councils-struggling-meet-duty-cooperate>

² National Planning Policy Framework §§11, 60 & 65

- 2.11 Wyre Council is in the early stages of preparing its Local Plan Partial Review. Consultation on the scope of the Wyre Partial Review took place between 28 February 2020 and 14 April 2020. Since this time, no further consultation on the document has taken place (the Wyre February 2020 LDS indicates that this will take place in April 2021). Wyre Council has yet to confirm its housing requirement figure through the Partial Review. Given this early stage of preparation, there is no clear steer at present on whether Wyre Borough Council will be able to deliver unmet housing needs in its own area and how Wyre Council's ability to provide this requirement will be affected by the other factors being considered in its Partial Review such as highways and transport issues and the provision of transport infrastructure etc.
- 2.12 The Statement of Common Ground [SOCG] between Fylde Council, Wyre Council and Blackpool Council refers to these issues. It notes³:
- "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. The Inspector's Report into Wyre's Local Plan made it clear that further consideration needed to be given as to the extent to which any unmet need could be met in Wyre through a review of transport and highway issues. This is reflected in LPR1 (2). Until detailed consideration has been given to this issue through Wyre's partial review process, it has not been established that Wyre can meet any unmet needs within the Borough"*. [our underlining]
- 2.13 The SOCG⁴ also notes:
- "It will be for Wyre Council to determine how it reviews its housing requirement figure through the Partial Review, whilst following the requirements of the Local Plan Policy LPR1"*.
- 2.14 The SOCG therefore acknowledges that there is uncertainty over what Wyre's housing requirement figure will be and whether Wyre will be capable of meeting its own needs. The Fylde Partial Review may therefore be required to accommodate some of Wyre's requirement.
- 2.15 The Fylde Partial Review⁵ notes local housing need for Wyre calculated using the standard method gives a figure of 308 dwellings per annum. Whilst this is below the 460 dwellings per annum that the Wyre Local Plan provides for it is not yet clear what housing requirement figure Wyre will pursue in their Partial Review going forward. It is also not clear if Wyre Council will continue with the Partial Review in light of the potential changes to the planning system which are currently being consulted upon. With regards to this matter, it is important to note that the standard method provides a 'minimum starting point' and Wyre Council may therefore opt to pursue a higher housing requirement figure if it wishes to do so.
- 2.16 For the above reasons, Taylor Wimpey considers that the evidence fails to demonstrate that Wyre Borough Council will be able to deliver unmet housing needs in its own area, and as a consequence, fails to meet the requirements relating to the duty to cooperate.

³ SDPR05a Fylde Council, Wyre Council, Blackpool Council Statement of Common Ground (October 2020) §6.11

⁴ SDPR05a Fylde Council, Wyre Council, Blackpool Council Statement of Common Ground (October 2020) §7.6

⁵ SDPR01 Fylde Partial Review (March 2020) §1.26

c. The proposed revised wording for paragraph 1.26 states that ‘Any housing need that cannot be met in Wyre...is provided for if needed through the new housing requirement range...in the Partial Review...’. This is based on standard method calculations of assessing housing need which will be discussed under Matter 2, in response to questions posed there. Can the Council please clarify whether the Partial Review proposes to meet Wyre’s identified unmet needs?

2.17 We note that this question is directed towards the Council but would refer the Inspector to our other responses in this EiP statement which we consider to be relevant to this question also.

d. Should the Partial Review include a revised commitment to help meet any unmet housing needs, where relevant?

2.18 As one of the key purposes of the Partial Review is to examine the issue of unmet need in Wyre, a revised commitment to help meet any unmet housing needs should not be necessary, as this matter should already be adequately addressed within the Partial Review.

“For the reasons identified in this EiP statement, Taylor Wimpey considers that the timing of the Fylde and Wyre Partial Reviews should be aligned. Through this approach there will be greater clarity on the need for Fylde to meet any of Wyre’s unmet housing needs and this will enable Fylde to identify a specific housing requirement figure to ensure that these needs are met”.

e. Overall, in this regard, is the approach in the Partial Review soundly based?

2.19 For the reasons set out in this EiP statement, Taylor Wimpey does not consider that the approach in the Partial Review is soundly based. To summarise:

- 1 One of the key purposes of the Fylde Partial Review is to examine the issue of unmet need in Wyre. However, the Wyre Partial Review is in the early stages of preparation and the housing requirement for Wyre has yet to be confirmed.
- 2 The evidence available fails to demonstrate that Wyre Borough Council will be able to deliver unmet housing needs in its own area as it is not known what this unmet need will be.
- 3 It is not therefore clear at present whether the dwelling range identified in the Fylde Partial Review is sufficient to accommodate additional need from Wyre.

2.20 In order to address this matter, we consider that the Council needs to align its Partial Review timetable with Wyre. If this action is not taken then Fylde Council may find itself in a similar position to the adopted Local Plan, where a further mechanism for review would need to be incorporated into the Partial Review. This would nullify one of the key objectives of the Partial Review which is to accommodate some of Wyre’s needs if necessary.

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 [SDPR02] suitably comprehensive in assessing the environmental, social and economic effects of the of the Partial Review, in accordance with legal and national policy requirements?

2.21 Taylor Wimpey considers the Sustainability Appraisal to be flawed as it only considers the dwelling range proposed in Policy H1 of the Partial Review. Given that Wyre Council’s housing requirement has yet to be confirmed and the extent to which the Fylde Partial review may be required to accommodate Wyre’s needs is currently unclear, there is currently no certainty that

this dwelling range is appropriate and it may be necessary for the SA to test an alternative dwelling requirement figure outside of the range currently identified in Policy H1.

Q4. Does the Habitat Regulations Assessment Screening Report [SDPR03] meet the legal requirements for assessing whether the Partial Review, either in isolation and/or in combination with other plans, is likely to have a significant adverse effect on relevant European sites, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended)?

2.22 Taylor Wimpey has no comment on this matter.

Q5 Has the Partial Review been prepared in accordance with the Council's Statement of Community Involvement and statutory consultation requirements?

2.23 The Statement of Community [SCI]⁶ indicates that the Council will work together on strategic planning issues with Wyre Borough Council as part of the Duty to Cooperate. It notes⁷ that the Partial Review will address the objective of examining the issue of Wyre's unmet housing need which was a commitment in the Fylde Local Plan to 2032 and a precondition of the Inspector finding the Local Plan sound. However, for the reasons set out in this EiP statement, Taylor Wimpey considers that the Council has failed to address this objective.

Q6. Has the Partial Review been prepared in accordance with the Council's Local Development Scheme?

2.24 The Fylde Council Local Development Scheme⁸ includes the Partial Review of the Local Plan. It states:

"A Partial Review of the Fylde Local Plan to 2032 will bring the Local Plan in line with Paragraph 212 of the National Planning Policy Framework 2019. It will also consider the unmet housing need in Wyre in accordance with Paragraph 1.27 of the Fylde Local Plan to 2032".

2.25 For the reasons identified in this EiP statement, the Wyre Partial Review is at an early stage of preparation and it has yet to be clearly established what Wyre's housing future requirement will be. We do not therefore consider that the Partial Review has been prepared in accordance with the Local Development Scheme as the appropriate evidence has not been provided to demonstrate how the Fylde Partial Review properly considers the unmet housing need in Wyre.

Q7. In accordance with paragraph 21 of the National Planning Policy Framework (the Framework), the Council proposes, in Appendix 1 of SDPR01, to distinguish whether policies are strategic or non-strategic. The vast majority of policies are proposed to be strategic. Are the reasons for determining the status of the policies as strategic or non-strategic clear? Are the strategic policies limited to the strategic priorities for the area and any relevant cross-boundary issues, as required by the Framework?

2.26 Taylor Wimpey has no comment on this matter.

⁶ BDPR01 Fylde Statement of Community Involvement (June 2020) §2.8

⁷ BDPR01 Fylde Statement of Community Involvement (June 2020) §3.4

⁸ BDPR02 Fylde Council Local Development Scheme (October 2020) §2.6

Q8. Regulation 8(5) of the Town and Country Planning (Local Plan) (England) Regulations 2012 requires any new plan to list the policies in existing adopted plans which it is intended to supersede. The introductory text to the Schedule of Revisions to the Fylde Local Plan [SDPR01] states that the Partial Review supersedes nine specific policies in the adopted Fylde Local Plan to 2032. Is Appendix 1 of the adopted Local Plan proposed to be updated to show that these nine policies are to be superseded by the Partial Review? Can the Council clarify please?

2.27 Taylor Wimpey has no comment on this matter.

Q9. Does the Partial Review accord with the public sector equality duty, as specified under the Equality Act 2010? How has the Partial Review sought to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic?

2.28 Taylor Wimpey has no comment on this matter.

Q10. Has the Partial Review been prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012 in all other respects?

2.29 Taylor Wimpey has no comment on this matter.