



Matter 1 Compliance with statutory procedures and legal matters

Fylde Local Plan Partial Review

for Wainhomes (North West) Ltd and Hollins Strategic Land

Project : 19-318
Site address : Fylde Local Plan Partial
Review
Client : Wainhomes (North West)
Ltd and Hollins Strategic
Land

Date : 22 February 2021
Authors : Stephen Harris and John
Coxon

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1. Introduction

1.1 Emery Planning is instructed to appear at the Examination into the Partial Review. We submitted representations and appeared at the Examination into the adopted Local Plan and submissions were made to the Partial Review.

1.2 This Statement deals with Issue 1a and Issue 1b which state:

“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

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

1.3 We do not repeat our representations at the Submission Draft in this Hearing Statement in responding to the MIQs.

2. Q1 and Q2

2.1 We answer Q1 and Q2 together below with regard to neighbouring authorities and specifically Wyre.

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?

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:

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

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?

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?

2.2 Wyre Council, in their response dated 25th August 2020 (SDPR08a) state:

"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. 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 LRP1 (2). 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."

2.3 The SoCG between the three LPAs in the HMA (SDPR05a) states:

"6.11 The Wyre Partial Review will include an update of housing needs, which will have regard to the desirability for consistency with local housing needs assessments elsewhere within the housing market area including that undertaken by Fylde in preparation of the Partial Review. 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."

- 2.4 Therefore for this Examination Wyre has an unmet need from its adopted local plan. The proposed change to paragraph 1.26 states:

"The local housing need for Wyre calculated using the standard method in PPG gives a figure of 308 dwellings per annum. This is significantly below the 460 dwellings per annum that the Wyre Local Plan provides for. Therefore, the housing needs in Wyre under an assessment using the standard method will be fully met by the Wyre Local Plan. Any housing need that cannot be met in Wyre, established through Wyre's Partial Review, up to and including the need unmet following the adoption of the Wyre Local Plan (2011-2031) (30 dwellings per annum), is provided for if needed through the new housing requirement range of 275-415 in the Partial Review of the Fylde Local Plan to 2032."

- 2.5 Therefore Fylde Council has unilaterally decided that there is no unmet need in Wyre due to the application of the SM. Wyre Council is right to conclude that it does not know and will not know if its unmet needs can be met in its plan area until they do their partial review. Until then there is a shortfall against the adopted Local Plan.

- 2.6 The Council states that if there is an unmet need then it can be accommodated through its housing requirement range of 275-415 in the Partial Review. We do not understand how that can be the case as the 415 dwelling per annum is the requirement in the adopted Local Plan which is 2 years old. The need for a partial review was to establish if further land should be allocated in Fylde to meet Wyre's unmet needs. If the second figure in the range was higher than 415 we could start to understand, but the other end of the range is 275 dwellings. As we will examine under Matter 2 that figure is not sound to meet Fylde's housing needs. Therefore such a range to assist in meeting Wyre's needs is neither justified nor effective.

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

- 2.7 No, the need for a Partial Review was that the local plans in the HMA had progressed independent albeit based on the SHMA for the HMA.
- 2.8 In order for the Plan Review to produce an effective and long-term housing strategy, and ensure that housing needs of the HMA are met in full, Fylde Council should undertake a joint plan review with Wyre and Blackpool Councils and undertake specific studies in order to determine the housing requirement. As we set out in Matter 2, the Central Lancashire authorities are undertaking

significant work to understand their housing need. In our view, it is not sufficient for Fylde Council to undertake a standalone review of its housing requirement without a comprehensive study of the housing needs of the wider HMA against the Framework and PPG.

- 2.9 In proceeding with the Partial Review despite the written request of Wyre Council to align their respective plan-making timescales and undertake a cross-boundary assessment of housing need, Fylde Council has not complied with the Duty to Cooperate.