

## WYRE LOCAL PLAN EXAMINATION

### WYRE COUNCIL'S RESPONSE TO THE INSPECTOR'S PRELIMINARY VIEWS ON MATTERS AND ISSUES FOR THE EXAMINATION INCLUDING SOME INITIAL QUESTIONS AND COMMENTS

#### Introduction

The Council's response is set out in red below after each paragraph of the Inspector's note where relevant.

1. The purpose of this note is to:
  - set out my views on potential matters and issues for the examination and;
  - seek clarification from the Council on a number of points relating to those matters and issues.
2. These views and questions arise from my initial reading of the Local Plan (LP), some of the key supporting documents and the Summary of Representations.
3. The answers will help me to draw up 'Matters and Issues' for the examination hearings. I will have further questions during the preparation period, including some relating to the allocations and related policies which are not covered in this note. My questions and comments are without prejudice to consideration of the soundness of the Plan's policies during the remainder of the Examination, including at the hearings. **Some of the answers to the points that I raise may be contained within the evidence base. If that is the case please could my attention be drawn to where I can find the information?**

#### Wyre Council Response

In responding to the Inspector's questions, relevant aspects of the evidence base wherever necessary will be cross referenced.

4. Not all matters raised go to soundness but may assist with the clarity of the LP. Where a point could potentially be addressed by a Main Modification (MM) or Additional Modification (AM) to the LP I will make this clear by including **MM** or **AM** in the text.
5. All references to paragraphs and policies relate to the 'Wyre LP Submission Draft Local Plan January 2018' (SD004).

#### Preliminary Points

6. The LP subject to consultation between September and November 2017 was the Publication Draft version (SD001). This is the version of the LP which is the starting point for the examination. The changes made after the consultation that are included in the Submission Draft and the Schedules of Minor Modifications (SD003a and SD003b) may also be considered during the examination. However, it appears that most of the changes do not go to 'soundness' and would therefore form the basis of AMs suggested by the Council during the examination. If any of the changes made do go to 'soundness' they would be included in the Schedule of MMs (see below). I will advise you in due course if I think that this is the case.

7. The AMs would be distinct from any further changes to the submitted LP which arise during the examination and are required to make the LP 'sound' which will comprise MMs. Assuming that any are necessary a Schedule of MMs should be produced during the examination which should be a living document to be updated and included on the website. After the hearing sessions it will be necessary to consult on MMs and consider any implications for the Sustainability Appraisal. To ensure that the number of MMs does not become unwieldy all proposed changes to a particular policy and consequential changes to its explanation should be encompassed within a single MM.
8. Hearing sessions forming part of the examination are likely to take place for a period of up to 3 weeks. I understand that the Council Chamber is available for weeks commencing 14 and 21 May and 4 June. Six weeks' notice is required for the hearings i.e. by 2 April 2018. However, in view of the Easter weekend formal notice should be given during week commencing 26 March 2018.
9. I would envisage that strategic matters such as the duty to cooperate, statutory compliance, housing and economic development needs and the overall strategy would be dealt with during the first week or so. The first week would also accommodate discussions on the components of housing supply and whether these would be sufficient to meet the housing requirement over both the plan period and the next 5 years. Then site allocations, infrastructure, implementation and monitoring would be dealt with in the second week, with the third week available to undertake a review sessions and as a reserve.
10. In terms of programming each week would normally involve 3 days of hearings sessions (Tuesday to Thursday), albeit an additional day, probably a Friday, could be included if this avoided the need for a third week.
11. I set out an indicative programme for the hearings in **Appendix 1** based on the potential Matters and Issues and representations. Feedback on this programme would be welcome, particularly whether too much or too little time has been allocated to various sessions, having regard to the level and nature of representations.

### **Wyre Council Response**

The Council considers that the timetable is overall reasonable. However taking into account matters raised and the representors indicating that they wish to participate at the hearing, the matters indicated on the draft timetable for Tuesday 22 May not require a whole day. This provides flexibility in case discussion on previous days overrun. Similarly discussion on allocations relating to Great Eccleston, Stalmine, Pilling and Hambleton may not require the whole morning which means discussion relating to Inskip may be possible to start earlier. Also discussions on the matters indicated for days 24 and 25 May, may not require a whole day which provides flexibility in case discussion on previous days overrun.

## **Matter 1 – Legal Compliance, Procedural Requirements and the Duty to Cooperate (DTC)**

12. Paragraph 153 of the National Planning Policy Framework (the Framework) encourages each local planning authority (LPA) to produce a single LP. My understanding is that there is no intention to produce any additional development plan documents, albeit that supplementary planning documents (SPD) will be prepared. However, it is understood that there are Neighbourhood Plans emerging and a Minerals and Waste Plan has been produced by Lancashire County Council. Please could you confirm the position? The LP should explain how these various components of the development plan will fit together.

### **Wyre Council Response**

It is confirmed that there is no intention to produce any additional development plan documents but that supplementary planning documents will be prepared.

Three Neighbourhood Plan Areas have been approved where it is understood that work is progressing towards preparing a Neighbourhood Plan. These are Barton (which straddles the boundary between Wyre and Preston and in relation to which Preston is the Lead Local Authority); Dolphinholme (which straddles the boundary between Wyre and Lancaster and in relation to which Lancaster is the Lead Local Authority) and Garstang.

It is confirmed that a joint Minerals and Waste Core Strategy and a Joint Minerals and Waste Site Allocations and Development Management DPD has been produced by Lancashire County Council and the two unitary authorities of Blackpool Council and Blackburn with Darwen Borough Council.

The Council will prepare an appropriate modification to explain how the various components of the development plan fit together. (AM)

13. Issues that are likely to be discussed at the hearing session are:

- The extent and type of consultation and community engagement;
- The Sustainability Appraisal;
- The timeframe of the LP and its relationship to the evidence base;
- The DTC and in particular addressing housing needs in the Housing Market Area (HMA) and dealing with infrastructure constraints, particularly transport.

14. Fylde LP is currently undergoing its examination. The MMs to the Fylde LP indicate that an early partial or full review will be undertaken once any unmet housing needs from Wyre is established following this examination. In terms of other local authorities no other authority has thus far offered assistance in meeting housing need arising in Wyre (para 1.4.4 refers). It is noted that Lancaster has asked for assistance in meeting its own objectively assessed need (OAN). Blackpool has an adopted Core Strategy (CS) and is progressing a Part 2 LP. Preston is covered by a CS and a Site Allocations Plan. Other than Fylde is there any prospect of other adjoining authorities assisting with meeting unmet needs through emerging or reviewed local plans?

### **Wyre Council Response**

Apart from Lancaster who has published their local plan with a shortfall against their OAN, there has not been any evidence from Blackpool or Preston that they cannot

assist. This will be a matter for them to consider when they next review their respective plans.

## **Matter 2 – Strategy and Strategic Policies**

15. Issues that are likely to be discussed at the hearing session are:

- The spatial distribution of development (described as 'dispersal');
- The settlement hierarchy in Policy SP1;
- The justification for Strategic Areas of Separation;
- Green Belt – the terms of Policy SP3 and whether exceptional circumstances have been demonstrated for the alteration of Green Belt boundaries (Green Belt alterations will also be discussed in relation to specific allocations during Week 2);
- Whether other strategic policies are consistent with national policy.

16. Section 1 of Policy SP1 lacks clarity. The abbreviation GVA is not explained here or elsewhere in the LP. The meaning of the final sentence of Section 1 is unclear. The table within the policy includes precise figures whereas rounded figures should be used. The figures in Section 3 should be expressed as a minimum (**MM**).

### **Wyre Council Response**

The Council will prepare an appropriate modification to the Glossary to explain to explain the term GVA. (AM)

Section 1 in Policy SP1 is an overall description of the development strategy - meeting our needs within our environmental limits. These includes housing and economic needs and in relation to the latter it is about raising economic performance and wage levels. The latter is a response to the fact that income levels in Wyre are higher than wage levels. This is acknowledged in the SHMA (SHMA paragraph 5.24 - ED085). Information on residence-based v workplace-based earnings can be obtain from Lancashire Insight<sup>1</sup>.

The last sentence is indicating that the strategy cannot be achieved by the Council alone or by just new development. It will also require actions by the Council's partners such as infrastructure providers and developers in relation to a) – e). Further policies in the Local Plan can be related back to these matters.

It is acknowledged that the last sentence in section 1 is poorly drafted. The term 'stakeholder' rather than 'partner' would be a better term. Also 'on' should be replace with 'in relation to'. The Council will prepare an appropriate modification. (AM)

The Council will prepare an appropriate modification to round up the figures in table in Policy SP1 section 2 and express the figure in section 3 as a minimum. (MM)

17. ED008 refers to Strategic Areas of Separation. However, is there an assessment of the landscape and visual importance of these areas? Para 4.1.17 refers to Strategic Areas of Separation defined by Policy SP1 being in rural areas but the policy includes an area between Fleetwood and Thornton. Moreover, the critical gap is already protected by Green Belt whereas the land subject to Policy SP1 does not appear to be developable being referred to as marshland in ED008. An area between Forton and

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<sup>1</sup> <http://www.lancashire.gov.uk/lancashire-insight/economy/income-earnings-and-benefits/average-earnings-and-hours-of-work/>

Hollins Lane is also protected but do parts of allocation SA3/4 erode the critical gap? Should b) and f) be deleted from the policy?

### Wyre Council Response

There is no assessment of the landscape and visual importance of Strategic Areas of Separation. The purpose of these areas are to ensure the distinctiveness of separate communities in Wyre. The landscape and visual merits of these areas are not relevant to the designation.

The reference in para 4.1.17 that Strategic Areas of Separation are in rural areas is an error. The Council will prepare an appropriate modification to correct this error. (AM)

Although the land between Fleetwood and Thornton subject to policy SP1 is not readily capable for built development it does perform the function of a Strategic Area of Separation between the two towns and thus it is considered that the designation is appropriate.

With regards to Forton, during engagement with the Parish Council the Council was advised that Forton is distinct and separate from Hollins Lane. This is consistent with the 1999 Wyre Local Plan which recognises two separate settlements, Forton and Hollins Lane, Forton. It is acknowledged that allocation SA1/14 has planning permission and once implemented it will effectively join Hollins Lane with the existing employment site on the opposite side of the A6 and adjoining the southern parcel of SA3/4. It is accepted that the allocation of SA3/4 will have a small impact on the current gap between the two settlements. However it is considered that this situation further strengthens the need for a Strategic Area of Separation between the two settlements so that the coalescence is not consolidated further.

The Council maintains its position that b) and f) in policy SP1 section 6 should remain.

18. The Framework indicates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the LP. The LP seeks the alteration of Green Belt boundaries (paras 4.1.9, 4.1.16 and 7.2.1 refer) but does not justify the change with reference to exceptional circumstances. Whilst it may well be evidenced in supporting documents such as ED008 such justification should be included in the LP, should it have been demonstrated (**MM**).

### Wyre Council Response

The Council undertook a Green Belt review in order to ensure that sustainable opportunities for meeting development needs were maximised. The Wyre Green Belt Study (ED109 a,b,c & d) is however, an objective assessment and is not driven by the need to find land for development. The Wyre Green Belt Study (ED109 a,b,c & d) concluded that parcels 2,20 & 21 have a very limited function as part of the Green Belt and their removal would not have any impact on the integrity and function of the Green Belt.

It is considered that the three parcels are 'oddities' in the Green Belt and that removing such irregularities strengthens the integrity and importance of land remaining in the Green Belt and is consistent in fulfilling the purpose of designating the Green Belt in Wyre – separating Poulton-le-Fylde from Blackpool (Parcels 20 and 21 do not do that as they comprise open land entirely within the boundaries of Poulton-le-Fylde) and separating Fleetwood from Thornton and Cleveleys (parcel 2 can best be described as

separating one part of Fleetwood from another). These are considered exceptional circumstances in that the designation was erroneous in the first place.

Furthermore there is limited development land within the urban areas in Wyre that could accommodate additional development. Parcel 20 offers the most sustainable option to meet development needs in Poulton-le-Fylde due to its proximity to the town centre. Further development in Poulton-le-Fylde is dependent on delivering a car park which would serve rail commuters as part of the Poulton-le-Fylde Highway Mitigation Strategy. The proposed allocation on parcel 20 could not be accommodated on any other site at Poulton-le-Fylde. Without parcel 20 the Local Plan would be delivering even less housing towards meeting the housing OAN. This is also considered to be an exceptional circumstance.

The Council will prepare an appropriate modification to section 5.4 to explain the exceptional circumstances. (MM)

19. There is no need to reiterate policies set out in the NPPF<sup>2</sup>. Sections 1-3 of Policy SP2 do this and can be deleted (**MM**). Other policies do likewise (see below). In attempting to repeat national policy there is a danger that some inconsistencies will creep in and lead to small but critical differences between national and local policy and difficulties in interpretation and relative weighting. Moreover, national policy is likely to change with the revised Framework.

#### Wyre Council Response

The Council is aware of the advice in the NPPF not to reiterate policies set out in the NPPF. However policies in the NPPF are guidance and do not have the same statutory footing as policies in the Local Plan. There are matters that the Council considers that they should be covered by a Local Plan policy (See also response to paragraph 21 below).

With regards to sections 1-3 in Policy SP2, the Council agrees with the Inspector that they should be deleted and will prepare an appropriate modification to Policy SP2. (MM)

20. Section 8 of Policy SP2 refers to development proposals responding to climate change and amongst other things water and energy efficiency measures. However, there is no 'meat on the bones' in terms of how such objectives would be achieved. Is there any intention to require developers to exceed the mandatory minimum standards in the Building Regulations by, for example, applying optional standards for water efficiency? However, the new optional national technical standards should only be required through LP policies if there is an evidenced need and where their impact on viability has been considered.

#### Wyre Council Response

Climate change is a 'multi-facet' matter with reference to planning and it is recognised in the spatial portrait as an issue (SD004 paragraph 2.9.16). As noted in the spatial portrait, flooding is of particular relevance to Wyre associated with climate change and which is addressed in policy CDMP2. Climate Change is also covered in the Local Plan vision (SD004 paragraph 3.2.10) and Objective 10.

Climate change is addressed in a number of policies. Policy SP2 may appear as lacking 'meat', however Policy SP2 is a strategic policy and provides the context for more

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<sup>2</sup> NPPG (Paragraph: 010 Reference ID: 12-010-20140306)

detailed policies dealing with specific issues arising/associated with climate change. The wording in section 8 of Policy SP2 was the outcome of the Sustainability appraisal (SA) process and the final SA Report supports the policy (SD005a – page 62).

Policy CDMP2 as noted above deals with flood risk and includes measures for surface water harvesting. Furthermore specific allocations in flood zones require floor levels to take account of climate change.

Policy CDMP1 deals with, among other things, air pollution a principal cause of which is exhaust fumes and with particular reference to climate change CO2 emissions. Policy CDMP6 includes provisions for developments to include measures for sustainable means of transport other than the private car. The policy also includes a requirement for Electric Vehicle Recharging (EVR) to assist in the transition away from diesel/petrol powered vehicles.

Policy CDMP4 protects the functionality and interconnectivity of green infrastructure. Connectivity between green spaces can assist species to become more resilient to the impacts of climate change. Policy EP12 supports proposals for renewable energy.

There is no intention to require developers to exceed standards in Building Regulations. The Council has considered the matter and was of the view that it does not have the resources to enforce and monitor such standards. The Council is proposing a modification to criterion a) in Policy CDMP3 with reference to climate change, (see Council response on paragraph 64 below).

The Council considers that the Local Plan adequately responds to climate change.

21. Policy SP3 to a large extent repeats national policy (see para 19 above). Those elements which are particular to Wyre should be included e.g. that relating to Policy HP7. Otherwise is it not sufficient to indicate that national policy will apply? e.g. in Section 1 – ‘The Policies Map defines the Green Belt in Wyre. Within the Green Belt, planning permission will not be granted for inappropriate development as defined by national policy, except in very special circumstances.’ The developments referred to in Sections 5 and 6 of the policy would be inappropriate development but could be justified by very special circumstances. **(MM)**

### **Wyre Council Response**

The NPPF represents guidance and does not have the statutory force of the Local Plan. It is not part of the Development Plan. It is considered important that the Green Belt is protected by a statutory policy in the Local Plan. This is particularly so in Wyre where the Green Belt is very narrow and thus sensitive and vulnerable to development pressures.

It is acknowledged that what constitute appropriate development can change in national policy over time. Thus the Council will prepare an appropriate modification to Policy SP3 to replace much of the detail with a cross reference to national policy. **(MM)**

The Green Belt in Wyre includes two important further education establishments - Rossall School and the Nautical College. It is vital that they continue to be viable educational establishments and being able to respond adequately to education requirements. These establishments could not expand or adapt in any other way other than development in the Green Belt. These are considered as very special circumstances. Notwithstanding that, Policy SP3 requires that it is demonstrated that the proposed development is necessary.

Similarly in a relatively 'built out' urban area, the Green Belt may be the only location for the siting of necessary infrastructure. It is considered that very special circumstances exist where infrastructure development is needed. The policy however still requires that it is demonstrated that a Green Belt location is necessary.

22. Policy SP4 is not consistent with national policy as it seeks to protect the countryside for its own sake rather than recognise the intrinsic character and beauty of the countryside. Protection and enhancement is only sought by the Framework for valued landscapes (para 109). Moreover, Section 4 goes beyond paragraph 55 of the Framework and appears to ignore the flexibility offered by permitted development rights. Is there a particular local justification for a more restrictive policy for the conversion of redundant buildings in the countryside? In terms of Section 5, it is not clear why Policy SP2 needs to be cross referenced given the detailed criteria within Section 4. **(MM)**

### Wyre Council Response

It is acknowledged that national policy does not expressly 'protect the countryside for its own sake'. The 'countryside' is an intrinsic part of the character of Wyre. Outside the urban areas, Wyre can be described as open countryside interspersed with numerous settlements of varying sizes. The countryside in Wyre is also an important asset for the rural economy, for Wyre's biodiversity and also for the well-being for its residents. Policy SP4 seeks to recognise the importance and value of the countryside in Wyre. If through the discussion at the hearings, it is considered that protecting the 'countryside for its own sake' affects the soundness of the Local Plan, the Council will prepare an appropriate modification to delete 'for its own sake'. It is considered that the intrinsic character and beauty of the countryside in Wyre, lies in its open and rural nature.

Policy SP4 does not prevent development, however acceptable development outside defined settlement boundaries must respect the open and rural character of the countryside.

Permitted development rights are not affected by Policy SP4 and will apply irrespective of Policy SP4. Permitted development rights however are subject to limitations which clearly indicate that the Government's intention is to have some control. Section 4 in policy SP4 seeks to ensure that conversion of buildings results in sustainable development as much as possible. The provision of employment in rural areas assists in their sustainability and potentially lessen the number and length of trips by private vehicles. The benefits of employment opportunities in rural areas is recognised in the Sustainability Appraisal, (SD005a – Appendix D Detail Policy Filter page 116, SA Objective 6). Residential development and in particular residential development away from defined settlements is likely to be reliant on the private car to access employment and services.

Whilst section 4 sets out the circumstances where development will be acceptable Section 5 goes further to require that such development should be sustainable.

23. Within Section 2 of Policy SP4 provision should be included for accommodation for gypsies, travellers and travelling showpeople in accordance with Policy HP8. Within Section 7 the word 'only' should be inserted in the 2<sup>nd</sup> line so it reads 'will only be granted for development....' **(MM)**

### Wyre Council Response

The Council disagrees that section 2 should include provision for gypsies, travellers and travelling show-people. This would be contrary to the Local Plan strategy. The Council considers that accommodation development for Gypsy, Travellers and Travelling Showpeople is in principle inappropriate development in the countryside. The Council has assessed the housing needs of Gypsy, Travellers and Travelling Showpeople and has made appropriate provision. Policy HP8 will apply within settlement boundaries.

The Council agrees with the suggested amendment to section 7 and will prepare an appropriate modification. (MM)

24. Section 1 of Policy SP5 does not refer to landscape and scenic beauty which are the key assets of the Area of Outstanding Natural Beauty (AONB). Section 4 of Policy SP5 reiterates national policy (para 116 of the Framework) and therefore appears superfluous. Moreover, there are no allocations in the AONB so that reference seems unnecessary. (MM)

#### **Wyre Council Response**

The Council agrees that the Policy should be strengthened to include reference to 'landscape' and scenic beauty'. The Council will prepare an appropriate modification to Policy SP5 section 1. (MM)

Although section 4 in policy SP5 repeats the provisions in paragraph 116 of the NPPF, it is considered that such provisions should be given a statutory status by being included as a policy in the Local Plan.

25. In relation to Policy SP6 there may be occasions where it would be unacceptable to reduce infrastructure requirements e.g. where residual cumulative impacts on the transport network would be severe. Does this need to be made clear by the policy?

#### **Wyre Council Response**

The Council agrees that it would be beneficial for Policy SP6 to clarify that there may be circumstances where a reduction in infrastructure requirements would not be appropriate. The Council considers that this should be done in the text rather than the policy and will prepare an appropriate modification to paragraph 5.7.2. (MM)

26. With regard to evidence of marketing would it be clearer if the circumstances where it is required are made explicit e.g. in relation to Policies SP4, CDMP5? Does 3 d) make it clear that advertising by electronic means would be acceptable?

#### **Wyre Council Response**

It is considered that setting out the circumstances where evidence of marketing is required within the policy would be overly prescriptive and thus inappropriate.

Advertising by electronic means would be acceptable and the policy would benefit from that clarification. The Council will prepare an appropriate modification to Policy SP6 with regards to advertising by electronic means. (AM)

27. In Section 3 of Policy SP8 there appears to be a contradiction. If development is likely to have an adverse impact on public health then it will contribute to a negative impact on health.

### Wyre Council Response

It is accepted that the sentence appears contradictory. There are situations where a development has the potential to impact public health in general terms. For example development generating traffic which contribute to air pollution has the potential to have an impact on public health but emissions might be within legal limits. It is acknowledged that section 3 in Policy SP8 could be made clearer by replacing 'likely' with 'with the potential' and 'negative' with 'unacceptable'. The Council will prepare an appropriate modification to Policy SP8. (MM)

### **Matter 3 - Housing and Employment OAN and Requirements**

28. Issues that are likely to be discussed at the hearing session are:

- Whether the evidence base supports the OAN for housing of 479 dwellings per annum (dpa) or 9850 dwellings for the LP period;
- The need for 43 ha of employment land;
- The justification for a requirement of 8,225 dwellings which does not meet the OAN (primarily highway capacity and flood risk constraints);
- The relationship between housing and employment land provision.

29. The figures in paragraph 8.2.1, Table 8.2 and Policy EP1 in relation to employment land needs and allocations appear confusing. Consideration should be given to revising para 8.2.1 for clarity. Policy EP1 should make reference to provision of around 48 ha of employment land over the plan period as that is the gross amount. The explanation should point out that provision is above the employment OAN to provide flexibility and a portfolio of sites.

### Wyre Council Response

The Council agrees and will prepare an appropriate modification to paragraph 8.2.1 to explain the apparent discrepancy between the OAN figure of 43 hectares against the Local Plan employment land supply totalling 46.33 hectares. (MM)

The methodology in the Employment land Study (ED107 paragraphs 3.15 -3.20) starts with the net requirement based on economic forecasts or past take up. It then takes account (i.e. adds) of losses for the whole plan period (2011 – 2031). This gives us a gross requirement (rounded up figures) between 19 and 47 hectares.

Whilst normally in accordance with the methodology, losses would be added onto the requirement, part of the housing allocation at Norcross, (SA1/11) includes an employment site (becoming vacant post 2015) which is an additional loss that has not been taken into account in setting the requirement. Therefore this is taken into account as part of the supply and hence appears as a minus figure in Table 8.2.

It is considered that it would be wrong to refer to 48 hectares as a gross requirement in Policy EP1. It is also considered that Policy EP1 should refer to the OAN figure (which is 43 hectares) rather than the supply figure. It should be noted that Policy EP1 is expressed as a minimum. Therefore as noted by the Inspector the higher supply figure serves to add flexibility and a portfolio of sites.

30. With regard to the final point, it is understood that housing and employment allocations have different implications for traffic movements. However, on the basis that there is an imbalance between housing and employment land provision set

against assessed needs is there any scope for increasing housing allocations by utilising more of the land allocated for employment/mixed use? What level of analysis has been undertaken to assess the traffic generation/trips from various options?

### **Wyre Council Response**

The employment land OAN is based on the 'Experian adjusted scenario' which would require 415 dwellings (ED088 - SHMA Addendum III section 4, page 23). The higher housing OAN figure of 479 is justified by demographic considerations. It is not considered appropriate to reduce employment land because only about 86% of the housing need can be delivered.

LCC has given consideration to other land use types such as employment/ commercial. It is explained in the highway evidence report [ED094a - LCC Implications for housing developments within the proposed Wyre Local Plan –(February 2017) page 13] that although employment within the boundaries of Wyre, whether on the periphery of the built environment or beyond, will still have impacts, such employment whether an extension to an existing employment area/zone or new and or being closer to its customers (i.e. rural employment) should reduce the level of employment leakage and consequently wider impact. In other words new employment opportunities within Wyre could assist in reducing impact on the highway network.

There hasn't been specific assessment of traffic generation / trips from non-residential development as the specific details of such developments are not known at this stage.

31. On a related point are there existing employment sites (subject to Policies EP2 and EP3) which could be released for housing or for mixed use given the wording of para 22 of the Framework (no reasonable prospect)? For example para 4.1.19 suggests that there is highway capacity in Fleetwood and Cleveleys to support additional development.

### **Wyre Council Response**

Residential development on vacant sites within existing industrial areas protected under Policy EP2 would not be appropriate. Policy EP3 deals with 'windfall' proposals relating to employment sites. Such sites are therefore not identified. A site which is in employment use would not have been considered for residential. It would not be appropriate to extinguish an employment use for housing.

Paragraph 22 in the NPPF refers to the long terms allocation of land for employment with no realistic prospect of such allocations coming forward. The Strategic Housing Land Availability Assessment (ED087) has considered employment sites that were identified as being no longer suitable for employment within the Employment Land and Commercial Leisure Study (ED103). None of the site identified as no longer suitable for employment are allocated for employment uses.

It should be noted that none of the site allocated in policy SA2 are appropriate for housing. Furthermore the replacement of land allocated for employment with housing would not be acceptable in highway terms (see ED0094a LCC Implications for housing developments within the proposed Wyre Local Plan –February 2017). The Local Plan allocates land to the maximum that can be supported in light of highway evidence. None of the sites allocated in policy SA2 are in Fleetwood or Cleveleys where highway evidence shows that there is capacity to support additional housing.

There are no allocation in Cleveleys and only one mixed use allocation in Fleetwood which include an element of employment - Fleetwood Dock and Marina (allocated in policy SA3/1). It is considered that the allocation provides an appropriate balance of employment and residential uses.

### **Matter 3 –Housing Land Supply**

32. Issues that are likely to be discussed at the hearing session are:

- The components of housing supply to meet the housing requirement;
- The method of addressing shortfall – Sedgefield or Liverpool method;
- 5% or 20% buffer;
- The housing trajectory;
- The need for a Housing Implementation Strategy (HIS);
- The base date for housing supply calculations.

33. In relation to the HIS, the 4<sup>th</sup> bullet point of paragraph 47 of the Framework expects LPAs to illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a HIS. How are these elements to be incorporated into the LP? The Housing Background Paper includes much of this information including detailed tables in Appendix 2 but a simplified trajectory should be included in the LP.

#### **Wyre Council Response**

It is considered that the substance of a housing implementation strategy as advised by paragraph 47 is covered in the Housing Background Paper (ED010), plus provisions within the Local Plan itself such as the provisions for the review of the Local Plan (SC004 – proposed new paragraph 1.5.1) and also monitoring of the local plan (SD004 page 167 – PMIs 8 – 14 and 16). The Local Plan also requires the provision of masterplans which will facilitate the delivery of sites in accordance with the policies and requirements of the Local Plan.

Housing Implementation Strategies are often separate documents to the Local Plan, and it is considered that this is appropriate as they need to remain 'live' documents which are updated annually. The Council therefore considers that the Housing Background Paper will form the basis and be renamed as a Housing Implementation Strategy going forward. The Council will use the annual monitoring to establish whether targets are being met and determine whether the Local Plan or part of the Local Plan should be reviewed. The Council will prepare an appropriate modification in section 7.2 (MM)

34. In relation to the base date will the information be available to use 31 March 2018 to inform the hearing discussions? This base date could then be incorporated into the LP once adopted.

#### **Wyre Council Response**

Information from the 31 March 2018 monitoring will be available to inform the hearing discussions and be incorporated into the Local Plan once adopted.

35. Table 4.1 on page 35 would be updated to reflect a base date of 31 March 2018. The table, given the level of detail, would be best included as an appendix to the LP rather than part of the Strategy Chapter (**MM**). That said it would be helpful to have

a simple table in the LP at para 7.2 showing the components of housing land supply using a base date of 31 March 2018. The table should be called 'Housing Provision 2011-2031' and be along the following lines:

- Completions 2011-2018
- Commitments
- Allocations
- TOTAL

### **Wyre Council Response**

The Council will prepare an appropriate modifications to transfer table 4.1 in an Appendix to the Local Plan and introduce a new simplified 'Housing Provision' table at paragraph 7.2. The Council considers this to be an AM.

36. The LP should also clearly express the key assumptions and parameters which will be relied upon to calculate the 5 year housing land supply. Therefore, para 7.2.2 should not only refer to the method of addressing the shortfall of circa 820 dwellings since the start of the LP period (be it Sedgfield or Liverpool) but also the buffer to be applied (5% or 20%) and the approach to windfalls. The Housing Background Paper explains the Council's position (Liverpool, 5% and no windfall allowance). These matters will be discussed at the relevant hearing session.

### **Wyre Council Response**

The Council will prepare an appropriate modifications to paragraph 7.2.2 in the Local Plan. (MM)

37. In terms of Policy HP1 itself I would suggest the following amended wording:  
'Between 2011 and 2031 provision will be made for a minimum of 8,225 dwellings which equates to at least 411 dwellings per annum of which around 4,800 dwellings will be on sites allocated in Policies SA1 and SA3.' On the assumption that para 7.2.2 explains the approach to maintaining supply Section 2 of the policy is not strictly necessary. (MM)

### **Wyre Council Response**

The Council is happy with suggested wording to section 1 in Policy HP1 and will prepare an appropriate modification. The Council considers this to be an AM

The Council considers that the approach to dealing with any shortfall in delivery against the requirement should be expressed in policy rather than explanatory text. The Council, thus considers that section 2 should not be deleted. This approach avoids unnecessary debates in the determination of planning applications and potentially appeals.

38. Paragraph 47 of the Framework refers to local planning authorities setting out an approach to housing density to reflect local circumstances. Is there a case for seeking higher density development on sites that are well-connected to boost supply?

### **Wyre Council Response**

The Council considers that the appropriate density on any site should be the outcome of design considerations and the policy requirements of other Local Plan policies rather than a prescriptive policy on densities. Policy HP2 requires an appropriate mix of

housing in light with the most up-to-date Strategic Housing Market Assessment (SHMA). The 2014 SHMA indicates the need for smaller properties which in itself would result in higher densities, (ED085 – chapter 4 page 46, chapter 7 page 125, & chapter 12 page 201).

In addition 'supply' is constrained by lack of highway capacity rather than lack of deliverable land in most parts of Wyre. Boosting supply by increasing densities would not work in the case of Wyre.

#### **Matter 4 – Specific Housing Needs and Generic Housing Policies**

39. Issues that are likely to be discussed at the hearing session are:

- The effectiveness of Policy HP2 in meeting the need for smaller dwellings;
- The justification for 20% of dwellings to be designed for those with restricted mobility;
- The justification for affordable housing targets in Policy HP3;
- The terms of Policy HP7 and whether provision should be made for a proportion of market housing;
- Whether there is a need to make allocations for gypsies and travellers (residential and transit) taking into account the Gypsy and Traveller Accommodation Assessment (GTAA) and other evidence;
- The allocation for travelling showpeople (Policy SA6).

40. Although Policy HP2 refers to an appropriate mix of housing, there is no specific reference in the policy to the need for smaller homes. Should the policy be more prescriptive in this respect?

#### **Wyre Council Response**

The Council considers that the Local Plan should incorporate sufficient flexibility to deal with new evidence and change in circumstances promptly. The policy therefore refers to the latest evidence rather than being prescriptive and therefore more susceptible to becoming out of date.

41. There is no reference to provision for self-build housing in Policy HP2 or elsewhere. Does the Council's register indicate a need that should be reflected in policy?

#### **Wyre Council Response**

The self-built register includes two entries. The Council does not consider that there is a need that should be reflected in policy. The Council's housing land monitoring (ED072 Appendix 2 page 27) indicates a number of plots with planning permission for 1 or two dwellings which would satisfy the very small need indicated on the Self Built register. A refinement of the information in Appendix 2 of the 30 September 2017 Housing Land Monitoring Report (ED072) to exclude approvals for conversions, changes of use, mobile/park homes, blocks of flats and sheltered housing units (where known) and dwellings already construction shows that there are planning permissions for 56 new build dwellings on single dwelling plots and 42 new build dwellings on two dwelling plots.

42. Para 2.4.4 refers to affordable housing needs which far exceed those set out in para 7.4.2. The most up to date figures should be referred to for consistency. It is noted that the Council does not expect to meet the needs of between 134 and 189 dpa in full. Maximum delivery from private sites is only 30% and that only applies to

certain areas of the Borough. What other mechanisms are available to the Council, other than rural exception sites, to make up some of the shortfall? Is this explained in the evidence base?

### **Wyre Council Response**

The Council considers that there no practical mechanisms available to the Council to further increase the future delivery of affordable housing other than through rural exception sites or as a requirement of housing developments. It should however be noted that Registered Providers do bring forward 100% affordable development (other than on rural exception sites) which add to the supply. The Council will consider any suggested alternative options and will continue to work closely with Registered Providers.

The Local Plan allocates sites for housing in both the urban and rural areas of the borough. The geographical spread of rural allocations will assist in meeting the annual affordable requirements by ward as set out in the Rural Affordable Housing Needs Survey 2015 - 2020 (document ED101).

43. Paragraph 7.4.2 and Policy HP3 refer to affordable housing being required on developments of 10 dwellings or more whereas the NPPG refers to contributions not being sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. Therefore, the figure of 10 should be changed to 11. In addition in Section 2 of the policy 'all' should be deleted as sites in Fleetwood will not be expected to contribute to affordable housing. **(MM)**. Is there a case for a lower threshold in designated rural areas as suggested by the NPPG?

### **Wyre Council Response**

The Council agrees that section 2 should not refer to 'All' and should relate to developments of 11 dwellings or more. The Council will prepare an appropriate modification to section 2 of Policy HP3. The Council consider that this is an AM which does not go to the soundness of the Local Plan.

It is not considered necessary to lower the threshold in rural areas as many of the allocations are in rural areas. It is understood that Registered Providers do not take up developments of 10 less units.

44. In Section 6 I would recommend that the wording is amended to read: 'Affordable housing should be designed as an integral part of developments and be 'tenure blind' in relation to other properties within the site.' **(MM)**

### **Wyre Council Response**

The Council agrees with the recommended wording and will prepare an appropriate modification. The Council consider the modification to be an AM as it is only paraphrasing section 6 without changing the meaning and as such it does not relate to the soundness of the Local Plan.

45. In Section 7 'where possible' should be deleted as it is not clear in what circumstances a legal agreement or condition would not be used. **(MM)**

### Wyre Council Response

The Council agrees with the recommended amendment and will prepare an appropriate modification. The Council consider the modification to be an AM it does not relate to the soundness of the Local Plan.

46. In Policy HP4 the reference to 'visual amenity' and 'amenity' should be removed and replaced with 'appearance' as 'amenity' in this context is a nebulous term. **(AM)**  
The terms of Section 3 appear overly restrictive. Such extensions would be considered against Policies SP3 and SP5 and national policy which provide an appropriate level of protection. **(MM)**

### Wyre Council Response

The Council agrees with the recommended amendment and will prepare an appropriate modification to replace 'visual amenity' and 'amenity' with 'appearance'. **(AM)**

The Council also agrees that section 3 should be removed and will prepare an appropriate modification. **(MM)**

47. In Policy HP6 consideration should be given to a criterion relating to no buildings suitable for conversion being available within the holding. In relation to Section 2 why is this element limited to 'agricultural dwellings'? In relation to Section 6 what about an essential need elsewhere in the locality? **(MM)**

### Wyre Council Response

The Council agrees that consideration should be given to whether there are any existing building suitable for conversion. The Council also agrees that section 2 should not just relate to agricultural dwellings. The Council will prepare an appropriate modifications to sections 1 and 2. **(MM)**

In relation to section 6, it is considered that essential need elsewhere in the locality is captured in the second part of section 6.

48. As Policy HP7 deals with affordable housing it would be more logical for it to follow immediately after Policy HP3. **(AM)**. Should 'need' and 'locality' be clarified either in the policy or supporting text? Should the policy allow for a proportion of market housing in accordance with para 54 of the Framework?

### Wyre Council Response

The Council agrees with the recommended ordering of policies and will prepare an appropriate modification. **(AM)**

The Council agrees that the policy will benefit from an explanation of 'need' and 'locality' by amending the text currently in paragraph 7.8.1. The Council will prepare an appropriate modification. **(MM)**

The Council does not consider that it is appropriate for the policy itself to allow an element of market housing. The potential for market housing in the policy could drive land values up in itself causing a development to be unviable.

49. The GTAA (ED079) suggests the need for transit site provision in the sub-region (along the A6 corridor). Has there been any steps to make such provision since October 2016? In relation to Policy HP8 Section 1 should make reference to the allocation through Policy SA6. In addition should the criteria include reference to sites being well planned and landscaped to reduce the impact on the character and appearance of the countryside?

### Wyre Council Response

The reference to transit provision along the A6 stems from the discussions with the Travelling Showpeople at Garstang (ED079 page 21 paragraph 3.52). The evidence does not specify the number required for transit. The allocation at Conway (site SA6) is sufficiently large to make provision for the required permanent pitches and transit provision. A planning application (ref 17/01176) on site SA6 proposes 18 serviced pitches and three transit pitches. Policy SA6 does not preclude transit provision on the site.

It is not considered necessary that Policy HP8 Section 1 makes reference to the allocation through Policy SA6. This is a consistent approach as in Policies HP1 and EP1.

The Council does not consider that it is necessary because policies CDMP4 sections 14 and 15 and also Policy SP4 (if relevant) will apply. It is however acknowledged that an additional criterion requiring appropriate landscaping to reduce impact on the character and appearance of the surrounding area would strengthen the policy. However since a proposals would not necessarily always be in a designated countryside area, the new criterion should not make reference to the countryside.

50. In relation to Policy HP9 taking into account the advice within the NPPG on tariff-style contributions is it reasonable to require all new residential development (including single and small numbers of dwellings) to make provision for GI? In terms of the application of the standards and having regard to the NPPG should this apply to '11 or more units'? Moreover, the quantity requirements would not result in meaningful areas of open space for smaller developments. Therefore, should the circumstances where on-site provision or contributions be made clearer? In terms of playing pitches will the required provision be clear from supporting documentation? **(MM)**

### Wyre Council Response

The Council will give further consideration to the wording of Policy HP9. The Council will prepare supplementary planning guidance if necessary.

51. In Policy HP10 'the amenity of neighbouring properties' in criterion a) is a nebulous phrase. I would suggest rewording along the lines of 'the living conditions of nearby residents'. Criterion d) refers to provision of parking and manoeuvring on site. Is this realistic for some locations where there is likely to be a reliance on on-street parking? Rewording to state 'The site or surrounding area can accommodate...' would seem more realistic. **(MM)**

### Wyre Council Response

The Council agrees with the suggested amendment to criteria a) and d) and will prepare an appropriate modification to Policy HP10. **(MM)**

## **Matter 5 – Employment Policies (including town centres and tourism)**

52. Issues that are likely to be discussed at the hearing session are:

- The effectiveness of Policies EP2 and EP3 and their consistency with national policy;
- The terms of Policy EP4 in relation to the sequential test and the threshold for impact assessment;
- Whether there should be a distinction between Fleetwood and other town centres in terms of level of impact.

53. Both Policies EP2 and EP3 seek to protect existing employment sites. Have the existing sites been reviewed such that the policies will avoid the long term protection of sites where there is no reasonable prospect of them being used for employment purposes (para 22 of the Framework refers)? Should the policies be more flexible in allowing other economic development or in certain circumstances housing?

### **Wyre Council Response**

Policies EP2 and EP3 do not seek to protect sites where there is no reasonable prospect of them being used for employment. Both policies EP2 and EP3 include flexibility to allow in certain circumstances other commercial uses other than B class uses and redevelopment of such sites. In that respect it is considered that the policies reflect the substance of paragraph 22 in the NPPF.

Protecting employment provision in Wyre is important in ensuring a sustainable future for Wyre. It is relevant to note that Wyre is a net exporter of labour. The Employment Land and Commercial Leisure Study has considered the suitability of employment sites and has identified those that are no longer suitable for employment, (ED103 chapter 9, page 78). The potential for residential development on such sites was considered in the Strategic Housing Land Availability Assessment (ED087).

54. In terms of the detail of the policies, Sections 2 and 5 of Policy EP2 repeat the same criterion. Both policies are included within the same blue box. The policies should be separated for clarity. **(AM)**

### **Wyre Council Response**

The repetition in sections 2 and 5 of Policy EP2 is in error. The Council agrees that presenting each policy in a separate 'blue box' will improve clarity. Council will prepare appropriate modification to the Policies. **(AM)**

55. Taking into account the need for flexibility between town centre uses Policy EP6 sets out some fairly prescriptive criteria. In particular is it realistic to expect 50% of secondary frontages to be in A1 use? Moreover in terms of some uses such as restaurants and takeaways is it realistic to expect opening during the period 0900 to 1700 hours (criterion d)?

### **Wyre Council Response**

As defined in the NPPF, the primary and secondary frontages define the 'primary shopping area' where retail development should be concentrated. . It is considered that the requirement for 50% of secondary frontages to be in A1 class is appropriate. Class A1 is sufficiently broad including types of use that would not strictly speaking fall within

the common understanding of a 'shop' as the place for the sale of goods. Class A1 uses and in particular shops create an active frontage which is the purpose of defining secondary frontages. The erosion of secondary frontages has the potential to affect the integrity of primary frontages and the defined 'primary shopping area'. It should be noted that the primary and secondary frontages have been reviewed as part of the Local Plan process and were contracted.

The Council agrees that criterion d) in section 2 is not practical and would be difficult to enforce. The Council will prepare an appropriate modification to delete criterion d). (MM)

56. In relation to Policy EP7 a net sales area of 280 sq. m would be a better threshold as this would coincide with Sunday trading limitations (criterion a). Criterion b) and c) would not necessarily protect existing town centres and could potentially stifle competition between operators. If the criterion related to the protection of convenience stores in existing defined centres it would be more effective and consistent with national policy. (MM)

### **Wyre Council Response**

The Council agrees that reference to a net sale area of 280sq.m. in consistency with Sunday trading laws would be preferable. The Council will prepare an appropriate modification (MM).

The Local Plan seeks to direct retail development in town centres in line with national policy. However the Local Plan recognises that small convenience stores serving the day to day needs can result in more sustainable patterns of development and encourage walking and cycling rather than the use of car to access such facilities. Nonetheless this must be balanced with protecting the integrity of local and neighbourhood centres which have a greater role than providing for the day to day convenience needs. Where appropriate small convenience store should be located in local and neighbourhood centres to strengthen their role.

57. Section 4 of Policy EP9 supports touring and camping sites but there are no caveats. Accepting that the LP should be read as a whole should the policy be amended to read something like:  
'Holiday accommodation sites, including new short stay touring caravan and camping sites, will be permitted where they meet the requirements of the Core Development Management Policies and provided they satisfy the following criteria:  
a) The totality of development, including on-site services, is of appropriate scale and appearance to the local landscape;  
b) Any new building and supporting infrastructure is necessary;  
c) New tourism accommodation sites incorporating new build accommodation should be supported by a sound business plan demonstrating long term viability; and,  
d) Proposals for extension to sites which include new built accommodation outside settlement boundaries will need to be supported by a viability assessment of the existing and proposed business.' (MM)

### **Wyre Council Response**

The Council agrees with suggested amendment to reword Policy EP9 and will prepare an appropriate modification. The Council considers that the modifications is an AM as it does not alter the substance of the policy.

58. Policy EP10 is somewhat restrictive. The 'only' in Section 1 would make the policy more positive. In addition should there be a requirement to demonstrate the need for private stables (2a)? This requirement would seem more relevant to larger scale commercial stables? (MM)

### Wyre Council Response

The Council agrees that removing 'only' would make the policy more positive. The Council also considers that criterion a) in section 2 should be removed and a new criterion added requiring that proposals for commercial stables should be supported by a sound business plan demonstrating long term viability. The Council will prepare an appropriate modification to policy EP10. (MM)

59. The terms of Policy EP11 do not specifically refer to the circumstances where a community facility is no longer needed. Accepting that the policy refers to uses 'considered important to the sustainability of the community' should this be made explicit? In addition should there be a provision that facilities are offered to the community at a realistic price? (MM)

### Wyre Council Response

It is considered that 'sustainability' is a more appropriate consideration than 'need'. It is also considered that the issue is whether the use can be 're-established' and usually this is primarily a matter of viability.

Paragraph 8.11.1 could be amended to give examples of 'uses important to the sustainability of the community', however it is not considered appropriate for the policy to be more explicit. As drafted the policy is considered to be more flexible. The Council will prepare an appropriate modification to paragraph 8.11.1 (MM)

The Council does not consider that it would be appropriate for the Local Plan to require that such facilities are offered to the community for a 'realistic' price which would be less than 'market' price. Also it would be difficult to define 'realistic' other than 'market'. By comparison in relation to 'assets of community value', although the community can have first refusal, the asset is sold at market price.

60. Accepting that Policy SP5 protects the AONB is there a need for Policy EP12 to indicate that wind energy (and indeed solar farms) would not be permissible in the AONB?

### Wyre Council Response

The Council considers that subject to policy SP5 wind and solar energy development might be acceptable with the AONB. Therefore there is no need for Policy EP12 to indicate that such development will not be permissible in the AONB.

## **Matter 6 – Development Management Policies**

61. Issues that are likely to be discussed at the hearing session are:

- Whether the policies are positively prepared and consistent with national policy.

62. The LP should be read as a whole. In this respect the requirement in Policy CDMP1 for development to meet all Core Development Management Policies appears superfluous and is not repeated in other policies. Moreover, criterion a) seems wide

ranging and more appropriate for inclusion in a strategic policy, if at all. In view of the dangers to health caused by pollutants is the qualification in criteria d) ('unless...etc') appropriate? (MM)

### Wyre Council Response

The Council agrees that the reference to all Core Development Management Policies is superfluous and will prepare an appropriate modification to the policy. (AM)

The Council agrees that criterion a) relate to sustainability and would be more appropriately included in policy SP2 and will prepare appropriate modifications to policies CDMP1 and SP2. (MM)

The Council considers that the qualification in criterion d) strengthens the policy. In situations where a development has an adverse impact on air quality there might be other considerations in favour of the development which will be considered as part of the planning balance. The caveat in criterion d) creates a 'tilted' balancing exercise increasing the weight to be given to air quality matters.

63. With regard to Policy CDMP2, the requirement in Section 6 for all development to achieve greenfield run off rates seems inflexible. A wording such as 'All development should seek to achieve greenfield run off rates...' should be considered. Moreover, the hierarchy within Section 6 seems prescriptive as the management of surface water will often depend on the particular location and the nature of the site and surroundings. The hierarchy could be simplified along the lines set out in the National Planning Practice Guidance (NPPG)<sup>3</sup>. (MM)

### Wyre Council Response

The Council agrees that the requirement in section 6 relating to greenfield run off rates is inflexible but would suggest that the policy is amended to say 'Where possible all development ...'. It is considered that in view of flood risk issues in Wyre, the starting point should be to achieve greenfield run off rates. The Council will prepare an appropriate modification (MM)

With regards to the hierarchy, the Council considers that by virtue of being a hierarchy, the policy allows sufficient flexibility to take into account the specific circumstances in each case. Section 7 allows for a solution to surface water management further down the hierarchy if demonstrated that solutions higher up the hierarchy are not practical. Flooding is a major issue in Wyre and taking also into account climate change it is considered appropriate that new developments are designed where possible in a way that will minimise risk of flooding of the development or elsewhere and also place minimum pressure on infrastructure provision.

The Council considers that it is appropriate for the policy to be more extensive than the guidance in the NPPG at paragraph 080 Reference ID: 7-080-20150323, because of the level of flood risk in Wyre and also in dealing climate change (e.g. reference to water harvesting).

64. Whilst Policy CDMP3 refers to 'local context' there is no reference to promoting and reinforcing local distinctiveness (para 60 of the Framework refers). In addition whilst the policy deals with several components of design there is no reference to

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<sup>3</sup> Paragraph: 080 Reference ID: 7-080-20150323

development mitigating against climate change and minimising energy consumption which are key aspects of sustainable design (see para 96 of the Framework). (MM)

**Wyre Council Response**

The Council considers that Policy CDMP3 aligns with the Framework and that requiring developments to respect 'local context and character' reinforces local distinctiveness.

The Council agrees that criterion a) should make reference to climate change and will prepare an appropriate modification. (MM)

65. The definition of Green Infrastructure (GI) in Policy CDMP4 is wider than that in the Framework (see also para 77 below).

**Wyre Council Response**

The Green Infrastructure Strategy (ED069a and ED069b) considers agricultural land as a green infrastructure typology. The Council will consider further whether it is appropriate to take a 'broad' definition of 'green space' referred to in the NPPF and include the countryside as part of Green Infrastructure. (See also response in paragraph 77)

66. Are the Council satisfied that Sections 10-13 of the policy makes sufficient distinction between the hierarchy of international, national and locally designated sites as referred to in para 113 of the Framework?

**Wyre Council Response**

The Council is satisfied that sections 10 -13 are consistent with national policy (NPPF paragraph 113). It should be noted that there are no outstanding issues with the wording of Policy CDMP4 from Natural England Lancashire Wildlife Trust.

67. Section 15 would be more consistent with other policies of the LP if worded along the following lines: 'Development permitted by other policies of the plan should have no unacceptable cumulative impact...etc.' (MM)

**Wyre Council Response**

The Council agrees with the suggested amendment and will prepare an appropriate modification. (MM)

68. In terms of agricultural land Section 17 should allow development where it is clear that it cannot be located on areas of poorer quality land. Section 18 appears to be a plan-making clause. (MM)

**Wyre Council Response**

The Council considers that Section 17 as drafted provides a more flexible policy. In order to ascertain whether a development could be located on poorer quality land, there will be a need for a 'sequential' exercise which may be too onerous in relation to proposals which may be acceptable under policy SP4. The Council will give further consideration to whether requiring a sequential exercise would be appropriate. It should be noted that there is no grade 1 land in Wyre and grade 4 and 5 is found within the AONB. Also there is no available information on the distinction between 3a and 3b.

The Council considers that although section 18 could potentially apply where there is a proposal on a large site, in practice it would not make a material difference. The Council will prepare an appropriate modification to delete section 18. (MM)

69. In relation to trees and hedgerows I would suggest rewording of Sections 22-25 as follows:

22. Development will be expected to incorporate existing trees and hedgerows into the design and layout of the scheme where possible unless their loss is essential to allow the development to go ahead and is supported by evidence in a tree or hedgerow condition survey.

23. Where tree and hedgerow loss is unavoidable, an equivalent amount of new trees and hedgerows of suitable species should be proposed unless a clear justification is provided for not doing so. Where appropriate, opportunities to increase tree and hedgerow cover should be explored.

24. Development and planting schemes must be designed so as to avoid:

- a) Damage to existing trees which are to be retained; or
- b) The potential for future conflict between buildings and trees.

25. Where development is proposed which would result in the loss of ancient woodland, protected tree(s) or veteran tree(s), planning permission will only be granted where:

- a) The removal of one or more trees would be in the interests of good arboriculture practice; or
- b) It is demonstrated that the benefits of the proposed development outweighs the amenity and/or nature conservation value of the tree(s).' (MM)

#### **Wyre Council Response**

The Council agrees with the suggested amendment and will prepare an appropriate modification. The Council considers the modification does not go the soundness of the Local Plan and it is an (AM)

70. Section 4 of Policy CDMP5 relating to 'substantial harm' to a designated heritage asset repeats para 133 of the Framework. By contrast there is no reference in the policy to 'less than substantial harm' as in para 134 of the Framework. Section 8 dealing with undesignated heritage assets applies a higher bar than para 135 of the Framework.

#### **Wyre Council Response**

The Council considers that the approach relating to 'substantial harm' to a designated heritage asset should be set in statutory policy.

The Council considers that it is necessary to give greater protection to undesignated heritage assets in Wyre than that afforded by paragraph 135 of the Framework. In Wyre such undesignated heritage assets form a greater part of the historic environment than in other places such as York or Chester, where proportionately more assets are designated. It is considered that in Wyre non-designated heritage assets are therefore a disproportionately important component of the historic environment, which justifies an equally disproportionate policy response that exceeds the current requirements of the NPPF.

It is acknowledged that the policy as drafted gives greater protection to undesignated assets than designated assets where the harm is less than substantial. It is considered that section 8 should also apply to designated assets where the harm is less than substantial. The Council will prepare an appropriate modification (MM).

It is acknowledged that the policy as drafted gives greater protection to undesignated assets than designated assets where the harm is less than substantial. It is considered that section 8 should also apply to designated assets where the harm is less than substantial. The Council will prepare an appropriate modification (MM).

71. There is some repetition in Policy CDMP6 in relation to public rights of way (see g and Section 6) (**AM**). In terms of Section 2 and Electric Vehicle Recharging Points would the addition of the words 'where practical' ensure alignment with para 35 of the Framework? With regard to Section 5 the implication is that travel plans will not apply to major residential developments. However, para 36 of the Framework does not make the distinction. I would suggest a wording along the following lines: 'Development which would attract large numbers of people on a regular basis or generate significant amounts of movement will be required to be supported...etc.' (**MM**)

### **Wyre Council Response**

The Council agrees that there is a duplication between section 6 and criterion g) in section 1 and will prepare an appropriate modification to delete criterion g). (AM)

The Council agrees with the proposed amendments relating to Electric Vehicle Recharging Points and will prepare an appropriate modification to add 'where practical' in section 2. (MM)

The Council agrees with the proposed amendments to section 5 will prepare an appropriate modification. (MM)

### **Matter 7 – Housing, Employment and Mixed Use Allocations**

72. Issues that are likely to be discussed at the hearing sessions are:
- The suitability of the allocations having regard to infrastructure and other constraints;
  - Whether any significant adverse impacts would arise for the economic, social and environmental dimensions of sustainable development, taking into account potential mitigation;
  - The key development considerations;
  - The delivery of the allocations over the plan period.

### **Matter 8 – Infrastructure and Delivery**

73. Issues that are likely to be discussed at the hearing session are:
- The effectiveness of Policy SP6 (Viability)
  - Whether Policy SP7 is consistent with national policy;
  - Whether necessary infrastructure will be delivered in a timely fashion e.g. road improvements, schools; health services;
  - The delivery of GI.

74. The Infrastructure Delivery Plan (IDP) refers to committed highway improvements together with other schemes that are needed to support LP development. Section 23

of the IDP references a schedule but this does not form part of the electronic document. Does such a schedule exist? It would be helpful to have a table of schemes including projected implementation dates, sources of funding, delivery agency and an assessment of how critical they are to the LP.

### Wyre Council Response

The Council apologises for the omission of the schedule of infrastructure schemes as well as the Appendices in the Infrastructure Delivery Plan (ED004). The complete document has been uploaded on the Examination Library. The missing table includes information regarding implementation dates, sources of funding and delivery agency. The Council will revise the schedule and add information on how critical individual items are.

75. Paragraph 5.8.4 refers to the Community Infrastructure Levy (CIL). What is the timetable for the introduction of CIL in Wyre? What are the implications of the pooling limitations on developer contributions? In framing these questions I am aware of the Government's consultation on reforming developer contributions.

### Wyre Council Response

The Council will consider the appropriateness of introducing CIL once the Local Plan is adopted and taking into account the outcome of the review of the CIL Regime. The Council has in the past resolved to introduce a CIL Charge Scheduled but had to prioritise the preparation of the Local Plan. Pooling limitations have been a challenge in securing contributions for necessary infrastructure.

76. Section 2 of Policy SP7 should include the word 'delivered' after 'infrastructure' (final line). Sections 6 and 7 of Policy SP7 are seeking one and the same. Moreover, the provision of infrastructure by developers on or near the site should be seen as preferable to contributions and therefore the ordering of the policy should be revised so that provision comes before contribution (**MM**).

### Wyre Council Response

The Council agrees with the suggested amendment to section 2 and will an appropriate modification. (MM)

The Council acknowledges that sections 6 and 7 appear to be seeking the same thing. Section 7 deals with situations where the developer want to provide the necessary infrastructure themselves rather than make a contribution to the infrastructure provider who will deliver the infrastructure irrespective whether it is on site or off site. Section 7 is about delivery. Section 6 is about locating the necessary infrastructure on site. The Council will consider further the wording of sections 6 and 7 to improve clarity.

The Council agrees with the reordering of sections 5 and 6 and will prepare and appropriate modification to the policy. (AM)

77. GI in the LP appears to have a wider definition than envisaged by the Framework. For example para 4.1.3 states that 'the countryside' forms part of GI whereas the definition in the Glossary to the Framework is narrower referring to 'multi-functional green space'. There ought to be consistency between the two. (**MM**)

### Wyre Council Response

The Green Infrastructure Strategy (ED069a and ED069b) considers agricultural land as a green infrastructure typology. The Council will consider further whether it is appropriate to take a 'broad' definition of 'green space' in the NPPF and include the countryside as part of Green Infrastructure. (See also response in paragraph 66)

## **Matter 9 – Monitoring and Implementation**

78. Issues that are likely to be discussed at the hearing session are:

- Monitoring Indicators;
- LP Review Mechanisms

79. Paragraph 1.5.1 sets out circumstances where a review of the LP would be undertaken. This section would be best incorporated into the Chapter 10 of the LP. The need for review or partial review would be best linked to particular key indicators contained within Table 10.1 such as those related to the delivery of housing. Reference could also be made to the need for review because of a significant change in circumstances related to national policy or the evidence base rather than the criteria set out which could be seen as too prescriptive. (MM)

### **Wyre Council Response**

The Council agrees that the circumstances where a review might be undertaken should be in Chapter 10 which deals with Monitoring rather than the Introduction in Chapter 1. The Council will reconsider the wording in paragraph 1.5.1 in line with the advice of the Inspector above and will prepare an appropriate modification. (MM)

## **Other Minor Comments**

80. I noted a number of typos when reading the LP and also have some minor queries. These do not go to soundness but to be helpful I have set these out in **Appendix 2**. I do not require any feedback on these comments unless a point needs clarification.

## **Response**

81. I would like a response by the Council to the above comments and questions by **28 March 2018** or earlier if possible. I am not inviting comments from other parties at this stage. I want to clarify the Council's position first. This will help me to refine Matters and Issues for the hearings and set agendas and questions. All parties with relevant representations will have the opportunity to respond in advance of the hearings should they wish.

82. As referred to earlier if the Council consider that the point or question could be dealt with by a **MM** or **AM** then please confirm. As the examination develops Schedules of MMs and AMs should be produced. The former should be in place in draft form in advance of the hearings, preferably published at the same time as any statements when it will become an examination document and inform discussion at the hearings. It will be refined during and after the hearings. This is on the assumption that the Council wish me to recommend any MMs that are necessary to resolve issues of legal compliance or 'unsoundness'.

83. If you require clarification of any of the above points please contact me via the Programme Officer.

*Mark Dakeyne*

INSPECTOR

***Attached – Appendices A and B***

**Appendix 1 – Possible Hearing Programme**

**Tuesday 15 May**

9.30 – Introduction to the Hearings, Legal Compliance, Procedural Requirements and the Duty to Cooperate

13.30 - Strategy and Strategic Policies

**Wednesday 15 May**

09.30 - Housing and Employment OAN and Requirements

13.30 - Housing Land Supply

**Thursday 17 May**

09.30 – Specific Housing Needs and Generic Housing Policies

13.30 - Employment Policies (including town centres and tourism)<sup>4</sup>

**Friday 18 May**

09.30 - Development Management Policies

**Tuesday 22 May**

09.30 – Allocations (Fleetwood, Thornton and Norcross)

13.30 – Allocations (Poulton-le-Fylde)

**Wednesday 23 May**

09.30 – Allocations (Great Eccleston, Stalmine, Pilling and Hambleton)

13.30 – Allocations (Inskip)

**Thursday 24 May**

09.30 – Allocations (Forton)

13.30 – Allocations (Garstang, Bowgreave, Catterall and Barton)

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<sup>4</sup> Council Chamber only available until 1600 hours

**Friday 25 May**

09.30 – Infrastructure and Delivery

12.30 – Monitoring and Implementation

**Tuesday 5 June**

11.30 – Review Session

## Appendix 2 – Typos and Minor Queries

### Wyre Council Response

The Council will prepare appropriate modifications (AMs) in relation to the matters covered below.

#### 1. Introduction

Para 1.3.3 – This sentence lacks clarity. Is it necessary?

Para 1.3.4 – Reword as follows: ‘The Local Plan is supported by the Strategic Flood Risk Assessment Level 2 which includes the Sequential Test Paper for proposed allocations, ~~and~~ the Habitat Regulations Assessment **and the** Viability Assessment. These assessments should be the basis for more detailed assessment required at planning application stage. The Infrastructure Delivery Plan must also be read alongside the Local Plan.’

1.3.6 – Reword 1<sup>st</sup> sentence as follows: ‘The Publication ‘Submission’ draft Wyre Local Plan and housing trajectory ~~uses~~ housing and employment figures remain as at 31 March 2017 monitoring date.’ 4<sup>th</sup> sentence ‘represents’.

The level of detail in the 2<sup>nd</sup> part of this paragraph is unnecessary. In any event it would be superseded if the base date used is 31 March 2018 (see para 34 above).

1.5.1 – criterion c) – ‘housing **need**’ (not land)

#### 2. Spatial Portrait and Key Issues

2.2.1 – final sentence – ‘**southern** boundary’ (not western)

2.2.6 – 3<sup>rd</sup> line - semi-colon after ‘Fylde’

2.3.3 – 5<sup>th</sup> line - ‘considerably’

2.5.1 – 4<sup>th</sup> line - ‘serves’

2.5.4 – 2<sup>nd</sup> sentence – does this make sense – delete after ‘throughout the Borough’?  
Last line – ‘sustainability **of...**’

2.5.5 – 3<sup>rd</sup> line – ‘includes’

Figure 2.6 – the Legend is not very clear and uses abbreviations which are not explained in the figure.

2.6.5 – 3<sup>rd</sup> line – ‘Site’ (singular)

2.6.11 – 5<sup>th</sup> line – ‘have been’

2.9.1 – 1<sup>st</sup> line – ‘natural and built heritage assets’

2.9.3 – 2<sup>nd</sup> line – delete first comma

2.9.4 – there is some repetition with para 2.8.4

2.9.7 – 2<sup>nd</sup> line – ‘**the** local economy’

2.9.11 – 1<sup>st</sup> line – ~~the~~ local economic growth’

2.9.14 – 4<sup>th</sup> line – delete ‘they’

2.9.16 – final line – ‘contributes’

### 3. Vision and Objectives

3.2.3 – final sentence – ‘There are better links between job opportunities and education.’

3.2.12 – final sentence – ‘buses to and from and across the Borough’

### 4. Local Plan Strategy

4.1.2 – penultimate line – insert semi-colon after ‘countryside’

4.1.4 – penultimate sentence – ‘fosters’

Final sentence – ‘meet needs also’ (delete ‘it’)

4.1.6 – 2<sup>nd</sup> line – ‘Local Plan’ (upper case ‘L’)

4.1.11 – final line – delete stray full stop

4.1.14 – 2<sup>nd</sup> sentence lacks clarity

4.1.16 – 4<sup>th</sup> line – delete ‘it’

Table 4.1 – column widths should be adjusted to ensure that figures are contained on same row

4.1.22 – final sentence – ‘This is a matter **for** consideration **by** the Local Plans of adjoining local authorities.’

### 5. Strategic Policies

5.3.1 – final sentence – ‘Within the context of national policy ~~on sustainable development~~ Policy SP2 sets how **the** sustainable development...etc’

5.6.1 – reword as follows: ‘The Forest of Bowland was designated as an AONB in February 1964. It covers an area of 803 square kilometres, ~~and~~ straddling 6 local authority boundaries. ~~It is~~ **A** designated AONB ~~which~~ signifies the landscape therein is of national importance. The rivers Wyre, Brock and Calder originate in the ~~in the~~ upland core of the Bowland Fells.

5.6.2 – 5<sup>th</sup> line – insert ‘for’ before ‘liaison’

5.6.3 – 2<sup>nd</sup> line ‘Policy SP5’

Footnote 27 – ‘accessed’

5.8.1 – 1<sup>st</sup> line – ‘structures’

5.9.1 – final sentence – ‘detailed policies’

### 6. Core Development Management Policies

6.2.2 – final sentence – ‘future occupiers’

6.3.1 – 2<sup>nd</sup> line – ‘the Calder and Brock’

Policy CDMP2 – Section 6 – 1<sup>st</sup> line – ‘rates’; Section 7 – 1<sup>st</sup> line – ‘measures’; Section 8 – space required between 2<sup>nd</sup> and 3<sup>rd</sup> sentences.

6.5.2 – 4<sup>th</sup> line – ‘Policy CDMP4’

Policy CDMP4 – Section 2 – ‘Development ~~proposals~~ will be required to be...’

Policy CDMP4 – Section 21 – ‘...meets current quality standards.’

Policy CDMP6 – e) – insert comma after ‘Where appropriate, access....’. Delete ‘and’ after g). Missing semi-colons after h) and i). Insert ‘and’ after i).

## 7. Housing

7.2.1 – amend 2<sup>nd</sup> sentence – ‘...but also makes ~~a number of~~ extensions to a number of settlements.’

7.6.1 – amend 2<sup>nd</sup> sentence – ‘does not have a materially greater impact’

Policy HP5 – amend 4<sup>th</sup> line of Section 1 – ‘...including massing **compared to** the existing building....’

Policy HP6 – amend Section 1 to read: ‘Outside settlement boundaries planning permission will only be granted for a new rural worker’s dwelling where it meets the requirements of the Core Development Management Policies, ~~and~~ it is within or close to the land holding of the source of employment **and** where it is demonstrated that the proposal satisfies all the following criteria:’

## 8. Economy

8.2.6 – 3<sup>rd</sup> line – ‘**in** Wyre’. 10<sup>th</sup> line – ‘proposals’

8.6.1 – final sentence – ‘Policy EP6’

8.8.1 – 1<sup>st</sup> sentence – ‘settlements.’

Policy EP8 – Section 2 a) – ‘**rural** character of the area’

Policy EP10 – Criterion 2 d) – ‘**is** well screened....’

Policy EP12 – Section 3 – 2<sup>nd</sup> sentence – ‘Proposals must **meet** the requirements...’

## General Points

Each policy should be prefaced with ‘Policy’ e.g. ‘Policy EP1’.

References to ‘Publication/Submission Draft Policies Map’ within the policies can be simplified to ‘Policies Map’. **(AM)**