

Independent Examination of the Wyre Local Plan

Matter 1: Legal Compliance, Procedural
Requirements and the Duty to Cooperate

The Strategic Land Group (SLG)

Representor I.D: 0963

April 2018

- 1.1 This Statement has been prepared on behalf of The Strategic Land Group Ltd (SLG) in respect of the examination into the Wyre Local Plan (WLP). It considers the issues and questions posed in relation to Matter 1 (Legal Compliance, Procedural Requirements and the Duty to Cooperate), and responds to those of relevance to SLG.

Compliance with the DtC, particularly in relation to consideration of housing needs.

Q2.1 Is there evidence that the Council has cooperated effectively with adjoining authorities in seeking to meet any unmet housing needs from the District?

Q2.2 Is the Memorandum of Understanding (MoU) an effective tool to facilitate ongoing engagement with adjoining authorities?

Q2.3 Is there evidence that Wyre have cooperated effectively with Lancashire County Council (LCC) on relevant issues such as transport and education infrastructure?

- 1.2 The Duty to Cooperate (DtC) places a legal duty on Local Planning Authorities (LPAs) to engage constructively, actively and on an ongoing basis and its importance within the planning system has recently been re-affirmed the Draft revised National Planning Policy Framework (NPPF)¹.
- 1.3 It is confirmed within the WLP that Wyre Borough Council (WBC) has sought and requested assistance from all adjoining authorities in meeting its housing need. The DtC Statement (September 2017) identifies housing provision as one of the strategic housing planning policies and identifies that the MoU confirms that the SHMA authorities ‘must reach a consensus on housing provision across the Fylde Coast sub-region’².
- 1.4 It is clear from the DtC Statement that lengthy discussions have been ongoing and neither Fylde nor Blackpool considers that they are able to meet housing need arising from Wyre at this time. Lancaster and Preston have also declined to assist. In its response to the Inspectors preliminary questions³, Wyre Council has again confirmed that no other authority has thus far offered assistance in meeting housing need arising in Wyre.
- 1.5 In particular, it is important to highlight the position in Fylde. The council are currently unwilling to accommodate unmet housing needs arising in Wyre but this is not due to the borough’s inability to accommodate more development but rather in its reluctance to accept that the scale of unmet housing needs from Wyre has been justified and evidenced. Indeed, the borough has a number of

¹ Paragraphs 26, 27 and 28 of the Draft revised NPPF:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685289/Draft_revised_National_Planning_Policy_Framework.pdf

² Memorandum of Understanding, Fylde Coast authorities, April 2015, page 29

³ EL1.001b

potential housing development opportunities which are available now and which could absorb some, if not all, of Wyre's unmet need. These development opportunities could also be delivered sustainably without conflicting with the spatial strategy as set out in the Fylde Local Plan (FLP). Through its own examination process Fylde Council continually resisted the prospect of identifying additional housing allocations to accommodate unmet needs from Wyre although the principle of accommodating some of Wyre's unmet housing needs has now been accepted through proposed modifications to the FLP which indicate that an early partial or full review will be undertaken once any unmet housing needs from Wyre is established following this examination.

- 1.6 While it is accepted that there has been considerable dialogue and engagement between both authorities, SLG consider the end result disappointing given that both local plans are more or less at the same stage of the development plan process. While it is accepted that the DtC is not a duty to agree, all authorities within the SHMA did, through the MoU, commit to reaching a consensus on housing provision across the Fylde Coast sub-region. This position is reaffirmed through the NPPF and Planning Practice Guidance (PPG) which direct authorities to ensure that the needs arising in a particular HMAs are met in that HMA⁴.
- 1.7 The key concern for SLG is about how the unmet housing needs of WBC will be met in the interim. While the proposed modifications to the FLP proposes a mechanism to trigger full or partial review once Wyre's unmet housing need has been confirmed through this examination, the mechanism lacks a defined timescale as to when any review would commence. The result likely to arise will be a significant delay in fully addressing unmet housing needs across the SHMA during this time.
- 1.8 SLG encourages the continuation of discussions with adjoining authorities and Fylde in particular, through the DtC process, to ensure unmet housing need is fully delivered within the Fylde coast.

The Local Plan Timeframe

Q4.1 Is the timeframe of the Local Plan appropriate (2011-2031)?

- 1.9 The plan period for the WLP is 2011 to 2031. Assuming adoption in the next 12 months only 12 years will remain. As currently drafted the plan period does not reflect the recommendations in paragraph 157 of the NPPF which states a preference for Local Plans to cover a 15-year timeframe. Paragraph 22 of the revised NPPF further clarifies the Government's position which states that strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. While this remains a draft version of national policy, it does indicate the direction of travel in respect of local planning and plan periods.

⁴ NPPF, paragraph 47.

- 1.10 In light of this, it is SLG's view that this plan period should be for a minimum 15 year period and policy targets should be amended to reflect the proposed longer timeframe. The timeframes for delivery should be consistent throughout the plan and account for a period of at least 15-years as preferred by the NPPF and as recommended through the draft NPPF. SLG is unaware that the council has presented any evidence to justify a plan period of less than 15 years.
- 1.11 An expansion of the plan period will only exacerbate the overall shortfall in meeting the unmet housing needs. As explained above, SLG considers that Fylde could and should accommodate some, if not all, of Wyre's unmet housing need.