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Date: 25 April 2018

Dear Mr Blackburn

**Wyre Local Plan Examination  
 Fylde Council Response to Inspector's MIQs**

1. Fylde Council welcomes the opportunity to comment on the Wyre Local Plan. This representation provides the view of Fylde Council on those matters considered relevant from the Inspector's MIQs (Examination Document EL1.004b). The content below should be read in conjunction with the original representation made by Fylde Council to the Draft Plan (ED120 022-0495, pages 213-221 of the pdf [http://www.wyre.gov.uk/download/downloads/id/4954/ed120\\_0022-0495.pdf](http://www.wyre.gov.uk/download/downloads/id/4954/ed120_0022-0495.pdf)), rather than the excerpts provided in Wyre's summary document which omits key parts of the representations made. Reference is made to relevant sections of the representation within this response as appropriate.

**Matter 1 Issue 2**

**Question 2.1 Is there evidence that the Council has cooperated effectively with adjoining authorities in seeking to meet any unmet housing needs from the District?**

2. Fylde Council concurs that Wyre Council has co-operated, recognising that this will not always necessarily lead to agreement. The Statement of Compliance (final submission version) (SD008) is substantially changed (from the publication stage version which is not within the Submission Library), but not fully agreed: although the omitted sections are matters of context, Fylde Council believes it is important these are understood. The changes suggested are attached as an Appendix to this response.

**Question 2.2 Is the Memorandum of Understanding (MoU) an effective tool to facilitate ongoing engagement with adjoining authorities?**

3. Fylde Council concurs that the MoU is an effective tool to facilitate ongoing engagement with adjoining authorities.

**Issue 4**

**Question 4.2 Is the start date of 2011 consistent with the evidence base?**

4. There is a need for the plan to apply the start date consistently, particularly in respect of jobs change evidence for the OAN, which should consider the projected and actual jobs decline and growth for the whole plan period as the source for the projections for housing to provide for it. This is considered in detail in Fylde Council's original representation in the section on **The OAN and Providing for Expected Jobs Growth** (ED120 022-0495, pages 217-218 of the pdf). This has not been summarised in the summary document and Wyre Council have not responded to the points raised.

**Matter 3**

**Issue 1**

**Question 1.1. Does the evidence base support the OAN for housing of 479 dwellings per annum (dpa) or 9580 dwellings for the LP period?**

5. No. The detailed response of Fylde Council is set out in the **Objectively Assessed Need for housing, the housing requirement and jobs growth** section of the Fylde Council representation (ED120 022-0495, pages 216-219 of the pdf). This concludes that the OAN should have been calculated as between 391 and 457 dpa, based on the most up to date demographic projections with uplifts applied; the jobs growth based projection is flawed as it uses a rebased figure. Much of the detailed content of the representation was not summarised by Wyre in their summary document, and the points put have not been addressed.

**Question 1.2 Or should the OAN be higher to support job growth and the delivery of affordable housing?**

6. No. As documented in the Fylde Council representation (ED120 022-0495, in particular pages 217-219 of the pdf), jobs growth over the plan period is likely to be 1,345 even if Wyre's Policy-On element is included. The projections should be based on the 1,100 projection for the plan period with the Policy-On element omitted, not on the rebased figure (2,545) for the remainder of the period. There is no need for the OAN to be higher, as the figures derived from the demographic projections with uplifts generously provide for the likely jobs growth over the plan period, even at the lower end (391 dpa). On this basis, it is considered appropriate to utilise the lower end of the OAHN range. This would be in line with the Planning Policy Guidance draft text which advises:

*"Where plan makers have successfully argued through plan making and examination for a requirement set out as a range, the five year land supply will be measured against the lower end of the range; but only where this reflects local housing need plus – where relevant – any need they have agreed to take from other areas as evidence by a statement of common ground."*

7. However, even on the basis of Wyre's own jobs growth calculation method, the demographic upper end figure of 457 dpa generously provides for the likely jobs growth from 2015, according to Wyre's own evidence in Addendum 3. Fylde Council's detailed case is set out in the representation. The points made have not been summarised, or addressed by Wyre in their summary document.

8. In respect of affordable housing, the evidence in Addendum 3 is unequivocal that further uplift is not required.

**Question 1.3 Alternatively should the OAN be lower taking into account the new methodology for calculating housing need proposed within the draft revisions to the NPPF?**

9. Having regard to the transitional arrangements set out in the draft NPPF, the OAN should not be based on the new methodology. However, the plan as a whole (and particularly assertions about unmet need) will have to recognise that any review or update of evidence post-adoption will be required to utilise the standard methodology. The same methodology will need to be applied across the three Fylde Coast authorities, to ensure consistency across the Housing Market Area. The choice of OAN from within any range therefore should be made in the light of the need to prepare an effective plan, rather than being based on assumptions about delivery of unmet need from a future review process.

**Question 2.1 Does the evidence base support the OAN of 43 ha of employment land?**

10. No. The detailed response of Fylde Council is set out in the **Employment Land** section of the Fylde Council representation (ED120 022-0495, pages 219-221 of the pdf). Also notable is the decision to allocate 74 ha of employment land in the plan. The OAN for employment land includes an assumption of 0.9 ha per annum lost to other uses, but presumes that none of this will be housing. An allowance for new windfall employment sites should be accounted for within the net requirement.

**Issue 3**

**Question 3.1 Is there sufficient alignment between the housing and employment OANs?**

11. No. This matter is considered in detail in our representation on pages 219-220 of ED120 022-0495.

**Issue 4**

**Question 4.1 Does the shortfall in the housing requirement against the OAN reflect a positively prepared LP and one that is justified?**

12. No. The matter is considered fully in the Fylde Council representation (pages 213-215 of ED120 022-0495).
13. Wyre Council's response to Fylde Council's comments on page in SD007g appears to imply that planning for a housing requirement that leaves need unmet is a perfectly normal state of affairs, and notes that other plans have been adopted on this basis. However, as far as Fylde Council is aware, there are no plans that have been adopted with need remaining unmet solely on an infrastructure constraint such as highways; typically it has occurred where the borough is tightly drawn and has a lack of available land, as at Crawley and Luton, or affected by land use policy constraints, as at Rother (80% within an AONB). Wyre Council further state that Fylde Council must assist unless it can prove it cannot. However, in the Examination of the Wyre Local Plan it is for Wyre Council to demonstrate that planning for a shortfall is sound. This requires justification, as to be positively prepared, the plan must seek to meet objectively assessed development and infrastructure requirements. The preparation

of the Wyre Local Plan has been approached by assessing what cannot be achieved, rather than what can. A plan-making process that started with developing a strategy (or range of possible strategies) to meet the OAN and plan for the mitigation necessary would have been the more appropriate approach.

14. As noted in our representation on page 214 of ED120 022-0495, Wyre Council have acted on the assumption that neighbouring authorities will be able to assist, and that the outcome of any review will allow this to come to pass. However, any review process will need to be undertaken on the basis of up-to-date housing evidence, which will invoke the use of the standard methodology, and this, if brought into effect as set out in the consultation documents, will reduce the Fylde and Wyre OANs significantly. Furthermore, Fylde Council have repeatedly drawn attention to the fact that any attempt to meet housing need outside Wyre to support Wyre Council's jobs growth would result in a change to commuting ratios, and would have impacts on highways. These impacts would have to be assessed as part of the evidence for any review. As these will involve cross-boundary flows into Wyre, the same junctions will be affected that are regarded as constraints for Wyre's own housing development. In addition, Sustainability Appraisal of development to provide for needs in Wyre through a review will have to consider the impacts of increased commuting, and consider whether it represents sustainable development, against reasonable alternatives.
15. It is not considered sound to adopt a housing requirement that does not plan for the number that the "highways cap" actually provides for. It is not justified to expect neighbouring authorities to plan for unmet need on the grounds that sites will not be fully delivered until beyond the end of the plan period. If the delivery assumptions are reasonable, then different sites should be allocated to ensure that delivery occurs within the timeframe necessary. In fact it appears that blanket assumptions have been applied limiting the rate of development in whole settlements, without any justification, and which in any case cannot be effective.
16. On pages 214-215 of ED120 022-0495, the representation provides further consideration of some ways in which reconsideration of the overall approach could have led to higher housing delivery.

#### **Question 4.2 Are the highway constraints overstated?**

17. Fylde Council acknowledges the LCC evidence ED094a and b. In it, it is acknowledged that the document is strategic in nature, with sites considered through desktop assessments. Therefore, where full transport assessments are produced by developers or in conjunction with LCC possibilities to develop further mitigation could possibly exist. This has taken place during the course of the preparation of the highways evidence: on the A6 corridor, the development of mitigation schemes has allowed for of the order of 900 additional dwellings compared to the position in the draft document of May 2016.
18. The publication of ED096 following our request in our representation is helpful in understanding the mitigation considered for congestion in Poulton. Five schemes are shortlisted in the document from a long list of 25. Table 23 on page 81 of the pdf shows the full list and the results of the sift. 18 of the schemes are rejected on "overall fit with primary objectives", and there is reference to a score, but nowhere is the actual scoring apparent: there is concern that this appraisal process has eliminated potential mitigation measures that are less costly than those taken forward for development. For instance, a scheme to

add staggered signals to the Lower Green/Garstang Road/Carr Head Lane junction (which could possibly allow for considerable extra development to the south-east of Poulton) is rejected although it is again considered as a part of the £10-15m one way scheme. It remains unclear how the conclusions of the study relate to the specific measures contained within LCC's own report (ED094a Appendix F, page 194 of the pdf). The specific reasons why the schemes in the Poulton study are not being brought forward are not apparent either in LCC's original study (ED094a) or in the rebuttal document in the Statement of Consultation (SD007i).

**Question 4.3. In particular would development to meet the OAN result in severe residual cumulative impacts on the highway network having regard to improvements that can be undertaken?**

19. In order to be positively prepared and justified, detailed alternative scenarios that plan to meet the OAN should be modelled for their impacts, with mitigation developed for the specific developments included. If severe impacts remain unavoidable, it should be clear what they would be, and then the tilted balance should be applied in accordance with paragraph 14 of the Framework as to whether the particular impacts significantly and demonstrably outweigh the benefit of planning for the OAN, having particular regard to the marginality of those impacts and the spread of locations so affected. No attempt appears to have been made to plan for the chosen OAN and therefore the impact that is being used to justify planning for a shortfall is entirely notional.
20. The LCC study ED094a indicates that severe congestion is less than 30% of free flow speed during either peak, but that this is not to attempt to define severe impact as termed in the Framework. Figure 3 (page 20) of ED094a identifies existing severe congestion. However, in order for Wyre Council to justify planning for less than their chosen OAN, it must demonstrate that planning for the OAN would result in severe residual cumulative impact(s), resulting from the development of individual sites and of sufficient severe impact in each case that refusal of planning permission could be justified, i.e. outweighing considerations in favour of planning in full for the borough's housing needs. Document ED094a does not provide this degree of justification. As noted on page 12 of the study, it identifies the theoretical capacity, providing a strategic overview.

**Question 4.6 Would a different distribution of development avoid severe highway impacts and allow the LP to meet housing needs?**

21. The Fylde Council representation (ED120 022-0495, page 214) notes the likely impact of the Highways England major scheme on the A585. The detailed design has now been published for consultation. The scheme includes a remodelling of various junctions, which is likely to improve capacity for movements where it connects with local roads, particularly in respect of Thornton and Over Wyre but possibly also Poulton. A reassessment therefore could potentially allow higher levels of development in Over Wyre (Hambleton perhaps) and Thornton.
22. It should be considered that displacing unmet need to outside the borough, in order to provide for jobs growth within Wyre, is also likely to have impacts on the same road network that has been identified as a constraint to growth in Wyre itself, due to increased commuting.

**Question 4.5 Is there justification for releasing more employment sites for housing in view of the shortfall of housing compared to employment land?**

23. Yes.

24. There is justification for a windfall allowance for brownfield sites including sites within existing employment areas. As the ELSU data is based upon the loss of 0.9 ha of land per annum to other uses, it would be extraordinary if this did not include an element of housing provision. It is not considered that the refusal of all such sites on highways grounds would be justified, particularly in the case of relatively small sites. Some such sites could be potentially brought forward under permitted development. Please refer to the final paragraph on page 215 of ED120 022-0495.

25. Further, there is justification for a reassessment of employment sites for housing or consideration for mixed-use, given the excess supply noted in our representation ED120 022-0495, pages 219-221. Such reassessment should include consideration of the benefits of juxtaposing housing and employment uses in terms of sustainability benefits and potential for reduced private car trip rates to locations outside the borough.

**Matter 4**

**Issue 1**

**Question 1.4 Should there be a windfall allowance?**

26. Yes. Our response (page 215 of ED120 022-0495) refers.

27. Based on previous years, there will be sites which come forward within the urban areas which have not been previously identified, and which will be compliant with policy. It is inconceivable that such sites will all be refused due to the "highways cap" if located within sustainable locations in urban areas. Similarly, small sites throughout the borough are unlikely to all justify refusal on highways grounds due to the "highways cap". An allowance should therefore be made for such sites which would not count within the overall total of permissible dwellings in that settlement.

**Matter 6**

**Issue 1**

**Question 1.1 Are Policies EP2 and EP3 sufficiently flexible in permitting other uses on employment sites?**

28. As noted in our representation (pages 215 and 219-221 of ED120 022-0495), the actual requirement over the plan period for land for B class uses outside the EZ is small. In the calculated OAN for employment land, an allowance is made for the loss of 0.9ha per annum to other uses, applied to all of the models in the ELSU (ED107); in some of the models this allowance is more than the actual net requirement. Therefore, the evidence presumes a flexible position. The plan, however, is restrictive. Whilst this is laudable in protecting critical areas, this should be reconsidered for sites which could make a contribution to the OAN for housing without realising severe highways impacts, given the critical need to provide

sufficient housing sites. The need for the wording to accord with the Framework will also require addressing.

Fylde Council would like to confirm that it wishes to participate in the Examination hearings, for those sessions to which the responses above have been addressed.

Yours sincerely

A black rectangular redaction box covering the signature of Julie Glaister.

**Julie Glaister**  
**Planning Policy Manager**

Appendix  
Changes to Statement of Compliance Proposed for Clarification and Context

To Paragraph 6.13 should be added as context: "The OAN at that time was a range between 340 and 485 dwellings per annum, derived from the Fylde Coast SHMA (2013). In June 2015 the Council consulted on its Issues and Options document, which provided options that distributed an indicative total of 7,000-9,000 dwellings for the plan period between settlements."

To paragraph 6.14 should be added: "In December 2015 Fylde consulted on its Revised Preferred option Local Plan; Wyre's response did not make reference to the issue of unmet need."

In paragraph 6.15, to the first sentence should be added: "following the Council's decision that month to choose 479 dwellings per annum as the OAN from the 400-479 range in the Wyre Addendum 2 evidence". In the second sentence, in place of "agreed that Wyre should", it should read "announced that Wyre would".

In paragraph 6.16 the first sentence in place of "were not able" should state "could not commit at that time"

In respect of paragraph 6.21, concerns have been raised throughout concerning the adoption of the top figure of the OAN range, previously 400-479. The Fylde local plan adopts an OAN of 415 from a range of 410-430. Concerns were also raised that the 479 figure was out-of-date as an Addendum 3 was required to assess the impact of the 2014 SNPP. The purpose of the workshop was to be "so that the updated evidence could be presented and explained to adjoining local authorities"

Paragraph 6.24 the second sentence should read: "Fylde expressed the view that the Wyre Local Plan evidence could still be challenged at Examination, as the updated evidence had not yet been finalised or published, neither had any draft plan, and as such the OAN and any shortfall is not confirmed; it would not be appropriate..."

In paragraph 6.25 the second part of the last sentence should be deleted, from "before" onwards. Paragraph 6.31 should be deleted altogether.