

## WYRE LOCAL PLAN EXAMINATION

### STATEMENT BY WYRE BOROUGH COUNCIL ON THE INSPECTOR'S MATTERS, ISSUES AND QUESTIONS

#### MATTER 1

#### Legal compliance, procedural requirements and the duty to cooperate

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#### Issue 1 – Compliance with procedural requirements including consultation/ participation procedures

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1.1 ***Is there any evidence that the Council has not met the minimum requirements for consultation and that consultation and publicity has otherwise been inadequate?***

1.1.1 No, there is not.

1.1.2 The Council has met the requirements for consultation and publicity as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation and publicity undertaken is in line with the council's Statement of Community Involvement<sup>1</sup> as supplemented by Appendix 2 of the Submission Draft Wyre Local Plan 2018 Statement of Consultation<sup>2</sup> (hereby referred to as the Statement of Consultation). The Statement of Consultation<sup>3</sup> provides full details of the engagement process undertaken in developing the Wyre Local Plan.

1.1.3 As described in the Statement of Consultation (pages 11-21) and in accordance with the above regulations, the Council has undertaken the following at Regulation 18 (Preparation) stage:

- a) Three Call for Site (CfS) exercises, publicised by formal notice in three local newspapers, letter/e-mail to all consultees on the Council's planning consultation database (including specific and general consultation bodies, parish and town councils, ward members, private and voluntary organisations and private individuals), and the placement of appropriate forms and guidance notes on the Council's web site. Responses to the CfS exercises directly fed into the Local Plan site allocation process.
- b) Public consultation on an Issues and Options document<sup>4</sup> which was deposited at local libraries, Garstang Tourist Information Centre, the i-bus, mobile library and the Council's main offices (Wyre Civic Centre), and publicised by:
  - Formal notice in three local newspapers;

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<sup>1</sup> Submission Document Library Reference ED006

<sup>2</sup> Submission Document Library Reference SD007a

<sup>3</sup> Submission Document Library Reference SD007a-j

<sup>4</sup> Submission Document Library Reference ED054

- Letter/e-mail to all consultees on the council’s planning consultation database and to those on other appropriate databases held by the council’s communications and economic development functions, (including specific and general consultation bodies, parish and town councils, ward members, private and voluntary organisations and private individuals);
  - Static exhibitions and staffed “drop-in” sessions;
  - The distribution of promotional material (leaflets and posters);
  - The use of social media and press releases;
  - Briefings by planning policy officers for parish/town councils, Wyre council employees and ward members; and
  - Briefing to a meeting of the Lancashire Association of Local Councils (LALC) (a body of parish and town councils).
- c) Consultation material was made available on the Council’s web site. The Council provided a range of electronic and paper means of responding.
- d) As required by Regulation 18, comments were taken into account in preparing the Local Plan, with the Council publishing a summary of the main matters raised and its response in August 2016 (see Statement of Consultation, Appendices 9 and 11<sup>5</sup>).

1.1.4 As described in the Statement of Consultation (pages 21-54)<sup>6</sup> and in accordance with the above regulations, the council has undertaken the following at Regulation 19 (Publication) stage:

- a) Public consultation on the ‘Publication’ Draft Wyre Local Plan and the Sustainability Appraisal (SA). The ‘Publication’ Draft Wyre Local Plan, the SA, the Habitat Regulations Assessment, Statement of Consultation, Statement of Representations together with response form and guidance notes were placed on deposit in nine locations including Wyre Civic Centre and local libraries. Publicity included:
- Formal notice in three local newspapers
  - Letter/e-mail to all consultees on the Council’s planning consultation database and other appropriate databases held by the council’s communications and economic development functions, (including specific and general consultation bodies, parish and town councils, ward members, private and voluntary organisations and private individuals)
  - Distribution of promotional material (leaflets and posters) and copies of the Plan and deposit documents to parish and town councils
  - Use of social media and press releases.
  - Briefing to a meeting of the Lancashire Association of Local Councils (LALC) (a body of parish and town councils).

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<sup>5</sup> Submission Document Library Reference SD007a and e

<sup>6</sup> Submission Document Library Reference SD007a

- b) To support the Publication Draft Local Plan the Council published and made available in paper (on request) and electronic form all supporting documents including five background papers. It should be noted that technical assessments forming part of the Local Plan evidence base were being published when completed throughout the Regulation 18 stage.
- c) As with the previous Issues and Options stage, the Council ensured that potential respondents had alternative means of submitting their responses, both paper and electronic.

1.1.5 In accordance with the above regulations, the Council has undertaken the following at Regulation 22 (Submission) stage:

- a) Published a detailed Statement of Consultation<sup>7</sup> which details the consultation and engagement carried out in previous stages (as summarised above) and provides a summary of the matters raised as a result of the consultation on the 'Publication' Draft Wyre Local Plan (pages 28 – 54). The Statement of Consultation in Appendix 14 includes a summary of each representation made with the Council's response.<sup>8</sup> Appendices 15 to 18<sup>9</sup> of the Statement of Consultation provide a summary of specific matters and the Council's response.
- b) Notification of the submission of the Wyre Local Plan has been given to those who made representations to the Publication Draft Wyre Local Plan and those bodies and individuals held on the Local Plan consultation database (including specific and general consultation bodies, parish and town councils, ward members, private and voluntary organisations and private individuals).
- c) The 'Submission' draft Wyre Local Plan together proposed Modifications and the Statement of Consultation has been deposited in all libraries (including the mobile library) and at the Wyre Council Civic Centre. The Sustainability Appraisal (including the non-Technical Summary) and the Habitats Regulation Assessment remain on deposit from the Regulation 19 Stage.

## 1.2 ***Has engagement with Parish Councils and Local Communities been acceptable?***

1.2.1 Yes it has.

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<sup>7</sup> Submission Document Library Reference SD007a-j

<sup>8</sup> Submission Document Library Reference SD007g

<sup>9</sup> Submission Document Library Reference SD007 h-j

- 1.2.2 As detailed in the Statement of Consultation<sup>10</sup>, Wyre Council has positively engaged with parish and town councils representatives<sup>11</sup> throughout the preparation stage (Regulation 18 stage). In total 50 meetings were held between 2014 and 2017.<sup>12</sup> The number of meeting with individual parish and town councils varied depending on the issues. The Council accommodated any requests for a meeting with the parish/town council representatives.
- 1.2.3 The meetings were held on a confidential basis as the material discussed was work in progress and not in the public domain. The Council considers that the input of parish and town council in the preparation of the Local Plan is important. The involvement of parish and town council representatives was also on a 'non prejudice' basis, in that parish and town councils would be in a position to object to the Local Plan following consultation with their communities once the Local Plan was published even if in discussions they indicated support.
- 1.2.4 The meetings with parish and town councils informed the Local Plan process. As explained in the Statement of Consultation<sup>13</sup>, officers discussed potential allocations and draft policies.
- 1.2.5 As explained in the Statement of Consultation,<sup>14</sup> and under Question 1 above, extensive consultation and engagement has been undertaken throughout the preparation and Publication stages of the local plan process.
- 1.2.6 The Issues and Options Report<sup>15</sup> included a series of plans detailing potential housing, mixed use and employment allocations. Communities were able to respond with their concerns which has usefully informed the Local Plan. Concerns relating to flooding and infrastructure capacity has been dealt within the various technical studies and the Infrastructure Delivery Plan<sup>16</sup>.
- 1.3 ***Was engagement with Inskip-with-Sowerby Parish Council in advance of formal consultation appropriate?***
- 1.3.1 Yes it was.
- 1.3.2 The engagement with Inskip-with-Sowerby Parish Council has been the same as with all other parish and town councils. The Council met with Inskip-with-Sowerby Parish Council six times of which four took place in 2017. The meetings covered discussion on potential allocations and draft policies including discussion on the potential for development on land to the south of the B5269 (east of the school) and opposite the Derby Arms. The Council's

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<sup>10</sup> Submission Document Library Reference SD007a

<sup>11</sup> This has most commonly included the Parish Council's Chair and planning ambassador and in some cases the vice chair. The parish clerk also attended meetings. The planning ambassador is a member of the parish council appointed by the parish council to deal with planning matters.

<sup>12</sup> Submission Document Library Reference SD007a, pages 8-11

<sup>13</sup> Submission Document Library Reference SD007a, page 10

<sup>14</sup> Submission Document Library Reference SD007a

<sup>15</sup> Submission Document Library Reference ED054

<sup>16</sup> Submission Document Library Reference ED004

response to the concerns raised by residents and the Parish Council is at Appendix 16 of the Statement of Consultation<sup>17</sup>.

**1.4 Was it satisfactory to introduce allocations at the Publication Draft Stage of the Local Plan e.g. Travelling Showpeople Site (SA6)?**

1.4.1 Yes it was.

1.4.2 The Issues and Options document<sup>18</sup> identified a large number of potential development sites. Additional sites emerged through the consultation on the Issues and Option Report, as well as other work by the Council, throughout the preparation of the Local Plan.

1.4.3 Consultation at Regulation 19 'Publication' stage offers satisfactory opportunity for the consideration of representations. If matters raised went to the soundness of the Local Plan, the Council would have made amendments and if necessary re-consulted under Regulation 19.

1.4.4 A pre 'Publication' draft Local Plan was not prepared for consultation in order to expedite the process. Regulation 18 does not require consultation on a draft Local Plan. Whilst developments were determined on an ad-hoc basis through the planning application system, a situation that would continue until the Local Plan is adopted, it was considered more appropriate to proceed to 'publication' stage. The response from the consultation on the Issues and Options document has given the Council a good understanding of the matters that concerns communities across Wyre.

1.4.5 The Travelling Showpeople Site (SA6), was identified by a travelling showperson in 2017. Up until then the Council's efforts to identify a site had been unsuccessful. A specific call for sites exercise relating to Gypsies and Travellers (including Travelling Showpeople) did not result in any appropriate sites being put forward. The Council also contacted landowners who have submitted sites for other uses to ask if they would be willing to release their land for Travelling Showpeople. This has also been unsuccessful in identifying a site.

**1.5 Has publicity and consultation by electronic and other means been satisfactory?**

1.5.1 Yes it has.

1.5.2 The Council has set out the means and type of paper and electronic communication in the Statement of Consultation<sup>19</sup> at different stages of the local plan process. In summary the Council has:

- Used paper and e-mail communication to provide information on the local plan process direct to consultees.

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<sup>17</sup> Submission Document Library Reference SD007h

<sup>18</sup> Submission Document Library Reference ED054

<sup>19</sup> Submission Document Library Reference SD007a

- Provided consultation material, including response forms, in paper form and in downloadable formats via the Wyre Council web site. Response forms were capable of being completed by hand or electronically.
- Provided for comments to be submitted via “Objective” consultation portal on the Wyre Council web site (at Issues and Options and Publication Draft stages).
- Provided an interactive map of potential development sites at Issues and Options stage (hosted by the Wyre Council web site).
- Provided for comments to be submitted by post, by hand, by e-mail or by posting comments in special response boxes hosted by the formal deposit locations.
- Used social media, press releases and stories on the Wyre Council web site to publicise the local plan.

1.5.3 At all stages the council provided full contact details for the planning policy team in case of queries regarding the Local Plan and consultation process.

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## **Issue 2 – Compliance with the DtC, particularly in relation to consideration of housing needs**

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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?***

2.1.1 Yes there is.

2.1.2 Minutes of meetings in Appendices 2-7 of the Statement of Compliance with the Duty to Cooperate (January 2018)<sup>20</sup> provide the evidence of the co-operation.

2.1.3 The Council’s Statement of Compliance with the Duty to Cooperate, sets out the Council’s approach to cooperation with adjoining local authorities on the issue of unmet housing needs in Wyre. Paragraphs 6.8 – 6.35 set out how Wyre has engaged with adjoining local authorities on this matter. As early as 2015, Wyre alerted adjoining authorities of the likelihood of being unable to meet needs due to constraints. Wyre shared evidence on constraints as it was emerging and also held workshops in 2017 to present evidence on highways, housing and employment needs.

2.1.4 The duty is not a duty to agree but a duty to engage in a positive and proactive manner<sup>21</sup>. The evidence shows a positive and proactive approach as early as possible. Although there is no agreement at this stage of how and where the need will be met there is agreement that adjoining local authorities will consider the matter once the scale of unmet need has been confirmed through the Wyre Local Plan examination. This is an effective outcome of the cooperation.

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<sup>20</sup> Submission Document Library Reference SD008

<sup>21</sup> Zurich Assurance Ltd v Winchester City Council [2014] EWHC 758 (Admin)

2.1.5 Adjoining local authorities are at different stages of preparation with regards to their respective Local Plans. As referred to in the Statement of Compliance with the Duty to Cooperate, Wyre objected to the Fylde Local Plan that Fylde did not adequately responded to the potential issue of unmet need. The Inspector examining the Fylde Local Plan found that Fylde had met the duty to cooperate and did not ask any further questions regarding the position at Wyre. Fylde has proposed a main modification to the Fylde Local Plan indicating that a review will be triggered if the Wyre Local Plan is adopted with a level of unmet need.

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

2.2.1 Yes it is.

2.2.2 The Memorandum of Understanding (MoU)<sup>22</sup> provides an effective framework for engagement and collaboration with Blackpool and Fylde Councils and Lancashire County Council. It has been effective in facilitating the preparation of joint pieces of evidence such as the Strategic Housing Market Assessment, (SHMA)<sup>23</sup> and Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA)<sup>24</sup>. The MoU however is not effective with regards to engagement with all adjoining local authorities. Preston and Lancaster City Councils are not party to the MoU.

2.2.3 As shown in the Statement of Compliance with the Duty to Cooperate<sup>25</sup>, Wyre has supplemented cooperation and engagement within the MoU framework with one to one meetings with individual local authorities and exchanges of correspondence. It has also held bespoke meetings relating to the issue of unmet housing need in Wyre with all adjoining local authorities including Lancaster and Preston City Councils

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

2.3.1 Yes there is.

2.3.2 The Statement of Compliance with the Duty to Cooperate<sup>26</sup> sets out the engagement with LCC as Highway and Education Authority. The outcome of this engagement fed into the preparation of the Infrastructure Delivery Plan (IDP)<sup>27</sup> - with regards to highways (section 7) and education (section 12).

2.3.3 Wyre Council had several meetings with the Highway Authority culminating in

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<sup>22</sup> Appendix 1 of the Duty to Cooperate Statement of Compliance (January 2018) – Submission Document Library reference SD008

<sup>23</sup> Submission Document Library reference ED085

<sup>24</sup> Submission Document Library reference ED078 & ED079

<sup>25</sup> Submission Document Library reference SD008

<sup>26</sup> Submission Document Library reference SD008, paragraphs 6.51- 6.68 and 6.74 – 6.76.

<sup>27</sup> Submission Document Library reference ED004

the preparation of the highway evidence relating to the local highway network which has informed the Local Plan. The representation from LCC (Representation ID 0377) refers to the meetings with LCC Education Authority with regards to education provision in Wyre and the implications from new developments which fed into the IDP.

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### **Issue 3 – The SA and its consideration of reasonable alternatives**

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#### **3.1 *Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives?***

3.1.1 Yes it does.

3.1.2 The Sustainability Appraisal (SA) has been an integral part of the Local Plan preparation process from the outset. An overview of how the SA process has informed the Local Plan process is set out in ED058 (Part A). Chapter 3 of the Sustainability Appraisal Report<sup>28</sup> sets out the requirements for a sustainability appraisal incorporating the SEA legal requirements and how the SA has been carried out in line with those requirements. The SA Report demonstrates how the environmental, social and economic effects of the Local Plan have been considered.

3.1.3 An SA Scoping Report was produced in 2014<sup>29</sup>. In accordance with the SEA Regulations, the Scoping Report underwent consultation with the three statutory bodies.

3.1.4 Two iterations of the SA report have been produced and consulted on alongside the Issues and Options<sup>30</sup> document in 2015 and the Publication draft<sup>31</sup> in 2017. Following the Issues and Options consultation, a draft SA Report was produced which has informed the final SA and the Local Plan.

3.1.5 All policies and site allocations in the ‘Publication’ Draft Wyre Local Plan with their reasonable alternatives have been appraised to identify their sustainability and their potential significant effects to ensure that the Local Plan incorporates the most sustainable policies and proposals. The assessment of the policies against the SA strategic objectives is set out in the SA<sup>32</sup>.

3.1.6 The Interim SA<sup>33</sup> of the Issues and Options<sup>34</sup> document assessed three spatial development options and their sustainability performance against the SA framework. The findings of this appraisal is set out in the SA Report<sup>35</sup>.

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<sup>28</sup> Submission Document Library Reference SD005a

<sup>29</sup> Submission Document Library Reference ED057

<sup>30</sup> Submission Document Library Reference ED054

<sup>31</sup> Submission Document Library Reference SD004

<sup>32</sup> Submission Document Library Reference SD005a, section 5.3, pages 43-67

<sup>33</sup> Submission Document Library Reference ED055

<sup>34</sup> Submission Document Library Reference ED054

<sup>35</sup> Submission Document Library Reference SD005a, section 4, pages 24-30



- 3.1.7 However constraints associated with highway capacity and flood risk identified in emerging evidence resulted in none of the identified options being carried through into the Local Plan. The final Local Plan Strategy is the only deliverable strategy for the Local Plan, which although described as ‘managed dispersal’ it is not the same option as described in the Issues and Options Report. There are no alternatives to this strategy because of the constraints.
- 3.1.8 All reasonable site allocation alternatives to deliver this strategy have been identified through the Strategic Housing Land Availability Assessment<sup>36</sup> and the Employment Land Study<sup>37</sup>. These included the final allocations. Only sites which did not have any policy protection which the emerging Local Plan was taking forward or sites that are sieved out due to findings of the SFRA<sup>38</sup> were considered to be a reasonable option for consideration. The SA also considered alternative travelling showpeople sites which however were sieved out of the planning process later on as explained in the Site Allocation Background Paper<sup>39</sup>.
- 3.1.9 All alternatives were considered and assessed using the same SA methodology and reported in the SA Report<sup>40</sup>. The performance of each alternative site has been considered by the Council as part of the site selection process as set out in the Site Allocations Background Paper<sup>41</sup>. It should be noted that many allocations already had planning permission and therefore the site selection process was limited in that respect.
- 3.1.10 The appraisal of the Publication Draft Local Plan<sup>42</sup> identified mitigation recommendations to address potential minor and major negative effects or increase a neutral/negligible score to generate greater net benefit for the policies and site allocations. The Council has considered the recommended mitigation measures and amended policies, including site allocation policies to improve their sustainability prior to finalising the ‘Publication’ Draft Wyre Local Plan. The Council’s review of the recommended SA mitigation measures is set out in ED058 (Part B).
- 3.1.11 The recommended mitigations in the final SA published with the ‘Publication’ Draft Wyre Local Plan are few because the draft Plan already reflected recommendations through the iterative process of developing the Plan alongside the SA process.

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## **Issue 4 – The Local Plan timeframe**

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### **4.1 *Is the timeframe of the LP appropriate (2011-2031)?***

4.1.1 Yes it is.

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<sup>36</sup> Submission Document Library Reference ED089

<sup>37</sup> Submission Document Library Reference ED104

<sup>38</sup> Submission Document Library Reference ED111

<sup>39</sup> Submission Document Library Reference ED012a, section 6.9, pages 31-32

<sup>40</sup> Submission Document Library Reference SD005a, section 5.2, page 31-43 and appendix F and G

<sup>41</sup> Submission Document Library Reference ED012a

<sup>42</sup> Submission Document Library Reference SD001

4.1.2 The National Planning Policy Framework (ED013) at paragraph 157 advises that Local Plans should be prepared preferably over a 15 year horizon. The Wyre Local Plan covers a 20 year horizon with 12 to 13 years to run post adoption. This is considered appropriate and provides sufficient certainty for developers and communities within a framework that requires potentially partial or complete review every five years.

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

4.2.1 Yes it is.

4.2.2 Critical evidence including the Strategic Housing Market Assessment, (SHMA)<sup>43</sup>, Employment and Commercial Land Study, (ELS)<sup>44</sup>, and Retail Study<sup>45</sup> have a base date of 2011 albeit subsequent up-dates have been carried out to take account of latest available data. The SHMA was updated in 2016<sup>46</sup> to take account of the 2012 Sub-National Household Projections with a further sensitivity testing report in 2017<sup>47</sup> to consider the 2014 Sub-National Household Projections. The ELS was updated in 2015<sup>48</sup> with a further sensitivity report to consider the implications of the latest (March 2017) economic forecasts in 2017<sup>49</sup>. The Retail Study was updated in 2014<sup>50</sup>.

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<sup>43</sup> Submission Document Library Reference ED085

<sup>44</sup> Submission Document Library Reference ED103

<sup>45</sup> Submission Document Library Reference ED080

<sup>46</sup> Submission Document Library Reference ED087

<sup>47</sup> Submission Document Library Reference ED088

<sup>48</sup> Submission Document Library Reference ED106

<sup>49</sup> Submission Document Library Reference ED107

<sup>50</sup> Submission Document Library Reference ED083