

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	PLANNING COMMITTEE	22 JANUARY 2020	8
PARTIAL REVIEW OF FYLDE LOCAL PLAN TO 2032			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Council has commenced a Partial Review of the Fylde Local Plan to 2032 (FLP32). The Partial Review will address the two objectives of revising plans to reflect policy changes that the (NPPF19) has made and examining the issue of Wyre's unmet housing need which was a commitment in the FLP32 and precondition of the Inspector finding the FLP32 sound.

Appendix 2 presents the responses to the Regulation 18 consultation and the Council's proposed response to them. Members are asked to approve the Council's Responses to the consultation.

Appendix 6 provides a Schedule of Revisions to the Fylde Local Plan to 2032, these revisions set out in detail the scope of the Partial Review of the Fylde Local Plan to 2032. Members are asked to agree the content of the Schedule of Revisions, and supporting documents to allow technical assessments including Viability Appraisal, Sustainability Appraisal and Habitat Regulations Assessment to be carried out.

RECOMMENDATIONS

1. Members approve the responses made to the Regulation 18 Consultation Appendix 2.
2. Members approve the objectives and scope of the review as described by the Schedule of Revisions Appendix 6.
3. Members approve the Schedule of Revisions, and supporting documents for Viability Appraisal, Sustainability Appraisal and Habitat Regulations Assessment.

SUMMARY OF PREVIOUS DECISIONS

On 13th November 2019 the Planning Committee agreed an updated Local Development Scheme which was then published on the Council's website. The Local Development Scheme sets out a timetable for the Partial Review.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓

To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

Purpose of the Partial Review

1. The Council considers that it is necessary to undertake a partial review of the Fylde Local Plan to 2032 (FLP32) for two reasons:
2. First, the Fylde Local Plan to 2032 was adopted on 22nd October 2018. It was examined in accordance with the National Planning Policy Framework 2012 (NPPF12). NPPF19 which was published in February 2019, Paragraph 212 of which states: Plans may need to be revised to reflect policy changes which the replacement framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.
3. Second, Paragraph 1.27 of the Fylde Local Plan to 2032 states that Fylde Council recognises that Wyre Council have identified difficulties in planning to meet its objectively- assessed need for housing. Any need that remains unmet following the adoption of Wyre's Local Plan will need to be addressed. Fylde Council will undertake an early review of the Plan (whether partial or full) to examine this issue, working with other authorities adjoining Wyre under the Duty to Co-Operate. The objective of this process would be to ensure that any unmet need is met within the Housing Market Area and/or in other appropriate locations, where consistent with the achievement of sustainable development. This early review was required by the Local Plan Inspector.
4. The review is triggered by the two reasons mentioned in paragraphs 2 and 3 above. It is a process which the Council will undertake in order to ensure the FLP32 is and remains up to date. The review is a procedural requirement which does not necessarily mean that the FLP32 has become out of date.

Process Followed to Reach this Stage

Scoping Consultation

5. The Council carried out a Regulation 18 consultation in accordance with the Town and Country Planning (Local Planning)(England)Regulations 2012 No 767 Part 6. The consultation letter is attached as Appendix 1 to this report. The consultation ran for 6 weeks from 25 April to 5.00pm on 6th June 2019.
6. The Council received 35 representations from a wide variety of representors. These included Wyre Council, Equality and Human Rights Commission, Network Rail, Health and Safety Executive, Highways England, Homes England, Sport England, United Utilities, Trams to Lytham, Environment Agency, Natural England and the National Federation of Gypsy Liaison.
7. A combined response was made by Elswick, Greenhalgh with Thistleton, Staining, Ribby with Wrea, Weeton with Preese and Westby with Plumpton's Parish Councils. Treales, Roseacre and Wharles and Bryning with Warton Parish Council made individual responses. Four residents of Elswick also responded and nine residential housing developers also provided responses.
8. The consultation letter clearly set out the proposed objectives of the partial review as described in paragraphs 1 and 2 above, however nearly all of the respondents assumed that the Council is carrying out a full review of the entire FLP32. In fact, the Council will be carrying out a partial review to address the issues described in paragraphs 2 and 3 above.

9. A summary of all the responses is provided in Appendix 2 Summary of Responses to the Regulation 18 Consultation– Fylde Local Plan to 2032, together with the Council’s proposed response. Many of the statutory consultees requested changes to the policies in the FLP32 which fell outside the proposed purpose of the partial review.
10. The Parish Councils and members of the public assumed that the revision would involve more sites being included in the FLP32, and more development pressure being placed on rural areas. However, with regard to housing delivery, the partial review will enable the use of the ‘standard method’ of calculating housing need which will result in a lower housing requirement number. Accordingly, no new housing sites will be required.
11. The Housing Developers also assumed that more housing land would be needed to meet Wyre’s unmet need and they are therefore promoting their sites, through their consultation responses, in order to meet this unmet need. Wyre Council’s standard method figure is lower than its adopted requirement but it is acknowledged that Wyre Council has not indicated whether it will use the standard method in its local plan review. The adopted Wyre Local Plan includes a requirement for a review to address the issue of the housing need within Wyre, including allocation of further sites in Wyre to address any unmet need. Therefore, it is currently anticipated that sites in Fylde will not be required.
12. Some of the requests made by the respondents are addressed by the revisions that will be made to the FLP32 by the Partial Review, and the updates to evidence. However, the objectives of the partial review have not been amended as a result of the consultation. Any changes outside of the proposed purpose of the partial review would mean the whole FLP32 would have to be revisited. This is not necessary because the FLP32 remains up to date having only been adopted on 22nd October 2018.
13. The conclusion of this Regulation 18 stage is that the purpose of the Partial Review should remain as originally proposed by the Regulation 18 Letter Appendix 1.

Supporting Research Guidance and Evidence

14. A Partial Revision in accordance with Paragraph 212 of the Framework (to reflect changes made between the 2012 and 2019 frameworks) is a new concept, although it has always been possible to carry out a focussed review of any aspect of a Local Plan that has become out of date.
15. The Planning Advisory Service published guidance – The Local Plan Routemapper – reviewing and updating Local Plan Policies, and four associated toolkits, in November 2019. The Council attended the launch of this guidance and has reviewed it thoroughly to ensure that the scope of the Partial Review, and the process it follows will be sound. As a result of the guidance from PAS the Statement of Community Involvement will be updated prior to the Publication consultation.
16. For the purpose of the Regulation 18 consultation the process followed was called a Partial Revision, as referred to in paragraph 212 of NPPF19. The Planning Advisory Service (PAS) have clarified that the process should be referred to as a Partial Review rather than a Partial Revision and this is confirmed by the FLP32 paragraph 1.27 which states that Fylde Council will undertake an early review of the Fylde Local Plan (whether full or partial). The Council has also taken legal advice on this matter which confirmed that the process should be termed a Partial Review. The review is the process by which the FLP32 is considered against any relevant changes in national policy. The revisions are the changes that are necessary to ensure that the FLP32 remains up to date. Therefore, in the Council’s Local Development Scheme 2019 the Development Plan Document is referred to as a Partial Review of the Fylde Local Plan to 2032.
17. A Housing Need Survey is proposed to be commissioned by the Housing Team early in 2020. This will include the calculation of an up-to-date affordable housing need figure which will feed into the Partial Review process. As the NPPF19 includes changes to the way Viability Appraisal is carried out, an up-to-date Viability Appraisal of the proposed Partial Review of the FLP32 will need to be commissioned. Sustainability Appraisal

and Habitats Regulations Assessment will also be carried out. Appendix 3 provides a Schedule of Evidence for the FLP32, and concludes that most of it remains up-to-date.

Supporting Documents Used to Define the Purpose of the Review

18. Appendix 4 Implications of NPPF19 for FLP32 compares NPPF19 with NPPF12 paragraph by paragraph. There are 217 paragraphs and two annexes. This is not a straightforward exercise as NPPF19 is not an amended version of NPPF12. Large sections of text have been deleted or moved to completely different places in NPPF19. However, Appendix 4 does list every paragraph in NPPF19, and compares it with the previous version of the paragraph/text in NPPF12. Some paragraphs are new to NPPF19, some existing paragraphs from NPPF12 have been revised and others have been subject to minor changes.
19. Most of the changes listed result in a Council Response of 'No change needed to the FLP32', others result in minor changes to wording, and there are also some significant changes particularly in relation to the Duty to Cooperate and the Housing chapter.
20. Appendix 5 References to the Framework within the Local Plan lists by paragraph number (FLP32), all of the references made to the NPPF12. Some of these quoted text from NPPF12, others included paragraph numbers. The right- hand column describes the correction required to the FLP32 in order to reflect policy changes which the NPPF19 has made.
21. Appendix 4 and Appendix 5 describe in detail the proposed scope of the Partial Review of the FLP32.
22. The Council's proposed responses in Appendix 4 and 5 have been used to produce a Schedule of Revisions to FLP32 Appendix 6. The Schedule is in plan order and shows all of the revisions incorporated into the relevant paragraphs of the FLP32. New text is underlined and unnecessary text is crossed out. The Council will use this Schedule of Revisions to FLP32 for the purpose of seeking consultation responses on the Partial Review of the FLP32. NPPF19 contains a new section on Non-strategic policies. Paragraph 21 Footnote 13 NPPF19 states that where a single local plan is prepared, as in the case of FLP32, non-strategic policies should be clearly distinguished from non-strategic policies. The Council needs to distinguish between Strategic and Non-Strategic policies as part of the Partial Review of the FLP32. Appendix 1 to the Schedule of Revisions is a list of which policies are considered to be strategic and which are considered to be non-strategic.
23. One of the most important changes resulting from Paragraph 27 NPPF19 is the requirement to produce a Statement of Common Ground (SOCG) with the other two plan making authorities of the Fylde coast, Lancashire County Council, prescribed bodies and other signatories. The SOCG will demonstrate effective and on-going joint working, documenting the cross- boundary matters being addressed and progress in cooperating to address these. SOCG are produced using the approach set out in national planning practice guidance and should be made publically available throughout the plan making process to provide transparency. The SOCG Appendix 7 is a working draft at this stage. The final version of the SOCG will address paragraph 1.27 of the FLP32.
24. Appendix 8 is the Housing Needs and Requirement Background Paper 2020 which contains the Council's local housing need assessment produced in response to the changes introduced by the NPPF19. The local housing needs assessment concludes that the minimum housing need figure is 275 dwellings per annum.

The Most Significant Revisions to FLP32

The Duty to Cooperate

25. The Wyre Local Plan 2011 -2031 was adopted on 28th February 2019. Paragraph 4.1.6 of the Wyre Local Plan identifies the Objectively Assessed Need (OAN) for housing, derived from the Fylde Coast SHMA and its Addenda, to be 479 dwellings per annum, equating to 9,580 dwellings over the plan period to 2031. Wyre Local Plan Policy SP1 states that it will deliver a minimum of 9, 200 dwellings, which equates to 460 dwellings per annum over the plan period, resulting in a shortfall of 380 dwellings or 4% of the OAN.
26. The Wyre Local Plan includes Policy LPR1 which commits Wyre Council to a partial review of the Wyre Local Plan "*with the objective of meeting the full Objectively Assessed Housing Needs*". The policy specifies that the review is to include:
 - An update of Objectively Assessed Housing Needs

- A Review of Transport and Highway Issues
- Allocation of sites to meet the full Objectively Assessed Housing Needs taking into account the review of transport and highways issues.

Therefore, the Partial Review of the Wyre Local Plan will have to reassess housing need in Wyre and how it will be met.

27. Wyre Local Plan Policy LPR1 specifies that any unmet needs will be met in Wyre, through the Partial Review of the Wyre Local Plan. The Wyre Local Plan was prepared and adopted under the NPPF12. The update of housing needs Wyre Council will conduct under their policy LPR1 will need to have regard to the standard method in NPPF19 and the updated planning practice guidance. A standard method calculation of housing need for Wyre gives a figure of 308 dwellings per annum. This is significantly lower than the 460 dwellings per annum that the Wyre Local Plan was intended to deliver. Therefore, if the standard method calculation is adopted the housing needs of Wyre should be fully met by the partial review of the Wyre Local Plan.
28. It is therefore anticipated that the Partial Review of the Fylde Local Plan to 2032 does not need to incorporate alterations to its strategic policies, housing needs or requirement figure as consequence of the implementation of the standard method for calculating housing need by both Local Planning Authorities.

Housing Land Requirement and Five-Year Supply

29. In some respects, national policy has changed significantly since the FLP32 was examined and adopted. The NPPF19 states that strategic policies should be informed by a local housing need assessment, calculated using the standard method in national planning guidance, unless justified by exceptional circumstances. This means that the approach used by the SHMA and its Addenda is superseded. The Partial Review of the Local Plan is accompanied by the Housing Needs and Requirement Background Paper 2020 which contains the Council's local housing need assessment, produced in response to this change in national policy. The local housing needs assessment concludes that the minimum local housing need figure is 275 dwellings per annum. The NPPF19 states that any needs that cannot be met in neighbouring areas should be added to this figure. However, as explained in paragraph 26 of this report and set out in the draft SOCG, the unmet need in Wyre identified in the Wyre Local Plan (2011-2031) is likely to be addressed through the review of the Wyre Local Plan.
30. The NPPF19 requires local planning authorities to establish a housing requirement figure for their administrative area, in this case the Borough of Fylde, showing the extent to which the identified needs (and any that cannot be met in neighbouring areas) can be met. It is the intention to seek to confirm the existence of a five year housing supply as part of the Plan. For the FLP32, the Council used the findings of Addendum 3 to the SHMA to determine that the housing requirement for the period 2011-2032 is 415 net dwellings. Having considered the adopted figure of 415 and evidence provided in Appendix 8 The Housing Needs and Requirement Background Paper 2020, the Council has determined that the housing requirement figure for the plan period (2011-2032) to be 6,895-8,715 net dwellings per annum, which is an annual requirement of 415 net dwellings for the period 2011-2019 and 275-415 net dwellings per annum from 2019-20 onwards. The adopted FLP32 allocates sufficient sites, including an allowance for small sites and windfalls, to provide a supply figure of 8,819 dwellings over the plan period to 2032.
31. Between 2011-2017, 1,538 dwellings have been completed in Fylde, an average of 256 dwellings per annum. When this figure is subtracted from the overall plan period requirement of 6,895-8,715, it leaves a residual requirement of 5,357-7,177 dwellings to be completed from 2017 to 2032. This figure (5,357-7,177) includes the shortfall which has accrued during the early years of the plan when large sites were in the planning process. This equates to 357-479 dwellings per annum for the remainder of the plan period. This is the 'Liverpool' method, for the purpose of calculating the five year housing land supply.
32. This is significant because the starting point for the Five-Year Supply calculation is to calculate the Local Plan residual housing requirement incorporating the earlier shortfall, in the Annual Position Statement 2019 this was $479 \times 5 = 2395$. From the adoption of the Partial Review the Council will be able to use 357 instead of 479. This gives a residual requirement of 1785. This significant reduction in the residual requirement means that the delivery of sites (already included in the FLP32) will provide a five-year supply thereby ensuring the Partial Review of the Fylde Local Plan to 2032 remains effective.

33. In conclusion, the whole of the FLP32 has been screened and all of the other revisions are considered to be minor. All of the revisions are listed in Appendix 6 Schedule of Revisions which provides a comprehensive list of revisions in plan order and therefore describes the remit of the review. The Partial Review of the Fylde Local Plan to 2032 will ensure the FLP32 is as up-to-date as possible, providing more certainty and reducing the cost of appeals.

Next Steps

34. Once the scope of the Partial Review of the Fylde Local Plan to 2032 has been agreed technical assessments will need to be carried out. These include Viability Appraisal, Sustainability Appraisal and Habitat Regulations Assessment. It is proposed that the results of these assessments will be presented to the Planning Committee on 11th March 2019. Members will then be asked to approve the Publication of the Partial Review of the Fylde Local Plan to 2032 (the Schedule of Revisions) and the supporting documents. There will be a six-week public consultation and then the Partial Review and responses to the consultation will be submitted to the Planning Inspectorate for Examination. It is anticipated that the Partial Review of the Fylde Local Plan to 2032 will be examined over the summer and adopted in the autumn. This timetable has been agreed and published as chapter 4 of the Fylde LDS summary graph. However, this is subject to matters outside the Council's control for example the availability of a Local Plan Planning Inspector.

IMPLICATIONS	
Finance	The Viability Appraisal, Sustainability Appraisal and Habitats Regulations Assessment are all carried out by consultants and have associated costs. It is anticipated that these costs can be met within the existing approved budget. The consultation and Examination in Public will also incur additional costs which at present are unquantified but it is anticipated that these may also be met from existing approved budgets. The Partial Review can be carried out by the existing policy team at the Council at no additional cost.
Legal	The Partial Revision will follow the process set out in the Town and Country Planning (Local Planning)(England)Regulations 2012, Sustainability Appraisal will be carried out in accordance with the Environmental Assessment of Plans and Programmes 2004, and the Habitats Regulations Assessment will be in accordance with the Conservation of Habitats and Species Regulations 2017.
Community Safety	There are no implications for Community Safety
Human Rights and Equalities	There are no implications for Human Rights and Equality
Sustainability and Environmental Impact	A Sustainability Appraisal and Habitat Regulations Assessment will be carried out.
Health & Safety and Risk Management	There are no health and safety implications.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Local Development Scheme	November 2019	https://new.fylde.gov.uk/resident/planning/planning-policy-local-plan/local-development-scheme/

Attached documents

Appendix 1 Regulation 18 Consultation Letter

Appendix 2 Summary of Responses to the Regulation 18 Consultation

Appendix 3 Schedule of Evidence

Appendix 4 Implications of NPPF19 for FLP32

Appendix 5 References to NPPF12 within the Fylde Local Plan to 2032

Appendix 6 Schedule of Revisions to FLP32

Appendix 7 Statement of Common Ground

Appendix 8 Housing Needs and Requirement Background Paper 2020