

DECISION ITEM



REPORT OF		MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE		30 NOVEMBER 2016	4
SUBMISSION OF THE FYLDE LOCAL PLAN TO THE SECRETARY OF STATE				

PUBLIC ITEM

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

SUMMARY

Consultation on the Publication Version Local Plan was approved at the Fylde Council Development Management Committee meeting of 15th June 2016. The consultation was undertaken from 11th August 2016 to 22nd September 2016. The consultation elicited responses from 71 individuals, landowners, councils and other consultees.

The document attached as Appendix A, the Statement of Regulation 20 Consultation, provides a summary of the responses received together with the Council's draft comment on each, and a summary of the main issues. Appendix B provides a separate Schedule of Proposed Minor Modifications to the Fylde Publication Version Local Plan; these are draft minor edits now proposed by the Council, arising from representations made in the latest consultation, which will be considered by the Inspector alongside the Plan following submission.

The next stage of the process is the submission by the council to the Secretary of State of the Local Plan, the Infrastructure Delivery Plan, the accompanying technical reports and the documents set out in Appendices A and B to this report. Approval is therefore sought from the Development Management Committee to proceed with this. Following submission, an Inspector will be appointed by the Secretary of State, to carry out an Examination in Public, anticipated for February 2017 onwards. Final adoption of the Local Plan would follow in late Spring 2017.

RECOMMENDATIONS

1. That the Publication Version Local Plan, Policies Map and all necessary accompanying documents be submitted to the Secretary of State for Examination.
2. That the Statement of Regulation 20 Consultation and the Schedule of Proposed Minor Modifications to the Fylde Publication Version Local Plan be approved for submission, to be included with items under recommendation 1.

SUMMARY OF PREVIOUS DECISIONS

Development Management Committee 15th June 2016 – Publication Version Local Plan – members agreed the following four recommendations:

1. Issue the Publication version of the Fylde Local Plan to 2032 for public consultation on ‘soundness’ for 6 weeks commencing in August 2016, together with the draft Infrastructure Delivery Plan (the IDP), the draft Statement of Compliance with the Duty to Co-operate and the technical assessments.
2. Approve the policies in the housing chapter (Chapter 10: Provision of Homes in Fylde) of the Publication version of the Local Plan for immediate use as ‘Interim Housing Policies’ for use by the Development Management Committee and for decisions determined under Delegated Authority by the Head of Planning.
3. Approve the Masterplan Policy in Chapter 7 (Strategic Locations for Development) of the Publication version of the Local Plan for immediate use by the Development Management Committee and for decisions determined under Delegated Authority by the Head of Planning.
4. That delegated authority is given to the Head of Planning (in consultation with the Chairman and Vice Chairman of the Development Management Committee), to make any further amendments to the Publication version of the Local Plan, the Policies Map, the draft IDP and the draft Statement of Compliance with the Duty to Co-operate.

Development Management Committee 9th March 2016 - Revised Preferred Option version of the Local Plan to 2032 – Responses Report – members agreed the following three recommendations:

1. That the Development Management Committee approves the content of the draft Responses Report as amended and that the responses be used to inform the drafting of the Publication version of the Local Plan to 2032.
2. That the Development Management Committee approves the Responses Report for publication on the Council’s website.
3. That a Policies Map is prepared to accompany the Publication version of the Fylde Local Plan to 2032. The Policies Map will include all of the sites allocated for development and strategic infrastructure projects, together with areas of constraint including the Green Belt, Areas of Separation and nature conservation sites.

Development Management Committee 20th January 2016 – Revised Preferred Option version of the Local Plan to 2032 – Consultation Statement – Information Item.

Development Management Committee 16th September 2015 – Revised Preferred Option version of the Local Plan to 2032 – members agreed the following four recommendations:

1. To issue the draft Revised Preferred Option version of the Fylde Local Plan to 2032 for public consultation in Autumn 2015.
2. To authorise the Head of Planning (following consultation with the Chairman and Vice Chairman of the Development Management Committee) to make any further amendments to the text of the Revised Preferred Options version of the Local Plan, the draft Infrastructure Delivery Plan (the IDP) and the accompanying maps subject to relevant addendum sheets being issued to members.
3. To endorse the proposed approach to consultations detailed in the report.
4. That the proposed site allocations at Valentine’s Kennels and land east of Wildings Lane be deleted from the Revised Preferred Option Document.

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

SUBMISSION OF THE FYLDE LOCAL PLAN TO 2032

1. The Local Plan to 2032 sets out the distribution of homes and employment land in Fylde for the 15 years from adoption, and provides criteria-based policies for the acceptability more generally of development proposals. Once adopted, the plan will give much greater certainty as to where development will take place and where not, and to the types of development that will be considered acceptable.
2. The Local Plan has now been subject to six rounds of consultation in order to reach the current stage. Preparation of the plan began with the Vision, Issues and Objectives and Regulation 25 consultations in 2011, which sought to solicit input from the public, consultees, developers and other interested parties as to what the plan should contain. This was followed by the Issues and Options document in 2013, which provided a series of strategic options for the balance of development locations within the Borough. The Preferred Option document followed in 2014, providing a development strategy for the Borough based on a hybrid of options from the previous document. The decision was then taken that a document providing more detail than an overall strategy would be necessary: this led to the production of the Revised Preferred Option (RPO) document which was consulted on in 2015. The Publication Version was the final version consulted on in August and September 2016.
3. The Publication Version is the version of the plan that the Council is seeking to adopt. Members will recall that amendments to the RPO following consultation were accepted at the meeting of the Development Management Committee on 9th March 2016. The Publication Version, which was approved by Members for the recent consultation at the meeting of 15th June 2016, consisted of the RPO with the approved amendments, with some additional amendments, particularly to Chapter 10 Housing, to reflect updated national policy and legislation. Once published for the recent consultation, the Publication Version remains unchanged as the version to be submitted to the Secretary of State; however, any minor edits proposed by the Council in response to the latest round of representations, or to altered circumstances, may be submitted with the plan as a separate schedule.
4. The consultation on the Fylde Publication Version Local Plan was undertaken from 11th August 2016 to 22nd September 2016 inclusive. Letters were sent to everyone on the Planning Policy consultation database, a list of more than 1,100 organisations and individuals. A formal public notice was placed in The Lytham St. Annes Express, and a press release was issued resulting in the publication of a news article in the Blackpool Gazette. The documents were made available in paper form at the Council's One Stop Shop and at libraries (including the mobile library) within the Borough; they were also published on the council's website.

5. The documents issued for consultation consisted of the actual plan documents, supporting technical assessments, the consultation statement for the previous stages of the plan and a large number of evidence documents. The plan documents consisted of the Publication Version Local Plan, the Policies Map with Inset Maps and the Infrastructure Delivery Plan. The technical assessments were the Sustainability Appraisal, the Habitats Regulations Assessment, the Health Impact Assessment, the Rural Proofing Assessment, the Viability Assessment and the Statement of Compliance with the Duty to Co-Operate. The large number of evidence documents were made available electronically.
6. A Statement of Representations Procedure notice was sent to accompany the consultation letter. Representations at this stage of consultation are forwarded to the Secretary of State as part of the submission, and should be related to the legal compliance of the plan, the duty to co-operate and the tests of soundness. A Guidance Note was therefore provided, to explain these. The soundness tests are: that the plan should be “positively prepared”, aiming to meet objectively-assessed development requirements including unmet needs from neighbouring authorities where reasonable; it should be “justified”, the most appropriate strategy considered against reasonable alternatives; it should be “effective”, meaning that the development proposed in the plan should be deliverable over the period; and it should be “consistent with national policy”.
7. There were responses from 71 individuals, land agents, planning agents, developers and statutory consultees. The majority were received by attachments to emails, with 6 received through the online consultation portal and one postal response. The representations break down to 39 representations from developers/landowners/agents, 7 individuals, 10 groups of various kinds and 15 statutory consultees including other councils.
8. The Statement of Regulation 20 Consultation (Appendix A) sets out a tabulated summary of the responses made in the representations to each policy of the plan, and includes a draft response. Some of the representations were very lengthy, in some cases accompanied by other documents. For instance, where a representation was from a developer in relation to a specific site, in some cases documents that were previously used to support the developer’s planning application or appeal were included. These have not been summarised but are referenced where necessary. The full representations including all accompanying documents must be included with the submission to the Secretary of State.
9. Also included in Appendix A is a summary statement of the main issues, which is requested by the Planning Inspectorate to help the Inspector to devise his/her main matters-and-issues list. These reflect the principal issues that have been raised, but the list is not intended to be exhaustive.
10. The representations received include comments from neighbouring councils including a particularly long representation from Wyre Council, repeating their request for land to be provided to help meet Wyre’s housing requirement, without any accompanying supporting evidence. A variety of developers and landowners, large and small, and their agents, have made representations, proposing that the housing requirement should be higher, that the development strategy should be changed, and that their individual sites should be allocated. A number of other bodies and individuals have made representations against the amount of development, and development in particular locations. Other bodies have made representations concerning particular areas of policy.
11. Any minor modifications arising, from issues raised by representors, that it is recommended that the council should accept are listed in Appendix B, the Schedule of Proposed Minor Modifications. If the council were to decide any significant changes were required, such a modification would not be minor, and a further 6-week consultation would be required before submission.

12. It should be noted that although a revised Gypsy and Traveller Accommodation Assessment is expected to be completed imminently, any changes necessary to the allocations resulting from the new evidence should be made during the plan examination, to avoid further delay at this stage of the plan process.
13. When the Council decides that it is the time to submit, the necessary documents must be despatched to the Secretary of State. The Planning Inspectorate is the agency that acts on behalf of the Secretary of State. The submission consists of all of the plan documents, all of the technical assessments, the Statement of Regulation 18 Consultation (the earlier stages of plan preparation), The Statement of Regulation 20 Consultation (Appendix A), the Schedule of Proposed Minor Modifications (Appendix B), copies of all of the representations and the complete set of evidence documents. A programme officer to support the inspector during the examination process must be in place before the Council submits the Plan: the Council has appointed a programme officer. The Council propose to submit as soon as the Recovery Period has expired, in the event that Members approve this item.
14. Following submission, an inspector will be appointed by the Planning Inspectorate. Hearing sessions will be timetabled for around 10 weeks after submission, with statements required for this prepared at least two weeks before. Therefore, it is anticipated on this basis that hearings might take place in March/April although this depends on the inspector and the Planning Inspectorate. The hearings are likely to need 20-25 sitting days. The timescale for the final report after the hearings depends on whether modifications are considered necessary by the inspector, and the Planning Inspectorate therefore does not give anticipated time periods for the final report.
15. To provide for the examination process and hearing, the Council must commit to provide a suitably trained Programme Officer, accommodation and IT facilities for the Programme Officer and a venue for the hearing sessions to take place with separate working accommodation for the inspector. The Council must also commit to arranging any pre-hearing meetings required by the inspector and to provide any additional information required.
16. The Examination in Public will consist of hearings, where the inspector will take an inquisitorial approach to matters deemed to be of concern. Cross-examination is not allowed, and barristers are not normally involved. Officers will be required to prepare written statements detailing the Council's position on each matter in advance of the hearing: these will reflect the position taken in the Council's responses to representations set out in Appendix A.
17. The authority of the Development Management Committee will be sought again in the event that the Inspector requires the Council to make main modifications to the plan which significantly affect the policies of the plan or sites included.

IMPLICATIONS	
Finance	The Council's approved Revenue Budget contains provision for the resources required to ensure delivery of the Local Plan, the Infrastructure Delivery Plan (the IDP) and the Community Infrastructure Levy (the CIL), in accordance with the decision made by Cabinet on 26 th November 2014 and the delivery timescale contained therein. There are no additional finance resource implications arising from this report.
Legal	None

Community Safety	None
Human Rights and Equalities	An update to the Health Impact Assessment of the plan was undertaken in support of the Publication Version Local Plan, which considers the impact of the plan on the health of vulnerable groups
Sustainability and Environmental Impact	The Sustainability Appraisal, which accompanies the Publication Version plan, considers the economic, social and environmental impacts of the plan, and shows that the plan compares favourably with reasonable alternatives.
Health and Safety and Risk Management	None

LEAD AUTHOR	TEL	DATE	DOC ID
Eddie Graves	01253 658419	11 th November 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Local Plan Publication Version	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANAAYAHwAfABUAHIAdQBIAHwAfAAwAHwA0
Policies Map	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADYAMwA4AHwAfABUAHIAdQBIAHwAfAAwAHwA0
Infrastructure Delivery Plan	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANAazAHwAfABUAHIAdQBIAHwAfAAwAHwA0
St Annes Inset Map	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANwA3AHwAfABUAHIAdQBIAHwAfAAwAHwA0
Kirkham Inset Map	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANwA1AHwAfABUAHIAdQBIAHwAfAAwAHwA0
Lytham Inset Map	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANwA2AHwAfABUAHIAdQBIAHwAfAAwAHwA0
Sustainability Appraisal	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANGA3AHwAfABUAHIAdQBIAHwAfAAwAHwA0
Habitats Regulations Assessment	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANA4AHwAfABUAHIAdQBIAHwAfAAwAHwA0
Viability Assessment	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANA3AHwAfABUAHIAdQBIAHwAfAAwAHwA0

Statement of Compliance – Duty to Co-operate	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANQAwAHwAfABUAHIAdQBIAHwAfAAwAHwA0
Health Impact Assessment	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANwAzAHwAfABUAHIAdQBIAHwAfAAwAHwA0
Rural Proofing Assessment	11 th August 2016	http://www.fylde.gov.uk/assets/legacy/getasset?id=fAA3ADUANQAxAHwAfABUAHIAdQBIAHwAfAAwAHwA0
Complete evidence document list	11 th August 2016	http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/evidence-base/comprehensivelistofevidence/

Attached documents

1. Appendix A: The Statement of Regulation 20 Consultation (separate document)
2. Appendix B: The Schedule of Proposed Minor Modifications