

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING AND HOUSING	COUNCIL	6 DECEMBER 2021	15
FYLDE LOCAL PLAN TO 2032 (INCORPORATING PARTIAL REVIEW): ADOPTION			

PUBLIC ITEM

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

SUMMARY

The Fylde Local Plan to 2032 (the Local Plan) was adopted in October 2018. The Council has undertaken a Partial Review to address two matters that have triggered the need for a Partial Review:

- The Local Plan was examined under the 2012 National Planning Policy Framework, but this has been superseded. The Framework of 2018/2019 states that plans may need to be revised to reflect policy changes ... as quickly as possible, either through a partial revision or by preparing a new plan.
- The Local Plan as adopted includes a commitment to a review (full or partial) in the event that Wyre's Local Plan was adopted with unmet need. The Wyre Local Plan (2011-2031) was adopted in February 2019 with a shortfall of 380 dwellings.

The Partial Review revises 9 policies of the Local Plan. The most significant of these relate to the housing need and housing requirement figures, and the matter of the shortfall in Wyre. The Partial Review is narrow in scope, revising only those parts of the plan where it is necessary to address changes in national policy, or the shortfall in Wyre. Most of the Local Plan, including the site allocations policies, has not been revised.

The Partial Review was published for public consultation in accordance with the Regulations and has been Examined by an Inspector on behalf of the Secretary of State. The Inspector, in her report (Appendix 2), found the Partial Review legally compliant and sound, subject to a series of main modifications.

The application of the main modifications to the revisions made to the Local Plan by the Partial Review, results in a reduction to the housing requirement from 2019 onwards to 305 net dwellings per annum, instead of the 415 net dwellings per annum in the existing adopted Local Plan. This new requirement of 305 also addresses the issue of the shortfall in Wyre.

The Fylde Local Plan to 2032 (incorporating Partial Review) is provided as Appendix 1 to this report. A version showing revisions to the Local Plan is provided as Appendix 3. If adopted, it will protect the Local Plan by ensuring it is up-to-date; with the reduced housing requirement, it will ensure that the plan will be delivered as intended. Once adopted, the new housing requirement of 305 will be used as the basis for the calculation of the 5 year housing land supply. Therefore, as the existing allocations continue to come forward, the Council will be in a much stronger position to resist unallocated development sites brought forward through the appeal process based on challenges to the Council's 5 year housing land supply, preventing the Local Plan from being undermined.

RECOMMENDATION

1. That the Fylde Local Plan to 2032 (incorporating Partial Review), attached as Appendix 1 of this report, be Adopted as a statutory Development Plan Document by the Council in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.

SUMMARY OF PREVIOUS DECISIONS

On 28th July 2021, Planning Committee resolved:

1. That the Draft Schedule of Main Modifications to the Partial Review of the Fylde Local Plan to 2032 Appendix 1 as referred to in the Late Observation Schedule be approved by Planning Committee.
2. That the contents of the Sustainability Appraisal Addendum – Main Modifications (Appendix 2) and the Economic Viability Assessment Review Addendum Report (Appendix 3) of the report be noted.
3. That the Draft Schedule, the Sustainability Appraisal Addendum – Main Modifications and the Economic Viability Assessment Review Addendum Report referred to in 1 (as amended) and 2 above be issued for public consultation and the responses submitted to the Inspector.

On 19th May 2021, Planning Committee resolved:

1. To accept the directions of the Inspector as set out in her letter included at Appendix 1 of the report.
2. To request that Draft Main modifications which set out these changes directed by the Inspector are drafted for further consideration by the Planning Committee prior to being consulted upon, in order that the PRFLP32 can progress towards adoption.

On 14th October 2020, Planning Committee resolved:

1. To note the representations made to the Partial Review of the FLP32 in the documents accompanying the report;
2. To approve the Council's response to those representations in the Statement of Regulation 20 Consultation (Regulation 22(1)(c)(v)) Statement) as set out in Appendix 10 of the report.
3. To approve the Partial Review, supporting documents, technical assessments and responses to the Regulation 19/20 consultation for submission to the Secretary of State.

On 11th March 2020, Planning Committee resolved:

1. To approve the Partial Review, supporting documents and technical assessments for Publication in accordance with Regulation 19/20 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. To approve the Partial Review, supporting documents, technical assessments and responses to the Regulation 19/20 consultation for submission to the Secretary of State.
3. That officers be asked to continue to liaise with Wyre Council in order to seek to address the issue of unmet housing need in Wyre.

On 22nd January 2020, Planning Committee resolved:

1. To approve the responses made to the Regulation 18 Consultation Appendix 2.
2. To approve the objectives and scope of the review as described by the Schedule of Revisions Appendix 6.

3. To approve the Schedule of Revisions, and supporting documents for Viability Appraisal, Sustainability Appraisal and Habitat Regulations Assessment.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

BACKGROUND TO THE PARTIAL REVIEW OF THE FYLDE LOCAL PLAN TO 2032

1. Local Planning Authorities are required to produce a Local Plan for their area. The Government’s objective is that the planning system should be genuinely plan-led. The production of an up-to-date Local Plan allows councils to set out their strategy for how and where development needs will be met and make detailed allocations of land for development, as well as to set out a broad suite of policies for the determination of planning applications, the requirements that developers must meet and the types of developments that are acceptable.
2. This report invites members to adopt an updated version of the Local Plan that incorporates the Partial Review. The Fylde Local Plan to 2032 (incorporating Partial Review) is attached as Appendix 1.
3. The Fylde Local Plan to 2032 (the Local Plan) was adopted by the Council on 22nd October 2018. The Local Plan provides the overall strategy for the development of the Borough to 2032, allocates sites to meet development needs, provides protection from development in certain areas, and provides a complete suite of policies for assessing planning applications for different types of development. The Local Plan is the principal part of the statutory development plan for the Borough.
4. Before adoption, in July 2018, a new version of the National Planning Policy Framework (the Framework) was published. The Local Plan had been prepared in accordance with the 2012 version of the Framework. However, a transitional arrangement in the 2018 Framework allowed the adoption of the Local Plan, although it had been prepared with reference to earlier national policy. The Council adopted the Local Plan, as there were considerable advantages in having the Local Plan in place, under the national approach of a plan-led system, which gives full weight in decision-making to policies in adopted development plans.
5. The new Framework advised that:

“Plans may ... need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.”

After adoption of the Local Plan, a further revised Framework (February 2019) was published, with only very minor changes and retaining this policy wording. The revised Frameworks provided a significant policy change in that it included a simpler, standard method of calculating housing need, which for Fylde is substantially lower than the figure calculated using the previous, highly complex method.

6. The Local Plan had been adopted whilst the preparation of the plan for the Borough of Wyre had been at an early stage of production. Wyre Council had indicated the possibility that it considered it would be unable to provide sufficient housing sites and allowances to meet its “objectively assessed needs”. The Fylde Local Plan to 2032 was, therefore, adopted with a commitment, which stated:

“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 Fylde Local Plan (whether full or partial) 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.”

7. The Wyre Local Plan was adopted on 28th February 2019. It identified housing needs over its plan period of 9,580 dwellings. The Wyre Local Plan provides for the delivery of 9,200 dwellings, leaving a shortfall of 380 dwellings. This is need that remains unmet, which paragraph 1.27 of the Fylde Local Plan to 2032 commits to examine through a review, as noted above.
8. The two factors of the changes to national planning policy and the adoption of the Wyre Local Plan with a shortfall to its housing provision triggered the need for the Council to undertake the Partial Review of the Fylde Local Plan to 2032.

THE PARTIAL REVIEW

9. The Council issued a consultation on the scope of the Partial Review on 25th April 2019, for 6 weeks to 6th June 2019. The consultation made clear that the scope (of the Partial Revision as it was termed at that stage) would be strictly narrow, restricted to the two matters of the changes to the Framework and the shortfall in Wyre.
10. Evidence was prepared to inform the contents of the Partial Review. This included schedules of the changes that had been made to national policy, a screening of references to national policy in the adopted Local Plan, and an assessment of housing need for Fylde under the revised national policy.
11. A Draft Statement of Common Ground was produced and discussed with neighbouring authorities, as required under national policy and the Duty to Co-operate. The Council’s position stated that the Wyre Local Plan required Wyre Council to conduct its own plan review which would seek to address its shortfall; Wyre Council stated that the shortfall existed in the meantime and remained to be addressed, and Wyre Council’s revised housing need figure remained unknown. All of these facts were included in the Statement of Common Ground.
12. From the evidence gathered and informed by the updated national policy, the Council produced the Partial Review of the Fylde Local Plan to 2032: Schedule of Revisions to the FLP32 (the Partial Review). This was the main Partial Review document that set out the Council’s proposed changes. This was considered by Planning Committee in initial draft form in January 2020, together with the supporting evidence documents.
13. It is a statutory requirement, national policy and best practice that development plan documents are subject to technical assessments during preparation to ensure that the specific issues of sustainability, impacts on international sites of nature conservation importance, economic viability and health are considered and addressed. Therefore, the following technical assessments of the Partial Review were undertaken:
 - Sustainability Appraisal (SA)
 - Habitat Regulations Assessment (HRA) - Screening Report
 - Health Impact Assessment Screening
 - Review of Economic Viability
14. The Partial Review in the form proposed for publication, together with the completed technical assessments, were considered by Planning Committee in March 2020. The Partial Review as published proposed revisions to 9 policies in the Local Plan, together with revisions to supporting text. The main changes to the Local Plan as proposed in the publication Partial Review were:
 - Revision of Policies H1 (housing) and DLF1 (development strategy) to make the housing requirement a range of 275-415 per annum (instead of the Local Plan requirement of 415). The 275 figure is the annual housing need for Fylde based on the standard method;

- Revision of paragraphs 1.24-1.27 of the Local Plan to state that the shortfall in Wyre would be dealt with in the first instance through Wyre Council's plan review, which was required by the adopted Wyre Local Plan, but that the shortfall could be addressed by Fylde as a contingency, if Wyre's review was unable to do so.
 - Revision of Policy GD4 (countryside) and supporting text to include reference to supporting business and community needs, and to entry-level exception sites, both of which were included in the new Framework;
 - Revision of Policy GD7 (design) to include a clause to prevent the diminishing of development quality between permission and completion, as included in the new Framework;
 - Revision of Policy EC5 to remove offices as a use requiring a sequential test when located out of centres, in line with the new Framework;
 - Revision of Policy H6 (isolated homes) to allow for sub-division of homes, in line with the new Framework;
 - Revision of Policy ENV2 (biodiversity) to include the requirement for measurable net gains in biodiversity, in line with the new Framework.
 - Other revisions where supporting text in the Local Plan derives from or quotes the earlier Framework but was subsequently altered.
15. The scope of the Partial Review remains strictly to address the two issues of changes to national policy, and the shortfall in Wyre. Changes for other reasons have not been considered to be within the scope, and have not been made. It has been vital throughout the process to ensure that the scope did not become extended, as a full review of the Local Plan would have required substantial new evidence and would have extended the process into considering a very broad range of issues which could have led to very substantial delay and possible failure of the process.
16. A delay due to Covid-19 followed the March 2020 Planning Committee, as it was initially impossible to carry out a consultation in accordance with the Regulations. The Partial Review was published for public consultation from 23rd July 2020 to 3rd September 2020. 27 representations were duly made, with one further (from Lancashire County Council) received after the deadline. Representations raised issues including those concerning: the likelihood (at that time) of fundamental changes to the standard method (which were not taken forward by Government as a revision to national policy); suggestions that any review should await the outcome of Wyre Council's review; that the Council had no right to bring the Partial Review forward at all; projections for the Council's site delivery falling short of needs; and suggestions for additional development sites.
17. Documents were produced setting out the text of the representations by policy and the Council's response to these, and providing copies of the original representations. This was considered by Planning Committee in October 2020, which resolved to submit the Partial Review to the Secretary of State for Examination. The submission was made on 21st October 2020.

EXAMINATION IN PUBLIC

18. Following submission, the Inspector, Mrs Yvonne Wright, was appointed to conduct the Examination in Public of the Partial Review. The purpose of the Examination is to assess whether the Local Plan has been prepared in accordance with all legal requirements, and whether it is sound. The tests of soundness are set out in the Framework. All the documents that formed part of the Examination process are available on the Council's website: a link is provided under the "Background Documents" section below.
19. The Examination hearing sessions took place on 17th and 18th March 2021, online using Zoom. Hearings were live streamed on the Council's website for the public to view. The programme for the hearing sessions addressed the revisions proposed in the Partial Review, but also matters relating to Local Plan Policy H2, which was not part of the Partial Review, but where a suggestion had been made that it should have been included. A number of issues were identified by the Inspector during the sessions for the Council to address by proposing

main modifications.

20. Following the hearing sessions, the Inspector sent a letter to the Council setting out her initial findings. In respect of the housing needs figure, the Inspector agreed with the Council's identification of 275 dwellings per annum through the standard method in the revised national policy, and that no uplift on this was required. However, she was not satisfied that the issue of Wyre's shortfall should be left to Wyre's review, stating that it is an existing need that should be accommodated now. The Inspector then assessed the housing requirement proposed in the Partial Review, and considered that the use of the range 275-415 was ambiguous and therefore unsound. Instead, the requirement should be based on the lower figure, but with the 30 dwellings per annum to meet Wyre's shortfall added, giving a requirement of 305 dwellings per annum for the remainder of the plan period. This conclusion was considered and accepted by Planning Committee on 19th May 2021.
21. Main modifications were drafted in line with the Inspector's recommendations. In relation to Policy H2, three alternative versions of the policy were proposed for further consideration by representors. However, officers did not consider that any main modification was necessary to make the Partial Review sound, as this policy had not been in the submitted Partial Review.
22. Shortly before the proposed main modifications were due to be considered by Planning Committee, a new version of the Framework was published (20th July 2021). At the Inspector's request, the Council provided an assessment as to whether any further main modifications to the Partial Review or revisions to the Local Plan were necessary as a result of the new Framework. One further main modification was required, to Policy H6 (Isolated New Homes in the Countryside). Sustainability appraisal screening was undertaken on the proposed main modifications. The main modifications were approved by Planning Committee for consultation, which then took place between 29th July 2021 and 9th September 2021. Following the consultation, the responses were collated into documents and provided for the Inspector to consider.
23. The Inspector's Report into the Partial Review is provided for information in Appendix 2. The Inspector found the Partial Review sound and legally compliant providing that main modifications are made to the Partial Review: the main modifications are listed at the end of the Inspector's Report in Appendix 2. The Fylde Local Plan to 2032 (incorporating Partial Review) has included all of the main modifications recommended by the Inspector. The Inspector's main modifications, along with additional modifications (i.e. those changes proposed by the Council that are inconsequential to the policies themselves), are shown underlined or struck through in the version of the Fylde Local Plan to 2032 (incorporating Partial Review) provided in Appendix 3.

HOW THE FYLDE LOCAL PLAN TO 2032 (INCORPORATING PARTIAL REVIEW) WILL BENEFIT THE BOROUGH OF FYLDE

24. If Members accept the recommendation, the Fylde Local Plan to 2032 (incorporating Partial Review) will replace the Local Plan to become the principal part of the statutory Development Plan for Fylde. Planning law requires that planning decisions must be in accordance with the Development Plan, unless material considerations indicate otherwise. The Fylde Local Plan to 2032 (incorporating Partial Review) will maintain the role of the existing Local Plan as a powerful tool for the Council in determining the shape of the Borough in the future.
25. The adoption of the Fylde Local Plan to 2032 (incorporating Partial Review) will provide the Council's endorsement of the findings of the Partial Review Inspector. The Inspector's finding that the Partial Review is sound will ensure that the Council is able to restrict development to proposals that are in accordance with the Fylde Local Plan to 2032 (incorporating Partial Review). In particular, confirmation that the local housing need figure of 275 net dwellings per annum is appropriate, and that the housing requirement figure should be 305 net dwellings per annum from 2019 onwards, will protect the existing development strategy and site allocations in the plan, and allow the large strategic sites to be brought forward.
26. The new housing requirement of 305 net dwellings per annum will, following adoption, be used as the basis for the calculation of the 5 year housing land supply. Therefore, as the existing allocations continue to come forward, the Council will be in a much stronger position to resist unallocated development sites brought

forward through the appeal process. On adoption, the Fylde Local Plan to 2032 (incorporating Partial Review) will therefore represent a strengthened position for the Local Plan from that prior to the Partial Review, and will ensure the continuation of plan-led development in Fylde.

27. Members are therefore invited to adopt the Fylde Local Plan to 2032 (incorporating Partial Review) as a Development Plan Document.

IMPLICATIONS	
Finance	The submission and examination in public of the Partial Review have incurred costs which have been met from existing approved budgets. The Partial Review has been carried out by the existing policy team at the Council at no additional cost. The additional costs arising from adoption of the Partial Review are negligible.
Legal	The Partial Review has been undertaken in line with the Planning and Compulsory Purchase Act 2004 (as amended) and has followed the process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Sustainability Appraisal has been carried out in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The Partial Review has been reviewed for legal compliance by the Inspector on behalf of the Secretary of State; the Inspector has confirmed legal compliance subject to the main modifications, which have been incorporated.
Community Safety	The Partial Review maintains the impacts of the Local Plan which seeks to improve community safety through developments.
Human Rights and Equalities	Implications of the revisions proposed have been considered throughout the Partial Review process.
Sustainability and Environmental Impact	The Partial Review has been subject to Sustainability Appraisal. Modifications proposed by the Inspector have also been subject to Sustainability Appraisal. The Partial Review has been subject to Habitats Regulations Assessment Screening to assess for any likely significant effects on Internationally protected sites.
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
Partial Review Examination documents	Up to 21 st October 2021	https://new.fylde.gov.uk/resident/planning/planning-policy-local-plan/partial-review-of-the-fylde-local-plan-to-2032-examination/
Partial Review Submission documents	21 st October 2020	https://new.fylde.gov.uk/resident/planning/planning-policy-local-plan/partial-review-of-the-fylde-local-plan-to-2032-flp32/
Adopted Local Plan and Policies Maps	22 nd October 2018	https://new.fylde.gov.uk/resident/planning/planning-policy-local-plan/adopted-local-plan-to-2032/

Link to Supporting documents

Appendix 1: [Fylde Local Plan to 2032 \(incorporating Partial Review\)](#)

Appendix 2: [Report on the Examination of the Partial Review of the Fylde Local Plan to 2032](#)

Appendix 3: [Fylde Local Plan to 2032 \(incorporating Partial Review\) showing changes from the FLP32](#)