

WYRE LOCAL PLAN PARTIAL REVIEW (2011-2031) EXAMINATION

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

MATTER 5 **Other policies**

1. Are the changes to Policies SP4 and EP5 and the explanation to Policies SP6 and CDMP3 consistent with national policy?

1.1 Yes, it is.

Policy SP4 Countryside Areas

1.2 A revision is proposed to Policy SP4 criterion 5 to ensure consistency with the NPPF 21.

1.3 The adopted Wyre Local Plan policy SP4 sets out the councils approach to protect the countryside in a way that supports rural communities and the rural economy, whilst maintaining its essential attributes.

1.4 Paragraph 80 and criterion (d) of the NPPF states "*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply(d) the development would involve the subdivision of an existing residential building*".

1.5 Paragraph 80 criterion (d) in the NPPF is an additional criterion that was absent from the then NPPF12, that the adopted Wyre Local plan was examined against (under the transitional arrangements).

1.6 To ensure consistency with the NPPF21, this partial update proposes to add additional reference that allows the sub-division of an existing residential building.

1.7 The council considers that the revised Policy SP4, along with the retained original text is consistent with national policy.

Policy EP5 Main town Centre Uses

1.8 A revision is proposed to Policy EP5 criterion 5 (a) to ensure consistency with the NPPF 21.

1.9 The adopted Wyre Local Plan policy EP5 includes a lower impact assessment threshold for retail development outside town centre of 500m² gross floorspace; for office and leisure development, the default threshold of 2,500m² gross floorspace applies (in accordance with the then NPP12).

1.10 Paragraph 90 of the NPPF 21 states *“when assessing applications for retail and leisure development (emphasis added) outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace)”*. The NPPF 21 therefore no longer requires office development outside town centres of 2,500m² gross floorspace to undertake an impact assessment.

1.11 To ensure consistency with the NPPF21, this partial update proposes to delete reference to office developments within Policy EP5 criterion 5 (a).

1.12 The council considers that the revised Policy EP5, along with the retained original text is consistent with national policy.

Explanatory text to Policy SP6 Viability

1.13 A revision is proposed to the explanatory text at paragraph 5.7.2 to ensure consistency with the NPPF21.

1.14 Paragraph 58 of the NPP21 requires *“All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available (emphasis added)”*.

1.15 The PPG¹ states that *“Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures. Where an exemption from publication is sought, the planning authority must be satisfied that the information to be excluded is commercially sensitive.”*

1.16 The adopted Wyre Local Plan paragraph 5.7.2 states *“.....Confidentiality of commercial information provided as part of the viability assessment will be maintained”*. This partial update proposes to delete this text to ensure consistency with the NPP21.

1.17 It is noted that it is not necessary for the Local Plan to replicate national policy and guidance. The proposed text deletion results in the Local Plan being silent on confidentiality of commercial information. This does not prevent exceptional circumstances existing where the information is deemed commercially sensitive and not made publicly available.

¹ Viability, paragraph 021 Reference ID: 10-021-20190509

1.18 The council considers that the revised paragraph 7.5.2, along with the retained original text is consistent with national policy.

Explanatory text to Policy CDMP3 Design

1.19 A revision is proposed to the explanatory text at paragraph 6.4.3 to ensure consistency with the NPPF21.

1.20 Paragraph 128 of the NPPF 21 states “*all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences*”.

1.21 Paragraph 129 of the NPPF confirms “*Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents*”.

1.22 The proposed revisions to paragraph 6.4.3 now includes additional text “*To provide further clarity and to reinforce good design, the Council will also seek to prepare design guides and/or codes as part of a supplementary planning document in support of policy CDMP3 or as part of the Full Review of the Wyre Local Plan*”. The proposed revision is necessary to set out how the local authority will meet the new design requirement now set out in the NPPF 21, that was absent in the NPPF 12 when the now adopted Wyre Local Plan was examined (under the transitional arrangements).

1.23 The council considers that the revised paragraph 6.4.3, along with the retained original text is consistent with national policy.

2. *Should other policies of the Plan be updated to reflect recent changes to Government policy e.g. climate change and biodiversity net gain?*

2.1 No, they should not.

2.2 The scope of the partial update is established by Policy LPR1 of the Wyre Local Plan (2011-2031). It is a narrowly focused review which principally directs itself to matters relating to the borough’s objectively assessed housing need.

2.3 The partial update has included consideration of matters of conformity with the NPPF21, which is in line with the limited scope of the partial update.

Climate Change

2.4 The adopted Wyre Local Plan (2011-2031) provides an appropriate strategy for tackling climate change that is in conformity with the NPPF 21. The adopted Wyre Local Plan (2011-2031) does seek to address climate change adaptation and mitigation through existing policies, which includes: Development Strategy (SP1), Sustainable Development (SP2); Flood Risk and Surface Water Management (CDMP2); Design (CDMP3); Environmental Assets (CDMP4);

Green Infrastructure in New Residential Developments (HP9); and Renewable Energy (EP12).

- 2.5 The Planning and Energy Act 2008 was amended in 2015 to provide Government with the powers to stop local planning authorities setting policies that exceed the minimum energy efficient requirements of the Building Regulations, but this amendment has not commenced.
- 2.6 The Governments emerging Future Homes and Future Building Standards will be incorporated in to the Building Regulations and applied nationally, to provide environmental performance standards in order to meet zero-carbon targets.
- 2.7 The Government undertook a consultation on proposed changes to Part L (conservation of fuel and power) and Part F (ventilation) of the building regulations in 2019. This consultation was the first stage of a two part consultation. The Governments consultation² response published in 2021 confirms that the new planning reforms will clarify the longer-term role of local planning authorities in determining local energy efficiency standards that set higher energy efficient standard for dwellings.
- 2.8 The Future Homes and Future Building Standards full technical consultation is expected in 2023 for implementation in 2025. An understanding of the technical standards and the role of the planning system in meeting zero-carbon targets is currently not fully known.
- 2.9 The Governments National Design Code does allows local authorities to locally address energy and sustainable construction elements locally, and that this could be included in design codes. The council's intention in relation to Design Code is set out in response to matter 5, question 1.
- 2.10 It will be the role of the Full Review to review the Local Plan's climate change strategy in response to the councils declared Climate Change emergency which sets a zero carbon target by 2050, as far as planning laws allows. At this point the council will be able to take into account any changes to Building Regulations standards (Housing and Non-domestic Buildings), including the Governments planning policy on this matter.

Biodiversity Net Gain

- 2.11 Adopted Wyre Local Plan (2011-2031) Policy CDMP4 Environmental Assets criterion 10 includes provision for biodiversity net gain (BNG). This is in conformity with the NPP21.
- 2.12 The Environment Act became law in 2021 and provides the UK framework for environmental protection. The Government have consulted on their approach to biodiversity net gain regulations and implementation, with the final regulations

² The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings - summary of responses received and Government response, [MHCLG](#) January 2021

expected to be enacted in autumn 2022 for implementation in decision making from November 2023.

- 2.13 Wyre Council is part of a two tier structure of local government with Lancashire County Council the upper-tier local authority. Lancashire County Council is the provisional responsible authority that will take the lead on preparing the Lancashire Nature Recovery Strategy. Lancashire County Council are currently awaiting the final regulations prior to formally commencing. Discussions are currently underway in Lancashire as part of Duty to Cooperate.
- 2.14 It will be the role of the Full Review to consider the implications of the new regulations and set a suitable strategy, working alongside Lancashire County Council, to achieve biodiversity net gain and how it will be achieved through the strategic policies of the Local Plan Full Review.