

# WYRE LOCAL PLAN PARTIAL REVIEW (2011-2031) EXAMINATION

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## **Agenda**

**Session 1 – 09.30 Tuesday 27 September 2022**

### **Matter 1**

**Introduction to the Hearings, Legal Compliance, Procedural Requirements, and the Duty to Cooperate**

## **Participants**

Wyre Council - Fiona Riley, Steve Smith, Len Harris, and Philip Robson (Barrister)  
Home Builders Federation - Joanne Harding,  
Wainhomes - Stephen Harris, Emery Planning  
Gladman Developments Ltd - Michael Dinn  
Fylde Council - Mark Evans and Eddie Graves

## **Introduction to the hearings**

The Inspector will introduce himself, outline the scope of the hearings, and respond to any procedural questions.

## **Matter 1**

This matter explores whether the Wyre Local Plan Partial Review has been prepared in accordance with legal and procedural requirements set out in the Planning Act 2004 and the Local Planning Regulations 2012.

There are provisions within the Act and Regulations relating to the Duty to Cooperate (DtC), Sustainability Appraisal (SA), publication and notification requirements and dealing with representations.

No representations allege a failure to be legally compliant. Based on the submitted evidence, I see no reason to take a different view. Notwithstanding this starting point, this hearing session will briefly address legal and procedural requirements, in particular the duty to cooperate and sustainability appraisal.

## **Policies to be covered by Matter 1: Policies SP1 and HP1 (in respect of the DtC and SA)**

### **Main Evidence Base**

SDPR01 – Publication draft Schedule of Revisions to the Wyre Local Plan (2011-2031) [November 2021]

SDPR03 – Sustainability Appraisal [November 2021]

SDPR07a, 7b and 7c – Statements of Common Ground and Duty to Cooperate Statements and annexes [April 2022]

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SDPR08a, 8b and 8c – Statement of Consultation and annexes [April 2022]

SDPR10 – Statement of Community involvement [updated March 2022]

## **Statements**

Wyre Borough Council [EL3.001]

Gladman Developments Ltd [EL2.001a]

Home Builders Federation [EL2.002b]

Fylde Council [EL2.006]

## **Potential Main Modifications (MMs)**

Draft Schedule of MMs [EL3.006]

## **Inspector's Note**

The terminology within the National Planning Policy Framework and Planning Practice Guidance refers to the need to review policies in local plans to assess whether they need updating. Therefore, there is a distinction between review and update. In addition, in view of the focused nature of the 'update' to the adopted Wyre Local Plan, the title of the consolidated Plan should be the Wyre Local Plan 2011-2031 (incorporating partial update of 2022). Taking into account my advice, the Draft Schedule of MMs prepared by the Council seeks to reflect the above terminology.

## **Issue 1: Consultation and community engagement**

The Planning Act requires that the local planning authority (LPA) prepares a Statement of Community Involvement (SCI) and complies with it. The Council recently updated its SCI following a consultation process in April/May 2021 (SDPR10).

- 1. Is there any evidence that the Council has not complied with the SCI, not met the minimum requirements for consultation or that consultation and publicity has otherwise been inadequate at various stages of the LP Partial Review process?*

The Council's statement sets out the steps it has taken at Regulation 18 (preparation), Regulation 19 (publication) and Regulation 22 (submission) stages to comply with the SCI and the Local Plan Regulations. No further representations have been submitted on this issue. The Inspector is content that he has sufficient evidence on the issue, unless participants wish to raise any particular points.

## **Issue 2: The Duty to Cooperate**

The Planning Act requires that LPAs engage constructively, actively, and on an on-going basis with one another in order to maximise the effectiveness of plan preparation. SDPR07a, 7b and 7c have been provided by the Council to support its position that the DtC has been complied with. The Council's statement refers to the

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Fylde Coast Authorities Memorandum of Understanding and meetings with other adjoining local authorities and the relevant highway authorities.

2. *Is there any evidence that the Council has not engaged constructively, actively, and on an on-going basis on strategic matters with other LPAs and other relevant bodies?*

Following examination and adoption in December 2021, the Partial Review of the Fylde Local Plan met Wyre's identified unmet housing need of 380 dwellings. Fylde now considers that, with a reduced housing requirement, it no longer needs to assist in meeting unmet needs. It is acknowledged by Wyre that, subject to the reduced housing requirement being accepted, it can meet all of its housing needs.

In response to my preliminary questions, the Council has suggested additional commentary on the DtC in the Draft Schedule of MMs (E/MM/13). This includes reference to the fact that Wyre can now meet its housing needs in full. This is on the assumption that the Council's approach to housing need using the standard method is sound.

3. *Does the LP (and/or the supporting information such as the DtC statement) need to be further modified to reflect the position that Wyre can now meet all of its housing need, notwithstanding the provisions of the Partial Review of Fylde Local Plan?*
  - a. *In particular should the MM referred to above (E/MM/13) be further modified to reflect the relationship between Wyre's and Fylde's housing needs and the stage that the respective Local Plans have reached?*

### **Issue 3: The Sustainability Appraisal and its consideration of reasonable alternatives**

The Council's position is that the SA has considered the need for an assessment of reasonable alternatives and concluded there are no reasonable alternative options to the local housing need of 296 dwellings per annum (dpa). This is on the basis that there are no exceptional circumstances to justify an alternative approach over the standard method.

4. *Does the SA meet statutory and legal requirements in relation to the assessment of reasonable alternatives? In particular should the SA have assessed, as reasonable alternatives, housing requirements in excess of the local housing need figure?*

In its statement the Council point to the Wyre Local Plan's assessment of reasonable alternatives. From that base, the Council's position is that the scope of the SA is limited given the tightly focused nature of the partial update. It is also pointed out that the assessment of reasonable alternatives is primarily a matter for the decision-making authority.