



Report of:	Meeting	Date
Councillor Alice Collinson, Planning Policy and Economic Development Portfolio Holder and Marianne Hesketh, Corporate Director Communities	Council	14 April 2022

Wyre Local Plan Partial Review (2011-2031)

1. Purpose of report

- 1.1** To present to Council the 'Submission' draft Wyre Local Plan Partial Review (2011-2031) (the Local Plan) and ask Members to approve the submission to the Secretary of State for examination.

2. Outcomes

- 2.1** To progress the Local Plan to the 'Submission' stage as required by the approved Local Development Scheme and Local Plan Regulations.

3. Recommendations

- 3.1** That the 'Publication' draft Wyre Local Plan Partial Review (2011-2031) Schedule of Revisions, labelled as Appendix 1 to this report; the 'Submission' draft Wyre Local Plan Partial Review (2011-2031) Schedule of Additional Minor Modifications, labelled as Appendix 2 to this report; and the Statement of Consultation, labelled as Appendix 3 to this report be approved for submission to the Secretary of State for examination.
- 3.2** That powers be delegated to the Head of Planning Services to make amendments to the 'Submission' draft Wyre Local Plan Partial Review (2011-2031) in consultation with the Planning and Economic Development Portfolio Holder, before it is submitted for examination. Such amendments could include (but are not limited to) improvements to the clarity of the document, factual and typing errors and necessary updates to reflect final recommendations from technical assessments.
- 3.3** That the 'Submission' draft Wyre Local Plan Partial Review (2011-2031) be approved for appropriate Development Management purposes.

4. Background

- 4.1** The council is required to prepare and adopt a Local Plan. The Local Plan must meet statutory planning requirements and will be assessed for 'soundness' by an independent Planning Inspector.
- 4.2** Under section 39 (2) of the Planning and Compulsory Purchase Act 2004 a local authority exercising their plan making functions must do so with the objective of contributing to the achievement of sustainable development. The 2011 Localism Act introduced the 'duty to co-operate' whereby the council has a legal duty to engage constructively, actively and on an ongoing basis on strategic cross-boundary issues during the preparation of the local plan.
- 4.3** The Local Plan is required to be consistent with national policy and supported by a robust evidence base and technical assessments. For the Partial Review, key documents are listed in the 'Background Papers' section of this report and are available to view on the council's website.
- 4.4** The Council approved the adoption of the Wyre Local Plan (2011-2031) in February 2019 which is the up-to-date Local Plan for the borough. The Wyre Local Plan (2011-2031) contains policy LPR1, which required the early partial review of the Wyre Local Plan (2011-2031) commencing before the end of 2019 and with submission of the review for examination by early 2022.
- 4.5** Policy LPR1 sets out that the review will be a partial review only, with the objective of updating and meeting in full the Objectively Assessed Need (OAN) for housing. The specific matters to be addressed by the review include:
- 4.5.(1)** An update of the OAN for housing.
- 4.5.(2)** A review of transport and highways issues, taking into account:
- i. housing commitments and updated housing needs;
 - ii. implemented and committed highway schemes;
 - iii. the scope for sustainably located sites where the use of sustainable transport modes can be maximised; and
 - iv. the additional transport and highways infrastructure that will be needed to meet in full the updated OAN for housing.
- 4.5.(3)** Allocation of sites to meet the full OAN for housing taking into account (2).

- 4.6** The council commenced work on the Partial Review in late 2019 and in February 2020 formally published a Regulation 18 consultation letter covering six weeks (28 February to 14 April 2020) seeking views on the scope of the Partial Review in accordance with the planning regulations¹. A total of 15 representations were received which have helped to inform the scope and preparation of the Partial Review. In May 2020, the council published a summary of the main matters raised through the consultation, together with a response. This confirmed that the council intended to gather evidence and prepare the necessary documents for a Partial Review to comply with the requirements of policy LPR1 and to ensure that the Partial Review is in conformity with the National Planning Policy Framework (NPPF), the government’s planning policies for England.
- 4.7** In November 2021 the council published the Regulation 19 ‘Publication’ draft consultation for six weeks (30 November 2021 to 18 January 2022), in accordance with the council’s Statement of Community Involvement 2021. The consultation sought views on the ‘Publication’ draft Wyre Local Plan Partial Review (2011-2031). The ‘Publication’ is an important stage in the local plan process before the Local Plan is submitted for independent examination.
- 4.8** When adopted, the revisions proposed by the Local Plan Partial Review will be incorporated into the Wyre Local Plan (2011-2031). It will then provide the basis for determining planning applications and as such will guide and manage development in the borough for the period up to 2031.

5. Key issues and proposals

- 5.1** The council is required to prepare and submit the Partial Review, with the scope clearly and specifically established by Policy LPR1. Not preparing and submitting the Partial Review would leave the council more vulnerable to an increased likelihood of less appropriate development than could be achieved through the planned process.
- 5.2** The Local Plan Partial Review (2011-2031) is an important corporate document covering the whole of the borough. It has been prepared in accordance with statutory requirements and Government policy. The Local Plan Partial Review (2011-2031) being presented in this report is considered to be a sound Plan and fulfils the requirements of Policy LPR1.
- 5.3** **Update of Objectively Assessed Housing Need** - Matter one of Policy LPR1 requires an update of the Objectively Assessed Housing Needs. The number of homes needed and an appropriate housing requirement for Wyre is now to be determined having regard to the provisions in the NPPF 2021 which now uses the terminology “Local Housing Need”. The National Planning Practice Guidance (NPPG) makes it clear that to

¹ Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

calculate the minimum Local Housing Need, local planning authorities should follow the Standard Method set out in guidance.

- 5.4** For Wyre, the Standard Method results in a minimum annual local housing need of 296 dwellings per annum (dpa). The council considers that there are no exceptional circumstances where it may be appropriate to uplift the local housing need of 296dpa nor are there any adjustments resulting from unmet need from neighbouring authorities nor are there any constraints. Therefore, the housing need figure is capable of becoming the housing requirement figure for Wyre and the Partial Review proposes to amend the current adopted policy SP1 and HP1 to reflect the housing requirement of 296dpa from 2019 (the commencement date of the Partial Review).
- 5.5 **Review of Transport and Highway Issues**** - Matter two of Policy LPR1 requires a review of transport and highways issues in the context of a review of the evidence base for the adopted Wyre Local Plan (2011-2031) that showed a limit on highway capacity constraining the council's strategy and also the ability to meet the OAN for housing in full.
- 5.6** It is considered that this matter has been fully satisfied by the conclusions reached regarding identifying the level of the borough's housing need. Given a housing requirement of 296 dwellings per annum (dpa), a lower figure than the adopted figure of 460dpa, the council's housing requirement position is materially different from that at the time the adopted Local Plan was examined and Policy LPR1 was included.
- 5.7** It is the council's position that the housing requirement can be met in full within the existing highway network (taking into account planned changes identified in the adopted Local Plan (2011-2031) and Infrastructure Delivery Plan.
- 5.8** This position has been agreed with the relevant transport and highway authorities. Therefore, the council does not introduce any new transport or highways evidence as part of the Partial Review.
- 5.9 **Allocation of sites to meet the full OAN**** - Matter three of policy LPR1 requires the allocation of sites to meet in full the OAN for housing to be addressed. Matter three builds upon the two previous matters required to be considered, that is a consideration of housing need followed by a review of transport and highway issues followed by a consideration of what allocations are required to meet the identified housing need.
- 5.10** A consideration of the housing allocations has been undertaken and it concludes that the existing site allocations that form part of the housing supply are able to meet in full the new housing requirement. It is clear that the existing allocations meet in full the identified housing requirement in accordance with matter three of Policy LPR1. Therefore, the council does not introduce any new site allocations as part of this Partial Review.

- 5.11 Matters of conformity with National Planning Policy Framework 2021**
- The adopted Wyre Local Plan (2011-2031) was prepared and examined in accordance with the original 2012 version of the NPPF. The council published a summary document relating to the Regulation 18 Consultation for the Partial Review. The document made clear that the council would undertake a consideration of matters of conformity with the subsequent 2019 version of the NPPF and produce a schedule of consequential changes to the adopted Wyre Local Plan (2011-2031). Since the publication of that document, the NPPF has been further revised by Government and now the 2021 version is the most up to date.
- 5.12** In undertaking the conformity assessment, the council has considered the substantive revisions that have arisen by reviewing the 2021 NPPF against the 2012 NPPF only. Where there are substantive revisions in the 2021 NPPF that the council could not consider when preparing the adopted Wyre Local Plan (2011-2031), the council has now considered the implications. In many cases, this has led to a consequential need for amendments, which are proposed as part of the Partial Review to ensure conformity with the 2021 NPPF. Subsequently, the Partial Review proposes to amend policy SP4, SP6, CDMP3 and HP4 of the adopted Local Plan (2011-2031).
- 5.13** The amendments are proposed as part of the Partial Review to ensure conformity with the NPPF 2021. This approach has ensured that any issues of conformity arising from the changed government policy are addressed but does not involve a review of all policies in the adopted Wyre Local Plan (2011-2031) which will be the role of the Full Review of the Local Plan rather than this Partial Review.
- 5.14 Implications for Policies of the adopted Wyre Local Plan (2011-2031)**
- In all, through the Partial Review, the council is proposing to amend six policies (SP1, SP4, HP1, HP3, HP4 and EP5) and the deletion of one policy (LPR1). The amendments are proposed to meet the requirements of Policy LPR1 and to ensure conformity with the NPPF 2021.
- 5.15** Further alterations, deletions and additional text are also proposed within supporting text to provide clarity in relation to the revisions to the Use Classes Order that came into effect on 1 September 2020 and the revision in the NPPG in relation to First Homes.
- 5.16** 'Publication' draft Wyre Local Plan Partial Review (2011-2031) Schedule of Revisions (appendix 1 of this report) provides all proposed changes.
- 5.17 Regulation 19 'Publication' Consultation** - As part of the Regulation 19 'Publication' draft consultation, a total of 24 responses were received. The council has prepared a Statement of Consultation (appendix 3 of this report) which provides a summary of the individual matters raised by each representor, together with a council response.

- 5.18** As part of this process, a schedule of additional minor modifications (appendix 2 of this report) are proposed in response to some representations. The minor modifications are changes which do not affect the substance of the plan e.g. typographical corrections, factual updating or minor wording changes to aid understanding/clarity.
- 5.19** Wyre Council has a duty to prepare a local plan. It is considered that the Local Plan Partial Review (2011-2031) is legally compliant and sound and that it meets in full the requirements of the Partial Review as set out in Policy LPR1.
- 5.20** Following approval by the Council all representations received alongside the supporting evidence base and technical assessments will be forwarded to a Government appointed independent Inspector for consideration at the Local Plan Partial Review Examination in Public.
- 5.21** As the Local Plan is finalised for formal submission, minor editorial changes may be necessary before the document is formally submitted to avoid any further delay.
- 5.22** Depending on the timing and length of the examination, it is expected that the Local Plan should be adopted in late 2022.
- 5.23** The ‘Submission’ stage is an advanced stage in the local plan process. It sets out the council’s position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. Although the draft Local Plan Partial Review does not have the full weight of an adopted Local Plan, it should be a material consideration in the determination of planning applications. Members are requested to approve the draft Wyre Local Plan Partial Review for Development Management purposes, incorporating the Partial Review revisions into the Adopted Wyre Local Plan (2011-2031) in the development management process.

Financial and legal implications	
Finance	The current 2022/23 budget includes a provision for Local Plan preparation which includes the costs associated with the examination stage.
Legal	A Local Plan is to be prepared in accordance with procedures required by Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The National Planning policy Framework indicates that a local Planning Authority should submit a plan for examination that it considers to be sound, namely as being positively prepared, justified, effective and consistent with national policy. Legislation requires the plan to have been properly

	<p>prepared, sound and in compliance with the 'duty to co-operate'.</p> <p>From publication, the draft Wyre Local Plan is a material consideration in the determination of planning applications. The more advanced the preparation of an emerging plan, the greater the weight that may be given to relevant policies.</p>
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Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	✓
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	✓
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
Adopted Wyre Local Plan (2011-2031)	February 2019	www.wyre.gov.uk/local-plan/local-plan-2011-2031
Statement of Community Involvement	Updated March 2022	www.wyre.gov.uk/planning-policy/statement-community-involvement-sci/1
Summary of Responses to the Regulation 18 Consultation, Scope of the Partial Review and Next Steps	May 2020	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/2
Sustainability Appraisal of the Wyre Local Plan Partial Review	November 2021	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/3
Habitats Regulations Assessment of the Wyre Local Plan Partial Review	November 2021	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/3
Financial Viability Assessment Review	November 2021	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/3
Equalities and Health Impact Assessment Of Wyre Local Plan Partial Review	November 2021	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/3
Implementation of Policy LPR1 Background Paper	November 2021	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/3
Housing Implementation Strategy (HIS) Partial Review	November 2021	www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/3

List of appendices

Appendix 1 - Publication draft Wyre Local Plan Partial Review (2011-2031) Schedule of Revisions

Appendix 2 – Submission draft Wyre Local Plan Partial Review (2011-2031) Schedule of Additional Minor Modifications

Appendix 3 – Statement of Consultation