



Report of:	Meeting	Date
Cllr Alice Collinson, Planning Policy and Economic Development Portfolio Holder and Marianne Hesketh, Corporate Director Communities	Council	26 January 2023

Wyre Local Plan (2011-2031) (incorporating partial update of 2022)

1. Purpose of report

- 1.1** To present to Council the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (the “Local Plan Partial Update”) and to ask Members to adopt the Local Plan Partial Update.

2. Outcomes

- 2.1** To adopt the Local Plan Partial Update in accordance with Policy LPR1 in the current adopted Wyre Local Plan (2011-2031), the Local Development Scheme and Local Plan Regulations.

3. Recommendations

- 3.1** That the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) be adopted.
- 3.2** That powers be delegated to the Head of Planning and Regeneration to make minor editorial amendments and corrections to the Local Plan Partial Update prior to publication.

4. Background

- 4.1** The Wyre Local Plan (2011-2031) was adopted in February 2019. It included Policy LPR1 that committed the council to undertake an early partial review of the adopted Local Plan to address the housing shortfall against the identified housing need. The scope of the partial review is narrowly focused and principally directs itself to matters relating to the borough’s housing need. The council has also considered conformity with the latest National Planning Policy Framework and responded accordingly with limited wording revisions to ensure issues of conformity

are addressed but it does not involve a review of all policies. A review of all policies will be the role of the Local Plan Full Review currently underway rather than this partial review.

- 4.2** In February 2020, the council undertook a six week public consultation on the scope of the partial review. The consultation responses were considered alongside subsequent evidence and supporting documents, to prepare a 'Publication' draft that underwent a six week public consultation in November 2021.
- 4.3** The Local Plan Partial Update was submitted to the Secretary of State on 25 April 2022 and was accompanied by a schedule of minor amendments. Inspector Mark Dakeyne was appointed to conduct the examination into the soundness and legal compliance of the Local Plan Partial Update, including compliance with the Duty to Co-operate and report back to the council.
- 4.4** As part of the examination the Inspector held public hearing sessions during September 2022. In October 2022, the council published a schedule of Main Modifications to the Local Plan Partial Update for a six week public consultation. The representations were sent to the Inspector in November 2022. The council received the Inspector's Final Report on 21 December 2022.
- 4.5** While the local planning authority is not legally required to adopt its local plan following examination, the government makes clear in its planning practice guidance that the plan "will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound".

5. Key issues and proposals

- 5.1** Local Authorities are required by legislation to prepare and adopt a local plan to set the local planning policy framework for their district. National Planning Policy reiterates the 'plan led' nature of the planning system and emphasises the importance for Local Planning Authorities to have an adopted up to date plan in place. The current Wyre Local Plan (2011-2031) was adopted in 2019. It included Policy LPR1 that committed the council to undertake an early partial review of the Local Plan to address the housing shortfall against the identified housing need.
- 5.2** Failure to have an adopted up to date local plan in place limits the council's ability to influence the quantum, location and quality of development in its area. The Government have made clear that they expect council's to have an up to date local plan in place and are considering intervention in respect of those councils that do not.
- 5.3** The Inspector concluded in his Final Report that the Local Plan Partial Update is legally compliant and can be made sound by making a number

of changes (Main Modifications) which he recommends in his report. The Main Modifications recommended by the Inspector are broadly in line with those published for consultation. In his Final Report the Inspector includes an explanation of the changes. The most impactful change is the revision to the boroughs housing need figure to accord with the latest National Planning Policy Framework. This results in a revised local housing need figure of 296 dwellings per annum (dpa) between 2019 and 2031. This is a reduction on the backdated requirement of 479 dpa between 2011 and 2019.

- 5.4** A local plan can only be adopted if all of the Inspector's recommendations are accepted and the requisite modifications made.
- 5.5** The Local Plan Partial Update is an important corporate document, covering the whole of the borough, looking ahead to 2031. It will provide the statutory planning policy framework in the borough for all matters apart from minerals and waste. It will provide the basis for determining planning applications and as such will guide and manage development in the borough for the period up to 2031. Once adopted, it will fully replace the current adopted Wyre Local Plan (2011-2031). The adopted Joint Lancashire Minerals and Waste Local Plan remains part of the development plan for Wyre.
- 5.6** Minor modifications are changes which can be made at any time by the council up to adoption. They 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. A schedule of minor modifications ('Additional' Modifications) was published in October 2022. The Inspector has considered that these do not go to the soundness of the Wyre Local Plan Partial Update.
- 5.7** The appended Local Plan Partial Update incorporates the Inspector's recommended main modifications and other minor modifications.
- 5.8** A Sustainability Appraisal (SA) addendum covering climate issues was submitted alongside the Local Plan Partial Update and has been part of the examination into the soundness of the Plan. An Equalities and Health Impact Assessment (EHIA) was carried out on the 'Publication' draft Local Plan Partial Review to ensure compliance with Public Sector Equality Duty created under the Equality Act 2010 and was submitted to the Inspector in April 2022. Owing to the scale and nature of the main modification, it has not been necessary for further technical assessments to be carried out.
- 5.9** Once adopted, the council is required to undertake notification and publicity in accordance with legislation. The Local Plan Partial Update is to be printed and made available to purchase in accordance with standard charges. The document will also be made available on the council's website.

- 5.10** As the Local Plan Partial Update is finalised for publication Members are requested to delegate powers to the Head of Planning and Regeneration to make such minor editorial changes as may be necessary before the document is published and printed.

Financial and legal implications	
Finance	<p>Expenditure on the preparation of the Local Plan Partial Update between 2020/21 and 2022/23 (as at 10/11/22) (excluding internal costs such as staff time) totals £60,152. Subject to any legal challenge, further commitments for the partial update are expected to be in the region of £15,000. The budget for work on the partial update and the full review in 2022/23 totals £163,500 (3591/42612). Once all current commitments for 2022/23 have been deducted for the partial update (£15,000) and for the full review (£43,000), the residual is expected to be in the region of £105,500. The partial review has delayed commissioning work on the full review, which will ramp up quickly in the new year and expenditure will increase. The residual budget is still needed to meet future commitments for the full review.</p>
Legal	<p>A local plan has to be prepared in accordance with procedures required by The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council can only adopt the local plan with the main modifications recommended by the Inspector and cannot make any main modifications of its own or reject any made by the Inspector. If adopted, the Wyre Local Plan Partial Update becomes part of the development plan, and, in accordance with section 38 of the 2004 Act, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. There is a 6 week period following adoption during which this decision can be challenged in the High Court.</p>

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

risks/implications	✓ / x
asset management	x

equality and diversity	✓
sustainability	✓
health and safety	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
Sustainability Appraisal of the Wyre Local Plan Partial Update	November 2021	www.wyre.gov.uk/downloads/file/1400/sdpr03-sustainability-appraisal-november-2021-
Equalities and Health Impact Assessment	November 2021	www.wyre.gov.uk/downloads/file/1402/sdpr05-equalities-and-health-impact-assessment-november-2021-
Schedule of Proposed Additional (Minor) Modifications	October 2022	www.wyre.gov.uk/downloads/file/1535/wlp-incorp-partial-update-of-2022-schedule-of-am-oct-22-

List of appendices

Appendix 1: Adoption draft Wyre Local Plan (2011-2031) (incorporating partial update of 2022)

Appendix 2: Wyre Local Plan (2011-2031) (incorporating partial update of 2022) Inspector's Report and Schedule of Main Modifications