



<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>
Cllr Michael Vincent, Planning and Economic Development Portfolio Holder and Garry Payne, Chief Executive	Council	28 February 2019

Wyre Local Plan (2011 - 2031)
-------------------------------

## **1. Purpose of report**

- 1.1** To present to Council the Wyre Local Plan (2011-2031) (the Local Plan) and to ask Members to adopt the Local Plan. A copy of the Local Plan is appended to this Report.

## **2. Outcomes**

- 2.1** To adopt the Local Plan in accordance with Local Development Scheme and Local Plan Regulations.
- 2.2** The adopted Local Plan will, by the application of its policies, help to manage, guide, and facilitate quality development to meet the economic and social needs of our communities up to 2031 in a manner that protects the environment that defines Wyre Borough.

## **3. Recommendations**

- 3.1** That the Wyre Local Plan (2011-2031) be adopted.
- 3.2** That powers be delegated to the Head of Planning Services to make minor editorial amendments and corrections to the Local Plan and accompanying Policies Map prior to publication.

## **4. Background**

- 4.1** The Council approved the 'Publication' draft Local Plan for public consultation and thereafter submission to the Secretary of State on 7 September 2017. The Council delegated authority to the Head of Planning Services to carry out minor amendments to the draft Local Plan as

necessary following public consultation prior to submission to the secretary of State.

- 4.2** The Local Plan was submitted to the Secretary of State on 22 January 2018 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, including compliance with the Duty to Cooperate and report back to the Council.
- 4.3** As part of the examination the Inspector held hearing sessions in public during May 2018 and sent his interim findings to the council in July 2018. In September 2018, the council published a schedule of Main Modifications to the Local Plan for a six week public consultation. The representations together with the council's response was sent to the Inspector in November 2018. The council received the Inspector's Final Report on 1 February 2019.
- 4.4** 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 adopted up-to-date plan in place. The current Wyre Local Plan adopted in 1999 was intended to cover the period until 2006. Its policies have been 'saved' indefinitely by the Secretary of State until such time as a new plan is put in place. Whilst saved and remaining part of the development plan at present, its policies do not fully address current or future development needs and current planning issues.
- 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 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.

- 5.4** The 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 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 'saved' Wyre Local Plan and the Fleetwood Thornton Area Action Plan adopted in 2009. The adopted Joint Lancashire Minerals and Waste Local Plan remains part of the development plan for Wyre.
- 5.6** Failure to adopt the Local Plan will leave the local planning authority more vulnerable to less appropriate development than could be achieved through the planned process. It also leaves the council open to possible intervention by the Government.
- 5.7** 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 September 2018. The Inspector has considered that these do not go to the soundness of the Local Plan.
- 5.8** The appended Local Plan incorporates the Inspector's recommended main modifications and other minor modifications.
- 5.9** A Sustainability Appraisal (SA) covering climate issues was submitted alongside the Local Plan and has been part of the examination into the soundness of the Local Plan. An Equality Impact Assessment (EIA), was carried out on the 'publication' draft Local Plan to ensure compliance with public sector equality duty created under the Equality Act 2010 and it was submitted to the Inspector in January 2018. An EIA was also carried out in relation to the proposed Main Modifications (MMs). An Addendum to the Local Plan EIA was published in September 2018. An update to the Addendum has been carried out in relation to the final MMs.
- 5.10** Once adopted, the council is required to undertake notification and publicity in accordance with legislation. The Plan and Policies Map 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.
- 5.11** As the Local Plan is finalised for publication Members are requested to delegate powers to the Head of Planning Services to make such minor editorial changes before the document is printed and published.

<b>Financial and legal implications</b>	
Finance	<p>Expenditure on the preparation of the Local Plan between 2010/11 and 2017/18 (excluding internal costs such as staff time) totals £490,034. This also excludes payments in relation to the Community Infrastructure Levy. The budget in 2018/19 totals £167,230 and, once all known commitments have been deducted, the underspend is expected to be in the region of £72,960. Subject to any legal challenge, this underspend is expected to be allocated to the partial review of the Local Plan which will commence immediately on the adoption of the Local Plan.</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 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.</p> <p>On adoption, the Local Plan 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.</p> <p>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.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	X
equality and diversity	✓
sustainability	✓
health and safety	X

<b>risks/implications</b>	<b>✓ / x</b>
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.

report author	telephone no.	email	date
Réa Psillidou	01253 887243	rea.psillidou@wyre.gov.uk	5 February 2019

### **List of background papers:**

**The documents listed below are available on the Council's website at [http://www.wyre.gov.uk/info/200317/planning\\_policy](http://www.wyre.gov.uk/info/200317/planning_policy)**

name of document

Wyre Local Plan Inspector's Report and Schedule of Main Modifications

Equality Impact Assessment Addendum Update (February 2019)

### **List of appendices**

Appendix 1: Adoption draft Wyre Local Plan

Appendix 2: Policies Map