

<b>COUNCILLOR GEORGE DAVIES</b> HOUSING AND COMMUNITY SAFETY AND DEPUTY LEADER OF THE COUNCIL	<b>DELEGATED REPORT</b>  <b>LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – MONITORING REPORT 2016/17</b>
--	--

## **REPORT SUMMARY**

This report seeks approval for the publication of the Council's statutory Monitoring Report and associated documents, to report on the impact of land use planning policies and the preparation of local plans and other planning-related documents during 2016/17.

Copies of the Monitoring Report and its associated documents must be made available for public inspection on the Council's website by the end of December 2017.

This report also recommends that Council is recommended to approve the revisions to the future timetable for the preparation of the Core Strategy Local Plan, set out in the revised Local Development Scheme attached to this report, which could also address some of the issues set out in a recent letter from the Secretary of State.

The approval of the Local Development Scheme is a Key Decision requiring the approval of Full Council.

The Monitoring Report and Local Development Scheme provide information that is relevant to all Wards within the Borough.

The revised timetable for the preparation of the Core Strategy Local Plan, set out within the revised Local Development Scheme, will contribute towards the delivery of a wide range Wirral Plan pledges related to People, Business and Environment and the Council's Medium Term Financial Strategy.

The Monitoring Report indicates that at 30 November 2017, a total of 1,344 new dwellings had so far been provided towards the target of 3,500 new dwellings set out in the Wirral Plan 2020, for good quality housing which meets the needs of residents.

## **RECOMMENDATIONS**

- (1) That the Monitoring Report for 2016/17 and its accompanying background documents and data tables, attached to this report, are approved and made available for public inspection and published on the Council's website.**
- (2) That Council is recommended to approve the adoption of the revised Local Development Scheme, attached to this report and to resolve that the revised Scheme will come into effect on the day following the date that the Council resolution is passed.**

---

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To enable the Council to meet the statutory requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012, No. 767).

### 2.0 OTHER OPTIONS CONSIDERED

- 2.1 There are no alternative options, as national regulations require the publication of monitoring information and an up-to-date local development scheme, as soon as possible after the information becomes available.

### 3.0 BACKGROUND INFORMATION

- 3.1 Section 35 of the Planning and Compulsory Purchase Act 2004 requires the Council to make a statutory report on the progress made in the preparation of local development documents and on the extent to which the policies set out in existing documents are being achieved.
- 3.2 Section 113 of the Localism Act 2011 amended this requirement, so that local planning authorities must now publish this information direct to the public at least yearly in the interests of transparency. The local planning authority is no longer required to send the report to the Secretary of State but the Secretary of State retains powers to make regulations prescribing the timing, content and form of reports.
- 3.3 Previous monitoring reports have been published on the Council's website at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/development-monitoring>
- 3.4 The Council must report to the public at least annually, with each report covering a period of up to twelve months from the end of the period covered by the last monitoring report. The Council's last Monitoring Report was published in December 2016.
- 3.5 National regulations require the Council to make reports on:
- the approval or adoption of local plans and supplementary planning documents;
  - the stage that each local plan or supplementary planning document has reached against the timetable specified for document preparation in the Council's Local Development Scheme and the reasons for any delay;
  - the delivery of net additional dwellings or net affordable dwellings against any number specified in a local plan, within each reporting period and since the policy was first published, adopted or approved;
  - any adopted local plan policy that the Council is not implementing, alongside the reasons for not implementing it and the steps (if any) that the Council intend to take to secure that the policy is implemented;
  - the making of any neighbourhood development orders or neighbourhood development plans;

- the collection and expenditure of any Community Infrastructure Levy, in the manner set out in the Community Infrastructure Regulations; and
- details of the action taken to co-operate with other local planning authorities and prescribed bodies on strategic matters, to secure the sustainable development or use of land.

3.6 Up-to-date information collected for monitoring purposes must be made available for public inspection at the local planning authority's principal office (and at any other such places as the local planning authority consider appropriate) and must be published on the local planning authority's website, as soon as possible after the information becomes available.

3.7 The Government's Open Data policy for local government recommends that data (unless private or sensitive) is made available on-line, in open and machine-readable formats, so that it can be easily re-used by residents, businesses and other interested parties.

3.8 Council on 13 February 2013 (Minute 108) resolved that the Portfolio Holder be given authority to approve the publication of future monitoring information on the Council's website, in line with the requirements of relevant national regulations.

#### **4.0 MONITORING REPORT FOR 2016/17**

4.1 The Council's draft Monitoring Report for Wirral for 2016/17, which has been prepared in line with previous formats, is attached to this report.

4.2 A summary of the main findings is set out below:

#### **Progress on Policy Delivery**

##### Housing Development

4.3 Gross housing completions reduced to 384 in 2016/17, compared to 562 in 2015/16 and 563 in 2014/15; and total net completions reduced to 328, compared to 498 in 2015/16 and 537 in 2014/15. The number of new dwellings under construction had, however, risen to 1,315 in April 2017, from 475 in April 2016, indicating a significant increase in recent rates of activity. At 30 November, the total number of dwellings that were registered as complete since April 2017 was 398 (gross).

4.4 Outside Wirral Waters, which has outline consent for 13,521 new dwellings, the capacity of land with planning permission for new housing continued to rise, to 2,577 dwellings in April 2017, compared to 2,221 in April 2016 and 1,932 in April 2015. The estimated capacity of additional sites, without planning permission, which might be deliverable over the next 15 years had, however, reduced to 4,531 in April 2017, from 5,651 in April 2016.

4.5 The Borough's housing land supply, outside Wirral Waters, was therefore between 1.9 and 1.7 years, in April 2017, when assessed against the higher-end of the objectively assessed need identified in the Council's Strategic Housing Market Assessment (May 2016); or between 3.9 and 3.4 years, when assessed against the Government's proposed new method for calculating local housing needs (September 2017);

compared to between 2.0 and 2.2 years in April 2016, both significantly below the five-year housing land supply required by national policy.

#### Employment Development

- 4.6 The amount of newly completed employment floorspace reduced slightly, to 18,900 square metres during 2016/17, compared to 19,300 square metres during 2015/16. The amount of new employment floorspace registered as under construction had also reduced, from 19,200 square metres in April 2016 to 12,700 square metres in April 2017.
- 4.7 The calculation of the Borough's employment land supply will be reviewed when the Council's Employment Land and Premises Study Update is published in early 2018.

#### Retail Development

- 4.8 The amount of newly completed retail floorspace also reduced, from 2,500 square metres in 2015/16 to 1,742 square metres in 2016/17, with the majority continuing to take place outside existing centres. By contrast, all of the additional floorspace for financial and professional services continued to take place within an existing centre.

#### Waste Development

- 4.9 The latest Monitoring Report for the Joint Waste Local Plan, prepared on behalf of the districts by the Merseyside Environmental Advisory Service will, this year, not be available until early 2018.

#### **Progress on Plan Preparation**

- 4.10 The timetable for the preparation of the Core Strategy Local Plan has been revised following further consultation on the Borough's housing needs and land supply, to allow for the completion of a wider review of development options before the final sites to be included in the Local Plan are agreed.
- 4.11 A revised Strategic Housing Market Assessment (May 2016) was published for public consultation in August 2016, alongside the latest update to the Strategic Housing Land Availability Assessment, for April 2016 (Cabinet, 18 July 2016, Minute 31 refers). The results of consultation were reported to Cabinet in February 2017 (Minute 96 refers).
- 4.12 The review of development options has so far included:
- a revised methodology for the Council's housing land assessments, which was published for public consultation in July 2017;
  - a draft assessment of City Region housing and employment land needs, which was published for public consultation in October 2017;
  - a draft methodology for an initial review of the Green Belt, which was published for public consultation in October 2017;
  - a draft Brownfield Land Register, which was also published for public consultation in October 2017; and
  - a revised Playing Pitch Strategy, which was published in November 2017.

- 4.13 A Retail and Leisure Study Update was completed and approved during 2016 (Cabinet, 18 July 2016, Minute 32 and Council 17 October 2016, Minute 62 refer) and an Employment Land and Premises Study Update is due to report in early 2018.
- 4.14 Given the need to allow for the completion of the review of development options, a revised timetable for the preparation of the Core Strategy Local Plan has been included in an update to the Council's statutory Local Development Scheme, which is also attached as an Appendix to this report.
- 4.15 The revised timetable anticipates initial results from the review of development options to be reported to Cabinet in July 2018, followed by further consultation, if necessary, in September 2018; with draft proposals presented to Cabinet for approval for the completion of statutory appraisals in December 2018; with a view to approving a Revised Proposed Submission Draft Core Strategy in July 2019, for statutory publication in September 2019 and submission to the Secretary of State for public examination in January 2020.
- 4.16 Subject to the examination timetable and the need for any further post-examination modifications, the Core Strategy is therefore currently expected to be adopted by early 2021.
- 4.17 The last approved Local Development Scheme for Wirral dates from 6 July 2015 (Council, Minute 23 refers). Progress against the published Scheme has recently been raised in a letter from the Secretary of State, which will be considered by the Council's Environment Overview and Scrutiny Committee on 7 December 2017.
- 4.18 It is therefore recommended that Council is recommended to formally approve the revisions to the future timetable for the preparation of the Core Strategy Local Plan, set out in the revised Local Development Scheme attached to this report, in addition to the information that has been continuously updated on the Council's website.

#### Neighbourhood Planning

- 4.19 The Council has now designated five local neighbourhood planning forums, at Devonshire Park; Hoylake; Leasowe; Birkenhead and Tranmere; and for Birkenhead North, to allow them to prepare their own planning proposals for their respective designated areas.
- 4.20 The Neighbourhood Development Plan for Hoylake was formally 'made' by Council on 19 December 2016, following the successful local referendum on 1 December 2016 (Minute 105 refers).

#### Duty to Co-operate

- 4.21 The Council adopted a Statement of Co-operation on Local Planning, with City Region Partners, on 17 October 2016 (Council, Minute 64 refers).
- 4.22 A draft Liverpool City Region Strategic Housing and Employment Land Market Assessment (SHELMA) was published by the Combined Authority for stakeholder engagement in October 2017, for final approval in early 2018.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from the publication of the annual monitoring report.
- 5.2 The publication of data in a machine readable format on the Council's website will not incur any additional costs.
- 5.3 Annual monitoring, analysis and reporting has been undertaken using existing resources within Environmental Services.
- 5.4 The continued preparation of the Council's Core Strategy Local Plan will be funded from existing resources for Environmental Services, subject to a further report to Cabinet in July 2018.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The publication of monitoring information, at least annually, is a statutory requirement under the Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 6.2 The findings of the Monitoring Report can be a material consideration in future development management decisions.
- 6.3 The Council must make any up-to-date information collected for monitoring purposes available to the public as soon as possible after the information becomes available.
- 6.4 The Community Infrastructure Regulations 2010 also require the Council to publish a report on its website no later than 31 December, following the end of the reported year.
- 6.5 The Open Government Licence provides for the Council's right to be identified as the source of the data and for the Council to be protected from any liabilities arising from its use.
- 6.6 Section 15 of the Planning and Compulsory Purchase Act 2004 requires the Council to prepare and maintain a Local Development Scheme, to set out the timetable for the preparation of development plan documents such as Local Plans.
- 6.7 The revised Local Development Scheme must be approved by a resolution of Full Council, specifying the date from which the Scheme is to have effect and the Council must make the Scheme and any more up-to-date information on the timetable available to the public, as soon as it becomes available.

## **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 7.1 There are no IT, staffing or asset implications arising from this report, beyond the need to make continued provision for statutory monitoring and data storage and the publication of data in a machine readable format on the Council's website.
- 7.2 The Council's Local Plan will be prepared using existing IT and staff resources in Environmental Services.

## **8.0 RELEVANT RISKS**

- 8.1 Failure to report at least annually and to provide for the ongoing collection, analysis and publication of monitoring information would place the Council in breach of a statutory duty.
- 8.2 The Open Government Licence provides for the data to be provided 'as is' and offers no warranty against any errors or omissions or against any loss, injury or damage of any kind caused by its use.
- 8.3 No data which could identify any individual will be published in contravention of the Data Protection Act 1998.
- 8.4 Unless additional land for development can be identified in the emerging Core Strategy Local Plan, the absence of a five-year housing land supply could lead to the loss of appeals against the refusal of planning permission, with costs awarded against the Council, unless any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against national policy as a whole (NPPF, paragraph 14 refers).
- 8.5 The Local Development Scheme will be used by Government to assess the Council's progress in the preparation of an up-to-date Local Plan.
- 8.6 The Council's existing Local Development Scheme, which dates from July 2015, is now significantly out-of-date and does not reflect the most recent decisions taken since February 2017, with regard to the completion of a development options review (Cabinet, Minute 96 refers).
- 8.7 The Secretary of State has the power to direct amendments to the Local Development Scheme, as well as powers over its content and review.

## **9.0 ENGAGEMENT/CONSULTATION**

- 9.1 There is no requirement for public consultation on the content of monitoring reports, which are a factual statement of progress during the previous monitoring year. Copies of annual monitoring information must, however, be made available for public inspection at a principal office and on the Council's website.
- 9.2 The scope of future monitoring, in addition to any statutory requirements, will be subject to future public consultation as part of the preparation of the Council's Core Strategy Local Plan, which must include a series of indicators for monitoring the delivery and effectiveness of local plan policies.
- 9.3 There is no requirement for public consultation on the content of the Local Development Scheme, which is a factual statement of the Council's future timetable for the preparation of the Local Plan for the Borough.

## **10.0 EQUALITIES IMPLICATIONS**

- 10.1 The relevant Equality Impact Assessment can be viewed at <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017/delivery>

- 10.2 Although the Monitoring Report and its accompanying documents and data tables attached to this report includes information on indicators related to population, housing, economic activity and social conditions, it does not in itself have any equalities implications other than providing an additional source of accessible up-to-date public information.
- 10.3 The adoption of a revised Local Development Scheme, which only sets out the timetable for the preparation of the Local Plan, will similarly not have any additional equalities implications.

**REPORT AUTHOR: Robert Oates**  
**Senior Planning Officer**  
 telephone: (0151) 691 8110  
 email: [robertoates@wirral.gov.uk](mailto:robertoates@wirral.gov.uk)

## APPENDICES

Draft Monitoring Report 2016/17  
 Wirral Committed Residential Sites April 2017  
 Wirral Housing Completions 2016/17  
 Wirral Employment Land April 2017  
 Wirral Business Completions 2016/17  
 Wirral Business Losses 2016/17  
 Wirral Retail and Leisure Completions 2016/17  
 Draft Local Development Scheme (December 2017)

## REFERENCE MATERIAL

[Planning and Compulsory Purchase Act 2004](#) (Sections 15, 17, 35 and 36 refer)  
[Localism Act 2011](#) (Sections 111 and 113 refer)  
[Neighbourhood Planning Act 2017](#) (Sections 11 and 12 refer)  
[Town and Country Planning \(Local Planning\)\(England\) Regulations 2012](#) (Regulation 34)  
[Community Infrastructure Regulations 2010](#) (Regulation 62 refers)  
 National Archives [Open Government Licence](#) for public sector information  
[Local Government Transparency Code 2015](#) (DCLG, February 2015)  
[National Planning Policy Framework and Planning Practice Guidance](#) (DCLG, March 2012)  
[Local Development Scheme for Wirral](#) (Wirral Council, July 2015)

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Delegated – Annual Monitoring Report 2015	17 December 2015
Delegated – Annual Monitoring Report 2016	22 December 2016
Delegated – Local Development Scheme	17 December 2014
Council – Local Development Scheme	6 July 2015 (Minute 23)



<b>Council Meeting</b>	<b>Date</b>
Environment Overview and Scrutiny – Wirral Local Plan - Letter from Secretary of State	7 December 2017