

# CABINET

Monday, 17 December 2018

<u>Present:</u>	Councillor	P Davies (Chair)	Leader of the Council
	Councillors	P Brightmore A Davies G Davies C Jones A Leech B Mooney P Stuart J Williamson S Whittingham	Leisure & Recreation Jobs & Growth Housing & Planning Adult Care & Health Environment Children & Families Law & Order Finance & Resources Highways & Transport

## 45 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Cabinet were asked to consider whether they had any disclosable pecuniary and/or any other relevant interest, in connection with any item(s) on the agenda and, if so, to declare them and state the nature of the interest.

Councillor Janette Williamson declared a personal interest in Agenda Item No. 2 – New Ferry Regeneration – Strategic Acquisition (Minute No. 46 refers.) by virtue of her living in the road in New Ferry where the explosion took place in March 2017.

## 46 NEW FERRY REGENERATION - STRATEGIC ACQUISITIONS



**Councillor Phil Davies, Leader of the Council – Growth, said:**

*“Our commitment to the people of New Ferry has been resolute since day one. We have worked tirelessly to support the community to recover from the explosion which devastated the town, and we have consistently lobbied Government for direct financial support – sadly to no avail.*

*We are now taking steps to rebuild New Ferry, so we can create a thriving residential and retail centre which residents can be proud of.*

*Over the past few months, the council has been working with Homes England – and*

*its appointed consultants – to make progress on a residential masterplan for the area, one which will provide a key trigger for the wider regeneration of New Ferry.*

*This latest proposal to bring key land and properties under the Council's control will see us invest nearly £1.3m in addition to the £400,000 we have already spent on recovery efforts.*

*We are also working with the Liverpool City Region Combined Authority to unlock £500,000 in regional funding to help us bring forward our plans at pace. We will also continue to do all we can to make sure the Government meets its responsibilities to the people of New Ferry, and will continue to lobby for financial support.*

*Despite the complications of land and properties across the sites being owned by various companies and people, I am delighted we have been able to find a way to deliver a comprehensive regeneration plan for New Ferry. With Port Sunlight on its doorstep, this can be a place where people want to visit, where businesses will want to locate, and where people will want to live.”*

Councillor Phil Davies introduced a report which informed that in March 2017 a horrendous explosion in New Ferry had devastated the heart of the retail centre, destroying businesses and homes and impacting significantly on the local community. Since that time, the Council and its partners had been fully supporting the recovery of the area and were now looking at positive steps to bring new developments forward. Councillor Davies informed that this was being undertaken in the context of the Regeneration Plan which the Council had consulted on in September 2017 and sought to protect local businesses and bring a mix of new residential and community uses into the area to create a sustainable future for New Ferry.

The Regeneration Plan had been sent to the Minister for Housing, Communities and Local Government The Rt Hon James Brokenshire but no tangible evidence had been forthcoming that the Government would back it financially. Councillor Davies was of the view that, with imagination and commitment, the Council could

facilitate a good quality regeneration scheme. He informed that the Council was kick starting the project but it needed to get central government to step up to the plate as well by constantly lobbying it for funding support.

The Cabinet was aware that Government funding support had been requested on numerous occasions but given recent correspondence from the Secretary of State, it was considered that significant regeneration funding was very unlikely to be received. The Council was grateful for the support from Homes England and their funding was being spent on technical work which would be used to support future residential development in the area.

Councillor Davies reported that one of the key issues that had been identified was the high number of vacant properties and the condition of these was very poor. Many were beyond economic repair and if these properties could be acquired by the Council, it would enable sites to be assembled to attract in new developments. No-one else was going to fund these acquisitions and without proactive action by the Council, the properties would continue to present a disincentive to future investment in the area as well as creating a range of practical issues including fly-tipping and, anti-social behaviour. In a small number of these properties there were existing businesses and they would be assisted to relocate elsewhere in New Ferry to facilitate the new developments along with any residential tenants. There were some areas of land which would need to be acquired.

The report sought agreement to allocate £1.3m from the Council's Strategic Acquisitions Programme, within the Capital Programme; in addition to the £400,000 the Council had already spent on the recovery effort, to undertake acquisition and demolition of properties in New Ferry required to assemble sites for new development.

Councillor Davies told the Cabinet that there were challenges around rebuilding the town and the local community. He informed that there was still a lot to do to help local residents and those who had lost their businesses. People were still suffering trauma from what had happened. Councillor Davies was disappointed at the Government's lack of response to repeated requests and lobbying from himself and others, including Alison McGovern MP who, during Prime Minister's Question Time on 5 December 2018 had again asked about support for her community following the New Ferry explosion, referring to a letter the Council had sent to the Secretary of State for Housing, Communities and Local Government, The Rt Hon James Brokenshire MP.

The Cabinet was aware that other communities who had experienced tragedies e.g. Grenfell and Salisbury had received Government funding and agreed that it was important to keep the pressure on the Government in the hope of obtaining a satisfactory outcome for New Ferry.

Councillor Bernie Mooney was in agreement with Councillor Phil Davies and considered it disgraceful that the Government had not provided any help for New

Ferry. The Council was doing all that it could. It was stepping in to help New Ferry when the Government was very reluctant to help people in the North West of the country. The people have been left to flounder but if the explosion had been in the South of the country Councillor Mooney believed that the Government would have provided the funds necessary to regenerate the area. She stated that the Government was treating the people of New Ferry with contempt. Councillor Mooney believed that the Council should forcibly lobby the Government for funding support.

Councillor Janette Williamson was in agreement. She informed that, as a resident of Port Sunlight and who lived in the road where the explosion had occurred, that there had been utter carnage in New Ferry that night. She and other residents had been reassured by the presence of the Emergency Services and by Assistant Director for Major Growth Projects and Housing Delivery who attended the scene and carried out a fantastic job. Councillor Williamson informed that she could not understand why the Government would not help. It had no sense of shame. It was beyond Councillor Williamson, as someone who had lived amongst it, why central government had not stepped in and helped New Ferry. Councillor Williamson was pleased that the Council had stepped in and she held the view that the Council needed to carry reserves for emergencies such as this one.

Councillor Phil Brightmore was also in agreement. He thought it was astonishing that the Government would not help. He considered this to be dereliction of duty. The people of New Ferry must be wholly aware and this must add to their trauma and anguish. Councillor Brightmore stated that the Government should be ashamed of itself. He hoped it would do the right thing and join the Council in supporting New Ferry.

Councillor George Davies was also in agreement. He reported that there had been little reaction to it from Whitehall. Jake Berry MP had visited New Ferry but the Council had not heard from him since. The Prime Minister had visited Liverpool not long after the explosion but did not visit the people of New Ferry to see how this disaster had taken over their lives. One gentleman was still suffering severely from the impact of the explosion. Councillor Davies reported that the Prime Minister, after her statement in the House of Commons last week, when she had answered Alison McGovern's question, had said that she would take control of the letter that the Council had sent to The Rt Hon James Brokenshire MP and that she would respond to it herself. He hoped that she would do this.

The Cabinet was aware that New Ferry's retail core currently had the highest vacancy rate of all the borough's shopping centres, with over 30% of premises remaining empty and or derelict. Failure to tackle the regeneration of New Ferry through a programme of strategic acquisitions, would ultimately lead to more business closures and the further decline of the centre. Given the dilapidated condition and low demand for these properties, their acquisition and subsequent demolition to support the centre's regeneration aspirations was therefore deemed

to be the only course of action. Doing nothing would just lead to further decline in the centre creating a range of challenges for the local community and businesses.

**RESOLVED: That**

- (1) the allocation of a sum of £1.3 million from its Strategic Acquisitions Capital Programme be approved to acquire a number of key sites in New Ferry to assemble sites for future development; and**
- (2) despite numerous requests by the Council to Government for financial assistance to support the regeneration of New Ferry and assist the local community, the Cabinet is deeply disappointed with the Government's unhelpful response to date but will continue to lobby it for funding to ensure a fair deal for New Ferry.**

47 **WIRRAL LOCAL PLAN - UPDATE REPORT**



**Councillor George Davies, Cabinet Member - Housing & Planning (and Deputy Leader of the Council), said:**

*“Making sure Wirral residents have a choice of good quality, attractive housing is vital. We’ve got to have a robust Local Plan so we are able to meet those needs.*

*We’ve also got a responsibility to our residents. They have told us, unequivocally, that they do not wish to see Green Belt land developed for housing. We agree, and we have told Government Ministers the same thing.*

*We must have a Local Plan. We understand this, and we are committed to developing one within the timeframe we have set out. We will do everything we can to protect our local environment and the Green Belt which is so important to our residents.*

*We have consistently lobbied Government to allow us to use the recent, more accurate household projection figures published by the Office of National Statistics in September this year. Using these figures would mean we need release almost no Green Belt land for development.*

*At the moment, the Government are refusing to allow us to lower our projections, so we must continue to plan for the bigger housing target – 12,000 over the next 15 years.*

*Over the next six months, Council officers will do the detailed technical assessments required on all land which was included in the consultation. We will do this, so we can ensure our Local Plan does what it needs to do.*

*I want to thank every Wirral resident who took part in this consultation. I want to reassure them that we are on their side, and pledge to do everything in our power to protect our borough and our unique environment.”*

Councillor George Davies introduced a report that provided the Cabinet with an update on the Local Plan. He informed that the Local Plan was vital as it was the document that set out the Council's land use priorities for the next 15 years. Effectively, it decided what could be built and where it could be built in the borough.

Councillor Davies also informed the Cabinet that a solid, effective Local Plan could not be more important. The Council needed to draw up a Local Plan that was right for Wirral and its residents. The Council was committed to delivering this Plan as quickly as possible and had invested extra resources to make sure that it happened.

To this end the Cabinet at its meeting on 23 July 2018 had resolved that the results of a review of development options should be published for public and stakeholder consultation and that the results of the consultation should be reported to it in December 2018. (Minute No. 17 refers.) Councillor Davies reported that the development options review consultation had been completed and the Cabinet was grateful to every resident who had taken the time to take part. More than 3,000 representations had been received and they would all be considered as the Plan developed. A summary of these responses would be published in February 2019. The Council's responses and analysis would be published alongside the draft Local Plan.

The report, therefore, set out the current position with the preparation of the Local Plan and the advice that had been received from Leading Counsel who had recently been appointed to advise on the remaining stages of the Plan's preparation and adoption. Councillor Davies informed that the Cabinet was grateful to have had the support of the Local Government Association and the Planning Advisory Service.

Councillor Davies also informed that, in line with the advice of Counsel, it was recommended that the timetable for the preparation of the Local Plan be reviewed to ensure that any future decisions were robust, legally compliant and took account of the entire evidence base.

The Cabinet noted that amendments to the timetable for the preparation of the Local Plan, as set out in the Local Development Scheme, was a key decision which would require the approval of the Council.

Councillor Davies reported that the next few months would see a number of technical studies being required and in order to facilitate progress in the preparation of the Local Plan he was recommending that the Scheme of Delegation of Executive Functions be amended to give delegated authority to the Corporate Director of Economic and Housing Growth in consultation with the Portfolio Holder for Housing and Planning to make decisions relating to the approval and publication of the evidence base and on associated technical reports. This would enable the Council to move forward at pace with the Local Plan. The Cabinet noted that decisions relating to the implementation of policy changes would still need to be made by the Council via the Cabinet.

The Cabinet was aware that the Government had just closed its consultation on the household projections which had been published in September 2018. Councillor Davies reported that the Council's position was that it wanted these figures to be used in relation to its Local Plan. These were the latest figures and in the Cabinet's view, more accurate. The use of these figures would protect much more of the precious Wirral green belt land. This view had been formally submitted to the Government and the detail was available on the Council's website. The outcome of the consultation was expected in January 2019.

The Cabinet noted that once agreed, the final approved Local Plan would support the delivery of the Wirral Plan.

Councillor Phil Davies informed that the Council was committed to sticking to the timetable agreed on the Local Plan and had secured additional staffing resources to ensure that the Council delivered on that timetable. He thanked the members of the public who had participated in the consultation on the development options review. Councillor Davies considered that 3000 responses was a really good outcome and he informed that an analysis of it would be considered by the Cabinet in February 2019.

Councillor Phil Davies commented in relation to recommendation (4) that the Cabinet had responded to the consultation by reiterating its support for the lower ONS housing projection figures. The Council considered that they were a more accurate reflection of Wirral's housing need and crucially, it would also reduce the pressure on the Council to release sites within the green belt which it wants to protect at every opportunity. Councillor Davies hoped that the Government listened to the representations. Councillor Davies assumed there would be some

kind of an announcement in the New Year on what the Government was going to recommend in terms of housing projections but he considered that the Council needed to keep the pressure on the Government as Cabinet Members believed that the lower ONS figure of 488 new dwellings per annum was the right figure for Wirral. He awaited the outcome with interest.

Councillor Phil Brightmore also thanked all of the residents for writing in to take part in the consultation. He informed that it was very important that Westminster and the Secretary of State for Housing, Communities and Local Government knew that the Council cared deeply about the Wirral green belt and it would not see it taken away without a fight. When the Local Plan was first put forward there had been a veneer of evidence around those targets that the Government forced on the Council but since that time the ONS had been very clear in its recommendations for the actual housing growth for the Wirral that it should drop significantly. As stated previously, if the Council followed the ONS figures it would only be required to build 488 per year and that would only require the release of a very small amount of green belt land compared to what the Government was demanding now.

Councillor Brightmore was of the view that if the Government did not allow the Council to follow ONS figures it would show that this entire situation was actually a political scam and he believed it would bring shame on the Government if this was the case because the people of Wirral would know exactly what the Government was about.

Councillor Bernie Mooney agreed with Councillor Brightmore. She considered that both of the reports that the Cabinet had considered at this meeting showed that the Government was working directly against what the Council was trying to achieve for the people of Wirral and it was blatantly obvious that the Government was not there to defend the people of Wirral. Councillor Mooney also considered that somebody should point out to the Government that it was there to look after the needs of everybody in the UK and not just the people living in London or the people that it chose to look after. The ONS figures were clear and the 488 was much easier and better figure for Wirral's housing projections and to protect the Wirral green belt. Councillor Mooney wanted the Government to take the Council's views into account.

Councillor Paul Stuart commented on the landowners of brownfield sites. He was of the view that Wirral could have lower ONS figures but unless Peel Holdings Limited actually started to build the properties they had promised to build in the borough then that lower figure would still mean that there would have to be extensive building on green belt land because of the amount of land the company owned across the Wirral. Unless, Peel was prepared to show that it meant what it had said, building would have to be in the green belt to meet the targets set. Councillor Stuart informed that he was happy that the Planning Committee had approved the first phase of the Wirral Waters development and that the sooner the building work started the better. Councillor Stuart believed that Peel needed to



contribute to minimise the amount of housing, if any that would have to be built in the green belt.

Councillor Phil Davies reported that the Council's policy had always been to build on brownfield sites first. He informed that the Cabinet Member for Housing and Planning had written to all the owners of brownfield sites in Wirral with planning consent to build houses to ask them to start building them. Obviously Peel fell into this category and it was good to see that planning permission had been granted last week for Wirral Waters Phase 1. That was great news but more planning applications needed to be submitted and Peel needed to come forward with the evidence that would stand up in front of the Planning Inspector that it would be building additional properties over the next 15 years or so. Councillor Davies hoped that this evidence would be forthcoming.

Councillor Bernie Mooney informed that she had read in the newspaper that Peel had said that it had to overcome a number of barriers before it could start to build and she wanted to know what these barriers were because the Council needed to ensure that they were removed so that building work could commence as quickly as possible.

Councillor Phil Davies informed that the Council would play its part, as a local authority, by helping Peel to get on and develop as quickly as possible. He wanted to see actions now not words.

The Cabinet noted that the progress of the Local Plan continued to be monitored by the Secretary of State and the threat of intervention remained. Not preparing an up-to-date Local Plan may also incur financial penalties.

Not preparing an up-to-date Local Plan would mean that the Council would have to continue to rely on the Unitary Development Plan adopted in February 2000.

The national presumption in favour of sustainable development would be held to apply where there were no relevant development plan policies or the policies which were most important for determining the application were out of date (NPPF paragraph 11).

Relevant policies may not be considered up-to-date if the Council could not demonstrate a five-year supply of deliverable housing sites or where the delivery of housing was substantially below the housing requirement over the previous three years (NPPF, paragraph 11, footnote 7). In these circumstances, decisions on planning applications would have to be made in the context of the National Planning Policy Framework, with policies in the Unitary Development Plan and Neighbourhood Development Plans prepared by the local community only carrying weight according to their consistency with the Framework.

**RESOLVED: That:**

- (1) a revised Local Development Scheme be submitted for approval by the Council once the amended future timetable has been determined;**
- (2) approval be given to amend the Scheme of Delegation of Executive Functions to Officers to delegate to the Corporate Director of Economic and Housing Growth, in consultation with the Portfolio Holder for Housing and Planning, decisions relating to the approval and publication of the evidence base, and associated technical reports, relevant to the preparation of the Local Plan;**
- (3) the summary report on the consultation responses received be published in February 2019; and**
- (4) the Council be requested to continue to lobby the Government, to enable it to use the ONS household projections, published in September, 2018 for the purposes of preparing its Local Plan, which would give an annual target of 488 new residential dwellings per annum.**

**48 SEASONS GREETINGS**

Councillor Phil Davies wished everyone a very Happy Christmas and a Successful New Year. He also thanked the officers for the excellent support they had given the Cabinet during the last 12 months.