



Planning Sub-Committee

Date:	Tuesday, 7 January 2020
Time:	6.00 p.m.
Venue:	Wallasey Town Hall Committee Room 1

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AGENDA

1. **MINUTES (Pages 1 - 4)**
2. **MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Sub Committee were asked whether they had any personal or prejudicial interests in connection with any item on the agenda and if so to declare them and state the nature of the interest.

3. **COMMITTEE REPORT 7-1-20 (Pages 5 - 8)**
4. **APPENDIX 1 WORKING DRAFT GREEN INFRASTRUCTURE POLICIES (Pages 9 - 14)**

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PLANNING SUB-COMMITTEE

Tuesday, 3 December 2019

Present:

Councillor S Kelly (Chair)

Councillors	G Davies	S Hayes
	S Foulkes	S Kelly
	S Frost	G Watt
	A Gardner	S Whittingham

Apologies

Councillors I Lewis

1 MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 7 November 2019 for approval.

Resolved – That the minutes of the meeting held on 7 November 2019 be approved.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and, if so, to state the nature of the interest.

Councillor S Foulkes declared a non-prejudicial interest with regards to his employment.

3 EMERGING WIRRAL LOCAL PLAN - WORKING DRAFT POLICIES: BUSINESS AND INDUSTRY

POLICY CS13 EMPLOYMENT LAND REQUIREMENT

Members discussed the draft policies in respect of; Policy CS13 – Employment Land Requirement.

Members noted that the plan period should be between 2020 and 2035. It was agreed that this would be amended.

Questions were raised over figures in the policy being marked as “xxxx” and members wanted to know when those figures were likely to be specified.

Members were advised that the Issues and Options Document is currently being prepared for consideration by Cabinet and the Council on 13th January 2020. When approved, this would set out the Council's view on the amount of land needed for future development and would be subject to public consultation for a period of 8 weeks.

Recommendation – That the working draft policy for Employment Land Requirement be amended and given further consideration by officers.

POLICY CS14 PRIORITY SECTORS

Members discussed the draft policies in respect of; Policy CS14 – Priority Sectors.

Members felt that more modern language could be used within the policy regarding green technology and reference should be made to the climate emergency. It was queried whether language in the policy could be used to encourage industries that would tackle the climate emergency and move away from those that have and adverse effect on the climate.

Members asked what consultation has taken place with the economic development team as well as with Liverpool City Region.

The Interim Corporate Director for Economic and Housing Growth confirmed that there are constant conversations across the Liverpool City Region on employment matters to ensure that there is alignment amongst its members. Members were also advised that the proposed strategic priorities for the Local Plan would be laid out in the Issues & Options Document. This would include specific chapters on each of the key themes and could expand on the council's ambition, green technology and businesses for the future.

Consultation is scheduled to commence following approval by Cabinet and the Council during January. The Liverpool City Region partners, the Chamber of Commerce and businesses will be able to provide feedback for the policy documents.

The chair indicated that it would be good practice to involve stakeholders such as the Chamber of Commerce at an early stage.

The Interim Corporate Director for Economic and Housing Growth agreed that sharing the draft emerging policies with outside agencies such as the Chamber of Commerce would be useful and that they would investigate setting up a focus group with local businesses.

Members discussed the issues of pushing for growth in an environmentally sustainable manner and it was agreed that reference to economic growth should be prefaced with the words “environmentally sustainable”.

Recommendation – That the working draft policy for Priority Sectors be given further consideration by officers.

POLICY CS15 CRITERIA FOR EMPLOYMENT DEVELOPMENT

Members discussed the draft policies in respect of; Policy CS15 – Criteria for Employment Development.

Members sought clarity on the terms used within the policy regarding “existing centres” and “facilities”. Members were informed of the meaning and it was agreed that further clarification be included within the policy.

The chair asked if further consideration could be given to existing businesses and how a new development might affect them in terms of noise/pollution/smells etc. The Principal Planning Officer agreed that further clarification could be added to the policy.

Recommendation – That the working draft policy for Employment Sectors be revised and given further consideration by officers.

POLICY CS16 CRITERIA FOR PORT-RELATED DEVELOPMENT

Members discussed the draft policies in respect of; Policy CS16 – Criteria for Port-Related Development.

Members sought clarification on what an acceptable adverse impact on water quality might be. Members were advised that statutory consultees such as the Environment Agency and Natural England would provide guidance, but consideration could be given to alterations to ensure there would be “no unacceptable impact on water quality”.

Recommendation – That the working draft policies for Port-Related Development be given further consideration by officers.

POLICY CS17 PROTECTION ON EMPLOYMENT LAND

Members discussed the draft policies in respect of; Policy CS17 – Protection on Employment Land.

Members raised the issue of 'land banking' and what the council could do to ensure landowners were actively marketing their land for employment purposes.

The Interim Corporate Director for Economic and Housing Growth confirmed that in such cases, evidence of previous marketing from developers and landowners would be sought and if the proposed development was not found to address the criteria policy then the application should not be supported.

Members discussed the flexibility of this policy and whether it gave enough options to help develop employment land in the most positive way.

The Interim Corporate Director for Economic and Housing Growth clarified that this policy was specifically for the protection of employment land and that the Economic Regeneration Strategy of the Council will provide the context for the types of business needed for sustainable growth in Wirral.

Recommendation – That the working draft polices for Protection of Employment Land be noted and given further consideration by officers.

POLICY CS17A LAND ALLOCATED FOR NEW STRATEGIC EMPLOYMENT DEVELOPMENT

Members discussed the draft policies in respect of; Policy CS17A – Land Allocated for new Strategic Employment Development and noted the need for this to be aspirational.

Recommendation – That the working draft policy for Land Allocated for new Strategic Employment Development be noted and given further consideration by officers.

WIRRAL COUNCIL

PLANNING SUB COMMITTEE

7 JANUARY 2020

TITLE	EMERGING WIRRAL LOCAL PLAN – WORKING DRAFT POLICIES: GREEN INFRASTRUCTURE, RECREATION, OPEN SPACE & BIODIVERSITY
REPORT OF	INTERIM COPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH

1.0 REPORT SUMMARY

- 1.1 The Council is in the process of preparing policies for the emerging Local Plan, which is scheduled for submission to the Secretary of State in November 2020.
- 1.2 The Planning Sub Committee was established by Planning Committee on 18th July 2019 to make recommendations, in consultation with the relevant Overview and Scrutiny Committee, to the Cabinet on the policies that will be included in the Local Plan for the Borough.
- 1.3 A series of meetings have been scheduled to consider working draft policies for the emerging Local Plan.
- 1.4 The purpose of this meeting is for Members to consider the contents of the initial working draft policies that would include criteria for green infrastructure, recreation, open space, & biodiversity, which are enclosed in Appendix 1.

RECOMMENDATION

1. That Planning Sub Committee considers the content of the initial working draft policies: Requirements for Green Infrastructure, Recreational Land & Buildings, Recreational Open Space in New Residential Developments, Biodiversity and Geodiversity set out in Appendix 1, and decide if there are matters that should be given further consideration by officers before reports for Cabinet are finalised.

SUPPORTING INFORMATION

2.0 REASON/S FOR RECOMMENDATION/S

2.1 To assist in the preparation of the Local Plan.

4.0 BACKGROUND INFORMATION

4.1 The Council is currently preparing its Local Plan for submission to the Secretary of State in November 2020. A key aspect of this work is the review and development of Development Management (DM) policies, which upon the adoption, will be used to determine planning applications.

4.2 There are a number of tasks, which include:

- 1 Reviewing existing DM policies.
- 2 Revising these policies to ensure that they are up to date and take account of current and emerging agendas, for example, climate change.
- 3 Writing new policies to ensure that the Council is able to effectively manage development in the Borough.
- 4 Regularly review policies to ensure they remain relevant, up to date and represent best practice.

4.3 These tasks are urgent and need to be completed within the timescales set out for the submission of the Local Plan as the council is still under threat of intervention by Government if it does not meet the timescales.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications from this report.

6.0 LEGAL IMPLICATIONS

6.1 Local plans must be positively prepared, justified, effective and based on up to date relevant evidence about the economic, social, environmental characteristics and prospects for the area consistent with national policy in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). The emerging Local Plan cannot be formally adopted as part of the statutory Development Plan unless it is found to be legally compliant and sound following independent examination.

6.2 Approval of the final Draft Local Plan will require a resolution of Council before it can be published and submitted to the Secretary of State for public examination.

7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

7.1 This sub-committee will be supported by the Council's existing planning staff.

8.0 RELEVANT RISKS

8.1 If the work set out in this report is delayed, the Council may not be able to meet its timetable for submission of the Local Plan, which could result in Government intervention.

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APPENDICES

- 1. Initial Working Draft Policies:** Requirements for Green Infrastructure, Recreational Land & Buildings, Recreational Open Space in New Residential Developments, Biodiversity and Geodiversity.

BACKGROUND DOCUMENTS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	18th July 2019
Planning Sub Committee	12th September 2019
Planning Sub Committee	1st October 2019
Planning Sub Committee	7th November 2019
Planning Sub Committee	3rd December 2019

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Green Infrastructure

Policy CS30 - Requirements for Green Infrastructure

New development will be required to contribute towards the provision, protection and enhancement of green infrastructure, to reflect the physical characteristics of the site; the type and function of the development proposed; and the character of the surrounding area, to secure multi-functional benefits which will, where relevant:

1. provide for soft landscaping and amenity; and maintain and enhance existing landscape features, such as trees, woodlands and hedges;
2. protect and enhance public rights of way, green networks and access to local facilities such as shops, schools, open space and public transport;
3. protect and provide land for recreation in line with Policy CS31 and Policy CS32;
4. contribute towards net gains for nature and the enhancement of ecological networks and preserve and enhance biodiversity and geodiversity assets and their setting in line with Policy CS33 including the use of native species where appropriate;
5. protect, conserve and wherever possible enhance landscape character, consistent with the landscape guidelines contained within the Wirral Landscape Character Assessment and the local priorities identified in Policies CS4 to CS11;
6. provide for the sustainable management of surface water and the long term maintenance of effective sustainable drainage systems, flood defences, land drainage infrastructure and river corridors in line with Policy CS34 and Policy CS35, including improvements to water quality and watercourse hydro-morphology, including the removal of redundant features and watercourse restoration, where relevant;
7. assist in mitigating and adapting to the impacts of climate change on people and the environment, including urban cooling and carbon storage; and
8. support health and wellbeing and provide for a sustainable pattern of development, particularly within areas of greatest need.

Green infrastructure is an important part of the quality of life and is capable of providing multiple benefits from increasing the attractiveness of a development and enhancing the character of the surrounding area to providing for recreation and health and well-being, biodiversity and natural habitats, mitigation and adaptation to climate change, and reducing flood risk including with sustainable drainage systems.

Policy CS30 requires new development to contribute to the provision of green infrastructure having regard to opportunities available on each site and the priorities within the surrounding area, such as protecting and enhancing existing features such as trees, hedges and woodlands; recognising any special values such as heritage and biodiversity; to providing for urban cooling and sustainable urban drainage.

In implementing Policy CS30, developers will be expected to plan for securing: a resilient, coherent network of interconnected landscape, wildlife and ecosystem services by making space for nature in line with the aims of the Government's Biodiversity Strategy. This will need to include provision for the protection and enhancement of existing environmental assets and the creation of corridors and stepping stones to assist species movement and enable colonisation and adaptation to climate change, which may include contributions towards the enhancement of existing facilities

under Policy CS44 where relevant. For example, funding will be required to mitigate increased recreational pressure from tourism and residential development on the Dee Estuary Natura 2000 site to the address the requirements of Policy CS2 – Broad Spatial Strategy and Policy CS33 – Biodiversity and Geodiversity.

Policy CS31 - Recreational Land and Buildings

The Council will regulate the provision of recreational open space on the basis of the following minimum standards:

- publicly accessible open space - xxx hectares for every thousand people
- public and private sports pitches and playing fields (including artificial turf pitches) - xxxx hectare for every thousand people
- other public and private outdoor sports facilities (excluding golf courses) - xxxx hectares for every thousand people
- public and private allotments - xxxx hectares for every thousand people

No residential household should be further than xxxxx metres walking distance from a larger publicly accessible open space of xxxxx hectares or above. Smaller publicly accessible open spaces will be retained to serve areas falling outside the catchment of a larger publicly accessible open space, to ensure that no residential household is further than xxxxx metres walking distance from a publicly accessible open space.

Existing sports and recreational land and buildings will be protected from incompatible development unless it can be demonstrated that:

1. the site is genuinely surplus and is not required for any other recreational purpose; and
2. the site does not need to be retained undeveloped for any other intrinsic or designated value, including landscape character, heritage, biodiversity, drainage requirements or flood defence;
3. the site has been continuously and appropriately marketed for sport and recreational uses at realistic prices for a period of at least two years and the Local Planning Authority considers that a range of robust and verifiable evidence clearly demonstrates there is no reasonable prospect that the site will be re-used for recreational use and the land should be re-allocated to meet other identified development needs in the next Local Plan review; or
4. the facility will be replaced with an equivalent or better facility, capable of serving the same local community and criterion 3 above would also be met.

Full details of suitable replacement facilities and provision for ongoing maintenance must be identified in the details of a planning application, which can be implemented through an appropriate planning condition and/or legal agreement.

National Policy makes it clear that access to network of high quality open space and facilities for sport and physical activity is important factor in the health and well-being to the community.

Policy CS31 is based on the Wirral Open Space Assessment and the Wirral Playing Pitch & Outdoor Sport Strategy Assessment, which assesses the quantity, quality and accessibility of parks and gardens; natural and semi-natural greenspace; outdoor sports facilities; amenity greenspace; provision for children and young people; allotments; cemeteries and church yards. The findings of the assessments have also been used to inform the local priorities set out in Policies CS4 to CS11.

Policy CS32 - Recreational Open Space in New Residential Developments

New residential developments (Use Class C3) that would be further than xxxxx metres walking distance from an existing publicly accessible open space with an area of xxxx hectares or above will be required to provide additional publicly accessible open space at xx square metres for every new dwelling and make provision for safe children's play.

Full details of open space and safe children's play including provision for ongoing maintenance must be identified in the details of a planning application, which will be implemented through an appropriate planning condition and/or legal agreement.

In promoting healthy and safe communities, national policy expects decisions to achieve places with high quality public open space which encourages active and continual use through the provision accessible green infrastructure and layouts that ensure priority is given to walking, cycling and public transport. The creation of high quality buildings and places is a fundamental factor in achieving sustainable development and purpose of Policy CS32 is to ensure that new residential areas include an appropriate mix of development and public open space to ensure the proposal will function well and add to the overall quality of the area.

New recreational open space provided to satisfy Policy CS32 should be provided in a single location subject to natural surveillance and must be suitable for active recreational use, designed and located to enhance visual amenity and minimise the potential for disturbance to neighbouring property.

Provision for safe children's play should, as a minimum, include a xxx square metre dog-free activity area, of which no part will be less than xxx metres from the nearest residential property boundary, containing a litter bin, cycle parking, seating for carers and five pieces of play equipment, or an equivalent facility for children and young people in line with identified local needs. Provision for recreational open space and children's play should be clearly marked on any relevant sales and marketing material and should be available for active use before occupation of the dwelling.

Policy CS33 - Biodiversity and Geodiversity

Where relevant, development proposals must ensure that the biodiversity and geodiversity assets of the Borough are protected, provide for measurable net gains in biodiversity and help create or enhance coherent ecological networks to facilitate the movement of wildlife species.

Applications for development likely to affect a biodiversity or geodiversity asset must be accompanied by an ecological assessment that will:

- competently evaluate the value and extent of the assets on or within the vicinity of the development site including their position in the hierarchy of international, national and local sites;
- assess the likely expected impact of the development on the features of biodiversity or geodiversity identified;
- evaluate the options and opportunities available to enhance the value of the assets and contribute towards wider ecological networks; and
- identify buffer zones that will protect and prevent direct and indirect impacts on priority habitats.

Proposals that could have an individual or in combination effect on a European Site or its supporting habitat, within or outside of the Borough, must provide sufficient information to enable compliance with the Habitats Regulations.

Mitigation will be required for recreational disturbance from new residential development within xxkm and tourist development within xxkm of the Dee Estuary Natura 2000 site, which will involve a mix of access management, habitat management and provision of alternative recreational space to be secured through a legal agreement before planning permission is granted.

Development will be permitted where the applicant can demonstrate that:

1. there will be no adverse effect on a Site of Special Scientific Interest or on the integrity of a European Site; and
2. the identified assets can be incorporated and enhanced within the layout of the development without avoiding any harm or net loss to biodiversity or geodiversity; or
3. where criterion 2 cannot be satisfied, adequate on-site or off-site mitigation or, as a last resort, compensation can be provided that will secure a net gain to biodiversity or geodiversity that ensures positive impacts on the integrity of ecological networks and on the populations of priority species are achieved; and
4. adequate provision has been made over the lifetime of the development for appropriate ongoing access management, habitat management, monitoring, maintenance and enhancement of biodiversity or geodiversity interests which can be secured by planning conditions or legal agreement; and
5. the most appropriate options and opportunities available to enhance the value of the assets and contribute towards the wider ecological networks.

Sites identified for specific protection, including any necessary mitigation for the impact on European Sites and their supporting habitats, are shown on the Local Plan Proposals Map.

The Council has a general statutory duty to have regard to the purpose of conserving biodiversity and a more specific duty to encourage the management of features of the landscape which are of major importance for wild flora and fauna. Policy CS33 will, therefore, be taken to apply to all planning applications likely to affect a designated biodiversity or geodiversity asset; a priority habitat or priority species; legally protected species; ancient woodland; and aged or veteran trees.

National and international designations are notified to the Council by Government. A separate statutory assessment is required for development that may have a detrimental impact, either alone or in combination with other plans and/or projects, on the conservation objectives of a designated European Site. Applicants will be required to provide sufficient information to allow the Council to determine whether an assessment under the Habitats Regulations is necessary and to complete any assessment that may be required. The Council will work in partnership with neighbouring authorities to address the impacts of development on European Sites located outside of the Borough. The boundaries to national and international sites, including the reason for their designation and their current condition, can be found on [Natural England's interactive mapping website](#).

Protected wildlife and geological sites are Local Plan Proposals Map. The sites have been identified in association with the Local Wildlife Partnership and Cheshire RIGS Group, in accordance with national guidance.

Ecological assessments required under Policy CS33 must be undertaken by suitably qualified people, using current best practice, at an appropriate time of year, in suitable weather conditions to secure robustness of the findings. Further guidance on the required content of an ecological assessment will be set out in the Council's Local Validation Checklist and in a relevant Supplementary Planning Document.

Where it is not possible to locate a proposal on an alternative site to avoid harmful impacts and mitigation (or as a last resort, compensatory provision) is required, this will normally be secured through controls over design and layout, including planning conditions and, where necessary, legal agreements, subject to consultation with appropriate wildlife professionals, before planning permission will be granted. Mitigation on European Sites will be taken on a case by case basis and may include additional off-site areas, management of international sites and the monitoring of such measures.

The Wirral Biodiversity Audit and the Liverpool City Region Ecological Framework identify core biodiversity areas within Wirral and opportunities for habitat creation, enhancement and restoration, to help better connect existing sites to create sustainable ecological networks. The Wirral Green Infrastructure Strategy will further develop priorities for establishing more effective networks.

Natural England's website provides guidance on [protected species and priority habitats and priority species](#). Measures to deal with invasive species will need to be considered in line with Policy CS37.

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