

WIRRAL COUNCIL

CABINET – 26 NOVEMBER 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE SERVICES

LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL - CORE STRATEGY DEVELOPMENT PLAN DOCUMENT – PUBLIC CONSULTATION ON SPATIAL OPTIONS

EXECUTIVE SUMMARY

This report seeks approval to undertake public consultation on a draft Spatial Options Report as part of the next stage in the preparation of a Core Strategy Development Plan Document for Wirral. The Core Strategy, when adopted, will be the lead document of the Borough's statutory Local Development Framework. The report recommends:

- (1) that the draft Spatial Options Report attached to this report is approved for public consultation;
- (2) that the Director of Corporate Services is given delegated authority to make any necessary factual or presentational changes to the draft Spatial Options Report and its accompanying documents, before publishing the Report for public consultation;
- (3) that the Sustainability Appraisal prepared to accompany the Spatial Options Report is submitted for consideration by the Sustainability Appraisal Panel as part of the public consultation process; and
- (4) that the evidence base studies related to Flood Risk, Biodiversity and Landscape and Minerals are approved as material considerations for use by Planning Committee in the determination of individual planning applications and made available for public inspection on the Council's website.

1 Background

- 1.1 The Core Strategy is a "new-style" Development Plan Document that will replace the strategic policy elements of the Unitary Development Plan for Wirral. It is a key document, intended to set the overall framework for future development in the Borough, to which other Development Plan Documents, such as site-specific land allocations and area action plans, will be required to conform. The Core Strategy will also be used to guide decisions on individual planning applications.
- 1.2 The preparation of the Core Strategy must comply with a statutory process set out in national Regulations.
- 1.3 National policy indicates that a Core Strategy should include:
 - an overall vision which sets out how the area and the places within it should develop;

- strategic objectives for the area focusing on the key issues to be addressed;
 - a delivery strategy for achieving these objectives, which should set out how much development is intended to happen, where, when, and by what means it will be delivered;
 - locations for strategic development should be indicated on a key diagram; and
 - clear arrangements for managing and monitoring the delivery of the strategy.
- 1.4 The Core Strategy must be justified, effective and consistent with national policy and must be in general conformity with the Regional Spatial Strategy. It must not, however, repeat or reformulate national or regional policy.
- 1.5 The time horizon for the Core Strategy must be at least 15 years from the date of adoption.
- 1.6 Once adopted, the Core Strategy will provide the spatial blueprint for the social, economic, and environmental regeneration of the Borough, to support the delivery of the Sustainable Community Strategy and the aims and objectives of the Council's Investment Strategy.
- 1.7 The Council consulted on the Issues, Vision and Objectives for the Core Strategy in February 2009 (Cabinet, 27 November 2008, Minute 274 refers).

2 Consultation on Spatial Options

- 2.1 The findings from consultation on the Issues, Vision and Objectives for the Core Strategy have been used to inform the content of a Spatial Options Report. A report of the consultation undertaken and the responses received is attached to this report.
- 2.2 National policy states that Core Strategies must be the most appropriate strategy when considered against the reasonable alternatives.
- 2.3 Consultation on spatial options offers stakeholders the opportunity to influence the key choices about the future development of the Borough, before any final decision is taken. Consultation on spatial options will also enable the Council to demonstrate that it has identified and evaluated an appropriate range of available potential options and that it has openly assessed their likely implications.
- 2.4 National guidance indicates that spatial options should represent genuine alternative approaches to governing future development and change in the Borough. The options should be realistic and genuinely capable of implementation. The options must also be tested against a series of statutory appraisals and assessments including a sustainability appraisal and Habitats Regulations Assessment.
- 2.5 The draft Spatial Options Report, attached to this report, includes:
- a revised **Spatial Portrait** – which now considers the local characteristics of the Borough in more detail, under eight main Settlement Areas;
 - a revised **Spatial Vision** – which further develops the vision made subject to public consultation as part of the preparation of the Sustainable Community Strategy;
 - a revised series of **Spatial Objectives** – to focus more clearly on the overriding spatial priorities for the Borough;

- Three **Broad Spatial Options** – which have not previously been subject to public consultation – which set out a range of overall patterns of future development across the Borough from focusing regeneration on locations where social, economic and environmental needs are greatest; to balanced growth, across the whole of the existing urban area; to urban expansion and the planned release of greenfield land outside the existing urban area;
- A series of **Other Policy Options** – which, again, have not previously been subject to public consultation - related to housing, employment, retailing, renewable energy, design, development management, developer contributions and green infrastructure.

2.6 A document list and glossary are still to be attached.

2.7 The draft Spatial Options Report is also accompanied by:

- a **Sustainability Appraisal Report** – which considers the performance of each of the spatial options against 25 local sustainability objectives – a summary of the sustainability appraisal findings is also contained within the Spatial Options Report at relevant points;
- a **Habitat Regulations Interim Screening Assessment** – which begins the process of considering the potential impact of the emerging Core Strategy on designated European Sites;
- an **Equality and Diversity Statement** – which has been approved by the Council's Equality and Diversity Co-ordinator.

2.8 Draft copies of these documents can be viewed through the Library of Standard Documents within the Council and Democracy section of the Council's website under the heading "Core Strategy Spatial Options Report".

2.9 A final fact check will be needed before the documents are published for public consultation. This report, therefore, requests that the Director of Corporate Services is given delegated authority to make any necessary factual or presentational changes to the Spatial Options Report and its accompanying documents, before publishing them for public consultation

2.10 The results of consultation on the Spatial Options Report will be used to confirm the Council's assessment of reasonable alternatives and will be used to help the Council decide on the Preferred Options for the Core Strategy. The results of consultation will also form part of the Council's evidence to demonstrate that the potential alternatives have been appropriately assessed and that the Core Strategy is "sound".

3 Public Consultation

3.1 Public consultation on the Spatial Options Report will be carried out in compliance with the standards set out in the Statement of Community Involvement, adopted by the Council in December 2006.

3.2 Copies of the Spatial Options Report and its accompanying documents will be placed for inspection, free of charge, in public libraries throughout the Borough and at the public

counter of the Technical Services Department. The documents will also be made available for comment on-line, free of charge, through the Council's on-line consultation portal at <http://wirral-consult.limehouse.co.uk/portal>.

- 3.3 Notification letters will be sent to all the contacts on the Council's Local Development Framework database and to members of the Area Forums. A presentation will be provided to the members of the Strategic Partnership Management Group. Meetings with other groups will be arranged, wherever possible, particularly with under-represented groups, subject to staff resources.
- 3.4 A series of consultation questions have been included in the Spatial Options Report to direct respondents to areas where comments would be particularly valuable. It is envisaged that summary material will also be made available to make it easier to comment on key aspects of the Report.

4 Sustainability Appraisal Panel

- 4.1 The Council appointed an independent Sustainability Appraisal Panel in October 2006, to oversee the appraisal processes undertaken by the Council (Executive Board 12 July 2006, Minute 114 refers). The appointment of the Panel committed the Council to take draft documents through a formal appraisal process, to be verified by the Panel at each stage of the plan making process, before they are published for public consultation.
- 4.2 Because of the timescales involved, it has not been possible to involve the Sustainability Appraisal Panel before the preparation of this report to Cabinet. This report, therefore, recommends that a special meeting of the Panel is held to consider the findings of the Sustainability Appraisal accompanying the Spatial Options Report, as part of the wider process of public consultation.

5 Future Stages

- 5.1 The next stage will be for the Council to decide upon its Preferred Options for the Core Strategy. The Preferred Options must, again, be published for public consultation to ensure that the alternative options have been correctly evaluated and to confirm that the Council's final decisions have been soundly based. The results of consultation on the Preferred Options will then be used to draw up a draft Core Strategy. This will be the first time that the public and other stakeholders will be able to see and comment on a complete, fully drafted Core Strategy for the Borough.
- 5.2 The full draft Core Strategy will need to be formally published for public consultation for a statutory period of six weeks, accompanied by the evidence base, the results of previous consultations and a full suite of appraisals and assessments, to explain the process carried out and to justify the conclusions included within the Strategy.
- 5.3 The comments received on the draft Core Strategy may be used by the Council to make any final changes before submitting the final Core Strategy to the Secretary of State for public examination by an independent Planning Inspector. Assuming the Inspector concludes that the Core Strategy is "sound", on the basis of the evidence submitted and any outstanding representations, the Council would then be able to proceed to adoption. The report of the Inspector will be binding on the Council.

6 Timetable

6.1 The timetable for future stages is still being negotiated with Government Office for the North West, as part of the revision to the Local Development Scheme for Wirral (Cabinet 23 July 2009, Minute 63 refers). The latest estimated milestones are:

| | |
|--------------------------------|---------------|
| Spatial Options | November 2009 |
| Preferred Options | April 2010 |
| Consultation on Draft Strategy | July 2010 |
| Submission | October 2010 |
| Public Examination Hearing | January 2011 |
| Inspectors Report | April 2011 |
| Adoption | June 2011 |

7 Evidence Base

7.1 National policy states that Core Strategies must be justifiable - they must be founded on a robust and credible evidence base and must be the most appropriate strategy when considered against the reasonable alternatives.

7.2 Cabinet agreed the funding necessary to bring forward a series of evidence base studies in January and March 2007 (Cabinet 24 January 2007, Minute 232 and 15 March 2007, Minute 284 refers). Cabinet on 27 November 2008 also approved the principle of undertaking a Renewable Energy Capacity Study (Minute 274 refers).

7.3 The Wirral Employment Land and Premises Study was reported to Members in October 2009 (Minute 157 refers).

7.4 Studies that were completed during the summer, which have now been included within the Spatial Options Report, include:

- Strategic Flood Risk Assessment
- Biodiversity Audit
- Landscape Character Assessment

7.5 Copies of these documents can now be viewed through the Library of Standard Documents within the Council and Democracy section of the Council's website. A copy of the Merseyside Minerals Study, which was completed in September 2008, has now also been added to the Library.

7.6 This report recommends that these completed studies are approved as a material consideration for use by Planning Committee in the determination of individual planning applications.

- 7.7 The initial findings from the Wirral Town Centres, Retail and Commercial Leisure Study and the Open Space and Recreation Audit have also been included in the Spatial Options Report, although the final reports are still to be finalised.
- 7.8 Studies related to Strategic Housing Land Availability, an update to the Strategic Housing Market Needs Assessment, the Merseyside Renewable Energy Capacity Study and the Integrated Regeneration Study for Birkenhead and Wirral Waters are still ongoing and will be reported to Members separately on completion.
- 7.9 An Appendix to this report summarises the main findings of the studies that have been completed so far.

8 Financial Implications

- 8.1 Public consultation on the Spatial Options Report can be undertaken from within existing resources.
- 8.2 The resources necessary for future stages of plan preparation will be considered alongside the review of the Local Development Scheme, once the timetable has been confirmed by the Secretary of State (Cabinet 23 July 2009 refers).
- 8.3 The funding for the preparation of studies on Employment Land, Housing Land, Retailing, Flood Risk, Biodiversity, Landscape and Open Space and Recreation was agreed by Cabinet on 24 January 2007 (Minute 245), 15 March 2007 (Minute 284) and 7 February 2008 (Minute 502).
- 8.4 An extension of £750 to the Flood Risk Assessment was reported to Regeneration and Planning Strategy Overview and Scrutiny Committee on 10 September 2008 (Minute 5) to be met from existing resources.
- 8.5 An extension of £22,475 to the Town Centres, Retail and Commercial Leisure Study was agreed by Cabinet on 19 March 2009 (Minute 396) to be met from existing resources.
- 8.6 An extension of £4,020 to the Landscape Study was agreed under delegation by the Cabinet Member for Regeneration and Planning Strategy on 7 September 2009, to be met from existing resources.
- 8.7 The Council's contribution of £4,167 towards the preparation of the Merseyside Minerals Study was met from existing resources.
- 8.8 Funding of £95,000 for the Strategic Housing Land Availability Assessment, jointly commissioned with Liverpool City Council, was agreed by Cabinet on 16 October 2008 (Minute 234) to be met from the first tranche of CLG Growth Fund.
- 8.9 Funding of £120,000 for the preparation of the Integrated Regeneration Study for Birkenhead and Wirral Waters was agreed by Cabinet on 5 February 2009 (Minute 352 refers) to be met from the budgets for the Investment Strategy and Housing Market Renewal.
- 8.10 Funding of £24,000 for the update to the Strategic Housing Needs Assessment was agreed by Cabinet on 19 March 2009 (Minute 426) to be met from the Housing Strategy Research budget.

- 8.11 The Council's contribution of £3,000 towards the preparation of Stage 1 of a Merseyside Renewable Energy Capacity Study has been funded from the Area Based Grant Allocation for Climate Change for 2008/09. Progress to Stage 2 is being considered for a similar additional amount which can also be funded from the Area Based Grant Allocation for Climate Change.
- 8.12 The cost of preparing a Habitats Regulations Assessment in support of the Council's Preferred Options will be the subject of a future report to Cabinet. The Council has jointly funded additional expertise in the form of a Merseyside Habitat Regulation Assessment Co-ordinator situated within the Merseyside Environmental Advisory Service for an annual contribution of £6,000 funded from the New Burdens Grant for Habitat Regulations Assessments.
- 8.13 The annual award of Housing and Planning Delivery Grant to the Council is directly linked to progress on the delivery of the Local Development Framework (Cabinet 25 September 2008, Minute 202 refers). The announcement of the Award for 2009/10 is still awaited.

9 Staffing Implications

- 9.1 There are no staffing implications arising directly out of this report.

10 Equal Opportunities Implications

- 10.1 There are no implications for equal opportunities arising directly from this report. The preparation of the Spatial Options Report has been subject to an Equality Impact Assessment approved by the Council's Equality and Diversity Co-ordinator.

11 Community Safety Implications

- 11.1 There are no community safety implications arising directly out of this report. The Local Development Framework for Wirral is, however, expected to include policies that will seek to protect and improve community safety.

12 Local Agenda 21 Implications

- 12.1 The Council has a legal duty to prepare the Local Development Framework with a view to contributing to the promotion of sustainable development. The Spatial Options Report has been subject to a statutory sustainability appraisal including strategic environmental assessment and Habitats Regulations Assessment.

13 Planning Implications

- 13.1 The Core Strategy Development Plan Document, once adopted, will form part of the statutory Development Plan for Wirral alongside the Regional Spatial Strategy and the Council's Unitary Development Plan and will have implications for the determination of individual planning applications and other decisions under the Planning Acts.

14 Anti-Poverty Implications

- 14.1 There are no anti-poverty implications arising directly from this report. The Core Strategy is, however, expected to include policies that will seek to promote opportunities for wealth creation and employment.

15 Human Rights Implications

15.1 There are no human rights implications arising from this report. The Spatial Options Report does, however, include options for providing for Gypsies and Travellers.

16 Social Inclusion Implications

16.1 There are no social inclusion implications arising directly from this report. The Core Strategy is, however, expected to include policies that will seek to support and promote social inclusion.

17 Local Member Support Implications

17.1 The Spatial Options Report will have implications for all Ward Members.

18 Background Papers

18.1 Planning and Compulsory Purchase Act 2004 can be viewed at www.opsi.gov.uk/acts/acts2004/20040005.htm

18.2 Town and Country Planning (Local Development)(England) Regulations 2004 (SI 2004, No.2204) can be viewed at http://www.opsi.gov.uk/si/si2004/uksi_20042204_en.pdf

18.3 The Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008 (SI 2008 No 1371) can be viewed at http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf

18.4 Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 (HMSO, SI 2009, No 401) can be viewed at http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

18.5 Planning Policy Statement 12 - Local Spatial Planning (CLG, June 2008) can be viewed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps12lsp.pdf>

18.6 The Environmental Assessment of Plans and Programmes Regulations 2004 can be viewed at http://www.opsi.gov.uk/si/si2004/uksi_20041633_en.pdf

18.7 The Conservation (Natural Habitat &c) (Amendment) Regulations 2007 – Appropriate Assessments for Land Use Plans - can be viewed at http://www.opsi.gov.uk/si/si2007/pdf/uksi_20071843_en.pdf

18.8 Wirral Council – Local Development Framework for Wirral - Review of Local Development Scheme (Cabinet 23 July 2009) can be viewed at [http://democracy.wirral.gov.uk/Published/C00000121/M00000727/AI00005270/\\$LocalDevelopmentFrameworkforWirralReport.docA.ps.pdf](http://democracy.wirral.gov.uk/Published/C00000121/M00000727/AI00005270/$LocalDevelopmentFrameworkforWirralReport.docA.ps.pdf)

18.9 Wirral Council - Local Development Framework for Wirral - Core Strategy Development Plan Document – Public Consultation on Issues and Objectives (Cabinet 27 November 2009) can be viewed at

RECOMMENDATIONS

- (1) That the draft Spatial Options Report and its supporting documents are approved for public consultation;**
- (2) That the Director of Corporate Services is given delegated authority to make any final factual or presentational changes to the draft Spatial Options Report and its accompanying documents, before publishing the Spatial Options Report for public consultation;**
- (3) That the Sustainability Appraisal of the Spatial Options is submitted for consideration to the Sustainability Appraisal Panel as part of the public consultation process; and**
- (4) That the completed evidence base studies related to Flood Risk, Biodiversity and Landscape and Minerals are approved as material considerations for use by Planning Committee in the determination of individual planning applications and are made available for public inspection on the Council's website.**

J. Wilkie
Deputy Chief Executive/Director of Corporate Services

This report has been prepared by the Forward Planning Section who can be contacted on 691 8218 and by the Investment Strategy Team who can be contacted on 691 8222.

Appendix - Summary of Evidence Base Findings

Strategic Flood Risk Assessment (*produced by Faber Maunsell*)

The Strategic Flood Risk Assessment identifies flood risk issues across Wirral and how this relates to development planning within the Flood Risk Zones identified by the Environment Agency. All sources of flood risk are assessed but there is a stronger focus on flooding from rivers and from the sea. The Assessment has highlighted areas where future development would be most at risk and what the implications are likely to be for the form or viability of development.

The more detailed implications of the Assessment will have wider implications for Council services and will be reported to Members separately through the Council's corporate Flood Working Group.

Biodiversity Audit (*produced by Penny Anderson Associates*)

The Wirral Biodiversity Audit summarises and assesses the quality of available biodiversity data; identifies gaps in data with suggestions as to how these may be filled; collates all the available information on the range of statutory and non-statutory protected areas within Wirral; provides an analysis of the extent and distribution of priority habitats and species; identifies any existing and potential connections between habitats and protected sites across Wirral; and reviews the Borough's existing selection criteria and guidelines for the designation of local wildlife sites.

The Audit provides an important "snapshot" of the current condition and extent of statutory and non-statutory nature conservation sites and priority habitats within the Borough. The Audit has also identified and mapped a series of potential trigger zones for habitat creation, enhancement or restoration around existing sites of importance, which could be used to guide potential future site allocations and decisions on individual planning applications.

Assembling a comprehensive and accurate picture for priority species has, however, been more problematic, with the consultants identifying problems with the datasets provided by an external local records centre. While the Audit demonstrates that the Council has made every effort to obtain a comprehensive assessment of the extent and distribution of priority species in the Borough, future work may be needed to provide a more detailed understanding.

The recommendations in relation to selection criteria for local wildlife sites will need to be considered by the Wirral Local Sites Partnership and will be the subject of a further report to Cabinet.

Landscape Character Assessment (*produced by The Environment Partnership*)

In addition to providing evidence for the Core Strategy and other elements of the Local Development Framework, the Landscape Character Assessment will be used to aid development control decisions and guide actions on landscape enhancement where resources permit.

The Assessment, which was prepared in consultation with local stakeholders, divides the Borough into five broad landscape character types: Coastal Farmland and Recreation; Rural Farmland; Sandstone Hills; Flat Floodplain Farmland and Urban Fringe. Within these five landscape character types, thirteen individual character areas have been identified:

North Wirral Shore;
Dee Coastal Farmland;
Raby Rural Farmland;
Clatterbrook and Dibbin Valley;
Landican and Thingwall Rural Fringe;
Thurstaston and Arrowe Park Wooded Hills;
Bidston Hill;

Heswall Dales;
The Birket Floodplain Farmland;
Eastham Former Wooded Estate;
North Fender Urban Fringe;
Pensby and Irby Urban Fringes; and
Thornton Hough Rural Farmland.

The Assessment identifies how well each of the landscape character areas could adapt to change without a severe detrimental effect on their character and integrity. Particular emphasis has been placed on the transition between the settlements to wider countryside. Future changes which could threaten the landscape are identified and guidelines are provided for each area to help preserve their local distinctiveness.

The Assessment recommends that a criteria-based policy relating to the protection of landscape character across the Borough as a whole should be included within the Core Strategy, as a replacement to the local landscape designations for Areas of Special Landscape Value and Areas Requiring Landscape Renewal contained within the Unitary Development Plan adopted in February 2000.

Merseyside Minerals Study (*produced by Urban Vision - managed by MEAS*)

The Merseyside Minerals Study was jointly commissioned to help the Merseyside districts to plan for minerals in accordance with the requirements of national policy set out in Planning and Minerals (MPS1, November 2006). One of the aims of the Study was to identify potentially viable minerals deposits within Merseyside for all types of mineral.

In Wirral, the Study recommended continuing to safeguard the area at North Wirral Brickworks, Carr Lane, Moreton, which is subject to existing mineral extraction permissions, along with the extension area to the north, which are both already identified as a Mineral Reserve on the Unitary Development Plan adopted in February 2000. In addition, the Study recommended the potential identification of a minerals safeguarding area, extending to the north and south of the existing designated Mineral Reserve. An indicative boundary to the potential safeguarding area is outlined on Map 6 of the Study.