

WIRRAL COUNCIL

CABINET

27 SEPTEMBER 2012

SUBJECT:	LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – CORE STRATEGY – PUBLICATION OF PROPOSED SUBMISSION DRAFT
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF REGENERATION, HOUSING AND PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR PAT HACKETT, REGENERATION AND PLANNING STRATEGY
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks approval for a Draft Core Strategy to be published for public comment. The comments received will be reported back to Cabinet before the Core Strategy is submitted to the Secretary of State for public examination by an independent Planning Inspector. The Council's Constitution requires both the publication and submission of the Draft Core Strategy to be approved by Full Council.
- 1.2 The Core Strategy will assist in the delivery of corporate priorities related to Your Neighbourhood and Your Economy. Once adopted, the Core Strategy will replace the strategic policies contained within the Unitary Development Plan adopted in February 2000.
- 1.3 The report recommends that the Director's comments on strategic choices and their associated risks are noted and that Cabinet recommends to Council that:
- (1) the Proposed Submission Draft Core Strategy and its supporting documents are approved for publication and as a material consideration for the purposes of development control;
 - (2) the Interim Planning Policy for New Housing Development adopted in October 2005 is revoked;
 - (3) evidence base documents for employment, housing, retailing, open space and transport modelling are approved as factual evidence for the Core Strategy and adopted as material considerations for the purposes of development control; and
 - (4) delegated authority is given to prepare and amend the supporting documents and to amend the Core Strategy, provided any changes do not materially alter the policy direction set out the Proposed Submission Draft.
- 1.4 It is also recommended that a review of the Council's strategic housing market needs assessment; a needs assessment for Gypsies and Travellers; an assessment of future standards for open space and recreation; a viability assessment; and work to clarify wastewater treatment capacity in Birkenhead are undertaken; and that the Council advise Cheshire West and Chester Council that it would not be possible for

Wirral to accommodate additional housing to make up any short-term shortage of deliverable supply in Cheshire West and Chester.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Initial consultation on the content of the Core Strategy began in October 2005. Consultation on Spatial Options took place in January 2010 (Cabinet, 26 November 2009, Minute 200 refers), on Preferred Options in November 2010 (Council, 18 October 2010, Minute 36 refers) and on Draft Settlement Area Policies in January 2012 (Cabinet 21 July 2011, Minute 80 refers). Reports of consultation for each stage can be viewed at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/core-strategy-development-plan> and in the Council's on-line Document Library.
- 2.2 The next statutory stage is the publication of the Proposed Submission Draft Core Strategy, to allow final representations and comments on the soundness of the proposals, before the Strategy is submitted for independent examination by a Planning Inspector appointed by the Secretary of State. Copies of any comments received are then submitted alongside the Core Strategy to the Secretary of State, with limited opportunity to make any further changes. The Core Strategy must, therefore, be as the Council would wish to see it adopted before it is submitted to the Secretary of State.
- 2.3 There is an opportunity for the Council to amend the draft Core Strategy before it is submitted to the Secretary of State but any substantial changes would need to be re-published for further consultation before being submitted. The Council would then need to be able to fully justify its position at the public examination.
- 2.4 The public examination will proceed on the basis that the plan is sound as submitted. Only people submitting comments within the deadline seeking to change the Strategy have a right to be heard at the public examination, which will be conducted through public hearings and written representations, with equal weight applied to both methods of consideration.
- 2.5 The Council will only be able to adopt the Core Strategy if it is found legally compliant and sound by the independent Planning Inspector.
- 2.6 The Proposed Submission Draft must be accompanied by supporting documents including:
- a consultation statement, to show how the Strategy has been prepared, who has been involved, the issues raised and how they have been addressed;
 - a statutory sustainability appraisal, to show that the Strategy is the most sustainable option available, including a strategic environmental assessment;
 - a Habitats Regulations Assessment, to show that the proposals will not have an adverse impact on European Sites or their supporting habitats;
 - any other supporting documents relevant to the preparation of the Core Strategy, such as any accompanying evidence base reports or documents necessary to

demonstrate compliance with national policy and legislation, including the duty to co-operate.

- 2.7 Cabinet considered an early draft of the Core Strategy on 19 July 2012 (Minute 61 refers), to allow additional informal consultation with internal and external partners and compliance with the duty to co-operate on strategic planning matters. The final documents proposed for publication can now be viewed in the Document Library in the folder marked "Information Items" - "Core Strategy - Proposed Submission Draft - September 2012".

3.0 STRATEGIC CHOICES

- 3.1 The preparation of the Proposed Submission Draft presents a number of strategic choices that will need to be endorsed by Members before the Core Strategy is submitted to the Secretary of State. Planning Inspectors will expect these choices to have been resolved before the Core Strategy is submitted to public examination.

Regional Spatial Strategy

- 3.2 The Secretary of State originally announced the intention to revoke regional strategies in July 2010. Until the Regional Spatial Strategy for the North West (RSS) is formally revoked, Core Strategies are still legally required to have regard to it.
- 3.3 The draft Core Strategy attached to the report to Cabinet on 19 July was prepared on the basis that RSS would have been revoked by the time the Core Strategy had been submitted for public examination. The Government has since announced the intention to prepare and consult on a further series of environmental reports before removing the regional strategies. This will have major implications for housing requirement figures in particular.
- 3.4 It is by no means certain that RSS will have been revoked by the time Council may wish to submit the Core Strategy to the Secretary of State. If RSS is still in force, the Planning Inspector will expect the Council to comply with RSS and to provide evidence to confirm that the housing requirement proposed in the Core Strategy is still likely to be valid for the future. If RSS has been revoked, the Planning Inspector will expect the Council to be able to fully justify any new housing requirement figure on the basis of evidence of housing need, natural change and migration and market trends.
- 3.5 The draft Core Strategy attached to the report to Cabinet on 19 July was prepared on the basis of population and household projections that have now been superseded by the 2011 Census, which has shown the first recorded growth in Wirral's population since 1971. In Wirral's case, this has meant that there were 13,100 additional people and 5,000 additional households within the Borough than were previously projected for mid-2011. Because of this unexpected increase in population and households, there is currently no reliable alternative basis for projecting future household needs until revised national projections are published during 2013.
- 3.6 Recorded changes in dwelling stock between 2001 and 2011 would appear to confirm that a figure close to the 500 net additional dwellings required by RSS would be consistent with Wirral's past performance, on the basis of the actual annual average growth of 530 occupied dwellings between 2001 and 2011, which has led to a growth in population of 2.4% or 7,500 people since 2001. This calculation would not,

however, provide figures for housing need or other factors such as natural change or migration, which would need to be considered to arrive at a robust housing requirement figure for the future and would assume a further comparable increase in population over the next ten years.

- 3.7 There is a significant risk that a Planning Inspector may consider the Core Strategy to be unsound, until a revised housing market needs assessment based on post-Census population and household projections has been completed, to take account of the likely impact of Welfare Reform and the need for market housing. This would also provide the opportunity to assess requirements for Gypsies and Travellers, which are now also subject to the need to identify an ongoing five-year supply of deliverable sites. Both studies were already planned to be re-commissioned by the Council's Housing Strategy team by the end of 2012.
- 3.8 In the absence of a reliable alternative, the figures for housing contained within the Proposed Submission Draft have now been based on the RSS figure of 500 net additional dwellings between 2003 and 2021, rolled forward to 2028 (Policy CS18, page 60 refers). The figure includes a backlog of 2,012 net additional dwellings, which it is hoped will be able to accommodate any subsequent calculation of housing need and market demand that will need to be carried out as soon as possible as the plan progresses to public examination. A lower figure could only be supported if the evidence becomes available to support it.
- 3.9 National policy requires an additional buffer of up to 20 percent to be added to five-year supply requirements, to provide for choice and competition in the market for land and take account of under-delivery over previous years (NPPF, paragraph 47 refers). The addition of a 20 percent buffer would raise the annual RSS net requirement figure in the Core Strategy to 600 or 750 per annum including backlog.
- 3.10 Given the context set out above, any figure included in the Proposed Submission Draft is highly vulnerable to change as part of the examination process, particularly if RSS is revoked before or during the examination. Further implications of a change in the housing requirement figure are also outlined below.

Employment Land Supply

- 3.11 The Proposed Submission Draft aims to improve the balance of jobs and homes to tackle worklessness and reduce the need for out-commuting. While national policy seeks to promote economic growth it states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and that applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities (NPPF, paragraph 22 refers).
- 3.12 Cabinet authorised an update to the Wirral Employment Land and Premises Study in July 2011 (Minute 80 refers). A copy can now be viewed in the Document Library.
- 3.13 The findings show a potential headline supply of up to 265 hectares of land that could be used to accommodate new employment development, including land within the port estates. There is still an issue over the quality of provision, the viability of employment development and the need to identify a successor to Wirral International

Business Park, which is nearing completion. The Study Update continues to recommend that the Birkenhead and Wirral Waters area should be promoted (Study Update, Recommendation 9, page 190 refers) and the Proposed Submission Draft reproduces the previous resolution that only a redevelopment opportunity of exceptional economic and employment significance would receive consideration in the Green Belt (Proposed Submission Draft, paragraph 19.8, page 52 refers) (Cabinet, 15 October 2009, Minute 157 refers).

- 3.14 The previous Employment Land and Premises Study, in line with national guidance, considered the potential need for employment land based on past rates of take-up; projected changes in the workforce; projected changes in economic performance, based on projections undertaken for TMP by Cambridge Econometrics; and RSS policy assumptions. The re-calculated figures show a potential surplus of employment land of between 36 and 265 hectares. Past take-up, which is based on actual delivery over the previous 15 years, shows the highest potential requirement but still shows a potential surplus of up to 64 hectares, which could be made available for other uses. The surplus would reduce to 43 hectares if sites already granted planning permission for other uses are developed.
- 3.15 The previous Employment Land and Premises Study also contained an additional scenario based on the Investment Strategy aspiration to increase business stock to regional average levels by 2016, equivalent to an additional 55 hectares, based on calculations prepared for the Wirral Enterprise Strategy 2007. The Study Update recommends that this figure, which was based on data from 2004, is re-calculated. An initial estimate indicates that the revised figure could now be closer to 53 hectares but requires further work to be undertaken before it can be finally confirmed. Adding this to past take up would imply a need for up to 258 hectares over the next 15 years, which has been included in the Proposed Submission Draft.
- 3.16 There is a risk that a Planning Inspector may not accept the addition of an aspiration for additional development, in favour of a calculation based solely on past performance and current economic conditions. The need for additional housing land, considered below, may also affect their conclusions.
- 3.17 This report recommends that the Study Update is adopted as a material consideration for future planning decisions, as factual evidence to support the Core Strategy but the Council's response to its wider findings and recommendations will also need to be considered separately in a further report to Cabinet.

Housing Land Supply

- 3.18 The approach to calculating the requirements for housing and employment set out above will also have significant implications for the future housing land supply, which Members have previously been advised is finely balanced.
- 3.19 There is currently a shortfall of land supply against RSS, which appeal decisions have already begun to take into account. There is a need to ensure that an ongoing five-year housing land supply is in place before the Core Strategy is submitted to the Secretary of State or there is a significant risk that a Planning Inspector will recommend that the Core Strategy should be withdrawn. At April 2012, Wirral had a 4.4 year supply against RSS, a shortfall of 657 dwellings or 1,713 including a 20 percent buffer.

- 3.20 The latest Strategic Housing Land Availability Assessment for April 2012, which can be viewed in the Document Library, includes calculations based on the Regional Spatial Strategy and the 2008-based household projections. While housing requirement figures based on the 2008-based household projections may now be superseded, the information on the overall quantity of the future housing land supply remains robust and has been used as the basis for the figures included in the Proposed Submission Draft.
- 3.21 This report therefore recommends that the Strategic Housing Land Availability Assessment, which has been amended following public consultation in February 2012 (19 July 2012, Minute 61 refers), is now approved as a material consideration for future planning decisions as factual evidence to support the Core Strategy.
- 3.22 The future land supply in Wirral is highly dependent on delivery at Wirral Waters. This dependency has been subject to challenge throughout the plan preparation process and is likely to become a prominent issue at any future public examination, particularly if an alternative supply cannot be maintained from other sources. Calculations within the Proposed Submission Draft have therefore been presented with and without Wirral Waters to demonstrate that an appropriate level of flexibility can still be maintained if Wirral Waters is not delivered at the pace anticipated (Proposed Submission Draft, Table 20.2, page 63 refers).
- 3.23 Information provided to Members in the draft Core Strategy presented on 19 July indicated a potential shortfall of up to 1,670 dwellings over the plan period, without Wirral Waters, which would have to be made up from sites currently subject to alternative designations including sites designated for employment, greenfield sites, sites within designated Conservation Areas and sites that may be subject to flood risk. Applying the RSS-based requirement indicates a potential shortfall of 4,850 dwellings over the plan period, increasing the need to identify additional sites within the existing urban area, rising to 5,570 over the plan period if a 20 percent buffer was applied (NPPF, paragraph 47 refers).
- 3.24 The ongoing supply, outside Wirral Waters, also relies on urban sites currently subject to the restrictions of the Council's Interim Planning Policy for New Housing Development. The latest decision by the Planning Inspectorate for a housing proposal at Thingwall concluded that the Interim Planning Policy pre-dated the National Planning Policy Framework and that the approach to restricting housing supply was out-of-date and should not apply. This report now therefore recommends that the Interim Planning Policy is revoked, to allow decisions to be determined in accordance with the Unitary Development Plan, the Regional Spatial Strategy (until it is revoked) and the National Planning Policy Framework and to allow sites within the previously restricted areas to contribute towards the ongoing housing land supply.
- 3.25 The only alternative source of land is within the Green Belt. A contingency policy had already been included in the draft Core Strategy presented in July (Policy CS20, page 66 refers). A Planning Inspector may, however, conclude that a review of the Green Belt must be undertaken immediately, which could involve withdrawing the Core Strategy to allow the broad locations for any future land release to be identified or involve a commitment to an early review as part of the site-specific Local Plan to follow the adoption of the Core Strategy.

Duty to Co-operate – Cheshire West and Chester Council

- 3.26 The Liverpool City Region Overview Study (Cabinet, 21 July 2011, Minute 76 refers) had previously suggested that there might be an opportunity for Wirral to accommodate additional housing early in the plan period to take account of a limited short-term supply of development land in Cheshire West and Chester to 2015. This issue was raised in a recent liaison meeting, to comply with the duty to co-operate, in the light of the 2.9 year supply of deliverable housing land within Cheshire West and Chester. On the basis of the information set out above, it is recommended that the Council advise Cheshire West and Chester Council that it will not be possible to accommodate any additional housing within Wirral.

Gypsies and Travellers

- 3.27 National policy seeks to treat the provision of specialist accommodation for Gypsies and Travellers in the same way as housing for the settled community, including an assessment of need, a fifteen-year requirement figure and a rolling five-year supply of deliverable sites, which will apply from April 2013. The Council has not yet undertaken an assessment of need or identified a five-year supply of suitable sites. A criteria-based policy has however been included in the Proposed Submission Draft to allow planning applications to be determined (Policy CS24, page 74).
- 3.28 Based on recent precedent, there is a significant risk that a Planning Inspector may consider the Core Strategy to be unsound, unless an assessment of need, a fifteen-year requirement figure and a rolling five-year supply of deliverable sites can be identified before the Core Strategy is submitted to public examination. This may also place an additional demand on the supply of sites identified as part of the more general housing land supply discussed above.

Retail Expenditure

- 3.29 Cabinet authorised an update to the retail spending capacity figures included in the previous Town Centres, Retail and Commercial Leisure Study on 21 July 2011 (Minute 80 refers). A copy of the Retail Strategy Update is available in the Document Library.
- 3.30 The findings show a more limited capacity for new retail development, which indicates that the recession has had a significant impact on projected spending per head on non-food (comparison) goods and on forecast future annual growth rates for both convenience and comparison expenditure. Taking account of existing commitments, the Update concludes that there will be no quantitative need to plan for additional convenience or comparison floorspace outside existing centres over the plan period and beyond, to 2030. As the Update was completed prior to the publication of results from the 2011 Census, an increased level of spending may however be capable of being supported and revised figures may need to be submitted to the public examination to clarify this position, once revised population and household projections are issued.
- 3.31 The Proposed Submission Draft seeks to direct new floorspace to support the vitality of existing centres in line with the hierarchy in Policy CS25 (Proposed Submission Draft, page 76 refers) but, in line with national policy, allows for edge-of and out-of-centre proposals to be considered on their merits where provision cannot be made

within an existing centre (Policy CS29, page 82 refers). A preference is expressed for new floorspace to be directed to Wirral Waters (Proposed Submission Draft, paragraph 21.31, page 86 refers). A Planning Inspector may however consider that it is inappropriate for the Core Strategy to direct new floorspace to a particular out-of-centre location in the absence of a planning permission or a fully assessed site-specific land allocation.

- 3.32 This report recommends that the revised retail spending figures are now approved as a material consideration for future planning decisions as factual evidence to support the Core Strategy.

Transport Modelling

- 3.33 The figures from the latest employment, housing and retail studies, alongside data for Liverpool and Cheshire West and Chester, have now been run through the Liverpool City Region Transport Model, used as part of the preparation of the Merseyside Local Transport Plan. A copy of the Assessment of Wirral Core Strategy Transport Impacts report can now be viewed in the Document Library.
- 3.34 The study tested two development scenarios: a 'do minimum' without the Core Strategy, that projected historic trends forwards; and one containing the Core Strategy, including projected housing, employment and retail growth in Wirral. The modelling results identified that there are likely to be highway issues to address even without additional traffic from the Core Strategy, with the impact of the Core Strategy on the performance of the road network mainly limited to the area around the East and West Floats. These impacts can be mitigated with targeted junction improvements, combined with demand management measures such as enhancements to public transport services. It is expected that developers would contribute towards the costs of such mitigation measures as part of their development proposals within this area. More detailed work, using the East Wirral SATURN model, is recommended to establish the level and nature of highways improvements required.
- 3.35 The findings of the study have been shared with planners and transport engineers in Chester West and Chester, Liverpool City Council, Merseytravel and the Highways Agency and any comments with additional implications for the Core Strategy will be reported verbally at Cabinet.
- 3.36 The schemes that are likely to be necessary to support the scale and pattern of development proposed in the Core Strategy have now also been included in the accompanying Infrastructure Plan. Further more detailed modelling will be carried out by the Technical Services Department.
- 3.37 This report recommends that the transport modelling report is approved as a material consideration for future planning decisions as factual evidence to support the Core Strategy. Any further changes to the scale and location of development proposed in the Core Strategy may need to be the subject of a further modelling report.

Water Management

- 3.38 The Water Cycle Study (Cabinet, 14 October 2010, Minute 176) has had to be completed without the full endorsement of United Utilities, who have provided an addendum to the Study to confirm their current position on wastewater treatment

capacity, aligned with the ongoing review of their future investment programme between 2015 and 2020.

- 3.39 United Utilities have suggested that there may be potentially serious licensing and capacity issues associated with the Birkenhead Waste Water Treatment Works (WWTW) at Morpeth Dock, a major strategic facility that drains approximately 40 percent of the Borough's built up areas, including Wallasey, Birkenhead, Woodchurch and the eastern parts of Leasowe, Upton, Pensby, Thingwall and Heswall. Further engineering investigations have been commissioned by United Utilities but are unlikely to be available until late October. Additional treatment capacity may need to be installed by 2020, particularly if additional development takes place at Wirral Waters, which is already reflected in conditions attached to the planning permission at East Float.
- 3.40 United Utilities have also indicated potentially limited capacity towards the end of the plan period at Meols WWTW (which drains Hoylake, West Kirby, Irby, parts of Pensby and Thingwall and most of Moreton, Leasowe, Upton and Greasby) and Bromborough WWTW (which drains most of Bebington, Bromborough, Port Sunlight, Rock Ferry, New Ferry and Eastham), based on the current capacity of development sites identified in the Council's latest housing and employment land studies. These WWTW do not currently require intervention but will require further monitoring as new development is completed within their catchments. No issues have been identified at Target Road WWTW, operated by Welsh Water, which drains a small part of south western Heswall. The most up-to-date position is now reflected in the supporting text to Policy CS44 (page 118).
- 3.41 There is a risk that a Planning Inspector may find the Core Strategy to be undeliverable if a solution to the capacity issues at Birkenhead WWTW has not been identified, particularly if other additional sites cannot be delivered elsewhere within the capacity of the other WWTW. Discussions to identify a deliverable solution are ongoing with United Utilities, Environment Agency and Peel Holdings.
- 3.42 Water supply should not be an issue within the plan period, subject to locally specific network improvements, including new infrastructure to serve Wirral Waters. Proposals to control the use and demand for water have, however, been taken forward in the Proposed Submission Draft to promote water neutrality, reduce the demand on existing supply and drainage infrastructure and control abstraction (Policy CS21, page 68 and Policy CS43, page 115 refer).
- 3.43 The Proposed Submission Draft also includes proposals to limit the amount of surface run-off to the public sewers to prevent sewer flooding and protect treatment capacity at WWTW. While United Utilities would like to see standards to limit run-off to the public sewer included in the Core Strategy, the Environment Agency has advised that this could not be justified in the absence of an adopted Surface Water Management Plan prepared by the Council. Policy CS35 (page 100) therefore indicates the intention to regulate surface water discharge, with the possibility of more detailed standards in the future.

Open Space and Recreation

- 3.44 An initial Open Space Assessment was completed by consultants appointed to undertake the Council's Cultural Services Forward Plan (Cabinet 4 February 2010,

Minute 308). Consultation alongside the Preferred Options for the Core Strategy, including comments from Sport England and formal complaints, expressed significant dissatisfaction with the scope of the work undertaken (Cabinet 11 July 2011, Minute 80, Appendix 3, refers).

- 3.45 Amendments have been made to the audit elements of the Assessment, to present information by Settlement Area; provide additional information on the number, supply and demand of individual types of facility, such as sports pitches, bowling greens and tennis courts; and to reflect allotment waiting lists but further progress has been limited by the need to align with the Council's own approach to service delivery, to take account of the Parks Modernisation Programme, the preparation of a revised Playing Pitch Strategy, Built Facilities Strategy and proposed Green and Open Spaces Strategy.
- 3.46 Following discussions with the Parks and Countryside Service, the Proposed Submission Draft continues the approach in the adopted Unitary Development Plan, to enable work on local standards to be further developed as part of the ongoing review of services and emerging strategies, which will include further consultation on the adequacy of overall levels of provision within different areas and acceptable distances to different types of facility for different age groups (Policy CS31, page 91 and Policy CS32, page 93 refer). There is, however, a risk that a Planning Inspector may expect this more up-to-date information to be available before the Core Strategy is adopted.
- 3.47 Members are therefore asked to endorse the Open Space Audit contained within the Document Library as initial background evidence to support the identification of local priorities in Policies CS4 to CS11, with a view to a review of local standards being progressed with the Director of Technical Services as soon as possible.

Development Economics and Viability

- 3.48 Planning Inspectors will be looking for evidence to confirm that the total burden of planning requirements will continue to provide competitive returns to a willing landowner and willing developer, to meet the additional requirements of the National Planning Policy Framework (NPPF, paragraph 173 refers).
- 3.49 Viability assessments have already been undertaken as part of the latest update to the Strategic Housing Land Availability Assessment and the Affordable Housing Viability Study 2010. While the Employment Land and Premises Study provided advice on viability, this was not based on a sample of costed sites. It is therefore recommended that additional work to confirm the impact of the Core Strategy on the viability of development should be completed and made subject to public consultation prior to the submission of the Core Strategy, so that it can be presented as an additional supporting document to the public examination.
- 3.50 A plan-wide viability assessment will also assist work to be carried out in preparation for the potential introduction of a Community Infrastructure Levy, which is provided for in Policy CS45 (Proposed Submission Draft, page 120 refers).

Habitats Regulations Assessment

- 3.51 At the time of writing, only a first draft of the Habitats Regulations Assessment Report, referred to in paragraph 2.6 of this report, had been received from the consultants.

The draft report indicates that no further significant changes are likely to be necessary to the Proposed Submission Draft Core Strategy but has not yet been proof-read and finalised. It is therefore recommended that the Portfolio Holder for Regeneration and Planning Strategy is given authority to approve the content of the final Habitats Regulations Assessment Report, so that it can also be approved for publication by Council on 15 October 2012. The findings will then be used to populate the summary Impact Matrix for each policy in the Proposed Submission Draft.

- 3.52 Once published, the Proposed Submission Draft Habitats Regulations Assessment Report will need to be approved by Natural England and by the Countryside Council for Wales before it can be confirmed as the final Habitats Regulations Report for the Core Strategy.

Consultation Statement

- 3.53 The single summary Consultation Statement, also referred to in paragraph 2.6 of this report, will be prepared once the Report of Consultation on Preferred Options and the Report of Consultation on Draft Settlement Area Policies, contained within the Council's on-line Document Library, have been approved by Cabinet.
- 3.54 It is therefore also recommended that the Portfolio Holder for Regeneration and Planning Strategy is given authority to approve the final content of the summary Consultation Statement, so that it can be approved for publication by Council on 15 October 2012.

4.0 OTHER CHANGES TO THE PROPOSED SUBMISSION DRAFT

- 4.1 Other more changes to the draft Core Strategy presented to Cabinet in July include:
- additional text to set out the structure of the Core Strategy;
 - re-ordering the sequence of policies to follow a more logical order;
 - the transfer of more detailed background information to the accompanying Spatial Portrait, to provide a shorter more policy-focussed document;
 - refocusing Section 2 to concentrate on the sub-regional context of the Borough and its cross-boundary relationships;
 - amending policy wording to remove duplication, ensure consistency of wording and clarify the relationship between different policies;
 - the addition of a summary Impact Matrix for each policy, setting out the results of the various statutory and non-statutory appraisals, risks, alternatives, monitoring indicators, the main pieces of supporting evidence and a statement on how each policy is expected to be delivered;
 - amendments to better reflect the Borough's economic priorities;
 - include district centres and provision for indoor as well as outdoor recreation within the Broad Spatial Strategy;
 - clarification that the protection afforded to European Sites also includes any supporting habitat, to reflect recent changes to the national Habitats Regulations;
 - widening the scope of the strategic objectives to better reflect the content of the remaining policies;
 - strengthening references to carbon reduction, zero carbon development and the main opportunities for supporting renewable energy and district heating;
 - clarify the potential future role of Clatterbridge Hospital in Policy CS11 (page 44);

- better reflect the different elements of Wirral Waters and the parameters already agreed in planning permissions and legal agreements in Policy CS12 (page 47);
- clarifying the role and objectives of a future Green Infrastructure Strategy for the Borough;
- clarify the types of uses that will be acceptable in existing shopping centres and parades;
- reflect the need for better provision for the collection and storage of waste and litter;
- including additional clauses that would otherwise be lost from the Unitary Development Plan and refer to existing Supplementary Planning Documents;
- better reflect the need to consider health and well being;
- refer to the preparation of a joint Local Aggregates Assessment;
- transfer the indicative list of transport schemes in Policy CS41 (page 111) to a more detailed list of schemes in the accompanying Infrastructure Plan;
- moving text related to coast protection from Policy CS35 to Policy CS34 (page 97);
- clarify that Policy CS42 for development management also applies to extensions, conversions and changes of use (page 113); and
- include reference to telecommunications in Policy CS43 (page 115) .

4.2 The changes include comments made under the duty to co-operate from:

- the Homes and Community Agency, to reflect changes to national policy for affordable housing and Welfare Reform and promote a better standard of design;
- Environment Agency, to strengthen references to water and river quality and surface flooding;
- English Heritage, to strengthen references to the historic environment, the importance of Hamilton Square and Port Sunlight Conservation Areas and include a more positive wording for the protection of local character;
- the Marine Management Organisation, to reflect their responsibilities;
- Civil Aviation Authority, to include reference to the Wallasey Beacon; and
- Natural England, to strengthen references to green infrastructure, landscape, biodiversity and geodiversity.

4.3 Discussions have also been held with each of the Merseyside districts, Cheshire West and Chester and the Welsh councils for Flintshire and Wrexham.

4.4 The Delivery Framework, Infrastructure Plan and Monitoring Plan proposed for inclusion in Sections 28 to 29 of the Proposed Submission Draft are currently provided as separate appendices in the Document Library.

4.5 The Infrastructure Plan may now be maintained as a separate supporting document, to reflect the intention that it will be kept under constant review and to allow it to be used as the first stage in informing the possible introduction of a future Community Infrastructure Levy to draw down additional funding to support infrastructure that will be needed to support the delivery of the Core Strategy.

5.0 RELEVANT RISKS

5.1 There is a risk that all or parts of the Core Strategy will not be found sound at public examination, which would lead to abortive and additional costs, and could significantly delay the adoption of an up-to-date Local Plan for Wirral. As it is no longer the

Inspector's role to improve the Core Strategy, Inspectors will simply recommend that a plan they consider will be unsound is withdrawn.

5.2 If the Core Strategy is withdrawn, the Council may be required to re-start the plan preparation process, set a new vision and objectives for the area and prepare a full Borough-wide site-specific Local Plan. If the Core Strategy is withdrawn, none of the proposed policies will be able to be applied, even those which would otherwise have been considered sound.

5.3 A series of procedural and policy risks have already been identified in the main body of this report, including:

- risks associated with the uncertainty over the timing of the revocation of the Regional Spatial Strategy for the North West;
- the Core Strategy could be considered unsound, unless a revised housing market needs assessment based on the latest re-based population and household projections has been completed, to take account of the likely impact of Welfare Reform and the need for market housing;
- the housing requirement figure included in the Proposed Submission Draft will be highly vulnerable to change as part of the examination process and future housing may not be delivered at Wirral Waters or at other sites within the timescales expected;
- the Core Strategy would be unsound if an ongoing five-year housing land supply is not in place before the Core Strategy is submitted to the Secretary of State and will also have implications for decisions against refusals of planning permission at appeal;
- the addition of the aspiration for additional employment development may not be accepted, in favour of a calculation based solely on part performance and current economic conditions;
- a review of the Green Belt may be required immediately, which could involve withdrawing the Core Strategy to allow the broad locations for any future land release to be identified or the need to undertake a review of the Green Belt as part of the site-specific Local Plan to follow the adoption of the Core Strategy;
- the Core Strategy would be unsound, unless an assessment of need, a fifteen-year requirement figure and a rolling five-year supply of deliverable sites can be identified for Gypsies and Travellers before the Core Strategy is submitted to public examination;
- the Core Strategy may not be able to direct new floorspace to a particular out-of-centre location in the absence of a planning permission or a fully assessed site-specific land allocation at Wirral Waters;
- the Core Strategy would be undeliverable if a solution to the capacity issues at Birkenhead WWTW has not been identified before the public examination;
- the Core Strategy could be unsound in the absence of more up-to-date information on local standards for the future need for open space and recreation;
- the Core Strategy could be considered undeliverable unless the Council can demonstrate through an up-to-date viability assessment that the total burden of planning requirements proposed by the Core Strategy will not make development unviable; and
- any further changes to the scale and location of development proposed in the Core Strategy may need to be the subject of further transport, wastewater treatment and other infrastructure capacity modelling.

- 5.4 Measures to mitigate these risks have been identified within the main body of this report and are set out in the recommendations in section 14 of this report.
- 5.5 In addition to these procedural and policy risks, the Council's Housing Strategy Team have advised that the relaxation of restrictions on development outside regeneration priority areas could have a detrimental affect on the attractiveness of existing, cleared sites within Wirral's former HMRI boundary where the market for new housing is already weak. This would represent a major risk to the delivery of Wirral's new-build housing programme with Lovell and Keepmoat, with implications for the funding agreement with the HCA which is based on pre-agreed outputs for new-build starts and completions.
- 5.6 Not relaxing the restrictions associated with the Council's Interim Planning Policy for New Housing Development would, however, have potentially serious implications for the Council's ongoing housing land supply and the determination of appeals against refusals of planning permission, which could involve costs being awarded against the Council for unreasonable behaviour where a five year housing land supply cannot be demonstrated.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 Options for inclusion in the Core Strategy have been subject to consultation on two previous occasions and were considered in the Preferred Options Assessment Report (November 2010) and in the Council's response to consultation on the Preferred Options Report (Cabinet 21 July 2011, Minute 80 refers).
- 6.2 The alternative option of not preparing a Core Strategy would mean that the Council would have to continue to rely on the Unitary Development Plan adopted in February 2000 for a longer period. The national presumption in favour of sustainable development will be held to apply where the development plan is absent, silent or relevant policies are out-of-date (NPPF paragraph 14). In the absence of an up-to-date Core Strategy, decisions on planning applications will have to be made in the context of the National Planning Policy Framework, with policies in the Unitary Development Plan carrying weight according to their consistency with the Framework.

7.0 CONSULTATION

- 7.1 The Core Strategy has been prepared in consultation with a wide range of statutory and public agencies; private businesses, landowners and developers; local amenity societies; national interest groups; and members of the public; including Area Forum representatives and the Local Strategic Partnership, in accordance with the Statement of Community Involvement adopted by the Council in December 2006.
- 7.2 The Proposed Submission Draft has been prepared following additional internal and external consultation in accordance with the previous resolution of Cabinet and to allow compliance with the duty to co-operate (19 July 2012, Minute 61 refers).
- 7.3 The publication of the Proposed Submission Draft will be undertaken in accordance with the Council's Statement of Community Involvement and national regulations.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 Voluntary, community and faith organisations have been involved at each stage in the preparation of the Core Strategy in accordance with the Statement of Community Involvement adopted by the Council in December 2006 and will have the opportunity to comment on the soundness of the Core Strategy before it is submitted to the Secretary of State.

8.2 The Sustainability Appraisal Panel includes representatives from local wildlife and amenity groups.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 The publication of the Proposed Submission Draft Core Strategy is estimated to cost up to £15,000, which can be met from existing resources.

9.2 The costs associated with the Retail Update and Strategic Housing Land Availability Assessment Update were reported to Cabinet on 19 July 2012 (Minute 61 refers).

9.3 The Employment Land and Premises Study Update has been completed by BE Group for £3,000 (excluding VAT) from an original estimated budget of £6,000 (Cabinet 21 July 2011, Minute 80 refers).

9.5 The Water Cycle Study has been completed by Scott Wilson URS as part of a joint commission with Liverpool City Council for £25,000 (£12,500 per authority, excluding VAT) from an original estimated total budget of £50,000 (Cabinet, 14 October, Minute 176 refers).

9.6 Transport modelling has been carried out by specialist consultants procured under the Technical Services Framework Agreement, funded from budgets for transport modelling in Technical Services.

9.7 The preparation of the Open Space Audit, Equality Impact Assessment and Sustainability Appraisal has been completed using in-house resources, with the assistance of the Council's Sustainability Appraisal Panel.

9.8 The Habitats Regulations Assessment has been prepared by independent specialist consultants under an existing joint contract with the Merseyside districts. The remaining budget of £2,523 should be sufficient to complete this report.

9.9 The review of the Strategic Housing Market Assessment including an assessment of the need for accommodation for Gypsies and Travellers and a viability assessment of the Core Strategy can be met from existing resources within Regeneration, Housing and Planning.

9.10 The review of the Playing Pitch Strategy, Green and Open Spaces Strategy and Built Facilities Strategy will be met from existing resources in Technical Services. The review of open space standards will be met from existing resources in Technical Services and Regeneration, Housing and Planning.

9.11 The provision of net additional dwellings will have implications for the ongoing award of New Homes Bonus. Policy CS45 (Proposed Submission Draft, page 120 refers) provides for Developer Contributions and a Community Infrastructure Levy.

- 9.12 The costs associated with supporting the independent examination of the Core Strategy can only be estimated when the scale and nature of the issues likely to be considered is better known but could cost up to £200,000 during 2012/13, which could be reduced by using in-house resources and by reducing the number of areas to which people are likely to want to make submissions.
- 9.13 The public examination will need to be supported by an impartial Programme Officer, employed by the Council to assist the Inspector in the day to day arrangements of the examination process. An appropriately sized, accessible venue, with access to private office space furnished to the standards expected by the Planning Inspectorate, will also be required, to accommodate the public hearings, the Inspector and public access to the examination library. Costs can be minimised by using appropriate Council facilities and if the Programme Officer is a member of Council staff who has had no previous involvement with the preparation of the Core Strategy with training provided by the Planning Inspectorate.

10.0 LEGAL IMPLICATIONS

- 10.1 The Council's Constitution requires the publication, submission and adoption of the Core Strategy to be approved by Full Council.
- 10.2 The Unitary Development Plan adopted in February 2000 and the Regional Spatial Strategy (RSS) will remain the statutory Development Plan for Wirral until RSS is revoked and the Core Strategy is formally adopted by the Council following independent examination. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.3 The National Planning Policy Framework is a material consideration and the national presumption in favour of sustainable development will apply when the Development Plan is considered to be absent, silent or relevant policies are out-of-date, which means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
- 10.4 Although the Core Strategy will only formally replace the strategic policies contained within the Unitary Development Plan when the Core Strategy has been formally adopted by the Council following independent examination, the weight to be attached to the emerging Core Strategy as a material consideration will increase as each successive stage towards adoption is reached (NPPF, paragraph 216 refers).
- 10.5 The Core Strategy cannot be formally adopted as part of the statutory Development Plan unless it is found to be legally compliant and sound following independent examination. To be sound the Core Strategy must be positively prepared, to meet objectively assessed development and infrastructure requirements; justified, in terms of being the most appropriate strategy when considered against the reasonable alternatives; effective, in terms of being deliverable and based on effective joint working on cross-boundary strategic priorities; and consistent with national policy, by delivering sustainable development in line with the National Planning Policy Framework (NPPF, paragraph 182).

- 10.6 Once adopted, neighbourhood planning proposals, such as those now being prepared for Devonshire Park, Hoylake, Central Liscard and Greasby, will be required to be in general conformity with the strategic policies set out in the Core Strategy.

11.0 EQUALITIES IMPLICATIONS

- 11.1 The Core Strategy has been subject to an ongoing impact review. The Impact Assessment for the Proposed Submission Draft can be viewed at <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

- 11.2 The Proposed Submission Draft includes provision for the regeneration of areas of greatest need (Policy CS2, page 19), criteria for affordable and specialist housing (Policies CS22, page 70 and Policy CS23, page 72), accommodation for Gypsies and Travellers (Policy CS24, page 74) and design for accessibility (Policy CS43, page 115).

12.0 CARBON REDUCTION IMPLICATIONS

- 12.1 The Proposed Submission Draft includes policies related to the promotion of a more sustainable pattern of development (Policies CS1 to CS11, pages 18 to 46), including measures to promote sustainable design and construction (Policy CS43, page 115), which could have a significant influence on carbon reduction.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 13.1 The Core Strategy will set out the Council's strategic policies for the control of land use and development, which will be used in the determination of planning applications and other decisions under the Town and Country Planning Acts and will replace the strategic policies contained within the Unitary Development Plan adopted in February 2000 and the Council's Interim Planning Policy for New Housing Development adopted in October 2005.

- 13.2 The Proposed Submission Draft includes policies related to environmental protection, major accident hazards, pollution, flooding, water management and coast protection (Section 23, page 97 and Policy CS42, page 113), highway safety (Section 25, page 108) and anti-social behaviour and crime prevention (Policy CS27, page 82 and Policy CS43, page 115).

14.0 RECOMMENDATIONS

- (1) That the Director's comments on strategic choices are noted.**
- (2) That Cabinet recommends to Council that the Proposed Submission Draft Core Strategy and its supporting documents contained within the Document Library are approved for publication and as a material consideration for the purposes of development control;**
- (3) That Cabinet recommends to Council that the following documents contained within the Document Library are approved as factual evidence for the Core Strategy and are adopted as material considerations for the purposes of development control:**
 - **Wirral Employment Land and Premises Study Update (BE Group, 2012)**

- **Wirral Strategic Housing Land Availability Assessment Update 2012 (Wirral Council and A.P. Sheehan 2012)**
- **Wirral Retail Strategy Update 2012 (GVA, March 2012)**
- **Wirral Open Space Assessment (Wirral Council and Strategic Leisure, 2012)**
- **Assessment of Wirral Core Strategy Transport Impacts (Mott MacDonald, July 2012)**

(4) That Cabinet recommends to Council that the Interim Planning Policy is revoked, to allow decisions to be determined in accordance with the Unitary Development Plan, the Regional Spatial Strategy (until its is revoked) and the National Planning Policy Framework and to allow sites within the previously restricted areas to contribute towards the ongoing housing land supply;

(5) That Cabinet recommends to Council that the Director of Regeneration Housing and Planning is given delegated authority to prepare and amend the supporting documents necessary to accompany the publication of the Proposed Submission Draft and to make factual, presentational and/or typographical amendments to the Proposed Submission Draft and the supporting documents, provided that they do not materially alter the policy direction set out in the Proposed Submission Draft;

(6) That the Portfolio Holder for Regeneration and Planning Strategy is given authority to approve the final content of the Proposed Submission Draft Habitats Regulations Assessment Report and the Statement of Consultation referred to in paragraph 2.6 of this report, so that they can also be formally approved for publication by Council on 15 October 2012;

(7) That the comments received on the Proposed Submission Draft and its supporting documents are reported back to Cabinet before the Core Strategy is submitted to the Secretary of State for public examination;

(8) That the review of the Council's Strategic Housing Market Needs Assessment; assessment of accommodation needs for Gypsies and Travellers; future standards for open space and recreation; Core Strategy viability assessment; and work to identify a solution to the future provision of appropriate wastewater treatment capacity in Birkenhead; are undertaken as soon as practicable, before the Core Strategy is submitted to the Secretary of State; and

(9) That Cheshire West and Chester Council are advised that it would not be possible for Wirral to accommodate additional housing to make up any short-term shortage of deliverable supply in Cheshire West and Chester.

15.0 REASON/S FOR RECOMMENDATION/S

- 15.1 To enable the Council to publish and submit an up-to-date Local Plan for Wirral to the Secretary of State for public examination in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (as amended).**

REPORT AUTHOR: Andrew Fraser
Forward Planning Manager
telephone: (0151) 691 8218
email: andrewfraser@wirral.gov.uk

APPENDICES

The documents referred to in this report can be found in the Council's on-line Document Library under "Information Items" and "Core Strategy - Proposed Submission Draft September 2012".

REFERENCE MATERIAL

[Localism Act 2011](#) (part 6 refers)

[National Planning Policy Framework \(CLG, March 2012\)](#)

[Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet (Spatial Options) (Minute 200)	26 November 2009
Cabinet (Preferred Options) (Minute 89)	22 July 2010
Cabinet (Preferred Options - Approval) (Minute 143)	23 September 2010
Council (Preferred Options - Approval) (Minute 36)	18 October 2010
Cabinet (Preferred Options – Report of Consultation) (Minute 80)	21 July 2011
Cabinet (Proposed Submission Draft) (Minute 61)	19 July 2012