

WIRRAL COUNCIL

CABINET

20 DECEMBER 2012

SUBJECT:	LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – ANNUAL MONITORING REPORT 2011/12
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 Cabinet approval for the publication of the Council's statutory Annual Monitoring Report (AMR), which reports on the impact of land use planning policies and the preparation of local plans and other planning documents. There is no longer a requirement for the AMR to be submitted to the Secretary of State but copies of the AMR must be made available for public inspection on the Council's website.
- 1.2 This report also recommends a change in the approach to the future publication of monitoring information to meet the requirements of new national regulations that require the Council to make any up-to-date information collected for monitoring purposes available as soon as possible after the information has been collected.
- 1.3 The report recommends that the Portfolio Holder for Regeneration and Planning Strategy is given authority to approve the publication of future monitoring information on the Council's website and that future monitoring data is wherever appropriate made available in an open machine readable format subject to a licence that allows open re-use to maximise the value to the public.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Section 35 of the Planning and Compulsory Purchase Act 2004 previously required the Council to make a statutory annual report to the Secretary of State on the progress made in the preparation of Local Development Documents and on the extent to which the policies set out in existing Local Development Documents are being achieved.
- 2.2 Previous Annual Monitoring Reports have been approved by Cabinet prior to submission to the Secretary of State and published on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/annual-monitoring-reports>
- 2.3 While the need to report to the public over a period no longer than every twelve months remains, changes introduced through the Localism Act 2011 have removed the need to submit an Annual Monitoring Report to the Secretary of State and the need to wait to gather all the information into a single annual report.

- 2.4 New national regulations now require the Council to make any up-to-date information collected for monitoring purposes available to the public as soon as possible after the information has been collected and, where relevant, to make reports on:
- the approval or adoption of local plans and supplementary planning documents;
 - the stage that each local plan or supplementary planning document has reached against the timetable specified for document preparation in the Council's Local Development Scheme and the reasons for any delay;
 - the delivery of net additional dwellings or net affordable dwellings against any number specified in a local plan within each reporting period and since the policy was first published, adopted or approved;
 - any adopted local plan policy that the Council is not implementing, alongside the reasons for not implementing it and the steps (if any) that the Council intend to take to secure that the policy is implemented;
 - the making of any neighbourhood development orders or neighbourhood development plans;
 - the collection and expenditure of any Community Infrastructure Levy, in the manner set out in the Community Infrastructure Regulations; and
 - details of the action taken to co-operate with other local planning authorities and prescribed bodies on strategic matters to secure the sustainable development or use of land.
- 2.5 Monitoring reports must be made available for public inspection at the local planning authority's principal office (and at any other such places as the local planning authority consider appropriate) and published on the local planning authority's website.
- 2.6 In future the information collected for annual monitoring will also be guided by the content of adopted local plans.
- 2.7 A draft monitoring plan for the Proposed Submission Draft Core Strategy was reported to Cabinet on 27 September 2012 (Minute 61 refers) and is available in the Council's on-line Document Library at:
<http://democracy.wirral.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13206&path=12848,13202>.
- 2.8 The monitoring plan for the Proposed Submission Draft Joint Waste Local Plan for Merseyside and Halton was reported to Cabinet on 22 September 2011 (Minute 125, page 85 of the Joint Waste Local Plan refers).
- 2.9 In terms of format, the Government's Open Data policy for local government now recommends that data (unless private or sensitive) is made available on-line in open and machine-readable formats so that it can be easily re-used by residents, businesses and other interested parties.
- 2.10 This report therefore recommends that monitoring data is published on the Council's website under a licence that allows open re-use in line with the recommendations set out in the 'Code of Recommended Practice for Local Authorities on Data Transparency' (DCLG, September 2011) and the Open Government Licence published by The National Archive or an equivalent standard, following the pre-publication approval of each dataset by the Portfolio Holder for Regeneration and Planning Strategy.

3.0 ANNUAL MONITORING REPORT FOR 2011/12

- 3.1 The draft Annual Monitoring Report for Wirral for 2011/12, which has been prepared in line with the previous format, is attached to this report.
- 3.2 Subject to Cabinet approving the recommendations set out elsewhere in this report, this will be last time that the monitoring information is presented in this single annual format.
- 3.3 Annual monitoring information will, however, still be published on the Council's website at:<http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/annual-monitoring-reports> and through the Local Development Framework homepage at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework>

Progress on Policy Delivery

- 3.4 In terms of the main findings of this year's Annual Monitoring Report, while the majority of indicators continue to reflect the scale and local impact of the national recession, signs of some improvement are now evident in indicators related to retail, leisure and employment floorspace.
- 3.5 The amount of completed employment land and floorspace has improved to 7.2 hectares and 26,626 square metres (6 projects) in 2011/12, compared to 4.5 hectares and 16,242 square metres (20 projects) in 2010/11. The annual average take up over the ten years previous to April 2011 was 7.9 hectares (10 projects).
- 3.6 The amount of completed retail floorspace increased significantly to 21,880 square metres in 2011/12 from 1,603 square metres in 2010/11, due to the completion of projects including Asda in Birkenhead and Morrisons in New Brighton. The amount of completed leisure floorspace was also slightly higher than in 2010/11, at 4,304 square metres. The majority of both retail and leisure floorspace was, however, still being provided outside existing centres.
- 3.7 The delivery of new homes has continued to be suppressed by market conditions with only 268 dwellings completed in 2011/12, compared to the market peak of 820 in 2007/08, but was only four fewer than in 2010/11. The net figure of 22 for 2011/12 was again well below the annual average target of 500 net additional dwellings set out in the Regional Spatial Strategy, due to the increase in demolitions from 175 in 2010/11 to 242 in 2011/12.
- 3.8 The increase in demolitions is part of the targeted programme to remove poor quality, obsolete stock owned by Wirral Partnership Homes accounting for 78% of the demolitions and the demolition of stock in Council Neighbourhood Renewal Areas in Rock Ferry and Birkenhead to enable better quality, new housing to be delivered.
- 3.9 The supply of land with planning permission for new housing had, however, slightly increased to 3,250 units at March 2012, from 3,082 units in March 2011. The Council's housing land supply against the requirement in the Regional Spatial Strategy was 4.4 years at April 2012. Including a 20% buffer in line with national policy, would reduce this to 3.7 years.
- 3.10 The percentage of public open space managed to Green Flag Award Standard has, again, increased to 38% from 30% in 2010/11.
- 3.11 The number of domestic photovoltaic installations, cavity wall installations and loft installations has increased significantly over recent years and the number of cavity wall and loft installations is significantly higher than the average for Great Britain as a direct result of the Warmer Wirral Free Insulation Scheme.

- 3.12 Although the percentage of households in Wirral living in fuel poverty decreased from 22% in 2009 to 20.5% in 2010, this is still more than four percentage points higher than the national figure of 16.4%.

Progress on Plan Preparation

- 3.13 Progress on the Core Strategy for Wirral was last reported to Cabinet on 27 September 2012 (Minute 92 refers). The next stage is the publication of the Proposed Submission Draft Core Strategy, to allow representations and comments on the soundness and legal compliance of the proposals, before the Strategy is submitted for independent examination by a Planning Inspector appointed by the Secretary of State.
- 3.14 Publication of the Proposed Submission Draft is expected to take place towards the end of November 2012, with an eight week consultation period, to allow an additional two weeks over the Christmas and New Year period. Subject to the comments received and the completion of the work identified in Minute 92, the target date for the adoption of the final Core Strategy is now expected to be April 2014.
- 3.15 The preparation of a site-specific Site Allocations Local Plan will follow the completion of the public examination of the Core Strategy, with an anticipated start date of January 2014.
- 3.16 Progress on the Joint Waste Local Plan for Merseyside and Halton was last reported to Cabinet on 6 September 2012 (Minute 80 refers). Additional post-hearing modifications will be published for public consultation during mid-November 2012, again, with an extended consultation period to take account of the Christmas and New Year holidays. Subject to the comments received and the views of the Planning Inspector undertaking the public examination of the Plan, the final document is now expected to be adopted by each of the six participating councils by April 2013.
- 3.17 In terms of neighbourhood planning, Hoylake Village Life are so far the only community group to have formally applied to the Council to become a neighbourhood planning forum, which will also be consulted on during late 2012. The remaining groups at Devonshire Park, Liscard and Greasby will need to progress their formal applications in line with national regulations in due course.

4.0 RELEVANT RISKS

- 4.1 Failure to produce an Annual Monitoring Report for 2011/12 and to provide for the ongoing collection, analysis and publication of annual monitoring information would place the Council in breach of a statutory duty.
- 4.3 The Open Government Licence provides for the data to be provided as is and offers no warranty against any errors or omissions or against any loss, injury or damage of any kind caused by its use.
- 4.3 No data which could identify any individual will be published to avoid contravening the Data Protection Act 1998.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 The alternative options available are constrained by national regulations which require the annual publication of monitoring information as soon as possible after the information becomes available.

5.2 Not providing data in open, machine-readable format would be contrary to the recommendations set out in the Government's 'Code of Recommended Practice for Local Authorities on Data Transparency' (DCLG, September 2011).

6.0 CONSULTATION

6.1 There is no requirement for public consultation on the content of annual monitoring reports, which are a factual statement of progress during the previous monitoring year. Copies of annual monitoring information must, however, be made available for public inspection at a principal office and on the Council's website.

6.2 The scope of future annual monitoring, in addition to any statutory requirements, is subject to public consultation as part of the preparation of statutory local plans, such as the Council's Core Strategy, which must include a series of indicators for monitoring the delivery and effectiveness of local plan policies.

6.3 Consultation on the draft Monitoring Plan to accompany the Proposed Submission Draft Core Strategy is expected to take place in November 2012.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no implications for voluntary, community and/or faith groups, other than the provision of more accessible public information.

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

8.1 There are no financial, IT, staffing or asset implications arising from this report, beyond the need to make continued provision for statutory annual monitoring and data storage.

8.2 The publication of data in a machine readable format on the Council's website will not incur any additional costs.

8.2 Annual monitoring, analysis and reporting will be undertaken using existing resources within the Forward Planning Section of the Regeneration, Housing and Planning Department.

9.0 LEGAL IMPLICATIONS

9.1. The publication of annual monitoring information is a statutory requirement under Section 35 of the Planning and Compulsory Purchase Act 2004.

9.2 The Council must make any up-to-date information collected for monitoring purposes available to the public as soon as possible after the information becomes available.

9.3 The Community Infrastructure Regulations 2010 require the Council to publish a report on its website no later than 31 December following the end of the reported year.

9.4 The Open Government Licence provides for the Council's right to be identified as the source of the data and for the Council to be protected from any liabilities arising from its use.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached at –

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>

10.2 Although the Annual Monitoring Report includes information on indicators related to population, housing, economic activity, social conditions and the latest national Index of Multiple Deprivation for England, it does not in itself have any equalities implications other than providing an additional source of accessible up-to-date public information.

11.0 CARBON REDUCTION IMPLICATIONS

11.1 The Annual Monitoring Report includes information on indicators relating to development rates, travel patterns, environmental quality, energy, minerals and waste management but does not in itself have any carbon reduction implications.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 The Annual Monitoring Report includes information on recorded outcomes arising from the application of national, regional and local planning policies and local planning decisions in Wirral. The report does not have any community safety implications.

13.0 RECOMMENDATIONS

13.1 That the Annual Monitoring Report for 2011/12, attached to this report, and its accompanying data tables, are approved and placed on the Council's website for public inspection.

13.2 That the full Council be requested to approve that Schedule 5 of part 3 of the Constitution be amended to give the Portfolio Holder for Regeneration and Planning Strategy delegated authority to approve the publication of future monitoring information on the Council's website, to enable future monitoring information to be made available to the public as soon as possible after the information becomes available, in line with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.

13.3 That future monitoring information is wherever appropriate made available to the public on the Council's website in open and machine readable format subject to the Open Government Licence published by the National Archive or an appropriate equivalent standard, to allow open re-use to maximise the value of the data to the public.

14.0 REASON/S FOR RECOMMENDATION/S

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

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APPENDICES

The Draft Annual Monitoring Report 2011/12 can be viewed in the Council's on-line Document Library

REFERENCE MATERIAL

[Planning and Compulsory Purchase Act 2004](#) (Section 35 refers)

[Localism Act 2011](#) (Section 113 refers)

[Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (Regulation 34)

[Community Infrastructure Regulations 2010](#) (Regulation 62 refers)

National Archives [Open Government Licence](#) for public sector information

[Code of Recommended Practice for Local Authorities on Data Transparency](#) (DCLG, September 2011)

Data tables for housing, employment, retail and leisure development are available within the Council's on-line Document Library under Information Items > Annual Monitoring Report 2012.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet – Annual Monitoring Report 2009 (Minute 234)	9 December 2009
Cabinet – Annual Monitoring Report 2010 (Minute 229)	25 November 2010
Cabinet – Annual Monitoring Report 2011 (Minute 244)	8 December 2011

Equality Impact Assessment Toolkit (from May 2012)

Section 1: Your details

EIA lead Officer: Laura Myles, Planning Officer, Forward Planning

Email address: lauramyles@wirral.gov.uk

Head of Section: Andrew Fraser, Forward Planning Manager

Chief Officer: Kevin Adderley, Director of Regeneration, Housing and Planning

Department: Regeneration, Housing and Planning

Date: 31 October 2012

Section 2: What Council proposal is being assessed?

Publication of Local Development Framework Annual Monitoring Reports

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes / No If 'yes' please state which meeting and what date

Yes Cabinet - 13 December 2012

Please add hyperlink to where your EIA is/will be published on the Council's website

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Although the Annual Monitoring Report includes information on indicators related to population, housing, economic activity, social conditions and the latest national Index of Multiple Deprivation for England, it does not in itself have any equalities implications other than providing an additional source of accessible up-to-date public information related to progress on land-use planning and development. Decisions based on the information provided in the Annual Monitoring Report will, if required, need to be addressed through a separate reporting and decision making process, which will be subject to a separate additional Equality Impact Assessment.

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications

Section 5a: Where and how will the above actions be monitored?

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

Section 6: What research / data / information have you used in support of this process?

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes / No – (please delete as appropriate)

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) Add appropriate departmental hyperlink to where your EIA is/will be published (section 2b)
- b) Include any potential positive impacts as well as negative impacts? (section 5)
- c) Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?
- d) Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?