



**CABINET**

**Monday, 23 July 2018**

**CORE STRATEGY LOCAL PLAN -  
REVIEW OF DEVELOPMENT OPTIONS**

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

“Wirral must have a Local Plan. It is a legal duty, and the policy which guides and determines how our Borough can be developed in the coming years. It is crucial our Local Plan is designed based on the unique needs and character of our Borough, and the needs of our residents.”

“The Government have set Wirral a target, which means we must make enough land available to allow for 12,000 new homes to be built in Wirral by 2035. We know, and so do Government ministers, that we do not have enough brownfield or urban land to enable housebuilding of this scale.”

“This is why we will be talking to residents through an extensive programme of community consultation over the coming weeks. We are legally obliged to review our Green Belt land and, while making any of those sites available for development will be our last resort, it has been made unequivocally clear to us that if we do not do it, it will be taken out of our hands.”

“Wirral is blessed with a stunning environment – miles of coastline, beautiful countryside and large areas of open green space. 46% of Wirral is currently classed as Green Belt. We will meet our statutory obligations, we will develop a Local Plan which meets residents’ needs, but we must and will do everything we can to protect the special character of Wirral. This consultation is vital, and I hope every Wirral resident is able to get involved and make their voice heard.”

## REPORT SUMMARY

This report sets out the results of the review of development options approved by Cabinet in February 2017 (Minute 96 refers), before deciding on the sites that will be included for development in the Council's Local Plan.

The review takes account of:

- the Council's latest review of local housing needs (Strategic Housing Market Assessment, SHMA, May 2016), which was reported to Cabinet in July 2016 and made subject to public consultation in August 2016)
- the latest review of housing and employment needs for the City Region prepared by the Combined Authority (SHELMA, March 2018), which was subject to public consultation in October 2017
- The Government's proposed new method for calculating local housing needs (published for consultation in September 2017)
- a review of the available urban housing land supply at April 2018 (SHLAA, for which a methodology was subject to public consultation in July 2017)
- the publication of the Council's first Brownfield Land Register in December 2017, following public consultation and neighbour notification in October 2017
- a Playing Pitch Strategy Update (published in November 2017 and approved by Council in December 2017)
- an Employment Land and Premises Study Update (Wirral ELPS, December 2017, reported to Cabinet in March 2018)
- the findings arising from an initial review of the Green Belt (for which a methodology was subject to public consultation in October 2017)
- an update to the Council's assessment of development viability for April 2018
- the emerging review of the National Planning Policy Framework and its associated guidance.

The review concludes that there is a continued shortage of land for development within the urban area to meet the needs of the local population and the economy; and that it would not currently be possible to meet these needs within Wirral without using land within the existing Green Belt; and identifies the sites that could potentially be considered suitable for release from the Green Belt through the Local Plan.

The report therefore recommends that the sites shown in Appendices 1 to 6 are published for public consultation, for six weeks, alongside the more detailed findings of the review in September 2018, to avoid the summer holidays, before being included in an initial draft Local Plan to be reported to Cabinet in December 2018.

Consultation would enable the Council to demonstrate that a full range of available alternatives has been properly considered and consulted upon, in line with the

requirements of national policy and legislation, before any final decision is taken on the content of the Borough's Core Strategy Local Plan. The results of the consultation will be used to inform that final decision and to inform a sustainability appraisal and the assessment of their likely environmental impacts.

The timetable would remain in line with the Local Development Scheme approved by Council in March 2018 (Minute 133), which is currently being monitored by the Secretary of State.

The decision to propose amendments to the Local Plan is a key decision.

The final decision on the sites to be included in the Local Plan will require a resolution of Full Council.

The final decision on the sites to be included in the Local Plan could support the delivery of the Wirral Plan pledge for good quality housing which meets the needs of residents and Wirral Plan Housing Strategy objectives to build more homes to meet our economic growth ambitions and improve the quality of Wirral's housing offer for our residents; and could support the delivery of Wirral Plan pledges to drive economic growth, create greater job opportunities, increase inward investment and provide assets and buildings that will be fit for purpose..

The final decision on the sites to be included in the Local Plan could also support the delivery of the Council's Medium Term Financial Strategy and an increase in income through New Homes Bonus, Council Tax and Business Rates.

## **RECOMMENDATIONS**

- (1) That the results of the review of development needs and options set out in this report are noted.**
- (2) That the sites identified in Appendices 1 to 6 are published for public and stakeholder consultation, including the notification of neighbours, in line with the Council's adopted Statement of Community Involvement;**
- (3) That the consultation is accompanied by copies of the relevant background reports related to the Employment Land and Premises Study Update December 2017; Strategic Housing Land Availability Assessment Update April 2018; Viability Study Update 2018; revised assessment of Broad Spatial Options; and the officers Initial Review of the Green Belt.**
- (4) That the results of the consultation are reported to Cabinet in December 2018.**

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To comply with the legal and procedural requirements necessary to complete the preparation and adoption of an up-to-date Core Strategy Local Plan for Wirral, in line with the National Planning Policy Framework (NPPF).

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 National policy requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing. Where it cannot do so, it risks losing appeals against the refusal of planning applications for housing, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against national policy as a whole.
- 2.2 The Council is also required to identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 in its Local Plan. Where it cannot do so and particularly if it also cannot identify a suitable five-year supply, it risks having its Local Plan declared 'unsound' by a Planning Inspector appointed by the Secretary of State and will not be allowed to adopt its Local Plan unless it is altered to do so.
- 2.3 Not preparing an up-to-date Local Plan would mean that the Council would have to continue to rely on the Unitary Development Plan adopted in February 2000.
- 2.4 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).
- 2.5 Relevant policies may not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites (NPPF, paragraph 49). In the absence of an up-to-date Local Plan or a five-year housing land supply, 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 and Neighbourhood Development Plans prepared by the local community only carrying weight according to their consistency with the Framework.
- 2.6 Not preparing an up-to-date Local Plan may also incur financial penalties and the intervention of the Secretary of State.
- 2.7 The Government's proposed new method for calculating local housing needs reduces the scope for considering a wider variety of options. The number of dwellings may only need to be increased to support additional economic growth.
- 2.8 Alternative options for urban and other previously developed sites would be subject to public consultation as part of the publication of the Wirral Employment Land and Premises Study Update December 2017 and the Strategic Housing Land Availability Assessment Update April 2018.

- 2.9 Alternative options for land within the Green Belt would also be subject to public consultation as part of the publication of the findings of the officer's Initial Review of the Green Belt.
- 2.10 To comply with national policy for plan making, the Council must positively seek opportunities to meet the development needs of the Borough and meet objectively assessed needs with sufficient flexibility to adapt to rapid change unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Government's National Planning Policy Framework taken as a whole or specific policies in the Framework indicate that development should be restricted (NPPF paragraph 14 refers).

### **3.0 BACKGROUND INFORMATION**

- 3.1 Cabinet on 18 July 2016 (Minute 31 refers) resolved that further consultation should be undertaken on the Borough's housing needs and land supply as part of the continued preparation of the Council's Local Plan.
- 3.2 Consultation took place over six weeks between 10 August and 23 September 2016 and 656 comments were received from 82 respondents.
- 3.3 Consultation took place on two issues – on the need for new housing, set out in the Strategic Housing Market Assessment Update prepared by consultants Nathaniel Lichfield and Partners (NLP) (SHMA, May 2016); and on the land that would be available to accommodate it, set out in the Council's latest Strategic Housing Land Availability Assessment for April 2016 (SHLAA).
- 3.4 The results of consultation were reported to Cabinet on 27 February 2017 (Minute 96 refers), who resolved that a wider review of development options should be undertaken before deciding on the sites to be included for development in the Council's Local Plan.

### **4.0 THE NEED FOR HOUSING AND EMPLOYMENT**

- 4.1 National policy currently requires the Council to identify the objectively assessed need (OAN) for housing in its own area by preparing a Strategic Housing Market Assessment (SHMA), to identify the scale and mix of housing which the local population is likely to need over the period that the Local Plan is intended to remain in force (NPPF, paragraph 159).
- 4.2 The calculation of OAN must not take policy considerations into account and plan makers should not apply constraints to the overall assessment of need, such as any limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints (NPPG, Paragraph: 004 Reference ID: 2a-004-20140306).
- 4.3 Only once the OAN has been identified, can the Council then apply other considerations, such as environmental capacity, viability and growth ambitions, before arriving at the final housing requirement figure for inclusion in the draft

Local Plan that would be submitted for public examination by a Planning Inspector appointed by the Secretary of State.

- 4.4 The OAN has two elements - the new homes needed to meet the needs of the local population; and the additional homes that may be needed to support economic growth, in terms of the number of working age people that would be needed to support a given number of jobs in the local economy.

## 5.0 THE NEED FOR NEW HOUSING LAND

- 5.1 Three assessments of Wirral's future housing needs have now been published since May 2016, as summarised below:
- 5.2 The SHMA for Wirral, completed in May 2016, indicated an objectively assessed need for between 875 and 1,235 new dwellings each year between 2014 and 2032. The study was based on household and population data from 2012, uplifted to take account of the recession, market signals and affordability and baseline economic forecasts for Wirral from Experian, from December 2015, for 7,730 new jobs by 2032.
- 5.3 The Strategic Housing and Employment Land Market Assessment (SHELMA) for the City Region, completed by the Combined Authority in March 2018, indicated an objectively assessed need for between 730 and 737 new dwellings each year in Wirral between 2012 and 2037. The study was based on population and household data from 2014, uplifted to take account of affordability and revised economic forecasts for the City Region, for between 6,600 and 11,500 new FTE jobs in Wirral by 2037.
- 5.4 The Wirral Growth Plan currently seeks to create and safeguard 5,000 new jobs by 2020.
- 5.5 The Government's proposed national minimum calculation, published for consultation in September 2017, indicated the need for a minimum of 803 new dwellings to be provided in Wirral between 2016 and 2026, a total of 12,045 dwellings over fifteen years. The calculation can be rolled forward based on the latest published information for households, median house prices and median earnings, using a standard calculation.

**Table 1 – Recent Assessments of Housing Need**

	Population	Employment	OAN	Period
<b>Wirral SHMA (2012-based)</b>	+10,140	+7,730	875 to 1235	2014 to 2032
<b>SHELMA (2014-based)</b>	+12,244	+11,400	730 to 737	2012 to 2037
<b>Government (2016-based)</b>	n/a	n/a	803	2016 to 2026

- 5.6 The Government's proposed national standard calculation is intended to be the minimum that authorities will be expected to provide for in their Local Plans; but does not take account of any additional housing that the Council may wish to provide to support economic growth or to meet any other policy, social or environmental objectives.

- 5.7 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth (NPPF, paragraph 19). Local plans are currently expected to at least accommodate provision for the latest reasonable baseline projection for future economic growth. As the SHELMA for the City Region has suggested that providing an annual average of 737 net new dwellings would be sufficient to support economic growth in Wirral under a Growth Scenario, the figure of 803 is likely to form a reasonable basis for ongoing calculations.
- 5.8 This is equivalent to an overall requirement of 12,045 new dwellings over 15 years or 4,015 over five years plus or minus adjustments for demolitions, allowances for windfalls and conversions and any previous under-delivery.
- 5.9 Additional provision of up to 20% may also need to be made as a result of the Government's proposals to maintain supply and delivery where there has been significant under delivery of housing, where delivery has been less than 85% of the housing requirement over the previous three years.
- 5.10 Completions in Wirral over the previous three years up to April 2018, were at 63% of the Government's proposed national minimum calculation of 803 per year.
- 5.11 The next set of national household projections, based on data from 2016, are due to be published in September 2018.
- 5.12 The Government's final national standard calculation is expected to be confirmed as part of revisions to the National Planning Policy Framework, before the summer recess of Parliament.

#### Housing Land Supply

- 5.13 National policy requires authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the National Planning Policy Framework (NPPF, paragraph 47).
- 5.14 The table below shows the latest estimate of the Borough's future housing land supply, at April 2018. The final figures are still being calculated but are unlikely to increase significantly.

**Table 2 – Estimated Capacity of Identified Housing Sites  
(Latest Estimates for April 2018)**

Source of Supply	Estimated Capacity (dwellings)	Cumulative Capacity (dwellings)
Land with planning permission	2,572	-
Sites that could be developed with 5 years	825*	3,397
Sites that are only likely to become available with 6 to 10 years	1,243*	4,640

Source of Supply	Estimated Capacity (dwellings)	Cumulative Capacity (dwellings)
Sites that could also become available with 11 to 15 years	1,958*	6,598
Land at Wirral Waters (within the plan period)	1,100	7,698

\*data still subject to further analysis but unlikely to increase significantly

- 5.15 The estimate takes account of the sites recommended for protection for other uses in the Playing Pitch Strategy Update published in November 2017; and in the Employment Land and Premises Study Update approved by Cabinet in March 2018.
- 5.16 Sites or parts of sites that are unlikely to be capable of delivering dwellings within the fifteen year plan period have also been discounted.
- 5.17 The figures include 1,100 additional dwellings currently expected to be brought forward at Wirral Waters, which have not yet obtained detailed planning permission.
- 5.18 The figures also take account of sites likely to be brought forward by the Wirral Growth Company but does not yet take account of their fully drawn up development programme, which was still to emerge at the time this report was being compiled.
- 5.19 The final revised figures will also take account of an up-to-date assessment of development viability at April 2018 and the latest information from site owners and developers, where this is available.
- 5.20 The urban sites that are currently recommended to be published for public consultation to make provision for new housing development in the Local Plan are listed in Appendix 1 and mapped in Appendix 2 to this report.
- 5.21 The figures in Table 2 and the list of sites in Appendix 1 and Appendix 2 will need to be further revised and updated to take account of progress in the period before the Local Plan is finalised for Council approval, in July 2019, before being submitted to the Secretary of State.

#### Identified Shortfalls

- 5.22 The results of applying the latest estimates of the total likely land supply to the fifteen year plan period are set out below:

**Table 3 – Assessment of Current Potential Shortfalls**

	2018 to 2023	2023 to 2028	2028 to 2033	Plan Period
<b>Annual Target (MHCLG)</b>	803	803	803	-
<b>Five-Year Target</b>	4,015	4,015	4,015	12,045



	2018 to 2023	2023 to 2028	2028 to 2033	Plan Period
Demolitions (@50 per annum)	250	250	250	750
Backlog from April 2016 to April 2018	574	-	-	574
<b>Total Requirement</b>	<b>4,839</b>	<b>4,265</b>	<b>4,265</b>	<b>13,369</b>
New Build Permissions (April 2018)	1,959	-	-	1,959
Land Supply for Years 0-5*	825	-	-	825
Land Supply for Years 6-10*	-	1,243	-	1,243
Land Supply for Years 11-15*	-	-	1,958	1,958
Net Conversions (@50 per annum)	250	250	250	750
Windfalls (@60 per annum)*	300	300	300	900
<b>Total Estimated Supply</b>	<b>3,334</b>	<b>1,793</b>	<b>2,508</b>	<b>7,635</b>
Past Delivery (3 years to April 2018)	63%	-	-	63%
NPPF Buffer @20%	160	-	-	160
<b>Estimated Current Shortfall</b>	<b>1,665</b>	<b>2,472</b>	<b>1,757</b>	<b>5,894</b>
Wirral Waters	-	-	-	1,100
<b>Total Existing Estimated Shortfall</b>				<b>4,794</b>

\*data still subject to further analysis but unlikely to increase significantly

5.23 Previously undeveloped land in the Green Belt has so far been excluded from these calculations.

5.24 The more detailed documents and assessments associated with the findings of the final SHLAA Update for April 2018, including reports of previous consultation, will be published for public inspection alongside the sites proposed for public consultation in Appendix 1 and Appendix 2.

## 6.0 THE NEED FOR NEW EMPLOYMENT LAND

6.1 The Wirral Employment Land and Premises Study, completed by Lichfields in December 2017 (Wirral ELPS), reviewed all the sites in the Borough that were available for new employment development.

6.2 A total of 41 sites totalling 59.5 hectares (net) were recommended for inclusion for development in the Local Plan. A further 13 sites were identified at Wirral Waters, as of strategic importance to the wider Liverpool City Region; a further

12 sites were recommended to be identified in the Local Plan for mixed uses, where the final potential for future B Class employment uses is currently unknown; and a further 17 sites were recommended to be retained and safeguarded for longer term employment uses.

6.3 The SHELMA for the City Region, completed by the Combined Authority in March 2018, suggests that the 41 sites totalling 59.5 hectares (net) would be sufficient to meet the requirements of both the economic Baseline and Growth Scenarios to 2033 but could be short by up to 18.26 hectares when assessed against recorded past completions.

6.4 The SHELMA for the City Region also suggests the need for a series of large scale logistics-related employment sites, of over 300 hectares over the period to 2037, which has not yet been disaggregated to district level.

**Table 4 – Forecast Requirements for Employment Land to 2033**

Scenario	B1	B2	Small Scale B8	Total	Margin	Total + Margin	Surplus Against Overall Portfolio	Surplus Against Recommended Supply
Baseline scenario (6,600 FTEs)	13.44	6.78	-	20.22	13.80	<b>34.02</b>	<b>+109.60</b>	<b>+25.50</b>
Growth scenario (11,500 FTEs)	17.10	7.44	-	24.60	13.80	<b>38.40</b>	<b>+105.20</b>	<b>+21.10</b>
Past completions	15.66	53.40	8.70	77.76	-	<b>77.76</b>	<b>+65.80</b>	<b>-18.26</b>

Source: GL Hearn (2017) Draft Liverpool City Region Strategic Housing & Employment Land Market Assessment, Lichfields analysis  
 Note: Overall Portfolio = 143.6 ha (net), Recommended Supply = 59.5 ha (net).

6.5 The sites that are currently recommended to be published for public consultation to make provision for new employment development and for mixed uses in the Local Plan are therefore listed in Appendix 3 and mapped in Appendix 4 to this report.

6.6 The list of sites excludes the sites that the Wirral ELPS recommended should be removed from the employment land supply (see Table 5 below).

6.7 The more detailed reports associated with the findings of the Wirral ELPS (December 2017) will be published for public inspection alongside the sites proposed for public consultation in Appendix 3 and Appendix 4.

## **7.0 ALTERNATIVE LAND SUPPLY OPTIONS**

7.1 The Cabinet Reports of 18 July 2016 (Minute 31) and February 2017 (Minute 96) set out the main options for increasing the supply of housing land, which could be pursued together or apart.

## Employment sites

- 7.2 The Wirral ELPS identified only eight sites that were recommended to be excluded from the employment land supply:

**Table 5 – Sites Recommended for Exclusion from the Employment Land Supply**

Site ID	Site Name	Gross (ha)	Net (ha)	Land Type	UDP Designation	Current Status
ELPS 065	Burtens, Pasture Rd, Moreton	12.51	11.88	Green	Primarily Industrial Area	Outline permission granted for 299 dwellings
ELPS 066 SHLAA 0557	Beaufort Rd, Birkenhead	4.02	3.42	Brown	Primarily Residential Area	Under discussion for housing subject to further site investigation
ELPS 255	Village Rd (2-2A), Oxton	0.10	0.00	Brown	Primarily Residential Area	Under construction for mixed-use scheme, including residential unit
ELPS 342 SHLAA 1831	57A-59 Norman St, Claughton	0.18	0.18	Brown	Primarily Residential Area	Backland site, not subject to any current planning proposals
ELPS 365	Former Hurstwoods, New Brighton	0.58	0.00	Brown	Primarily Industrial Area	Under construction for extra care residential scheme
ELPS 391	Alabama Way Car Park, Tranmere	0.50	0.25	Brown	Primarily Industrial Area	Waterfront car park and amenity, not subject to any current planning proposals
ELPS 420	Rear of Arrowe Brook Road, Upton	2.00	0.00	Brown	Employment Development Site	Under construction for residential development
ELPS 421	Cross Lane IE, Wallasey	1.61	0.00	Brown	Employment Development Site	Used for van storage, not subject to any current planning proposals

- 7.3 The sites that are still available have been now included in the SHLAA Update for April 2018.
- 7.4 Sites identified in the Wirral ELPS as having potential for mixed use development, which could include some element of residential development, have also been included in the SHLAA Update for April 2018.

## Open space and other previously undeveloped urban land

- 7.5 The Playing Pitch Strategy Update published in November 2017 identified a general shortfall of provision for pitch sports and identified that demand was being met for bowling and tennis subject to qualitative improvements.
- 7.6 There is an option to further review the provision of public open space but the Council would need to consider the re-designation of currently protected sites

and/or reduce the existing standard of recreation and open space provision, if any significant additional housing capacity was to be generated.

- 7.7 The Council currently requires the provision of at least 2.4 hectares of publicly accessible open space for every thousand people and that no part of the Primarily Residential Area should be further than a comfortable walking distance (400 metres) from a local park or similar open space of 1.5 hectares or above.
- 7.8 Amending these standards, which have been in place since February 2000, would significantly revise the pattern of assessed deficiency across the Borough. The SHLAA methodology would need to be further amended and a further Borough-wide study would need to be undertaken on which to base any future decisions.

#### Increasing densities

- 7.9 The revised SHLAA methodology now offers greater flexibility to consider higher density development on appropriate sites, subject to the character of the surrounding area, which have been included in the revised SHLAA assessment.
- 7.10 While the emerging Core Strategy Local Plan already seeks to promote higher densities of development around existing centres and along major transport corridors, any further increases in densities over and above those already factored into the SHLAA assessment would be likely to have a detrimental impact on the character of existing urban areas which are not already protected by existing density controls or heritage-related designations.

#### Other local authorities

- 7.11 The surrounding local authorities of Sefton, Liverpool, Cheshire West and Chester, Knowsley and West Lancashire have each already indicated that they would all be unable to provide for any of Wirral's identified needs.

#### Green Belt

- 7.12 Given the information set out above, this report concludes that there is currently no other realistic alternative to reviewing the potential of land in the Green Belt to meet the shortfall in the Borough's housing land supply, if the Council is to submit a sound and legally compliant Local Plan to the Secretary of State.
- 7.13 The Proposed Submission Draft Core Strategy, approved by Council in October 2012 (Minute 60 refers) already provides for a potential review of the Green Belt, if alternative sites sufficient to provide an ongoing land supply could not be identified by 2018 (Policy CS3 – Green Belt, page 22; and Policy CS20 – Housing Contingencies, page 62 refer).
- 7.14 A methodology for an initial review of the Green Belt was published for consultation in October 2017. The methodology seeks to assess the whole of the existing Green Belt, as well as sites that have already been put forward for consideration by landowners and developers, against the five purposes for Green

Belt set out in national policy (NPPF paragraph 80 refers) and for their ability to provide suitable boundaries to a revised Green Belt.

- 7.15 While all of the land-parcels in the existing Green Belt can still be shown to meet at least one or more of the purposes of including land in the Green Belt, a number of areas have been identified as potentially suitable for further investigation.
- 7.16 The areas that are currently recommended for further investigation and for publication for public consultation are listed in Appendix 5 and mapped in Appendix 6 of this report.
- 7.17 The final methodology, amended in response to public consultation and the more detailed reports associated with the findings of the officers' initial review will be published for public inspection alongside the sites proposed for public consultation in Appendix 5 and Appendix 6.

## **8.0 OTHER IMPLICATIONS**

### Broad Spatial Strategy

- 8.1 Releasing land from the Green Belt would be a departure from the Broad Spatial Strategy set out in the previously emerging Core Strategy Local Plan (December 2012), which would require the Council to revise and re-consult on the Broad Spatial Options for the Core Strategy, which were previously set out in the Core Strategy Preferred Options Assessment Report (November 2010).
- 8.2 It will therefore also be necessary to revise and re-consult on the Council's previously published Assessment of broad spatial options, alongside any potential review of the Green Belt, to take account of the latest information and conclusions, to assess the sustainability of the emerging proposals.

### Policy Text

- 8.3 The allocation of identified sites would also require changes to the policy text to be contained within the emerging Local Plan, which would also need to be subject to further public consultation before they can be included in the Local Plan.

## **9.0 NEXT STEPS**

- 9.1 The revised timetable for the preparation of the Core Strategy Local Plan, approved by Council in March 2018, expects an initial draft revised Local Plan to be prepared for approval by December 2018, prior to the completion of statutory appraisals.
- 9.2 Consultation on the sites included in Appendices 1 to 6 would be undertaken in September 2018, following the end of the summer holidays.
- 9.3 The results of consultation will be reported to Cabinet in December 2018 alongside the final proposed text for the Local Plan.

9.4 In December 2018, Cabinet will be required to:

- (i) agree the final text of the proposed draft revised Local Plan;
- (ii) agree a final housing requirement, in light of the Government's final national minimum calculation;
- (iii) conclude whether the exceptional circumstances necessary to alter Green Belt boundaries have been demonstrated;
- (iv) approve the final list of sites to be proposed to be included for development in the draft Local Plan; and
- (v) authorise the completion of any necessary final appraisals and assessments.

9.5 Once the necessary appraisals and assessments have been completed, the final draft Local Plan will be presented for approval by Full Council during July 2019, with the intention of submitting the Local Plan for examination in September 2019 subject to all requirements being met.

## **10.0 FINANCIAL IMPLICATIONS**

10.1 The review of development options has been completed using existing resources within the former Environmental Services.

10.2 Consultation on the revised methodology for the SHLAA Update 2018 was undertaken in July 2017, for £500.00, from the former Environmental Services budget.

10.3 Consultation on the methodology of the Initial Review of the Green Belt was undertaken in October 2017, for £490.00 from the former Environmental Services budget.

10.4 The preparation of an update to the baseline viability study has been funded through an extension to an existing contract with Keppie Massie, for the sum of £5,500, from the former Environmental Services budget.

10.5 Consultation on the sites identified in Appendices 1 to 6 of this report, can be undertaken using existing resources in Major Growth Projects and Housing Delivery.

10.6 Neighbour notification for each of the sites identified in Appendices 1 to 6 of this report, in line with the Council's adopted Statement of Community Involvement (March 2014), will be a significant undertaking, expected to cost up to £8,000.

10.7 The publication of supporting documents and site plans in public libraries, including the Employment Land and Premises Study Update, Viability Baseline Report Update, SHLAA Update for April 2018 and the Initial Green Belt Review is expected to cost an additional £7,600.

10.8 The identification of specific sites may also require further technical studies to be undertaken, at a later stage, for example, related to transport, flood risk,

infrastructure requirements and environmental assessments, which may require additional funding to be identified at a later date.

- 10.9 Additional house-building could support the delivery of the Council's Medium Term Financial Strategy and could support an increase in income through Council Tax and New Homes Bonus, subject to exceeding the annual threshold for the award of New Homes Bonus.

## **11.0 LEGAL IMPLICATIONS**

- 11.1 The Core Strategy Local Plan for Wirral must be prepared in line with the process set out in national legislation and can only be adopted by the Council if it is found to be legally compliant and sound by a Planning Inspector appointed by the Secretary of State after public examination.
- 11.2 To be sound, a local plan 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 be consistent with national policy, to deliver sustainable development in line with the National Planning Policy Framework (NPPF, paragraph 182 refers).
- 11.3 Exceptional circumstances will need to be demonstrated if Green Belt boundaries are to be altered (NPPF, paragraph 83 refers).
- 11.4 To be legally compliant, the Local Plan must be prepared to fully comply with national legislation and regulations, including the Duty to Co-operate.
- 11.5 The Council will not be able to successfully submit a Core Strategy Local Plan for public examination without basing its housing requirement figure on up-to-date evidence of objectively assessed need or without being able to demonstrate a credible five-year housing land supply and the broad locations for future housing land supply over the rest of a fifteen-year plan period to 2035, in line with the requirements of national policy.
- 11.6 Recent case law indicates that it is not sufficient to simply determine the maximum supply of land available for new housing and constrain the number of dwellings to what can be accommodated. A distinct assessment must be made of whether specific policies dictate or justify constraint.
- 11.7 The Council has a legal Duty to Co-operate with named public bodies including adjoining local authorities and national agencies. A failure to comply with the Duty to Co-operate can be fatal to the legal compliance of the Local Plan and could require the Core Strategy to be withdrawn.
- 11.8 The Council must also comply with its own statutory Statement of Community Involvement, last adopted in March 2014.

- 11.9 The approval of the final Draft Core Strategy Local Plan will require a resolution of Council before it can be published and submitted to the Secretary of State for public examination.
- 11.10 The Housing and Planning Act 2016 significantly increased the powers of the Secretary of State to intervene in plan-making, at any stage in the plan making process. The Secretary of State can now intervene if he thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a local plan and may prepare or revise the document or give directions to the authority in relation to the preparation or revision of the document but must give reasons for any action that he takes (section 146 refers).
- 11.11 The Neighbourhood Planning Act 2017 also enables the Secretary of State to make regulations to require a local planning authority to review local development documents at prescribed times; and extended powers over their content, with which the Council must comply (sections 11 and 12 refer). Regulations under section 12 now require local planning authorities to review their local plans and statements of community involvement at least every five years, from April 2018.
- 11.12 The Secretary of State can also direct two or more local planning authorities to prepare a joint local plan, if this would facilitate the more effective planning of the development and use of land in one or more of their areas, including setting a timetable and specifying the areas and matters to be covered. The Secretary of State or combined authority will then be able to apportion liability for expenditure on joint plan preparation as the Secretary of State considers appropriate (section 9 refers).
- 11.13 Section 15 of the Planning and Compulsory Purchase Act requires the Council to revise their Local Development Scheme, to set out the documents that will comprise their local plan and the timetable for their preparation and revision, when directed to do so by the Secretary of State. The Localism Act 2011 also requires the Council to publish up to date information on their compliance with the Scheme (section 111 refers).
- 11.14 Under the Housing and Planning Act 2016, the Secretary of State can prepare a Local Development Scheme for a local planning authority, if one has not been prepared and direct that the local planning authority bring it into effect and can direct a local planning authority to make such amendments as he thinks appropriate to ensure the full and effective coverage of the area, with regard to both geography and content (section 143 refers).
- 11.15 Planning applications must be determined in accordance with the adopted Development Plan unless material considerations (which include national policy and guidance) indicate otherwise.
- 11.16 The statutory Development Plan for Wirral currently comprises the Council's Unitary Development Plan, adopted in February 2000; the Joint Waste Local Plan for Merseyside and Halton, adopted in July 2013; the Neighbourhood



Development Plan for Devonshire Park, made in December 2015; and the Neighbourhood Development Plan for Hoylake, made in December 2016.

- 11.17 Where policies are out-of-date, permission should be granted unless the policies in the National Planning Policy Framework indicate development should be restricted or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (NPPF, paragraph 14 refers).

## **12.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 12.1 The Council's Core Strategy Local Plan will in future be prepared by the Council's Major Growth Projects and Housing Delivery service.
- 12.2 Delivering the Local Plan to the timetable set out within the Local Development Scheme adopted by the Council in March 2018 will be supported by five additional staff in Major Growth Projects and Housing Delivery service, which should be in post by September 2018.
- 12.3 New housing development currently attracts New Homes Bonus at a rate linked to the Council Tax banding of each new dwelling constructed or empty property brought back into use once the number of new dwellings has exceeded a baseline target of 0.4% of dwelling stock in Band D equivalents, in Wirral, currently equivalent to 600 dwellings or above, with a £350 premium for every new affordable dwelling provided.
- 12.4 New housing and employment development will also have implications for other Council services, including transport, education, social services and the Wirral Growth Plan, which are still to be determined through further stakeholder consultation.
- 12.5 The preparation of the Local Plan will require additional assessments of flood risk, transport, sustainability and habitats assessment, including visitor management and ongoing monitoring of development, funded through the budgets for Economic and Housing Growth, which will be reported at the appropriate time.

## **13.0 RELEVANT RISKS**

- 13.1 Not modifying the Core Strategy Local Plan to address the issues identified in national policy or in the latest local research could lead to the Core Strategy being withdrawn, with abortive costs and/or unnecessary time and expense being incurred at a future public examination.
- 13.2 There may be a need to revise the final number of new homes and supply of land to be provided, either before or during the public examination, to take account of any new or emerging evidence, including the implications of any more up-to-date population and household projections, the changing requirements of national policy or the emerging Liverpool City Region Spatial Development Framework.

- 13.3 A failure to meet the Council's published timetable for the preparation of the Local Plan could lead to intervention by the Secretary of State, including potential financial penalties, which could include the withdrawal of some or all, of the Council's annual award of New Homes Bonus or by consultants appointed by the Secretary of State in default.
- 13.4 Payments under the New Homes Bonus are also under continual review and could be amended, in terms of the conditions, amount and duration of payments for each new home completed.
- 13.5 The final decision on the sites that should be allocated for development, including the amount of development that Wirral Waters may be able to contribute to meeting the Borough's housing needs, will ultimately need to be considered by the Planning Inspector appointed by the Secretary of State to examine the soundness of the submitted Core Strategy Local Plan, based on evidence related to planning history, the record of delivery and development viability.

#### **14.0 ENGAGEMENT / CONSULTATION**

- 14.1 The review of potential development options, including land within the Green Belt, must be completed in consultation with the public and other stakeholders, in line with the Council's adopted Statement of Community Involvement (March 2014).
- 14.2 The Statement of Community Involvement would require a minimum six-week period of consultation, including the need to notify the neighbours of any site specific proposals (SCI, Table 1, page 13; and paragraphs 3.52 and 3.56, page 16 refer).
- 14.3 Consultation would take the form of a series of documents - both on-line and in paper copies placed for inspection in public libraries - including maps of the sites involved; the methods of analysis used; and a summary of the Council's initial findings and conclusions, for public comment before any final decision is taken.
- 14.4 A series of public 'open days' will be held, which will be widely publicised, with presentations to provide clear information in a standard format and the opportunity to speak to members of the Forward Planning Team.
- 14.5 All responses will need to be submitted in writing and the results of the consultation will be reported back to Cabinet before any findings are recommended to be included in the final Draft Core Strategy Local Plan.
- 14.6 The Director of Governance and Assurance advises that the guiding principles for a fair consultation can be summarised as follows:
- 14.6.1 It should be at a time when proposals are at a formative stage;
- 14.6.2 Sufficient reasons for the proposal should be given to permit of intelligent consideration and response;

- 14.6.3 Those consulted should be made aware of the factors that are of decisive relevance to the decision;
- 14.6.4 Adequate time should be given for consideration and response;
- 14.6.5 The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals.

## **15.0 EQUALITY IMPLICATIONS**

- 15.1 The Core Strategy has been subject to ongoing Equality Impact Assessment.
- 15.2 Results of previous Equality Impact Assessments prepared at each stage in the preparation of the Core Strategy can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-0>
- 15.3 While the delivery of housing, employment and mixed uses can have positive implications for all groups, the impact on any specific or particular group will be the subject of a separate further report when the necessary final information has been prepared.
- 15.4 A revised Equality Impact Assessment will therefore be presented alongside the final proposals to be included in the final Core Strategy Local Plan.

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## **APPENDICES**

- Appendix 1 – Sites Recommended for Consultation for New Housing Development
- Appendix 2 – Maps of Housing Sites
- Appendix 3 – Sites Recommended for Consultation for New Employment Development and Mixed Uses
- Appendix 4 – Maps of Employment and Mixed Use Sites
- Appendix 5 – Sites Recommended for Consultation for Potential Release from the Green Belt
- Appendix 6 – Maps of Green Belt Sites

## **REFERENCE MATERIAL**

Local Development Scheme for Wirral (March 2018) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/local-development-scheme>

The Strategic Housing Market Assessment (SHMA) Update (NLP, May 2016) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan/further-0>

The Employment Land and Premises Study Update (Wirral ELPS) can be viewed at <http://democracy.wirral.gov.uk/ieListDocuments.aspx?CId=121&MId=5964&Ver=4> (Item 102 refers)

The Wirral Pitch Strategy Update can be viewed at <http://democracy.wirral.gov.uk/ieDecisionDetails.aspx?ID=4329>

Previous stages in the preparation of the Council's Core Strategy Local Plan can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan>

The Council's adopted Statement of Community Involvement (SCI, March 2014) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/community-involvement-local-planning/statement>

The Proposed Submission Draft Core Strategy Local Plan (December 2012) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-0>

Documents related to the development options review can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-6>

The Council's latest Annual Monitoring Report (December 2017) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/development-monitoring/annual-monitoring-1>

The announcement of the Wirral Housing Zone can be viewed at <https://www.gov.uk/government/news/new-18-million-fund-to-accelerate-house-building>

The Government's latest statement on the New Homes Bonus can be viewed at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/577904/NHB\\_Consultation\\_Response\\_Doc.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577904/NHB_Consultation_Response_Doc.pdf)

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) can be viewed at <http://planningguidance.communities.gov.uk/>

The Government's Housing White Paper (February 2017) can now be viewed at <https://www.gov.uk/government/news/government-announces-ambitious-plan-to-build-the-homes-britain-needs>

Planning for the right homes in the right places (September 2017, Application of proposed formula for assessing housing need, with contextual data refers) can be viewed at <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

National Planning Policy Framework Draft text for consultation; Draft Planning Practice Guidance; and Housing Delivery Test – Draft Measurement Rule Book (March 2018) can be viewed at <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Cabinet – Employment Land Study Update (Minute 102)	26 March 2018
Council – Approval of revised Local Development Scheme (Minute 133)	19 March 2018
Environment Overview and Scrutiny – Wirral Local Plan – Report of Progress Since 2004 (Minute 46)	31 January 2018
Delegated Report – Local Development Framework Monitoring Report 2016/17 (approval of revised Local Development Scheme)	21 December 2017
Environment Overview and Scrutiny - Wirral Local Plan – Letter from Secretary of State (Minute 40)	7 December 2017
Delegated Decision – Revised Pitch Strategy for Wirral Council – Approval of Revised Pitch Strategy for Wirral (Minute 97)	27 October 2017 11 December 2017
Cabinet – Core Strategy Local Plan – Report of Further Consultation on Housing Needs and Land Supply (Minute 96)	27 February 2017
Cabinet - Core Strategy Local Plan - Strategic Housing Market Assessment Update (Minute 31)	18 July 2016