

**CABINET****13 JANUARY 2020****WIRRAL LOCAL PLAN – 2020-2035: APPROVAL OF ISSUES AND  
OPTIONS DOCUMENT FOR PUBLIC CONSULTATION**

Cabinet Member for the Local Plan, Cllr Anita Leech, said:

*“The draft Local Plan consultation document we are putting forward outlines how we propose to meet the housing target of 12,000 new homes by 2035.*

*“We have made it clear that our preferred option is to do this through the use of urban sites but it will not be easy. Council officers have been working non-stop for many months to examine each and every site being put forward to show they are suitable for development and justify including them within a preferred regeneration approach that not only maximises the potential of these sites but will also support the regeneration of some of our most disadvantaged areas. Then it will be up to developers and our major partners in these areas to deliver the new homes they have told us they can provide.*

*“There is still a considerable way to go and it is crucial now that the public and all stakeholders in Wirral look at these proposals and options and tell us what they think, so we can use their views to draw up the final document later in 2020 which will be submitted to the Government for the next stage of inspection.”*

**REPORT SUMMARY**

This report seeks approval of an Issues and Options document for public consultation as part of the preparation of the Council’s Local Plan for the Borough.

Producing a Local Plan is one of the most important obligations for a local authority. Local Plans set out a long-term vision for how an area will develop in the future, with policies that will shape future development. They address a wide range of issues, from strategic planning matters that affect the whole local authority area right through to finer details on the design of development on individual sites. The Government requires each local planning authority to produce a Local Plan and then review it at least once every five years to ensure that it is up to date.

The Wirral Local Plan will cover a period from 2020 through to 2035 and set out policies and proposals to guide the future development of the Borough over that time. It will set out where future development will take place, and allocate land for housing, employment, mixed-use and other development. It will also seek to protect the most important characteristics of the Borough, by preserving our unique natural and historical assets from development.

In preparing the new Local Plan the Council must consult with local residents to seek their views on the proposed contents of the Plan. We also need to engage with local and regional partners, such as neighbouring local authorities and government agencies.

The Local Plan Issues and Options document sets out the Councils proposals and must be published for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which requires that:

- (1) A local planning authority must—
  - (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
  - (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.
- (2) The bodies or persons referred to in paragraph (1) are—
  - (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
  - (b) such of the general consultation bodies as the local planning authority consider appropriate; and
  - (c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.
- (3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

The proposals are based upon evidence about the economic, social and environmental needs of the Borough and a number of evidence studies have been commissioned or updated to inform the production of the Issues and Options document. These evidence studies are listed in Appendix 1.1 of the Issues and Options document.

This Local Plan Issues and Options consultation document seeks views on the future direction for development in Wirral. One of the main issues is that the Council needs to deliver enough new homes to meet the nationally prescribed target of 12,000 net new dwellings over the 15-year Local Plan period – equivalent to 800 new homes every year; and 80 hectares of new employment land. These figures have been established through the evidence base.

The Issues and Options document sets out a series of Spatial Options as to how the housing and employment requirements could be met within the Borough. The Preferred Option is for Urban Intensification. However, to meet the evidential requirements for deliverability and developability of our development needs over the Plan period it is also necessary to consult on a range of other options should we not be able meet all our requirements by Urban Intensification alone. These other options would involve release of land for development which is currently designated as Green Belt. Therefore, the consultation document sets out a total of four options, which are Urban Intensification (Option 1A); Urban Intensification with stepped delivery (Option 1B); Urban Intensification with Dispersed Green Belt Release (Option 2A); and Urban Intensification with a Single Urban Expansion into the Green Belt (Option 2B).

Details of the options can be found in Chapter 4 of the consultation document. The consultation document makes it clear that the preferred option is Urban Intensification without Green Belt release and clearly sets out what is required in order to achieve that option. It also clarifies that in the event that some Green Belt release is required, the solution could be a hybrid of the various options.

A draft policy on Housing in Multiple Occupation is detailed in Appendix 5.1 of the consultation document. Publication of this proposed policy at the Regulation 18 stage will enable the policy to be considered as an emerging planning policy when determining planning applications pending the adoption of the Local Plan. However, as an emerging policy it cannot carry full statutory weight before the Local Plan is adopted. The Council remains under threat of intervention by the Secretary of State should it not produce a Local Plan in accordance with the timetable set out in the Councils Action Plan, which was agreed with MHCLG in April 2019. That Action Plan stated that the Regulation 18 consultation would commence in January 2020. The consultation will be in accordance with the Statement of Community Involvement adopted by the Council in 2014, which sets out local standards for public involvement in the Council's preparation of policy documents and on planning applications.

The Statement of Community Involvement sets out the expected methods of community involvement for local plans at the Regulation 18 stage of the plan making process, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, which includes public meetings, focus groups and notification letters. For this Regulation 18 consultation there will also be a website consultation portal available at <https://wirral-consult.objective.co.uk> where anyone who wishes to can view and submit comments on the Local Plan Issues and Options document.

In approving the Issues and Options document, Members will not be approving the final draft Local Plan that will be submitted to the Secretary of State. Subject to Cabinet and Council approval of the Regulation 18 consultation document, attached to this report, the Council will consider all responses received as a result of the consultation process and take them into account in preparing the final draft Local Plan which will set out the details of how the Council proposes to meet the Borough's development needs and the long term vision for the development of the Borough. The final site allocations will also be included in the final draft Local Plan.

It is expected that, subject to the approval of the attached Issues and Options consultation document, the final draft Local Plan will be brought to Council for approval in July 2020 and further public representations will then be invited (the Regulation 19 stage). The final draft Local Plan and all representations received will then be submitted for Examination by an independent Planning Inspector appointed by the Secretary of State. This is currently expected to take place in November 2020.

## **RECOMMENDATIONS**

**That:**

- (1) Cabinet recommends that Council approves the content of the Wirral Local Plan 2020-2035 Issues and Options Report attached to this report and its accompanying technical evidence for the purposes of public consultation**

**under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and**

- (2) The Director of Regeneration and Place be given authority to make non-material amendments to the final text and presentation of the consultation documents before the consultation exercise begins.**

## **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 a Local Plan for Wirral, in line with the National Planning Policy Framework (NPPF).

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Progress of the Local Plan continues to be monitored by the Secretary of State and the threat of intervention remains. Not preparing an up-to-date Local Plan may also incur financial penalties.

- 2.2 To comply with the NPPF, the Council must positively seek opportunities to meet the development needs of the Borough with sufficient flexibility to adapt to rapid change. Strategic policies should, as a minimum, meet objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area or
- any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (NPPF paragraph 11 refers).

- 2.3 The Government's standard 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.

- 2.4 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, planning applications for housing would need to be considered alongside the presumption in favour of sustainable development, when assessed against national policy as a whole (NPPF, paragraph 11 refers).

- 2.5 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.

- 2.6 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.

- 2.7 The national presumption in favour of sustainable development will be held to apply where there are no relevant development plan policies or the policies which

are most important for determining the application are out of date (NPPF paragraph 11).

- 2.8 Relevant policies may not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites or where the delivery of housing was substantially below the housing requirement over the previous three years (NPPF, paragraph 11, footnote 7). In these circumstances, 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.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Wirral Local Plan (previously the Core Strategy Local Plan) is a statutory Development Plan Document that is intended to set the long-term vision, objectives, strategic and non-strategic policies for the development and use of land in the Borough over the next 15 years and to provide the framework for future Development Plan Documents, neighbourhood planning documents, supplementary planning documents and development management decisions.
- 3.2 The Wirral Local Plan went through several stages of public consultation from 2006 onwards culminating in the publication of a Proposed Submission Draft Core Strategy in December 2012. The revocation of the Regional Spatial Strategy, in May 2013, required the Council to re-assess the Borough's housing needs, complicated by results for Wirral from the 2011 Census, which made previous population and household projections unreliable.
- 3.3 A revised Strategic Housing Market Assessment (May 2016) was published for public consultation in August 2016, alongside the latest update to the Strategic Housing Land Availability Assessment, for April 2016 (Cabinet, 18 July 2016, Minute 31 refers). The results of consultation were reported to Cabinet in February 2017 and a wider review of development options approved (Minute 96 refers).
- 3.4 The Council's Cabinet considered a further report on 23 July 2018 setting out the results of the Development Options review and approved public consultation on the findings (Minute 17 refers). Although comments were received and recorded as soon as the Cabinet Report was published in July 2018, formal consultation took place between 3 September and 26 October 2018.
- 3.5 The consultation drew 3,221 responses from 2,989 individual respondents and an update report was considered by Cabinet on 17 December 2018. Members resolved that a revised Local Development Scheme be submitted for approval by the Council once an amended future timetable had been determined (Minute 47 refers).
- 3.6 The key themes emerging from the consultation were:
- 1) no development should take place in the Green Belt

- 2) concern over the lack of progress by Peel in delivering residential development in Wirral Waters
  - 3) ability of infrastructure (roads, sewers, drains, etc) to support further development
  - 4) need to protect agricultural land which is used for food production
  - 5) need to protect sensitive environmental and ecological site from future development and/or the impact of development.
- 3.7 A report of the comments received can be viewed on the Council's website at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-6>
- 3.8 The timetable for the preparation of the Wirral Local Plan is set out in a statutory Local Development Scheme. This was revised following a review of development options, legal advice and in response to the Secretary of State's letter to the Council in January 2019.
- 3.9 Specifically, the Council prepared and submitted a Local Plan Action Plan to the Secretary of State for Housing, Communities and Local Government in response to his letter of 28 January 2019. The Action Plan commits the Council to submitting the Local Plan to the Secretary of State by November 2020. The Action Plan, covering letter and detailed delivery timetable can be viewed at: <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/wirral-new-local-plan/local-plan>
- 3.10 The revised Local Development Scheme, approved by full Council on the 14 October 2019 (Minute 72 refers) sets out the amended timetable for the remaining stages of the production of the Wirral Local Plan working towards Submission to the Secretary of State, in November 2020.
- 3.11 The Council's original intention was to re-publish the Local Plan as a proposed submission draft under Regulation 19 of the Local Plan Regulations. Advice from the Council's legal advisors and from consultants undertaking the sustainability appraisal of the Local Plan was that an additional stage of public consultation under Regulation 18 was required to take account of changes in national planning policy and to ensure that all the revised spatial options and reasonable alternatives and the Council's revised preferred option are documented and made available for public comment before any final proposals are prepared.
- 3.12 It is the Wirral Local Plan 2020-2035 Issues and Options document attached to this report that forms the basis of this public consultation and for which approval for the purposes of public consultation is now sought.

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

- 4.1 One of the main requirements of the Local Plan is to make provision for future development in accordance with objectively assessed needs.

- 4.2 The Local Plan Issues and Options document attached to this report sets out the assessed needs for new development for housing and employment, in line with national policy set out in the National Planning Policy Framework and its accompanying Planning Practice Guidance. Section 2 of the Issues and Options Report summarises these needs as:
- We have to plan for up to 12,000 net additional dwellings; and
  - We have to plan for up to 80ha of new employment land.
- 4.3 After setting out a vision for Wirral and series of objectives for the Local Plan in Section 3 of the Issues and Options document, Section 4 sets out the Options that are currently available to meet these needs during the next fifteen years.
- 4.4 A strategy of Urban Intensification (Option 1A) is identified as the Council's preferred option, to promote urban regeneration and prevent the need to identify land for development in the Green Belt. Urban Intensification will involve maximising the use of all available urban land, including suitable previously developed brownfield sites.
- 4.5 To be included in the Local Plan any site that is identified for new housing development must be 'deliverable' or 'developable' within the Plan period of 2020 to 2035, as defined in the Glossary of the National Planning Policy Framework.
- 4.6 To be considered 'deliverable' a site should be available now, offer a suitable location for development now, and be achievable with a reasonable prospect that housing will be delivered on the site within 5 years.
- 4.7 To be considered 'developable' a site should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.
- 4.8 Section 4.2 of the Issues and Options document sets out the 'deliverable' and 'developable' land supply at April 2019, which shows a potential shortfall of 2,444 new dwellings over the Plan period, once demolitions and the contribution from conversions and changes of use, the re-use of empty homes and other new build windfalls had been taken into account (Table 4.1 of the Issues and Options document refers).
- 4.9 The list of proposed urban housing allocations, which includes sites where planning permission has already been granted, is set out in Appendix 4.1 and shown on Figure 4.1 of the Issues and Options document.
- 4.10 Section 4.2 of the Issues and Options document then looks at potential additional urban sites which might also be able to be brought forward, if they too can be shown to be 'deliverable' or 'developable' within the Plan period. This includes increasing the density and timetable for delivery on some sites and a review of sites that were previously designated for new employment development.
- 4.11 A list of potential additional urban housing allocations is set out in Appendix 4.2 and the impact of the potential additional supply, which could mean that no land



is needed to be released from the Green Belt, is set out in Table 4.2 of the Issues and Options document.

- 4.12 It is important to note that this higher land supply can only be achieved if these further changes can be shown to be 'deliverable' or 'developable' by the time the Plan is submitted to the Secretary of State and that this uncertainty over the future housing land supply means that the Council will be required to show other alternative options, which include the possible release of land from the Green Belt.
- 4.13 The Issues and Options document therefore also sets out two main Green Belt options, that would each be able to deliver the 2,500 homes that may be needed, if the potential additional urban housing allocations identified cannot be added to the existing urban land supply. These options have been included on the clear advice of Counsel.
- 4.14 Option 2A looks at the potential for a dispersed release of land from the Green Belt and Option 2B looks at the potential for a single urban extension to be identified. The potential sites included in Tables 4.5 and 4.7 and shown on Figures 4.6 and 4.7 have been identified following a more detailed review of the Green Belt undertaken by specialist consultants and the additional technical evidence that has been collected as part of the preparation of the Local Plan, which will also be made available for public consultation.
- 4.15 The Issues and Options document nevertheless makes it clear that the release of land from the Green Belt is not the Council's preferred option and has only been included as a contingency, in the event that insufficient 'deliverable' or 'developable' sites can be identified within the urban area.
- 4.16 The other option presented (Option 1B) is for a stepped approach to urban intensification, which could allow the Local Plan to reflect any proven delivery constraints with a lower annual requirement in the short term, provided that any shortfall in the early years is fully met within the remainder of the Plan period.
- 4.17 The Issues and Options document concludes that there is unlikely to be a shortfall of urban sites for new employment development and the list of proposed urban employment allocations is set out in Appendix 4.6 and shown on Figure 4.5 of the Issues and Options document.
- 4.18 The Issues and Options document also sets out the preferred approach to other matters including requirements for affordable housing, empty homes, town centres, infrastructure, and the protection of open space, biodiversity and heritage (Sections 5 to 8: Our Homes, Our Economy, Our Physical and Social Infrastructure, and Our Environment refer).
- 4.19 While the types of policies that are likely to be included in the final draft Local Plan are listed in Appendix 9.1, the Issues and Options document does not set out the text of any of these policies, with the exception of a draft policy for Houses in Multiple Occupation, which has been identified as particular priority by the Planning Committee, which will allow the draft policy to be to carry some weight in the determination of future planning applications. The detail of the

remaining strategic and non-strategic policies will be included in the final draft Local Plan and representations will be able to be made on these at Regulation 19 stage.

## **5.0 NEXT STEPS**

- 5.1 The Local Plan Issues and Options document attached to this report and its accompanying technical evidence will be published for public consultation for eight weeks, commencing in January 2020.
- 5.2 The comments received will be analysed and used alongside any further necessary technical evidence to inform the preparation of a final draft Local Plan, which will be reported to Cabinet in June 2020 for approval by Council in July 2020.
- 5.3 Following a statutory period of six weeks for final representations on the soundness and legal compliance of the proposals, the draft Local Plan and the representations received will be submitted to the Secretary of State for examination by a Planning Inspector, who after a public hearing will recommend whether the Local Plan can be adopted.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The costs of the Local Plan have been met from the Council's Local Plan budget.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The 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.
- 7.2 To be sound, a local plan must be: positively prepared, to as a minimum, meet the area's objectively assessed needs; justified, in terms of being an appropriate strategy, taking into account the reasonable alternatives; effective, in terms of being deliverable over the plan period and based on effective joint working on cross-boundary strategic matters; and consistent with national policy, enabling the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF, paragraph 35 refers).
- 7.3 The Council will not be able to successfully submit a 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.
- 7.4 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.

- 7.5 Exceptional circumstances will need to be demonstrated if Green Belt boundaries are to be altered (NPPF, paragraph 83 refers).
- 7.6 To be legally compliant, the local plan must be prepared to fully comply with national legislation and regulations, including the Duty to Co-operate.
- 7.7 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 Local Plan to be withdrawn. The Council has already consulted with relevant bodies as part of the preparation of the technical evidence base for the Local Plan and will be approaching neighbouring authorities more formally once the Issues and Options document has been approved. A full record of the actions taken to comply with the Duty and of any necessary agreements with relevant bodies will be published alongside the draft (Regulation 19) Local Plan.
- 7.8 The Council must also comply with its own statutory Statement of Community Involvement, last adopted in March 2014.
- 7.9 The approval of the final Draft Local Plan will require a resolution of Council before it can be published and submitted to the Secretary of State for public examination.
- 7.10 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).
- 7.11 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.
- 7.12 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).
- 7.13 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).

- 7.14 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).
- 7.15 Following Counsel's advice, the timetable set out in the Local Development Scheme approved by Council in March 2018 (Minute 133), which is currently being monitored by the Secretary of State, was updated and approved by Council on 14 October 2019 (Minute 72).
- 7.16 Planning applications must be determined in accordance with the adopted Development Plan unless material considerations (which include national policy and guidance) indicate otherwise.
- 7.17 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.
- 7.18 Where policies are out-of-date, permission should be granted unless the policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed 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 11 refers).
- 7.19 The Local Plan must be accompanied by a statutory sustainability appraisal including an assessment under the Habitats Regulations, copies of which are also attached to this report.

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

- 8.1 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, this is currently equivalent to 600 dwellings or above, with a £350 premium for every new affordable dwelling provided.
- 8.2 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.

- 8.3 The preparation of the Local Plan will require additional technical assessments, including 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.
- 8.4 An independent external Programme Officer has been identified to advise on the preparations for the submission of the final Local Plan to the Secretary of State and to run and co-ordinate the future public examination on behalf of the Planning Inspector who will be appointed by the Secretary of State.
- 8.5 Securing the 'deliverable' and 'developable' land supply that is necessary to support the preferred option of Urban Intensification will require continued support through the Council's ongoing regeneration activities, Affordable Housing Programme and Wirral Plan commitments and from development and funding partners including Peel Holdings, Wirral Growth Company, Homes England and the Liverpool City Region Combined Authority.

## **9.0 RELEVANT RISKS**

- 9.1 A failure to meet the Council's 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 work undertaken by consultants appointed by the Secretary of State in default.
- 9.2 Not modifying the Local Plan to address the issues identified in national policy or in the latest local research could lead to the Local Plan being withdrawn, with abortive costs and/or unnecessary time and expense being incurred at a future public examination.
- 9.3 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.
- 9.4 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 Local Plan, based on evidence related to planning history, the record of delivery and development viability.
- 9.5 Payments under the New Homes Bonus could be amended, in terms of the conditions, amount and duration of payments for each new home completed.
- 9.6 The national presumption in favour of sustainable development will be held to apply where there are no relevant development plan policies or the policies which

are most important for determining the application are out of date (NPPF paragraph 11).

- 9.7 Relevant policies may not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites or where the delivery of housing was substantially below the housing requirement over the previous three years (NPPF, paragraph 11, footnote 7). In these circumstances, 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 carrying weight according to their consistency with the Framework.

## **10.0 ENGAGEMENT / CONSULTATION**

- 10.1 Public involvement in the preparation of the Local Plan has been governed by the Council's statutory Statement of Community Involvement, adopted by Full Council in March 2014.
- 10.2 The Statement of Community Involvement requires 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). The Regulation 18 consultation will be for an 8-week period.
- 10.3 People and organisations may also register their contact details so that they are notified as each new document is made available and when each new stage is reached. Personal data is held and used in accordance with a Forward Planning Privacy Notice, for which a link is provided below.
- 10.4 Consultation will 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.
- 10.5 A series of public 'open days' are being held, which will be widely publicised, with the opportunity to speak to members of the Forward Planning Team.
- 10.6 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 Local Plan to be published and submitted to the Secretary of State. Respondents are encouraged to use the Council's online consultation portal.

## **11.0 EQUALITY IMPLICATIONS**

- 11.1 The Local Plan has been subject to ongoing Equality Impact Assessment.
- 11.2 The Issues and Options consultation document will be accompanied by a sustainability appraisal incorporating equality impact assessment. A headline findings report is attached at Appendix 3.

- 11.3 A revised equality impact assessment will be presented alongside the final proposals to be included in the draft Local Plan.
- 11.4 An additional Interim Health Impact Assessment has also been prepared, on behalf of the Director of Public Health, which will be published for public comment alongside the Issues and Options document.

## **12.0 ENVIRONMENT AND CLIMATE CHANGE IMPLICATIONS**

- 12.1 Proposals to address climate change are set out in Section 8: Our Environment of the Issues and Options consultation document.

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

## **APPENDICES**

- Appendix 1 – Issues and Options consultation document  
Appendix 2 – Issues and Options appendices  
Appendix 3 – Sustainability Appraisal headline findings report  
Appendix 4 – Habitats Regulations Assessment

## **BACKGROUND PAPERS**

Local Development Scheme for Wirral (October 2019) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/local-development-scheme>

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 (March 2014) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/community-involvement-local-planning/statement>

Documents related to the Development Options Review, including a summary of the responses received, can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-6>

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

The accompanying evidence base, which will be published for public consultation alongside the Issues and Options document can be viewed at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-planning-evidence-and-research-reports-3>

**SUBJECT HISTORY (last 3 years)**

| <b>Council Meeting</b>   | <b>Date</b>      |
|--|------------------|
| Cabinet – Wirral Local Plan Update Report (Minute 47)  | 17 December 2018 |
| Cabinet – Core Strategy Local Plan Review of Development Options (Minute 16)                                     | 23 July 2018     |
| Environment Overview and Scrutiny – Wirral Local Plan – Report of Progress Since 2004 (Minute 46)                | 31 January 2018  |
| Environment Overview and Scrutiny - Wirral Local Plan – Letter from Secretary of State (Minute 40)               | 21 December 2017 |
| Cabinet – Core Strategy Local Plan – Report of Further Consultation on Housing Needs and Land Supply (Minute 96) | 27 February 2017 |