



POLICY AND RESOURCES COMMITTEE

Wednesday, 16 March 2022

REPORT TITLE:	WIRRAL LOCAL PLAN 2021 TO 2037: PUBLICATION OF SUBMISSION DRAFT PLAN (REGULATION 19), AND SUBMISSION TO SECRETARY OF STATE FOR EXAMINATION (REGULATION 22)
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

This report seeks approval to publish the Wirral Local Plan 2021 to 2037- Submission Draft Plan (“the Submission Draft Plan”) for a six-week period to enable representations to be invited on the soundness and legal compliance of the Plan and for the Plan to be subsequently submitted to the Secretary of State for Levelling Up, Housing and Communities (“the Secretary of State”) for Independent Examination, following the conclusion of the publication period under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the Regulations”).

The Submission Draft Plan is the document that the Council, subject to Members’ approval, will submit to the Secretary of State for Independent Examination and which it would wish to adopt subject to the recommendations of a Planning Inspector.

The publication of the Submission Draft Plan (under Regulation 19 of the Regulations) is the final stage of engagement prior to the Submission Draft Plan being submitted for Independent Examination. The purpose of this stage is to enable any person to make representations (under Regulation 20 of the Regulations) about the Submission Draft Plan. The representations must relate to the ‘soundness’ or legal compliance of the Local Plan and will then go forward to be considered by the Planning Inspector who will be appointed by the Secretary of State to undertake the Independent Examination.

In accordance with National Planning Policy the Council must, through the Local Plan, provide a positive planning policy framework that supports and boosts the economy. The Submission Draft Plan is appended to this report at Appendix 1 and its accompanying Policies Map can be viewed online via a link at Appendix 2:

In producing the Submission Draft Plan, extensive work and evidence collation has indicated that the needs of the Borough can and should be met within the existing urban areas through an urban intensification approach. Because of this, the ‘exceptional circumstances’ for alterations to be made to Green Belt boundaries do not exist. This approach accords with national planning policy and guidance.

The Council's approved Local Development Scheme (January 2022) identifies that the Council intends to submit the Submission Draft Plan for Independent Examination to the Secretary of State between July and September 2022.

At the Independent Examination an Inspector appointed by the Secretary of State will examine the Submission Draft Plan, the evidence supporting it and the representations received under Regulation 20 and will assess whether the Council's proposed Plan is sound and has met the legal requirements to allow it to be formally adopted. The Inspector may suggest further modifications to the Local Plan.

The Local Plan will support all five themes of the Wirral Plan 2021-26: Inclusive Economy, Safe & Pleasant Communities, Sustainable Environment, Brighter Futures and Active & Healthy Lives.

This matter is a Key Decision and affects all wards within the Borough.

RECOMMENDATION/S

Policy and Resources Committee is requested to recommend to Council to:

1. Agree and publish the Wirral Local Plan-Submission Draft and Policies Map (as set out as Appendices 1 and 2 to this report respectively) ("the Wirral Local Plan") for a period of six weeks as soon as practicable for representations to be invited as to soundness and legal compliance in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the Regulations");
2. Agree the submission of the Wirral Local Plan, along with representations received, to the Secretary of State for Independent Examination under section 20 of the Planning Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), together with the submission documents prescribed by Regulation 22 of the Regulations, following the conclusion of the Regulation 19 publication period;
3. Note the Sustainability Appraisal, Habitats Regulation Assessment, Equality Impact Assessment, the Local Plan Duty to Co-operate Statement of Compliance, the Regulation 18 Consultation Statement and Local Plan evidence base published alongside Wirral Local Plan;
4. Authorise the Director of Regeneration and Place, in such consultation with the Chair and Spokespersons of Policy and Resources Committee as is practical and appropriate, to:
 - (a) make non-material typographical, formatting, mapping and other minor amendments to the Wirral Local Plan prior to publication and prior to submission of the Local Plan to the Secretary of State;
 - (b) produce and submit any supplementary information and documentation to the Local Plan Inspector(s) as may be required to complete the examination and address any issues relating to soundness and legal compliance including statements of common ground with various organisations;
 - (c) agree such main and other modifications to the Wirral Local Plan during the examination in public process as may be necessary to make the Wirral Local Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act; and
 - (d) write to the Local Plan Inspector(s) appointed to carry out the Independent Examination of the submitted Wirral Local Plan asking them to recommend such main or other modifications to the submitted Wirral Local Plan as may be necessary to make the Wirral Local Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act.
5. Endorse the Wirral Local Plan-Submission Draft as a material consideration to be used in the determination of planning applications, with appropriate weight given in accordance with paragraph 48 of the National Planning Policy Framework; and
6. Agree in principle to consider the use of the Council's Compulsory Purchase Order Powers, where required, to assist with the delivery of regeneration projects set out in the Wirral Local Plan

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The proposed publication of the Submission Draft Plan is in accordance with the Council's adopted Local Development Scheme and Statement of Community Involvement. The recommended process as set out within this report complies with relevant legislative requirements and is necessary before the Wirral Local Plan can be submitted to the Secretary of State for Independent Examination.
- 1.2 The current Wirral Unitary Development Plan ("UDP") was adopted in 2000 and is in need of replacement.
- 1.3 The proposed Local Plan policies, spatial strategy and site allocations are supported by an extensive range of supporting documents and evidence, including a Sustainability Appraisal, Habitat Regulations Assessment and Infrastructure Delivery Plan.
- 1.4 The continued progression of the Local Plan towards adoption will provide for the future development and infrastructure needs of the Borough in a sustainable and appropriate manner and will provide up to date planning policies to guide and support future development proposals. The Government requires all local planning authorities to have an up-to-date Local Plan in place by 2023. The Council is subject to the threat of intervention by the Secretary of State in the event the Local Plan is not prepared in a timely manner.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To not to publish the Submission Draft Local Plan is an option, however it is considered to be sound and legally compliant and will help deliver the comprehensive regeneration of Birkenhead and other identified areas in need of regeneration. Any delay will restrict the ability of the Council to deliver plan-led growth to meet future development and infrastructure needs and leave the Borough vulnerable to speculative development proposals. It would undermine the development of a comprehensive regeneration strategy for the Borough and it would also leave the Council vulnerable to formal intervention by the Secretary of State exercising his default plan-making powers under Part 2 of the 2004 Act.
- 2.2 Amending the Submission Draft Plan, including the Council's Preferred Spatial Strategy prior to publication under Regulation 19 of the Regulations would be an option. However, any alterations to the Submission Draft Plan at this stage will require a considerable amount of further work to be undertaken, which will make it impossible for the Council to submit the Submission Draft Plan for Independent Examination in accordance with the Council's approved Local Development Scheme and is likely to undermine the soundness and/or legal compliance of the Plan and risk intervention by the Secretary of State.

3.0 BACKGROUND INFORMATION

- 3.1 A Local Plan is required to set out the proposed strategy for meeting the Borough's development needs and the planning framework to guide the future use and development of land in the Borough for at least 15 years from adoption. It must identify how the Borough will grow and develop whilst at the same time maintaining its attractiveness as a place to live, work and visit.
- 3.2 The Local Plan forms part of the statutory Development Plan for the area. The Development Plan is the statutory basis upon which planning applications and other land use planning decisions must be determined, unless there are material considerations that indicate otherwise. The Local Plan is intended to provide certainty to communities and businesses about where development will be promoted and about where development will be restricted. It also allows infrastructure providers to plan effectively for the future.
- 3.3 The existing statutory Development Plan for the Metropolitan Borough of Wirral currently comprises:
- the 'saved' policies in the Unitary Development Plan for Wirral (UDP), which was adopted by the Council in February 2000;
 - the Joint Waste Local Plan for Merseyside and Halton, which was adopted in July 2013; and
 - Neighbourhood Development Plans for Devonshire Park (December 2015) and Hoylake (December 2016).
- 3.4 The proposed Wirral Local Plan will cover the period 2021-2037. At the heart of the proposed Wirral Local Plan is the comprehensive regeneration of Birkenhead, addressing decades of physical and social decline and deprivation and progressing the vision of the Birkenhead 2040 Framework. Proposals are also included to promote regeneration in New Brighton, Liscard, Seacombe and New Ferry. Once adopted, the policies in the Wirral Local Plan will replace all of the remaining policies in the existing Unitary Development Plan. Any future Neighbourhood Plans must also have regard to it.
- 3.5 The Wirral Local Plan will:
- Set the general scale and distribution of new development which is required to meet the Borough's needs to 2037;
 - Provide the spatial planning context for the comprehensive regeneration of Birkenhead and other priority areas in the Borough, to address deep-seated physical, social, housing and economic deprivation;
 - Set the strategic planning policies of the Council, taking account of key factors such as population trends, economic growth, climate change, resources and the character of the environment;
 - Set out the planning objectives, principles and requirements for future development proposals, including detailed 'development management' policies to guide future land use decisions, including decisions on planning applications;

- Show in detail where new homes, workplaces and facilities will be located through site and area specific allocations of land, which are shown on a Policies Map; and
- Show key environmental designations and include site and area specific proposals for the conservation and enhancement of historic and natural assets, which will also be shown on the Policies Map.

3.6 The Wirral Local Plan must be prepared to meet the requirements of national legislation, policy and guidance in accordance with a pre-determined statutory process. The next stage in that process is the publication of a Submission Draft Plan under Regulation 19. The comments received on the Submission Draft Plan will then go forward to be considered by a Planning Inspector appointed by the Secretary of State to undertake a formal Examination of the Plan before its policies and proposals can be legally adopted as part of the Development Plan for Wirral.

Local Plan timeline

- 3.7 The preparation of the Submission Draft Plan, attached to this report at Appendix 1, follows public consultation on a review of Development Options published in September 2018 and an Issues and Options Consultation published in January 2020, which sought comments on a number of evidence base studies and potential allocations for housing and employment development sites including an interim Sustainability Appraisal and Habitats Regulations Assessment and the Council's Preferred Option of Urban Intensification. Additional evidence base documents were published for public consultation during 2020 and 2021.
- 3.8 In replacing the UDP the original intention was to prepare a Core Strategy Local Plan which would be followed by the second stage preparation of a site-specific Land Allocations and a Heritage Local Plan. The stages undertaken to prepare the Core Strategy and the subsequent 2018 Development Options Review in 2018 can be viewed on the Council's web site here: <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan>. A detailed timeline can also be found in the Local Development scheme which can be viewed on the Council's web site here: <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/local-development-scheme>
- 3.9 The Council received 26,474 separate comments from some 1557 respondents during the Issues and Options Consultation, which have been used to inform the preparation of the Submission Draft Plan. A summary of the comments received, the key issues that were raised and the Council's responses are set out in the detailed Consultation Statement which can be viewed on the Council's web site here: <https://wirral.tiny.us/ydr8demm>
- 3.10 The Submission Draft Plan sets out the strategy, policies and proposals for meeting the Borough's development needs in a sustainable and transformational manner from 2021 to 2037. These range from the regeneration of areas of vacant and underused land to the protection and improvement of Wirral's historic and natural environment. At the heart of the Plan is the comprehensive regeneration of Birkenhead as a low carbon sustainable waterfront garden 'city' based on the proposals of the Draft Birkenhead 2040 Framework. Complementary regeneration policies for other 'Left Bank' places including New Brighton, Liscard and New Ferry are also set out.

- 3.11 In producing the Submission Draft Plan, extensive work and evidence collation has indicated that the needs of the Borough can and should be met within the existing urban areas through an urban intensification approach. Because of this, the 'exceptional circumstances' for alterations to be made to Green Belt boundaries do not exist, an approach which accords with national planning policy and guidance.

Sustainability Appraisal

- 3.12 A statutory Sustainability Appraisal (SA) has informed the preparation of the Submission Draft Plan. Reasonable alternatives to the policies and sites have been assessed at various stages in the preparation of the Plan and has informed the development of the spatial strategy and the selection of sites. As well as an appraisal of each policy and site, the SA includes an assessment of the cumulative effects of the Submission Draft Plan against sustainability objectives. The SA also addresses the requirements of Strategic Environmental Assessment, Equalities Impact Assessment and Health Impact Assessment. See: <https://wirral.tiny.us/2p8abcff>
- 3.13 A Non-Technical Summary is appended to this report at Appendix 3.

Habitats Regulation Assessment

- 3.14 A statutory Habitats Regulations Assessment (HRA) has also been undertaken to identify any aspects of the emerging Plan that would have the potential to cause a likely significant effect on Natura 2000 or European sites (including designated Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites). The HRA concludes that the Submission Draft Plan will not result in a likely significant effect, either alone or in combination, upon any of these sites. See: <https://wirral.tiny.us/yzurvr7u>
- 3.15 A summary of conclusions and recommendations of the HRA is also appended to this report at Appendix 4.

Infrastructure

- 3.16 The Council has also worked to ensure that the infrastructure needed to support planned growth has been properly understood and considered, particularly with regard to education, health and transport, which were some of the issues of greatest public concern. An Infrastructure Delivery Plan and Schedule (IDP) has been prepared following extensive ongoing consultation with infrastructure providers and other stakeholders and sets the requirements for the level of growth identified in the Submission Draft Plan. The IDP is available on the website as part of the Council's evidence base at: <https://wirral.tiny.us/4yesy78p>

Duty to co-operate

- 3.17 Local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. The Council has collaborated extensively and on an ongoing basis with the prescribed Duty to Cooperate bodies in producing the Submission Draft Plan. A Duty to Cooperate Statement of Compliance has been prepared to support the Submission Draft Plan, which is attached as Appendix 5 to this report. The Statement summarises the cross-boundary collaborative work and engagement that has been undertaken, and how it has informed the development of the Plan. A

number of Statements of Common Ground have been or are being prepared to supplement the Statement of Compliance.

Evidence Base

3.18 The preparation of the Submission Plan has been informed by an extensive evidence base which can be viewed online here: <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-planning-evidence-and-research-reports-3>

3.19 Key evidence base documents include:

Title	Explanation
Strategic Housing Land Availability Assessment	A technical exercise to determine the quantity and suitability of land that could potentially be available for future housing development.
Strategic Housing Market Assessment	An assessment of future housing requirements in area, which informs the Local Plan strategy and housing targets.
Employment Land and Premises Study	An assessment of the anticipated demand for employment land in the Borough over the plan period as well as the potential employment sites that could be used to address this requirement.
Whole Plan Viability Study	An assessment of the viability of delivering the policies and proposals in the Local Plan to ensure that the proposed sites, policies and the scale of development are not subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened
Strategic Flood Risk Assessment	A collection of information on all known sources of flooding that may affect existing or future development within the Borough, including tidal, river, surface water (local drainage), sewers and groundwater flooding.
Draft Birkenhead 2040 Framework	A comprehensive regeneration strategy for Birkenhead which has been used to inform the preparation of the policies and proposals for regeneration within the Local Plan.

3.20 **A Policies Map** must be prepared to accompany the Local Plan. The Submission Draft Policies Map shows the main policy designations that are proposed to apply within the Borough, such as Green Belt, housing allocations, employment areas, environmental assets, conservation areas, open spaces and other areas where specific policies are proposed to apply. The Submission Draft Policies Map can be viewed here <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/wirral-s-new-local-plan/new-local-plan-0>

Arrangements for Publication of the Submission Draft Plan

- 3.21 Subject to agreement by Council, publication of the Submission Draft Plan and supporting documents under Regulation 19 of the Regulations will take place as soon as practicable for a six-week period and subsequent stages will be publicised as set out in Appendix 6 of this report in accordance with the Council's adopted Statement of Community Involvement.

Making Representations on the Submission Draft Plan

- 3.22 The purpose of this stage of the plan-making process is to enable any person to make representations under Regulation 20 of the Regulations) about the Submission Draft Plan. Representations must relate to the 'soundness' or legal compliance of the Plan. The Submission Draft Plan is the document that the Council intends to submit to the Secretary of State for Independent Examination. Every duly made Regulation 20 representation will be submitted to the Secretary of State alongside the Submission Draft Plan and will be considered by the Planning Inspector(s) appointed to carry out the Examination.
- 3.23 A prescribed form required by the Planning Inspectorate for completing representations will be available to complete when reading the document via the Council's Planning Portal. For those unable to use the Portal the representation form will be available to download from the Council's Local Plan and Planning Policy website <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/wirral-new-local-plan/new-local-plan> and will also be available in hard copy form.
- 3.24 A frequently asked questions note will be produced which will explain the publication process, how long it lasts, how to make representations, document availability etc and will be available on the Council's website and in hard copy.

Walk in Events

- 3.25 Subject to Covid restrictions and suitable venue availability a series of walk-in events will be arranged at different venues across the Borough to explain the proposals of the Submission Draft Plan and how to make representations using the standard form required by the Planning Inspectorate. These will not be consultation events in the same way as took place in early 2020 on the Issues and Options Report. The procedures for this stage are prescribed by the Regulations on the basis that the Council has reached a settled position on the spatial strategy for the Borough and is not expecting to change it before the Submission Draft Plan is submitted to the Secretary of State.
- 3.26 Reflecting the purpose of the Independent Examination, the focus of Regulation 20 representations should be on whether the Submission Draft Plan has been prepared in accordance with the duty to co-operate under section 33A of the 2004 Act, whether it complies with the relevant legal (procedural) requirements, and whether it is sound. The tests of soundness are set out within paragraph 35 of NPPF and require that the Plan is:
- (a) Positively prepared, providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other

authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

(b) Justified being an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

(c) Effective—being deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

(d) Consistent with national policy, enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

3.27 When considering if the Submission Draft Plan meets its legal requirements, the Inspector will consider a number of issues including whether:

- the Plan been prepared in accordance with the timetable set out in the Local Development Scheme?
- consultation on the Plan has been in accordance with the Council's Statement of Community Involvement and the appropriate bodies have been consulted?
- the Plan has been prepared in co-operation with other local planning authorities and prescribed bodies, such as the Environment Agency and the Local Enterprise Partnership, to identify and address any issues?
- an adequate Sustainability Appraisal been carried out in accordance with the Strategic Environmental Assessment Regulations?
- an adequate Appropriate Assessment under the Habitats Regulations been carried out?
- the Plan complies with other legislation including the Public Sector Equalities Duty

Submission and Examination of the Draft Local Plan

3.28 Once the publication period has closed, the Council will collate all the Regulation 20 representations received during the Regulation 19 publication stage. Following this process, the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the Submission Draft Plan and its supporting documents will then be submitted to the Secretary of State for Examination.

3.29 The Council has appointed a Programme Officer whose role is to work on behalf of the appointed Local Plan Inspector to co-ordinate and manage the Local Plan Examination. The Council will also need to ensure that the necessary procedural requirements are met in relation to the submission of the Plan to enable the Local Plan Examination to commence in a timely manner. The Planning Inspectorate has

produced guidance aimed at all those involved in the process and concerned with the procedural aspects of examining a Local Plan. Following the submission of the Submission Draft Plan and its supporting documents, the Secretary of State will appoint a Local Plan Inspector(s) as soon as possible and the Independent Examination will formally commence.

- 3.30 The process of Independent Examination under section 20 of the 2004 Act is primarily carried out by the appointed Local Plan Inspector(s), having regard to:
- (1) the draft Local Plan submitted to the Secretary of State;
 - (2) the supporting documents submitted by the local planning authority in accordance with Regulation 22 of the Regulations;
 - (3) duly made representations under Regulation 20 of the Regulations; and
 - (4) written representations submitted on the invitation of the Local Plan Inspector(s) in connection with examination hearings and any consultation on any proposed modifications of the submitted Local Plan.
- 3.31 The scope of any Examination hearing sessions will be limited to the matters and issues identified by the Inspector. There is no general right to be heard at the Examination hearings. Only those persons who make Regulation 20 representations seeking to change the Local Plan have a right to be heard by the Local Plan Inspector(s) carrying out the Examination.
- 3.32 During the Covid-19 pandemic hearing sessions for Local Plan Examinations have been taking place by a mix of virtual, blended and in-person formats (hosted by the Local Planning Authority), depending on the particular circumstances of the examination and the national situation at the time, with virtual hearing sessions streamed online in many cases. The appointed Inspector(s) will determine the format of the sessions in close liaison with the Council. It is possible that the Wirral Local Plan hearings may involve a hybrid approach with a combination of virtual and in-person sessions.
- 3.33 During the Examination, it is likely that the Local Plan Inspector(s) will ask the Council to submit additional information and documentation, either before or during the course of the Examination hearings. Such information may take the form of a 'topic papers' or 'statements of common ground', to clarify or update the Council's position on relevant matters, or any agreed position established between the Council and other stakeholders. It is impossible to predict whether and to what extent it may be necessary or appropriate to submit further information or documentation to the Local Plan Inspector(s). However, the Council does not have control over the management of the Examination, which is a matter for the Inspector(s). Supplementary documentation or information may only be submitted to the Examination with the permission or at the request of the Local Plan Inspector(s). Any information or document requested by the Inspector(s) must be prepared and submitted promptly.
- 3.34 To enable the Planning Inspector to recommend the adoption of the Local Plan without delay, the Council should ask the Inspector to recommend any main or other modifications of the draft Local Plan considered necessary to make it sound and legally compliant. The Examination process includes a procedure for publishing

proposed main modifications at the Inspector's direction and following Member approval for consultation over a six-week period after the completion of the Examination hearings. The proposed main modifications of a Local Plan must be subject to Sustainability Appraisal and may require the updating of other evidence, which must also be published for consultation at the same time as the proposed main modifications. Subject to the responses received, which are usually dealt with in writing, the Inspector will proceed to complete and issue his/ her final report on the Examination. Subsequent adoption of the Local Plan would require a resolution of full Council. In view of the often fast-moving process during a hearing session it may be necessary for the Council to indicate its agreement to minor modifications to the Local Plan. Consideration may also be required to major modifications. Depending on the significance of the proposed change, consultation with the Chair and Spokespersons of the Policy and Resources Committee will be sought where practical and appropriate.

The Role of the Council in delivering Regeneration

- 3.35 In order to deliver a number of the regeneration policies set out in the Submission Draft Plan it will be necessary in some cases to undertake site assembly to enable development to proceed. Site assembly will be undertaken by private developers, the Council and other delivery bodies. Whilst every effort will be made to acquire land through negotiation it may be necessary for the Council to be willing to use its Compulsory Purchase powers. For this reason, members are being recommended (amongst other matters) to agree in principle the use of the Council's Compulsory Purchase Order Powers, where required, to assist with the delivery of regeneration projects set out in the Wirral Local Plan.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The costs of publication, submission, and examination of the Local Plan are difficult to estimate given the uncertainty over the questions raised and matters to be examined by the inspector and the length of the Examination (see section 6 below). Provision of £320,000 has been made in the Local Plan budget for publication and Examination related costs.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council is legally required to prepare and maintain an up to date Local Plan to set out the strategic priorities for the Borough and the policies that address them in accordance with a predetermined statutory process. The process as set out within this report complies with the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan must be prepared in accordance with the Council's adopted Local Development Scheme.
- 5.2 The Wirral Local Plan must be made available for inspection at the Council's principal office and at such other places within the authority area as the Council consider appropriate. Wallasey Town Hall has prior to the pandemic being the Council's principal office. However, it is not currently in use as a public facility and is not staffed or available for use as a principal office. The intention is instead to use

Birkenhead Central Library as the principal office for the purpose of the inspection of the Wirral Local Plan.

- 5.3 The principal terms of any Compulsory Purchase process, if such process were required, would be outlined in a future Committee report(s). There are various powers for making a compulsory purchase order. The most relevant powers are likely to be under Section 226(1)(a) of the Town and County Planning Act 1990 and under section 17 of the Housing Act 1985.
- 5.4 Section 226(1)(a) of the Town and County Planning Act 1990 allows a local authority, on being authorised to do so by the Secretary of State, to have power to acquire any land in their area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. A local authority can only exercise the power if the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- (1) the promotion or improvement of the economic well-being of their area;
 - (2) the promotion or improvement of the social well-being of their area;
 - (3) the promotion or improvement of the environmental well-being of their area.
- 5.5 Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The Examination process will require a significant amount of Officer time and resources, particularly during the hearing sessions. Expert witnesses (including external consultants) will be required to support and represent the Council as required. In addition, the Council will be required to provide adequate rooms and facilities throughout the hearings if conducted in-person.
- 6.2 The duration of the entire Examination process will depend very much upon the nature, scope and complexity of objections within the Regulation 20 representations which will inform the matters and issues identified by the Local Plan Inspector to be considered at the Examination hearings but is likely to exceed 12 months. The resource and cost implications for the Council arising from the Examination, including the hearing sessions, will depend upon the length, complexity and level of detail of the process

7.0 RELEVANT RISKS

- 7.1 The implications of paragraph 11 of the NPPF, is that unless sufficient land for residential development can be identified in the emerging Local Plan, the absence of an appropriate residential land supply could lead to the loss of appeals against the refusal of planning permission, with costs awarded against the Council, unless any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed.

- 7.2 There is a risk of intervention by the Secretary of State if delivery milestones are not met. The publication of a Submission Draft Plan under Regulation 19 is the second milestone on the Local Development Scheme. A detailed project plan and resources plan are in place and are monitored on a regular basis.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Requirements for engagement during the preparation of the Local Plan are set out in the Council's adopted Statement of Community Involvement (SCI). In accordance with the SCI an extensive consultation on the Issues and Options Document was undertaken in early 2020 and a detailed consultation statement can be viewed here: <https://wirral.tiny.us/ydr8demm> As set out in paragraphs 3.21 to 3.27 above and in accordance with the Council's adopted SCI the Submission Draft Plan will be the subject to further publicity as part of the Regulation 19 publication process to allow representations to be submitted on its soundness and legal compliance.

9.0 EQUALITY IMPLICATIONS

- 9.1 The Council has a duty under the Equality Act 2010, including the Public Sector Equality Duty, to ensure that the objectives and proposals within the Wirral Local Plan eliminate unlawful discrimination (direct and indirect), as well as advancing equality of opportunity and fostering good relations between those with protected characteristics and all others. An Equality Impact Assessment has been prepared to inform the preparation of the Submission Draft Plan and is appended at Appendix 7 to this report. It can also be viewed here <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The Submission Draft Plan sets out a whole series of policies dealing with the protection and enhancement of the Borough's environmental assets and to address and mitigate climate change. The preparation of the Submission Draft Plan has been informed by separate Sustainability Appraisal and Habitat Regulation Assessment processes

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 The Submission Draft Plan does not have any direct community wealth implications but the adoption of the Local Plan will result in the delivery of significant development which will give opportunities for social wealth capture. The Submission Draft Plan includes a Social Value Policy (Policy WS 2 refers).

REPORT AUTHORS:

Keith Keeley

(Head of Regeneration Strategy)

telephone: 0151 691 8283

email: keithkeeley@wirral.gov.uk

Andrew Fraser

(Forward Planning Manager)

telephone: 0151 691 8218

email: andrewfraser@wirral.gov.uk

APPENDICES

Appendix 1: Wirral Local Plan 2021 to 2037 Submission Draft Plan

Appendix 2: Wirral Local Plan 2021 to 2037 Policies Map Web Links

Appendix 3: Wirral Local Plan 2021 to 2037 Sustainability Appraisal – Non Technical Summary

Appendix 4: Wirral Local Plan 2021 to 2037 Habitat Regulations Assessment - Summary of conclusions and recommendations

Appendix 5: Wirral Local plan 2021 to 2037-Duty to Cooperate Compliance Statement

Appendix 6: Publicity requirements as set out in the Council's adopted Statement of Community Involvement (Table 3.1).

Appendix 7: Wirral Local Plan Submission Draft 2021 to 2037 Equality Impact Assessment

BACKGROUND PAPERS

Wirral Local Plan 2021-2037 Sustainability Appraisal <https://wirral.tiny.us/2p8abcff>

Wirral Local Plan 2021-2037 Habitat Regulation Assessment <https://wirral.tiny.us/yzurvr7u>

Wirral Local Plan 2020 to 2035 Issues and Options Consultation-Consultation Statement.
<https://wirral.tiny.us/ydr8demm>

[Planning and Compulsory Purchase Act 2004](#) (Sections 15, 17, 35 and 36 refer)

[Localism Act 2011](#) (Sections 111 and 113 refer)

[Neighbourhood Planning Act 2017](#) (Sections 11 and 12 refer)

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

[National Planning Policy Framework \(DLUHC\)](#)

[Planning Practice Guidance \(DLUHC\)](#)

[Local Development Scheme for Wirral](#) (Wirral Council, January 2022)

[Procedure Guide for Local Plan Examination](#) (Planning Inspectorate, 2021)

Infrastructure Delivery Plan <https://wirral.tiny.us/4yesy78p>

Local Plan evidence base <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-planning-evidence-and-research-reports-3>

The stages undertaken to prepare the Core Strategy and the subsequent 2018 Development Options Review in 2018 <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan>.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Economy Regeneration and Development Committee- Revised Local Development Scheme	26 th January 2022
Economy Regeneration and Development Committee- Revised Statement of Community Involvement	4 th March 2021
Leaders Decision -Revised Local Development Scheme	27 th September 2020
Full Council- Wirral Local Plan - 2020-2035: Approval of Issues and Options Document for Public Consultation	13 th January 2020
Special Cabinet Meeting – Wirral Local Plan - 2020-2035: Approval of Issues and Options Document for Public Consultation	13 th January 2020(minute 78)