

## MINUTE EXTRACT

### POLICY AND RESOURCES COMMITTEE

16 MARCH 2022

144 **WIRRAL LOCAL PLAN 2021 TO 2037: PUBLICATION OF SUBMISSION DRAFT PLAN (REGULATION 19), AND SUBMISSION TO SECRETARY OF STATE FOR EXAMINATION (REGULATION 22)**

The Director of Regeneration and Place introduced a report which sought approval, by way of a recommendation to Council, 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 was the document that the Council, subject to Members’ approval, would 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) was the final stage of engagement prior to the Submission Draft Plan being submitted for Independent Examination. The purpose of this stage was 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 would then go forward to be considered by the Planning Inspector who would 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 supported and boosted the economy. The Submission Draft Plan was appended to the report in a separate supplement and its accompanying Policies Map could be viewed online via a link at Appendix 2.

In producing the Submission Draft Plan, extensive work and evidence collation had indicated that the needs of the Borough could 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 did not exist. This approach accords with national planning policy and guidance. The Council’s approved Local Development Scheme (January 2022) identified that the Council intended 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 would examine the Submission Draft Plan, the evidence supporting it and the representations received under Regulation 20 and would assess whether the Council's proposed Plan was sound and had met the legal requirements to allow it to be formally adopted. The Inspector might suggest further modifications to the Local Plan.

The proposed publication of the Submission Draft Plan was in accordance with the Council's adopted Local Development Scheme and Statement of Community Involvement. The recommended process as set out within the report complied with relevant legislative requirements and was necessary before the Wirral Local Plan could be submitted to the Secretary of State for Independent Examination. The current Wirral Unitary Development Plan ("UDP") was adopted in 2000 and was in need of replacement.

The proposed Local Plan policies, spatial strategy and site allocations were supported by an extensive range of supporting documents and evidence, including a Sustainability Appraisal, Habitat Regulations Assessment and Infrastructure Delivery Plan.

The continued progression of the Local Plan towards adoption would provide for the future development and infrastructure needs of the Borough in a sustainable and appropriate manner and would provide up to date planning policies to guide and support future development proposals. The Government required all local planning authorities to have an up-to-date Local Plan in place by 2023. The Council was subject to the threat of intervention by the Secretary of State in the event the Local Plan was not prepared in a timely manner.

The Committee discussed the proposed delegated authority to the Director to make the necessary modifications to the Wirral Local Plan during the examination in public process.

It was moved by Councillor Tom Anderson, seconded by Councillor Jeff Green that the officer recommendations be agreed.

Following the proposing of suggested amendments in relation to the delegated authority to the Director, the Chair agreed to adjourn the meeting at 19.16pm for consultation and legal advice on the proposed amendments.

Upon resumption of the meeting at 19.39pm, it was moved by Councillor Jean Robinson as an amendment that the recommendations in the report be agreed, subject to the addition of new paragraph 5 being inserted beneath 4(b), to read "Authorise the Director of Regeneration and Place, in consultation with Chair and Spokespersons of Policy and Resources Committee to:", and paragraphs 4(c) and 4(d) becoming paragraphs 5(a) and 5(b).

This amendment was accepted by Councillor Tom Anderson as the mover of the original motion.

The substantive motion was put and agreed (14:1). It was therefore –

**RECOMMENDED (14:1) – That Council:**

- 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;**
- 5. Authorise the Director of Regeneration and Place, in consultation with Chair and Spokespersons of Policy and Resources Committee to:**
  - (a) 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**
  - (b) 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.**

- 6. 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**
- 7. 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**