

<b>Reference:</b>	<b>Area Team:</b>	<b>Case Officer:</b>	<b>Ward:</b>
OUT/22/00946	DM	Mr J Bellis	Pensby and Thingwall

<b>Location:</b>	Land East Of Glenwood Drive, Irby, CH63 1JD
<b>Proposal:</b>	Outline Planning Application for residential development for up to 290 dwellings (Use Class C3), including 30% affordable housing and 10% self-build / custom build properties; delivery of part of the Borough’s cycle supergreenway; green infrastructure including sports pitches, play areas and parkland, wildlife habitats and green corridors; and off-site highway, environmental, biodiversity and accessibility enhancements (Outline application with all matters reserved except for access).
<b>Applicant:</b>	Leverhulme Estates
<b>Agent:</b>	Mr S Handy, Strutt and Parker

<b>Qualifying Petition</b>	<p>2 petitions have been received (391 and 1233 signatures each) objecting to this application. These raise the following issues:</p> <ul style="list-style-type: none"> <li>• Detrimental Environmental Impact;</li> <li>• Impact on Community Infrastructure;</li> <li>• Amenity Impacts;</li> <li>• Loss of Green Belt;</li> <li>• Loss of Open Space.</li> </ul>
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**Site Plan:**



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<b>Development Plan designation:</b>	Green Belt
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**Planning History:**

No relevant history.

**Summary Of Representations and Consultations Received:****1. Ward Member Comments**

Councillor Leah Fraser (Objection)

- The Leverhulme Estates 'vision' misrepresents Wirral's 'Housing Need.'
- The figures for population for Wirral (from the 2021 Census) shows that the percentage increase in population in Wirral has increased by only around 500 people in the last 10 years.
- Using the 2021 Census figures increase, I believe the Council's draft Local Plan population figures are also contrary to reality.
- I believe the application conflicts with the Council's Regulation 19 Submission Draft Local Plan 'Spatial Strategy' which excludes (as being unnecessary) any release or development of Green Belt.
- The proposal would MERGE the separate and distinct communities of Irby and Thingwall, contrary to the Framework (NPPF) and destroy the distinctive character of the area.
- The proposed application would close the important Green and Wildlife Corridor across Wirral from Meols, past Greasby, between Irby and Thingwall, between Irby and Pensby and down to the Estuary.
- The proposed application would result in an artificially bright and noisy zone replacing existing 'dark' and 'quiet' farmland, lead to the further trampling of the Ancient Woodland of Harrock Wood, and the pollution of Arrowe Brook by additional surge run-off contaminated with garden chemicals.
- The land is 'Productive Farmland' which is supposed to be protected by National and Wirral Local Policies reconfirmed only recently.
- The proposed development would result in additional pressure on all Local Services and infrastructure.
- The proposal shows homes, sporting and play areas located above the 'Western Link' 12-metre wide 'wayleave' above the buried twin 600 Kv DC cables running from Scotland to Wales, at a depth which would expose to danger those involved in construction including self-builders, later extensions and earthworks by residents or others.
- Remotely-located sports and play areas where safeguarding of youngsters would be a problem.
- Unspecified commercial ventures located far into the site, surrounded by remaining farmland.

Councillor Mike Collins (Objection)

General List of Pointers for ALL Sites [relating to this application and 6 others within the Wirral Green Belt that have been submitted by the Applicant]:

- The Application(s) conflict with the Council's Regulation 19 Submission Draft Local Plan 'Spatial Strategy' which excludes (as being unnecessary) any release or development of Green Belt;
- The Application(s) conflict with the Framework (NPPF) and Government directives NOT to release ANY Green Belt for development until 'brownfield' and 'Previously Developed Land' opportunities are exhausted.

Wirral has a nationally-significant extent and excess of suitable 'brownfield' sites;

- New Housing in Green Belt is 'inappropriate development' unless there are 'Exceptional Circumstances' or 'Very Special Circumstances'. Exhaustive studies show such do NOT to apply to any of these Applications;
- Proposals conflict with 4 of the 5 'Purposes of Green Belt' (to check Sprawl; prevent Merging communities; stop countryside Encroachment; and assist Urban Regeneration) and with special reasons why Wirral's Green Belt boundaries remain tightly drawn around existing urban areas;
- Proposals would both individually and cumulatively conflict with the requirement to protect both the 'Permanence' of Green Belt Boundaries once drawn and the 'Openness' of it;
- Proposals would individually and cumulatively fail to meet National and Wirral Climate Change Mitigation Policies. There is no way that the Harm done to Ecology, Air Quality, Watercourses and countryside by developing farmland for new Housing can be fully mitigated let alone provide the mandated 'Biodiversity Net Gain', by tree-planting within already 'green' areas, which land management should do without building;
- Proposals would individually and cumulatively conflict with National and Wirral Policies regarding the protection and improvement of 'Productive Farmland' in order to ensure future 'Food Security';
- The Leverhulme Estates 'Vision' misrepresents Wirral's 'Housing Need'; also, what their Proposals would provide, the adverse Effects and even Lord Leverhulme's Legacy. His factories needed healthy workers at hand and so he built houses next to his Works, following the earlier example of improved worker productivity from decent housing by Thomas Brassey, Lord Cadbury and others. Main point is: 'Employment' drives the need for Housing, NOT housing for profit's sake.
- Leverhulme Estate's contention that Wirral won't have a '5-Year Housing Supply' is desperate nonsense. Not only does the Draft Local Plan outline a considerable excess Supply against the (now-admitted) highly-inflated 'Housing Need' figure derived from the abandoned 'Standard Method' and banned 2014 ONS Data, the Supply rates even higher against the newer requirement to use up-to-date ONS and Wirral's own Local Administrative Data; and now, the 2021 much lower Population Data MUST be taken into account, pushing the 'Housing Need' much lower (below 4,400 in 16 Years). Further, even including the last 5 covid-affected Years, Wirral has delivered more new homes than the latest Data requires. The 10-year consistent 'Empty Homes back into Use' delivery alone gives 4,000 in 16 Years.

Specifically in relation to OUT/22/00946

- Proposal would MERGE the separate and distinct communities of Irby and Thingwall, contrary to the Framework (NPPF) and destroy the distinctive character of the area;
- Proposal would close the important Green and Wildlife Corridor across Wirral from Meols, past Greasby, between Irby and Thingwall, between Irby and Pensby and down to the Estuary;

	<ul style="list-style-type: none"> <li>• Proposal would close the open, wide and distant views across 7Km of farmland to the open Sea, enjoyed by all those who travel along Thingwall Road;</li> <li>• Proposal would result in an artificially bright and noisy zone replacing existing 'dark' and 'quiet' farmland, lead to the further trampling of the Ancient Woodland of Harrock Wood, and the pollution of Arrowe Brook by additional surge run-off contaminated with garden chemicals;</li> <li>• The land is 'Productive Farmland' which is supposed to be protected by National and Wirral Local Policies reconfirmed only recently;</li> <li>• Proposal would result in additional pressure on all Local Services and Infrastructure;</li> <li>• Proposal shows homes, sporting and play areas located above the 'Western Link' 12-metre wide 'wayleave' above the buried twin 600 Kv DC cables running from Scotland to Wales, at a depth which would expose to danger those involved in construction including Self-Builders, later extensions and earthworks by residents or others;</li> <li>• Remotely-located sports and play areas where safeguarding of youngsters would be a problem;</li> <li>• Unspecified commercial ventures located far into the Site, surrounded by remaining farmland.</li> </ul>
<p><b>2. Summary of Representations</b></p>	<p>This application has been advertised as an Environmental Impact Assessment (EIA) scheme, major development and a departure from the development plan. The relevant press and site notices were published and displayed on 11<sup>th</sup> July and 6<sup>th</sup> July 2022 respectively. Notification has been given to adjoining occupiers on 5<sup>th</sup> July 2022.</p> <p><b><u>REPRESENTATIONS</u></b></p> <p>At the time of writing, representations have been received from 337 interested parties, 337 of these are objections, in addition to 2 petitions that have been received (391 and 1233 signatures each) in relation to this application. To summarise, these raise the following key issues:</p> <ul style="list-style-type: none"> <li>• Negative impact on the delivery of housing delivery on Previously Developed Land;</li> <li>• Alternative locations in the Borough are more suitable for new housing developments;</li> <li>• Delivery of housing on Previously Developed Land should be prioritised over the development of greenfield &amp; green belt land;</li> <li>• Negative impact on Urban Regeneration schemes in the Wirral;</li> <li>• Proposal could be accommodated elsewhere in Merseyside;</li> <li>• Contrary to the emerging Local Plan;</li> <li>• Contrary to the UDP;</li> <li>• Contrary to the NPPF;</li> <li>• Proposals seek to sidestep/undermine the Local Plan process;</li> <li>• Precedent of incursion into Green Belt for Housing Development;</li> <li>• Contrary to the five purposes of Green Belt;</li> <li>• Loss of Openness, Character and Permanence of the Green Belt;</li> <li>• Green Belt land should be retained to encourage urban regeneration;</li> <li>• Loss of Green Belt Land;</li> <li>• Disagreement that Very Special Circumstances exist;</li> <li>• Urban Sprawl;</li> <li>• Loss of/Impact on local character;</li> <li>• Loss of local distinctiveness of villages;</li> </ul>

- Loss of views;
- Loss of Quiet/Tranquil Areas;
- Loss of uniqueness of the area;
- Potential for merging of settlements through loss of Green Belt/Open Countryside
- Negative Impact on Climate Change;
- Potential 'urban heat island' effect of new development;
- Loss of Agricultural Land/Loss of Food Production Land/Food Security Issues/Increase in Food miles;
- Loss of Farming Business;
- Contrary to International and National 'Green Agenda';
- Loss of Green & Wildlife Corridors;
- Loss of Green Space;
- Negative Impact on Wildlife and Biodiversity;
- Negative Impact on Protected and Non-Protected Species;
- Biodiversity loss is not replaced by adequate mitigation;
- Impacts on designated ecological sites;
- Existing issues with farmland biodiversity;
- Negative Impacts on Local Tourism in the Green Belt;
- Proposal is being sought for profit of shareholders, not local people;
- Negative Impacts on Community Infrastructure e.g. shops, services, health care, education;
- Negative impacts on the ability of infrastructure providers to provide services;
- Negative impacts on physical infrastructure;
- No need for new housing in this location;
- Housing need can be delivered through previously developed land;
- Population growth doesn't show the need for new homes;
- Shortage of Affordable Housing within the Borough;
- Not sufficient affordable housing contribution within schemes;
- Affordable housing within scheme out of reach of those in need for affordable housing products;
- Properties proposed are too expensive to meet local community needs;
- Lack of a range of tenures available within the schemes;
- Amount of homes for sale within borough shows no shortage of housing provision;
- Pollution from development e.g. light, noise, air etc.;
- Proposals will increase social inequality;
- Construction impacts on the existing residents;
- Negative impact on the amenity, health and well being of existing residents;
- Negative Impacts on Leisure Area/Recreational Space e.g. Public Rights of Way etc.;
- Flood risk, drainage and sewage impact of the proposals;
- Impact on watercourses;
- Impact on Water Supply;
- Impact on local highway infrastructure/volume of traffic created by the proposal;
- Highway access concerns;
- Poor accessibility of the proposal to public transport networks;
- Inflationary impacts of new developments;
- Criticism of submission documents in terms of quality and the surveys submitted;

- Surveys undertaken during the Covid 19 Pandemic/'Lockdown';
- Issues submitting comments via the Council Website;
- Quantum of Comments submitted against proposals; and
- Negative impact on the Lever Family Legacy in the Wirral.

In addition, a number of local interest groups have also commented.

The Wirral Society have objected to the proposal and the following summarises their objections:

- Contrary to UDP;
- Contrary to the emerging Local Plan;
- Loss of Green Belt Land;
- Inappropriate Development in Green Belt;
- Loss of Agricultural Land/Loss of Food Production Land/Food Security Issues;
- No need for new housing in this location;
- Disagreement that Very Special Circumstances exist;
- Very Special Circumstances posed may reduce over time;
- Contrary to 4 of the purposes of Green Belt; and
- Negative Impact on Community Infrastructure.

Wirral Wildlife Trust have objected to the proposal and the following summarises their objections:

- Loss of Green Belt Land;
- No need for new housing in this location;
- Loss of Agricultural Land/Loss of Food Production Land/Food Security Issues;
- Disagreement that Very Special Circumstances exist;
- Negative Impact on Wildlife and Biodiversity;
- Negative Impact on Protected and Non-Protected Species;
- Negative Impact on Designated Sites;
- Loss of Quiet/Tranquil Areas;
- Pollution from development e.g. light, noise, air etc.; and
- Poor accessibility of the proposal to public transport networks.

ITPAS (Irby, Thurstaston and Pensby Amenity Society) have objected to the proposal and the following summarises their objections:

- Contrary to the emerging Local Plan;
- Contrary to the NPPF;
- Loss of Green Belt Land;
- Inappropriate Development in Green Belt;
- Loss of Openness, Character and Permanence of the Green Belt;
- Disagreement that Very Special Circumstances exist;
- Potential for merging of settlements through loss of Green Belt/Open Countryside
- Loss of/Impact on local character;
- Loss of views;
- Loss of Quiet/Tranquil Areas;
- Impact on local infrastructure created by the proposal;

	<ul style="list-style-type: none"> <li>• Flawed Vision of Leverhulme Estates;</li> <li>• Pollution from development e.g. light, noise, air etc.;</li> <li>• Contribution to climate change;</li> <li>• No need for new housing in this location;</li> <li>• Loss of Agricultural Land/Loss of Food Production Land/Food Security Issues;</li> <li>• Impact on heritage assets;</li> <li>• Design of proposal;</li> <li>• Inappropriateness of Outline Application for this type of proposal;</li> <li>• Negative Impact on Wildlife and Biodiversity;</li> <li>• Negative Impact on Protected and Non-Protected Species; and,</li> <li>• Biodiversity loss is not replaced by adequate mitigation.</li> </ul>
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	<p><b><u>CONSULTATIONS</u></b></p> <p>WBC Highways – Traffic &amp; Transportation – Outstanding issues raised, further information required prior to determination.</p> <p>National Highways – Further information required prior to determination.</p> <p>Environment Agency - No objection, subject to condition.</p> <p>Local Lead Flood Authority (LLFA) – No objection, subject to conditions.</p> <p>Environmental Health – No objection, subject to conditions.</p> <p>MEAS – Further information required prior to determination.</p> <p>Natural England – Further information required to determine impacts on designated sites.</p> <p>United Utilities - No objection, subject to condition.</p> <p>Sport England - Object, further information required.</p> <p>Affordable Housing – No objection, subject to legal agreement for contributions.</p> <p>Public Protection – No objection.</p>
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<p><b>3.1 Site and Surroundings</b></p>	
<p>3.1.1</p>	<p>The site to which the application relates is in agricultural use and is approximately 17.38 hectares in size. This lies between Thingwall Road in the south, Glenwood Drive in the west, Arrowe Park and Parkway in the east, and fields in the north. It is bordered to the west by the urban area of Irby and the south and south-east by the urban area of Thingwall.</p>

<p><b>3.2 Proposed Development</b></p>	
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3.2.1	<p>The proposal to which this application relates is for the provision of up to 290 dwellings (composed of market and 30% affordable housing, including 10% self-build/custom build properties), including on-site plots for self build or custom build properties, the creation of part of the Borough's Cycle Supergreenway through the site and shown on the indicative masterplan; and green infrastructure including sports pitches, play areas and parkland, wildlife habitats and green corridors within the site and shown on the indicative masterplan. The proposal also includes the creation of 100m<sup>2</sup> of non residential floorspace for the cycle hub/cafe within the site and shown on the indicative masterplan.</p> <p>Based on the 'up to' figure of 290 dwellings this is understood to include up to 174 market dwellings, 65 affordable rent (including intermediate and social rent) dwellings, 22 affordable home ownership dwellings, and 29 self-build and custom build dwellings. The indicative housing mix proposed is as follows:</p> <ul style="list-style-type: none"> <li>• Market Housing (13 x 1-bedroom flats/maisonette, 14 x 2-bedroom flats/maisonettes, 33 x 2-bedroom houses, 66 x 3-bedroom houses, 40 x 4+ bedroom houses);</li> <li>• Self-Build and Custom Build (6 x 2-bedroom houses, 14 x 3 bedroom houses, and 9 x 4+ bedroom houses);</li> <li>• Affordable Housing – Social, Affordable or Intermediate Rent (4 x 1-bedroom flats/maisonette, 4 x 2-bedroom flat/maisonette, 13 x 2-bedroom houses, 26 x 3-bedroom houses 16 x 4+bedroom houses, 1 x 2-bedroom 'other' dwelling, 1 x 3-bedroom 'other' dwelling); and</li> <li>• Affordable Home Ownership (1 x 1-bedroom flat/maisonette, 2 x 2-bedroom flat/maisonette, 4 x 2-bedroom houses, 9 x 3-bedroom houses, 5 x 4+bedroom and 1 x 3-bedroom 'other' dwelling).</li> </ul>
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<b>3.3 Development Plan</b>	
3.3.1	<p>The Wirral Unitary Development Plan 2000</p> <ul style="list-style-type: none"> <li>• URN1 Development and Urban Regeneration</li> <li>• URN2 Planning Agreements</li> <li>• HSG2 Affordable Housing</li> <li>• GBT1 Green Belt Boundaries</li> <li>• GB2 Guidelines for Development in the Green Belt</li> <li>• CHO1 The Protection of Heritage</li> <li>• CH25 Development Affecting Non-Scheduled Remains</li> <li>• AGR1 The Protection of Agriculture</li> <li>• NCO1 Principles for Nature Conservation</li> <li>• LAN1 Principles for Landscape</li> <li>• TRT1 Provision for Public Transport</li> <li>• TRT3 Transport and the Environment</li> <li>• TR9 Requirements for Off-Street Parking</li> <li>• TR12 Requirements for Cycle Parking</li> <li>• WMT2 Recycling and Re-use of Waste Materials</li> <li>• WAT1 Fluvial and Tidal Flooding</li> <li>• WAT2 Protection of the Water Environment</li> <li>• LA7 Criteria for Development at the Urban Fringe</li> <li>• WA5 Protecting Surface Waters</li> <li>• AG1 Development and Agriculture</li> </ul>

	<ul style="list-style-type: none"> <li>• AG2 The Protection of Best Quality Agricultural Land</li> <li>• HS4 Criteria for New Housing Development</li> <li>• HS6 Principles for Affordable Housing</li> <li>• HS9 Mobility Housing</li> <li>• NC1 Protection of sites of international importance for Nature Conservation</li> <li>• NC3 Protection of Sites of National Importance for Nature Conservation</li> <li>• NC4 Sites of National Importance for Nature Conservation</li> <li>• NC7 Species Protection</li> <li>• GR5 Landscaping and New Development</li> </ul> <p>The Joint Waste Local Plan for Merseyside and Halton</p> <ul style="list-style-type: none"> <li>• WM8 Waste Prevention and Resource Management</li> <li>• WM9 Sustainable Waste Management Design and Layout for New Development</li> </ul>
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<b>3.4 Other Material Planning Considerations</b>	
3.4.1	<p>The National Planning Policy Framework (2021)</p> <ul style="list-style-type: none"> <li>• Introduction</li> <li>• Achieving sustainable development</li> <li>• Decision-making</li> <li>• Delivering a strong supply of homes</li> <li>• Promoting healthy and safe communities</li> <li>• Promoting sustainable transport</li> <li>• Making effective use of land</li> <li>• Achieving well-designed places</li> <li>• Protecting Green Belt land</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> <li>• Conserving and enhancing the natural environment</li> <li>• Conserving and enhancing the historic environment</li> </ul>
3.4.2	Supplementary Planning Document 4: Parking Standards.
3.4.3	<p>Wirral Borough Council is in the process of submitting a new local plan for Independent Examination. On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published and representations invited between 9th May until 5pm on Monday 25th July 2022.</p> <p>The following policies are considered to be relevant to this proposal: WS1, WS2, WS5, WS6, WS7, WS8, WS9, WS10, WP8, WD1, WD3, WD4, WD15, WD18.</p> <p>The Wirral Local Plan has been published under the Regulation 19 stage of plan preparation and will be submitted for Independent Examination in the next few weeks. Therefore limited weight should be attached to the emerging plan at this</p>

	stage. The evidence base that informs and supports the Plan is also a material consideration.
3.4.4	Wirral Tree, Hedgerow and Woodland Strategy 2020-2030, Planning Practice Guidance (PPG) and National Design Guide (2021) are also material considerations.

<b>3.5 Assessment</b>	<p>Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Development Plan where the site is located, comprises the saved policies of the Wirral Unitary Development Plan (Adopted 2000) and the Joint Waste Local Plan for Merseyside and Halton (Adopted 2013)</p> <p>The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policies topics are considered to be particularly relevant to this application.</p> <p>The emerging Wirral Local Plan, together with its up-to-date evidence, is considered to be a material consideration in the determination of planning applications. Paragraph 48 of the NPPF states “<i>Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)</i>”</p>
	<p>The application has been assessed against development plan policies, national planning policy and guidance, and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:</p> <ul style="list-style-type: none"> <li>• The Principle of the Development (Green Belt including Very Special Circumstances);</li> <li>• Emerging Local Plan</li> <li>• Housing Land Supply;</li> <li>• Protection of Agricultural Land;</li> <li>• Landscape Impact;</li> <li>• Affordable Housing;</li> <li>• Housing Mix;</li> <li>• Design;</li> <li>• Residential Amenity;</li> <li>• Highways;</li> <li>• Ecology and Biodiversity;</li> <li>• Archaeology;</li> <li>• Drainage and Flood Risk;</li> <li>• Waste;</li> <li>• Sport and Recreation;</li> <li>• S106 Matters; and</li> <li>• Climate Change;</li> </ul>

<b>3.6 EIA Matters</b>	
3.6.1	The Environmental Impact Assessment Regulations 2017 (“the EIA Regulations”) set out in Schedule 4 the general requirements for the content of Environmental Statements. These comprise information on the nature of the development; consideration of alternatives; relevant aspects of the environment; likely environmental impacts arising; proposed mitigation measures; and an indication of any difficulties in compiling the information needed. A non-technical summary of the contents of the Environmental Statement is also required.
3.6.2	The submitted Environmental Statement “(ES)”, subject to the satisfactory receipt of additional information, satisfies these requirements and can be used as a basis for determination of the application.
3.6.3	Regulation 18(5) of the EIA Regulations requires an applicant to ensure that the ES is prepared by competent experts and provide a statement from the developer outlining the relevant expertise or qualifications of such experts. A statement of expertise has been submitted. The qualifications of each assessor have been included at the start of each technical chapter of the ES.
3.6.4	The ES is based on a Parameter Plan (drawing ref: 1815/01/309 Rev C) included at Appendix 1.2 of the planning application. The Parameter Plan sets out the spatial parameters of the proposed development, in relation to land use, areas of potential built development, landscaping and green infrastructure, and access and movement. The proposed access is shown on drawing 078239-CUR-00-XX-DR-TP-75001-P02 and is included at Appendix 1.3 of the planning application. These documents could be secured as approved plans by a suitably worded condition, should the application be approved.
3.6.5	There is no reference to Climate Change within either the Air Quality or Agricultural Land Quality Chapters of the Environmental Statement or elsewhere within the document. The impact of climate change on the development has been taken into consideration by the applicant within the Flood Risk Assessment and Surface Water Drainage Strategy in terms of future proofing the development against the anticipated increase in rainfall. The contribution of the development to climate change with regards to greenhouse gases as well as the loss of 8.36ha agricultural land and its carbon storage properties has not been assessed by the applicant. Further information on this, in relation to the individual application and cumulatively, has not been received.

<b>3.7 Principle of Development</b>	
3.7.1	<p>The site is located within an area of Green Belt as per policy GBT1 of the UDP. Therefore, the main issues are:</p> <ul style="list-style-type: none"> <li>• Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;</li> <li>• The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and</li> <li>• If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.</li> </ul>

	<p>Paragraph 147 of the NPPF states <i>“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”</i></p> <p>Paragraph 148 of the NPPF states <i>“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”</i></p>
3.7.2	<p><u><i>Principle of Development (Whether the Proposal is inappropriate development in the Green Belt)</i></u></p> <p>The proposal map within the UDP identifies this application site as being within the Green Belt. Both the NPPF and Policy GB2 of the UDP (which predates the NPPF and is based on earlier national planning policy but contains similar protections and restrictions) identify a list of appropriate uses in the Green Belt for which new build development may be permitted. Any other uses not identified are deemed to be inappropriate.</p> <p>Policy GB2 States <i>“Within the Green Belt there is a general presumption against inappropriate development and as such development will not be approved except in very special circumstances. Planning Permission will not be granted for development in the Green Belt unless it is for the purposes of:</i></p> <ul style="list-style-type: none"> <li><i>i) Agriculture and forestry;</i></li> <li><i>ii) Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;</i></li> <li><i>iii) The limited extension, alteration or replacement of existing dwellings, subject to Policy GB4 and Policy GB5;</i></li> <li><i>iv) The limited infilling in existing villages, subject to Policy GB6, including limited affordable housing subject to local community needs;</i></li> <li><i>v) The limited infilling or redevelopment of major existing developed sites identified under GB9;</i></li> </ul> <p><i>Such appropriate development shall not damage the visual amenities of the Green Belt by virtue of its siting, materials or design.”</i></p>
3.7.3	<p>The NPPF states that the construction of new buildings within the Green Belt is inappropriate development, but paragraph 149 lists certain forms of development which are not regarded as inappropriate.</p> <p>Paragraph 149 of the NPPF States <i>“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:</i></p> <ul style="list-style-type: none"> <li><i>a) buildings for agriculture and forestry;</i></li> </ul>

	<p><i>b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;</i></p> <p><i>c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;</i></p> <p><i>d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;</i></p> <p><i>e) limited infilling in villages;</i></p> <p><i>f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and</i></p> <p><i>g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:</i></p> <p><i>– not have a greater impact on the openness of the Green Belt than the existing development; or</i></p> <p><i>– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”</i></p>
3.7.4	<p>The proposed development does not meet any of the exemption criteria listed in Policy GB2 of the UDP nor Paragraph 149 of the NPPF, whilst the Green Belt is also protected from inappropriate development as per Policy URN1 of the UDP.</p>
3.7.5	<p>Paragraph 150 of the NPPF states “<i>Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:</i></p> <p><i>a) mineral extraction;</i></p> <p><i>b) engineering operations;</i></p> <p><i>c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;</i></p> <p><i>d) the re-use of buildings provided that the buildings are of permanent and substantial construction;</i></p> <p><i>e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and</i></p> <p><i>f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”</i></p> <p>The proposed development does not fall into any of these categories.</p>
3.7.6	<p>The proposed dwellings would therefore represent inappropriate development in the Green Belt both under the UDP policies and the NPPF. Inappropriate development in the Green Belt is, by definition, harmful.</p>
3.7.7	<p>Overall, the development of new dwellings on this site in the Green Belt would be inappropriate and not acceptable in principle. Therefore, the principle of development would be inappropriate in the Green Belt and is therefore considered a departure from the development plan.</p>

	The following section assesses the harm on the Green belt in detail.
3.7.8	<p><u><i>Principle of Development (The Openness of the Green Belt)</i></u></p> <p>The essential characteristics of the Green Belt are its openness and permanence. It has been established that openness has both a spatial and a visual aspect, the former being taken to mean the absence of built form.</p> <p>Paragraph 138 of the NPPF states “<i>Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</i>”</p>
3.7.9	<p>The Planning Practice Guidance (PPG) provides guidance on the factors to be taken into account when considering the potential impact of development on the openness of the Green Belt; these include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Openness – Spatial and visual</li> <li>• The duration of the development and its remediability; and</li> <li>• The degree of activity likely to be generated, such as traffic generation.</li> </ul>
3.7.10	<p><u><i>Spatial and Visual Impact</i></u></p> <p>Development of the application site would diminish open views of the countryside within this location. Loss of these views from various viewpoints would detract from the agricultural feel of the immediate and wider surrounding area and would in turn urbanise this area. The proposed development would dramatically alter the form and extent of the settlement as dwellings would extend into an area of countryside, significantly extending the area of built development. This would change the character of the immediate surroundings by introducing built development where none previously existed. Although not prominent from the West, the development would be seen from the north south and east. Whilst it would be possible to introduce landscaping as part of any proposal the presence of residential development will be apparent. It is considered the built form would stand out as an uncharacteristic and incongruous extension of residential development into open countryside. Taking these matters in the round it is considered that the proposal would be seriously harmful to the character and appearance of the locality.</p> <p>Whilst the design of the dwellings and proposed material palette correlate well to existing dwellings and may be adapted to fit with the character of other dwellings in the area and complement its character, the introduction of development in this area would increase the quantum of densely built and continuous residential development in this location. In turn, there would be a clear urbanising effect in this location and, in combination with development elsewhere, there would also be cumulative adverse effects on the character and appearance of the area.</p>
3.7.11	<p><u><i>Landscape and Visual Impact</i></u></p> <p>There would be inevitable harm arising in landscape and visual terms from the building of houses on currently undeveloped fields.</p> <p>Visual receptors on the North West edge of the Thingwall/Pensby settlement currently experience rural views over expansive agricultural fields, with distant views curtailed by wooded skylines. The Landscape and Visual Impact</p>

	<p>Assesment (“LVIA”) provided by the applicant acknowledges the loss of this element within views post-development. This states “The level of change would be increased by the addition of the new residential built form, the relatively close proximity of the works, the high proportion of the view affected, the rural aspects of the existing view, the curtailing of distant views, a reduction in openness, a diminished sense of being on the settlement edge”. During Construction View Points (VPs) 15-18 &amp; 20 will experience Significant visual effects. At Year 1 Significant effects remain for VP17 and 20, reducing to Minor/Moderate Adverse by Year 15.</p> <p>Development of the site will partially infill an existing gap in development between Glenwood Drive and Arrowe Park Golf Course. This will be perceived as a coalescence of the settlements of Irby and Thingwall/Pensby by visual receptors to the south of the site.</p> <p>It is considered by the council’s landscape appraisal that Moderate/Major Adverse Landscape Effects will be experienced within Landscape Character Area (LCA) 3b during Construction, reducing to Moderate Adverse at Year 1. Moderate &amp; Moderate Landscape Effects experienced within National Character Area (NCA) 59 and Immediate Setting during Construction.</p> <p>The Council’s landscape appraisal identifies that Major Adverse Impacts will be experienced by visual receptors VP1, 4, 5, reducing to Moderate/Major at Year 1 and Moderate at Year 15. Moderate/Major Adverse Impacts experienced by visual receptors VP2,17,20, reducing to Moderate Adverse at Year 1. Moderate Adverse Impacts would be experienced by visual receptors VP3,12,13,15,16,18,19 during Construction.</p>
3.7.12	<p><u><i>Openness Conclusion</i></u></p> <p>Overall, it is considered that the proposed development would not preserve the openness of the Green Belt due to the spatial and visual impact of the proposal. The proposed development would therefore be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Paragraph 143 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances (this is considered below). The NPPF also requires that when considering the very special circumstances, the Local Planning Authority need to consider the potential harm to the Green Belt and "any other harm resulting from the proposal".</p> <p>In terms of the effect of the proposed development on the spatial aspect, there would be an unavoidable reduction in the openness of the Green Belt purely by virtue of the proposed dwellings being built.</p> <p>Therefore, there would be harm arising out of the inappropriateness of the application scheme, and the proposal is contrary to NPPF paras 147-151 and UDP policy GB2.</p>
3.7.13	<p><u><i>Duration of the development and its remediability</i></u></p> <p>The proposal is for housing, which it is understood to be permanent development subject to a non-time bound planning permission, and would be difficult to return to its pre-existing condition.</p>
3.7.14	<p><u><i>Activity likely to be generated</i></u></p>

	<p>The proposal site would become a residential area, which would see urban/suburban uses introduced into a currently agricultural area through vehicular movements, increase patronage of pedestrians, residential and leisure activities.</p>
3.7.15	<p>Having established that this is inappropriate development in the Green Belt and that the nature of the development is harmful to the Green Belt Openness, the following section considers whether Very Special Circumstances exist.</p>
3.7.16	<p><u><i>Principle of Development (Very Special Circumstances)</i></u></p> <p>Wirral Policy GB2 states “<i>Within the Green Belt there is a general presumption against inappropriate development should not be approved except in very special circumstances</i>”. NPPF Para 147 states that “<i>Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</i>” As stated above, the application proposals would give rise to additional harm to the openness and encroachment of the Green Belt in addition to the definitional harm.</p> <p>NPPF Paragraph 148 states “<i>When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.</i>”</p> <p>Where the potential harm is ‘clearly outweighed by other considerations’ this can justify inappropriate development in the Green Belt (Para 148 NPPF) and represent ‘very special circumstances’. There is, however, no definitive list for what will constitute very special circumstances, and it requires an assessment of the facts and circumstances of the individual application.</p> <p>In terms of very special circumstances, in <i>Atkins v Tandridge City Council</i> [2015] EWHC 1947 (Admin), Dove J stressed (by way of underlining) the need for the harm to be “clearly outweighed” by other considerations. This is not considered the same as a simple balancing exercise. The very special circumstances need to be set out and need to be sufficient to outweigh the harm <i>R (Lee Valley Regional Park Authority) v Broxbourne BC</i> [2015] EWHC 185 (Admin) per Ouseley J.</p> <p>The supporting planning statement suggests that ‘very special circumstances’ can be demonstrated to justify the proposal which includes its sustainable location.</p> <p>This application has been submitted with a number of other applications (OUT/22/00941, OUT/22/00942, OUT/22/00943, OUT/22/00944, OUT/22/00945, OUT/22/00946, OUT/22/00947). The applicant considered that the following are very special circumstances that cumulatively span across the whole suite of applications:</p> <ul style="list-style-type: none"> <li>• Following a ‘Planned (and Plan-led)’ Approach;</li> <li>• Effective Housing Delivery;</li> <li>• Green Belt Management - ‘Responsible release of Green Belt Land’;</li> <li>• Environmental Enhancements Package;</li> <li>• Leverhulme’s long term stewardship;</li> <li>• Contribution to Wirral’s 5 Year Housing Land Supply (Currently 3.1 years);</li> <li>• Biodiversity Net Gain 20% across the sites;</li> <li>• Provision of a Site of Alternative Natural Green Space (SANG);</li> </ul>

	<ul style="list-style-type: none"> <li>• Including 22.7ha of Land;</li> <li>• Circular Walk of 3.5km;</li> <li>• Parking Provision;</li> <li>• Long term stewardship through the design charter;</li> <li>• Locally Specific House Types;</li> <li>• Open Space Provision in excess of Wirral’s Latest Open Space Standards; and</li> <li>• Walkable Neighbourhoods.</li> </ul> <p>The very special circumstances of this particular scheme, as presented by the applicant, are considered to be:</p> <ul style="list-style-type: none"> <li>• Contribution to housing supply;</li> <li>• Affordable Housing Provision of 30% (10% above policy requirement) on site provision;</li> <li>• 10% Self Build and Custom Build Homes;</li> <li>• New Sports Pitches 1.4ha (Adult and Junior Pitches);</li> <li>• Formal Play Areas 0.19ha;</li> <li>• Provision of Cyclegreenway;</li> <li>• Community Facilities / Sports Pavillion;</li> <li>• Accessible Open Space 6.55ha, including sports pitches and play area referred to above (4.96ha accessible Open Space excluding Sport Pitches and Play Area) - Above policy requirement of 2.58ha for open space, and 0.02ha above policy requirement for play area;</li> <li>• New Woodland Planting at intersection of improved Public Right of Way (“PROW”) links to Arrowe Park;</li> <li>• Improved PROW links;</li> <li>• New hedgerow planting; and,</li> <li>• Additional Highway Improvements.</li> </ul>
3.7.17	<p>These have been assessed individually in Appendix 1 of this report. It is not considered that these form Very Special Circumstances individually. Many of the elements of the application could simply be considered benefits that the Local Planning Authority would be seeking in order to make the development compliant with Policy in any case, and many claimed benefits of the scheme would normally be sought in any large housing scheme. These do not constitute “very special circumstances”.</p> <p>In cumulative terms it is not considered that the benefits of the proposal put forward cumulatively outweigh the harm to the Green Belt so as to constitute Very Special Circumstances. This is principally due to: the impact on openness; the adverse impact on the character and appearance of the area; the loss of best and most versatile agricultural land; the impact creating urban sprawl, encroaching into open countryside; and their impact potentially undermining urban regeneration and the recycling of derelict and other urban land. This would cause an undesirable and unsustainable pattern of development.</p> <p>Further to the above, the individual and cumulative effect of the proposed development would undermine the plan-making process, which seeks to meet the development and infrastructure needs of the Borough through an urban intensification approach, focussing on promoting the regeneration of Birkenhead and other urban areas of the Borough. The development of land in the Green Belt would be fundamentally contrary to the spatial strategy of the emerging Local Plan</p>

	and would act to undermine the regeneration of Birkenhead and other urban areas of the Borough.
3.7.18	As referred to in the sections above, it is not considered that the proposal complies with relevant policy in relation to Green Belt matters, nor is it considered that the proposal is compliant with relevant policy in terms of the incursion of development into the open countryside and therefore the principle of development is not considered acceptable.
3.7.19	Representations have been received from interested parties, objecting to the construction of new dwellings in the Green Belt, the negative impacts associated with development of Green Belt land, and that Very Special Circumstances' have not been demonstrated in this instance. As well as these, representations have also been received raising the following: the proposal being unacceptable in principle and being contrary to the UDP the NPPF and the emerging Local Plan; contrary to the five purposes of the green belt; the negative impact these proposal could cause on the delivery of housing on previously developed land and urban regeneration schemes in the Wirral; alternative locations within the borough and wider Merseyside region being more suitable; the precedence of granting permission for the proposal; loss of openness, character and permanence; urban sprawl; potential for merging of settlements through the loss of green belt; and the loss of tourism opportunities through the loss of green belt; the loss of countryside and open countryside, as well as impacts on this as a recreational space.

<b>3.8 Emerging Local Plan</b>	
3.8.1	The preparation of emerging Wirral Local Plan 2021-2037 is now at a relatively advanced stage. The Submission Draft Local Plan was approved by Full Council at its meeting on 21st March 2022 for Publication.
3.8.2	The draft Plan was published and the Council invited representations on its legal compliance and soundness from 9th May 2022 until 25th July 2022. This is the final stage of plan preparation before the Independent Examination of the Plan commences. The Council intends to submit the Plan for Independent Examination in the next few weeks.
3.8.3	The spatial strategy focusses on the regeneration of Birkenhead and wider regeneration programme for the 'LeftBank' of the River Mersey stretching from New Brighton to Bromborough. Sufficient brownfield land and opportunities exist within the urban areas of the Borough to ensure that objectively assessed housing and employment needs can be met over the plan period. The Council has therefore concluded that the exceptional circumstances to justify alterations to the Green Belt boundaries (as set out in paragraph 141 of the NPPF) do not exist in Wirral.
3.8.4	Through the production of the emerging Local Plan the Council has determined through extensive work that exceptional circumstances to justify alterations to Green Belt boundaries do not exist. The Council would only be able to conclude that exceptional circumstances existed after ensuring that it had made as much use as possible of suitable brownfield sites and underutilised land. The evidence base that has informed and supports the emerging Local Plan, including the Strategic Environmental Assessment / Sustainability Appraisal justifies the

	approach taken by the Council. The planning system is plan-led, and it is for the Development Plan to determine the spatial strategy for the Borough.
3.8.5	The spatial strategy of the emerging Local Plan is underpinned and justified by a comprehensive evidence base and Strategic Environmental Assessment / Sustainability Appraisal.
3.8.6	The emerging Local Plan policy WP 8.1 states that national policy for the Green Belt will apply in the determination of proposals within the Rural Settlement Area.
3.8.7	This planning application is located on land designated as Green Belt. The proposals are considered to represent inappropriate development and not to represent very special circumstances. As a result, they are considered to be contrary to national and local planning policy in green belt terms, for the reasons set out above.
3.8.8	The emerging Local Plan outlines the approach to meeting the future development needs of the borough. The spatial strategy of the emerging Local Plan seeks to promote sustainable development through the intensification and regeneration of urban and brownfield land in the Borough. This accords with national planning policy.
3.8.9	Representations have been received in relation to the proposal being contrary to the emerging local plan, it is considered these have some merit.

<b>3.9 Housing Land Supply</b>	
3.9.1	In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five-year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
3.9.2	As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Wirral Borough's local housing requirement figure is currently 835 per annum for the plan period of the emerging Wirral Local Plan.
3.9.3	The latest published calculation of the Borough's housing land supply, set out within the Council's Strategic Housing Land Availability Assessment 2021, shows a six-year supply (Document H7, page 23). An initial calculation of the position at April 2022, would currently indicate a 5.9 year-supply.
3.9.4	The latest Housing Delivery Test result for Wirral, published by the Government in January 2022, showed delivery at 99%, with no additional action plan or buffer required under paragraphs 74 or 76 of the NPPF. Development recorded during 2021/22 indicates that housing delivery is also likely to exceed 75% under the Housing Delivery Test for 2022.

3.9.5	Over recent years a significant quantum of residential development has been granted planning permission in the borough. In addition, the Submission Draft Local Plan plans for the provision of 16,322 dwellings against a housing requirement of 13,360 dwellings across the plan period. It is considered that the Submission Draft Local Plan will provide for the housing needs of the Borough.
3.9.6	Representations have been received indicating that sufficient housing land is available for development elsewhere in the borough to meet local housing need. This position is agreed with, the council can identify a five-year housing land supply, as evidenced above. Comments have also been received querying the need for new housing given past population growth. These comments are noted, however there is a need for the LPA to plan to meet future needs in accordance with national planning policy and the standard methodology.
3.9.7	The Council does have a 5-year housing supply based upon up-to-date evidence from the emerging Local Plan. In any event the correct place to consider and assess Green Belt release is through the local plan process and not via individual applications.

<b>3.10 Protection of Agricultural Land</b>	
3.10.1	Wirral UDP Policies AGR1, AG1, AG2 relate to the loss of agricultural land. The Applicant has submitted an Agricultural Land Classification and Soil Resources Report with this application, this also includes a plan classifying land within the site. There is also a chapter of the ES dedicated to this matter (Chapter 11).
3.10.2	<p>Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. The principal physical factors influencing grading are climate, site and soil which, together with interactions between them, form the basis for classifying land into one of the five grades:</p> <ul style="list-style-type: none"> <li>• Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use.</li> <li>• Grade 2 is very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting.</li> <li>• Grade 3 land has moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield, and is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land).</li> <li>• Grade 4 land is poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.</li> <li>• Grade 5 is very poor-quality land, with very severe limitations which restrict use to permanent pasture or rough grazing.</li> </ul> <p>Land which is classified as Grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system is defined as best and most versatile (BMV) agricultural land.</p>

3.10.3	Policy AGR1 states <i>“In considering proposals for development on agricultural land the local planning authority will seek to prevent: I) The loss of Wirral’s Best and Most Versatile Agricultural Land; II) The Severance or Fragmentation of a Farm Holding; III) Unacceptable nuisance or disturbance to existing agricultural enterprise. Where development on the best and most versatile agricultural land is unavoidable such development should be directed to the lowest possible grade.”</i>
3.10.4	Policy AG1 states <i>“In assessing the siting, design and layout of proposals for new development near existing agricultural land holdings, the Local Planning Authority will need to be satisfied that appropriate measures have been taken in order to: I) protect the operational needs of continued and viable agricultural enterprise within the area; II) minimise direct or indirect disturbance to existing agricultural land uses; III) take the main focus for public recreation away from area used for agricultural production.”</i>
3.10.5	Policy AG2 states <i>“In order to protect Wirral’s best and most versatile agricultural land, proposals involving the non-agricultural use of land classified within Grade 1, Grade 2 and sub-grade 3a of the MAFF Agricultural Land Classification must, before permission is granted, demonstrate the extent to which it would be practicable to return the land to its former quality if the development took place. In assessing the scope for a future return to the best quality agricultural land, particular regard will be paid to: I) the siting and extent of hard development proposed; and ii) the extent and depth of disturbance to the soil structure.”</i>
3.10.6	Paragraph 174 of the NPPF is also relevant to this section. This states <i>“Planning policies and decisions should contribute to and enhance the natural and local environment by: ..... b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.</i>
3.10.7	It is noted that this proposal will result in loss of 16ha of agricultural land, 9.4ha of which is classed as Best and Most Versatile. Defra statistics show that approximately 53% of the agricultural land in the Borough is likely to be best and most versatile land, which is a higher proportion than found nationally (Natural England’s TIN 049 estimates that 42% of England’s agricultural land is classed as Best and Most Versatile).
3.10.8	There are no universally applicable measures available to mitigate the direct loss of agricultural land, however mitigation is proposed in the form of a soil resource management plan (SRMP) at detailed design stage. It is understood the plan would confirm the different soil types; the re-use for the soils; and the proposed methods for handling, storing and replacing soils on-site. The SRMP proposed is understood to seek to re-use displaced soil resources on-site in the detailed design of open spaces and green infrastructure. This could be secured through a suitably worded planning condition. The applicant acknowledges there is some harm due to the proposed loss of agricultural land, however they consider this must be balanced against the overall benefits of the scheme. It is not agreed that the benefits of the scheme outweigh the loss of agricultural land that will be experienced, particularly given the quantum of the site that is identified as best and most versatile, both in relation to the specific loss of this site, and the other sites submitted for consideration by the applicant alongside this application (OUT/22/00941, OUT/22/00942, OUT/22/00943, OUT/22/00944, OUT/22/00945 and OUT/22/00947).

3.10.9	Representations have raised concerns and objections regarding the development of agricultural land and associated issues e.g. loss of farming business. These representations also raise matters in relation to the potential, should this application be approved, to contribute to food security issues, and increase food miles e.g. distance between 'food source' and 'dinner plate' and the sustainability concerns around this. It is considered these comments have some merit in the consideration of this planning application.
3.10.10	The proposal would undoubtedly result in the loss of best and most versatile agricultural land, which has been in use for a multigenerational period. This loss would be contrary to planning policy on agricultural land (both locally and national). Further to this, a loss of agricultural land would contribute to an overall reduction in productive agricultural land in the country for food production and add to food security concerns.
3.10.11	The proposal would not therefore comply with Policies AGR1, AG1, AG2 of the UDP or Chapter 15 of the NPPF, taking into account relevant material considerations and the other provisions and intentions of the NPPF.

<b>3.11 Landscape</b>	
3.11.1	This section of the proposal seeks to appraise the proposal in relation to landscape matters and particularly the impact the proposal will have on the landscape and its character. Policies LAN1 and LA7 are relevant UDP policies to this section, with Section 15 of the NPPF also relevant. The applicants have prepared and supplied a Landscape and Visual Appraisal (LVA) document to provide a baseline review of the existing site and discuss the potential effects of the development, providing recommendations and conclusions. The LPA have also commissioned a review of the proposal in relation its landscape impact. This has been undertaken by Land Use Consultants and has been utilised in this assessment. In addition to this, it is considered important to highlight that landscape matters in the context of Green Belt matters have been considered in the 'Principle of Development' section of this report.
3.11.2	Policy LAN1 states <i>"Proposals will not be permitted where their visual impact would be inappropriate, in terms of the character, appearance and landscape setting of the surrounding area."</i>
3.11.3	Policy LA7 states <i>"When considering new development at the edge of the urban area or in other locations which would be clearly visible from the open countryside, the Local Planning Authority will pay special regard to the visual impact of the proposals and will require that: i) new buildings are sited, designed and landscaped, in order to minimise visual intrusion; ii) proposals for boundary treatment are appropriate, in terms of the character of the surrounding landscape; and iii) prominent features within the landscape framework of the area are retained and enhanced."</i>
3.11.4	In terms of this site, a hedgerow with scattered trees forms the southern site boundary. Limbo Lane, which runs centrally through the site in a north/south direction is also bounded by trees on either side. Existing hedgerows can be found running east/west along the North West site boundary, and to the south of tree group G14. The boundary with residential properties along Parkway is also formed by scrub/ an outgrown hedgerow. Existing trees are largely retained. Additional native tree planting is provided within the central green wedge and North West site boundary. Parkland trees will be planted to the Thingwall Road

	frontage and along green wedges, with additional street trees to frame key views to the coast.
3.11.5	Existing hedgerows to the southern and North West boundary and adjacent Limbo Lane are to be largely retained, with selective removal to allow the creation of internal access roads. Proposals to infill any gaps are not currently identified within the scheme. To the rear of Parkway, existing vegetation is shown retained within rear gardens, the successful long-term management of this is questionable.
3.11.6	Linear woodland belts are found on the east and west site boundaries. There are also several groupings of trees to the west of Limbo Lane, which is bounded on either side by hedgerows. Existing trees are largely retained.
3.11.7	Central linear greenspace replaces intensive agricultural use with grassland. Existing ponds to east of Limbo Lane are retained. SUDs measures within the central green wedge include two drainage basins.
3.11.8	There would be some inevitable harm arising in landscape and visual terms from the building of houses on currently undeveloped fields. Visual receptors on the North West edge of the Thingwall/Pensby settlement currently experience rural views over expansive agricultural fields, with distant views curtailed by wooded skylines. The LVIA submitted acknowledges the loss of this element within views post-development; "The level of change would be increased by the addition of the new residential built form, the relatively close proximity of the works, the high proportion of the view affected, the rural aspects of the existing view, the curtailing of distant views, a reduction in openness, a diminished sense of being on the settlement edge". During Construction View Points 15-18 & 20 will experience significant visual effects. At year 1 significant effects remain for View Points 17 and 20, reducing to Minor/Moderate Adverse by Year 15. Development of the site will partially infill an existing gap in development between Glenwood Drive and Arrowe Park Golf Course. This will be perceived as a coalescence of the settlements of Irby and Thingwall/Pensby by visual receptors to the south of the site.
3.11.9	The Council's appraisal identifies that Moderate/Major Adverse Landscape Effects will be experienced within Landscape Character Area (LCA) 3b during Construction, reducing to Moderate Adverse at Year 1. Moderate & Moderate Landscape Effects will be experienced within National Character Area (NCA) 59 and Immediate Setting during Construction.
3.11.10	The Council's appraisal identifies that Major Adverse Impacts experienced by visual receptors View Points 1, 4, 5, reducing to Moderate/Major at Year 1 and Moderate at Year 15. Moderate/Major Adverse Impacts experienced by visual receptors View Points 2,17,20, reducing to Moderate Adverse at Year 1. Moderate Adverse Impacts experienced by visual receptors View Points 3,12,13,15,16,18,19 during Construction.
3.11.11	It is considered that the proposal will have an unacceptable, negative impact on this rural, agricultural location from a landscape perspective and its setting, and is therefore not compliant with the relevant policies in the Development Plan, relevant sections of the NPPF, where these can be given weight, and it is not considered that these issues can be overcome through the imposition of conditions.

3.11.12	Representations have been received from interested parties regarding the landscape impact of the proposal, as well as the impact on local character; its tranquil nature; its uniqueness and distinctiveness; and the loss of green space. It is considered that these comments have some merit. As mentioned above, it is not considered the proposal is compliant with relevant policy in relation to landscape matters.
<b>3.12 Affordable Housing</b>	
3.12.1	This section seeks to appraise the proposal in terms of Affordable Housing Matters. Advice on this matter has been sought from the Housing Strategy team within the Council. Under both the existing UDP and the emerging Wirral Local Plan, the site is within an area requiring 20% affordable housing. The relevant policy in the UDP is policy HSG2 and HS6. In their Planning Statement, the applicant proposes that up to 30% affordable housing is delivered. Indicative property types for affordable housing are given as 11 no. 1-2 bed apartments, 17 no. 2-bed houses, 35 no. 3-bed houses, 21 no. 4-bed houses, 1 no. 2-bed bungalow and 2 no. 3-bed bungalows. The proposal is accompanied by the following which are relevant to this section: Environmental Statement; Planning Statement; Design and Access Statement; and a 'Very Special Circumstances' Paper.
3.12.2	<p>NPPF states that 10% of the housing would need to be met through an affordable home ownership product. National First Homes policy requires that 25% of the affordable homes obligation must be First Homes and there must be a proportion within the planning obligation for Social Rent, the percentage as set out in Local Plan evidence (the Strategic Housing Market Assessment ("SHMA")). In Wirral this is 35% of the obligation. The affordable housing tenure mix for this development, at 30% affordable housing, would therefore be as follows:</p> <ul style="list-style-type: none"> <li>• 87 units of affordable housing are proposed;</li> <li>• A minimum 22 of these units must be First Homes;</li> <li>• In addition to the minimum 22 First Homes, 7 units must be for affordable home ownership, to meet the NPPF requirement, with a further 9 units recommended for affordable home ownership based on the SHMA's recommended tenure mix. The affordable home ownership units can be more First Homes or any of the other types stipulated under the NPPF definition. The Council's preference is for Shared Ownership or Rent to Buy;</li> <li>• 30 units must be for Social Rent;</li> <li>• 19 units should be affordable housing for rent (either more Social Rent or through Affordable Rent units), as recommended by the SHMA.</li> </ul>
3.12.3	The applicant states that the tenure proportions proposed will be confirmed through subsequent Reserved Matters applications and acknowledges the obligation will be secured through a Section 106 agreement. Alongside, the Reserved Matters applications, an indication of interest from Registered Providers of Social Housing (RPs) would also be expected.

3.12.4	The application proposes up to 290 units of accommodation, with an indicative property type mix of 28 no. 1-2-bed apartments, 56 no. 2-bed houses, 115 no. 3-bed houses, 70 no. 4-bed houses, 4 no. 2-bed bungalows and 7 no. 2-bed bungalows on land to the east of Glenwood Drive in the Ward of Greasby Frankby and Irby, with 30% of these for Affordable Housing. The development (if successful in securing Planning Approval), on a greenfield site, would contribute to the council's overall housing targets and the borough's affordable housing needs.
3.12.5	To confirm, the housing strategy/affordable housing team have no objection to the proposal, subject to conditions, associated S106 agreement, and detailed matters to be assessed at later stages.
3.12.6	Subject to completion of a legal agreement the proposal is considered to accord with policy HSG2, HS6 and other relevant sections of the development plan, taking into account relevant material considerations and the provisions and intentions of the NPPF, where these can be given weight.
3.12.7	Representations have been received from interested parties regarding provision of affordable housing matters, these include quantum of provision, the affordability of the affordable housing provision within the scheme, and the range of tenures provided. It is however considered that in terms of affordable housing matters, the proposal is compliant with relevant policy in this matter.

<b>3.13 Housing Mix</b>	
3.13.1	Planning Policies regularly require a mix of housing to be developed, this is in the interest of meeting differing housing needs across society. Policy HS6 and HS9 of the UDP goes into specific local detail; with the National Design Guide providing national guidance on this.
3.13.2	The National Design Guide States <i>“Well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages. This includes people who require affordable housing or other rental homes, families, extended families, older people, students, and people with physical disabilities or mental health needs.”</i>
3.13.3	<p>Based on the 'up to' figure of 290 dwellings this is understood to include up to 174 market dwellings, 65 affordable rent (inc. intermediate and social rent) dwellings, 22 affordable home ownership dwellings, and 29 self-build and custom build dwellings. The housing mix is proposed as follows:</p> <ul style="list-style-type: none"> <li>• Market Housing (13 x 1-bedroom flats/maisonette, 14 x 2-bedroom flats/maisonettes, 33 x 2-bedroom houses, 66 x 3-bedroom houses, 40 x 4+ bedroom houses);</li> <li>• Self-Build and Custom Build (6 x 2-bedroom houses, 14 x 3 bedroom houses, and 9 x 4+ bedroom houses);</li> <li>• Affordable Housing – Social, Affordable or Intermediate Rent (4 x 1-bedroom flats/maisonette, 4 x 2-bedroom flat/maisonette, 13 x 2-bedroom houses, 26 x 3-bedroom houses 16 x 4+bedroom houses, 1 x 2-bedroom 'other' dwelling, 1 x 3-bedroom 'other' dwelling);</li> </ul>

	<ul style="list-style-type: none"> <li>Affordable Home Ownership (1 x 1-bedroom flat/maisonette, 2 x 2-bedroom flat/maisonette, 4 x 2-bedroom houses, 9 x 3-bedroom houses, 5 x 4+bedroom and 1 x 3-bedroom 'other' dwelling).</li> </ul>
3.13.4	The proposal includes a large mix of dwellings types, houses, apartments, affordable and market homes, family houses/apartments and smaller apartments for smaller households; and is therefore deemed to be in conformity with relevant policy e.g. Development Plan and guidance and other relevant material considerations, where these can be given weight.
3.13.5	Within the Design and Access Statement, the proposal makes commitment a to meet the Lifetime Homes standard "where possible", an appropriate portion of the proposal to be lifetime homes should be secured via a suitably worded condition. In addition, it is expected that consideration of a proportion of the affordable properties, if for rent through the local authority's allocation procedure, to be 'wheelchair user' in line with Part M4(3)(2)(b) of the Building Regulations and if not for affordable or social rent, to be 'wheelchair adaptable' in line with Part M4(3)(2)(a) of the Building Regulations. The draft Local Plan requires 6% of dwellings on developments of 17 or more new homes to be built to Part M4(3)(2), with the remainder to be Part M4(2); this should be secured by a suitably worded condition. In addition to the above, it is understood that the proposed dwellings are to meet the Nationally Described Space Standard. It is suggested that this would be secured via a suitably worded condition or via a suitably worded S106 agreement.
3.13.6	Although carrying limited weight at present, the draft Local Plan requires new build dwellings to comply with the higher water efficiency standard of 110 litres/ per person/ per day under Regulation 36(3) of the Building Regulations or any successor standard. The applicant does not mention water efficiency standards in their application documents and it would have been useful to know whether this standard is being met within this scheme. This however could be secured via a suitably worded condition.
3.13.7	The proposal includes a large mix of dwellings types, houses, apartments, affordable and market homes, family houses; and is therefore deemed to be in conformity with relevant policy e.g. Development Plan and guidance and other relevant material considerations; where these can be given weight.
3.13.8	Representations have been received from interested parties regarding the mix of housing available, and tenures, it is however considered that the mix provided on site would be compliant with relevant policies, when material considerations have been taken into account.

<b>3.14 Design</b>	
3.14.1	This section seeks to assess the design of the proposal, for which the key considerations are the impact the proposal would have on Local Character and Townscape. These are all intrinsically linked and, in this instance, it is deemed these should be considered together in this section. The National Design Guide, Wirral Trees, Hedgerow and Woodland Strategy are particularly relevant to this section adding detailed guidance in design terms, and would be considered in detail alongside a subsequent reserved matters application. Other sections of this report also inform the design of the proposal and are interlinked. This application has been submitted with the following that are relevant to this section: Environmental Statement; Planning Statement, Heritage Impact

	<p>Assessment; Flood Risk Assessment and Drainage Statement; Leverhulme Vision Document; Design and Access Statement; Illustrative Masterplan; Leverhulme Design Charter; Parameter Plan; Illustrative Landscape Framework; and, Biodiversity Net Gain Assessment. The Council has sought the advice of its Urban Design consultee, as well as other consultees e.g. Highways, Ecology, in the composition of this section of the report. The proposal is outline in form and detailed matters are to be dealt with at later stages of the planning process.</p>
3.14.2	<p>The standards for new housing development are set out under UDP Policy HS4 which includes visual implications. Policy GR5 is also relevant to this proposal. Development proposals should be of a scale that relates well to surrounding property with regard to existing densities and form of development. Proposals should not result in detrimental change in the character of the area.</p>
3.14.3	<p>Paragraph 130 of the NPPF states that planning decisions should ensure that <i>“developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”</i>. Paragraph 134 of the NPPF states that <i>“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”</i></p>
3.14.4	<p>The NPPF should be read alongside the National Design Guide (2021). Paragraph 21 of the Design Guide advises that <i>“a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing”</i></p>
3.14.5	<p>Part 2 of the Design Guide sets out the ten characteristics of well-designed places. This includes (but is not limited to) the following:</p> <ul style="list-style-type: none"> <li>• Contextual design which responds positively to the features of the site and the surrounding area beyond its boundary. Paragraph 43 advises well-designed development is integrated into its surroundings and designed around an understanding of the landscape character and existing patterns of built form and architectural styles which should inform the layout, grain, form and scale of development.</li> <li>• Design which responds to local identity and elements of a place that make it distinctive. This includes the height, scale, massing and relationships between buildings, façade design and landscape setting; and</li> <li>• Built form which relates well to the site and its context.</li> </ul>
3.14.6	<p>The masterplans, albeit in illustrative form including issues such as landscaping and sustainability and are generally well considered. There are some issues, including the number of cul-de-sacs and limited access points to the road network outside of the sites, which are not best practice. These do however pick up some of the arrangements from the surrounding post-war housing associated with several of the sites. The design approach is understood to be based on extending the Leverhulme 'brand' established in the settlements of</p>

	Port Sunlight and Thornton Hough, and whilst these are considered special places, their evolution is particular and specific.
3.14.7	Adopting this approach in contemporary Wirral has the potential to devalue the qualities of both Port Sunlight and Thornton Hough, and lead to the extension of a 'theme park', and 'pastiche' approach to new housing in the green belt areas. The principles behind both places were adopted to protect a workforce and offer something different to the usual accommodation and places, and they were very much the product of their time. This is no longer the case, and contemporary requirements are different to those of the 1880s. The proposals are not being advanced due to a need to house a local workforce for Lever, and they do not contain the same all-encompassing community facilities provided by Lever. The illustrative designs accompanying the applications suggest that the architectural approach adopted in Port Sunlight and Thornton Hough will be applied irrespective of local context, which does not conform with the approach outlined in the National Design Guide. The sites are rural and on the edge of suburban settlements. A contemporary approach would take into account the very real issues of the need for higher densities, and aspects such as transport management and reduction in vehicular movement, as well as looking to their immediate surroundings for design inspiration.
3.14.8	The Leverhulme Design Charter (May 2022) indicates that all homes will be zero carbon with low carbon heating and high levels of energy efficiency. A fabric first approach will be adopted with increased insulation and increased air tightness, high efficiency lighting and passive or heat recovery systems in place. Houses will have dual aspects, natural ventilation and electrical vehicle charging points. Where possible, existing buildings will be re-used. Timber will be sourced from Programme for the Endorsement of Forest Certification ("PEFC") /Forest Stewardship Council ("FSC") sources. This is welcomed and measures to reduce climate change impacts in line with the requirements of emerging Local Plan policies WS8.1 to WS8.5 should be secured through a suitably worded condition for forthcoming Reserved Matters applications.
3.14.9	In respect of meeting the energy hierarchy, due consideration has been given to all aspects, including dwellings being "zero carbon ready" and utilising solar PV and air source heat pumps for their energy sources.
3.14.10	On this basis the design of the proposal, albeit in illustrative form, is not considered appropriate, it therefore is considered to not be in accordance with relevant policies from the development plan, the relevant sections of the NPPF and the relevant policies from the emerging Local Plan, and other material considerations (e.g. National Design Guide), where these can be given weight. It is however considered, that much of the issues raised could either be dealt with via condition, design codes, or a further reserved matters application, and therefore design would not on this occasion form a suitable reason for the refusal of the application.
<b>3.15 Residential Amenity</b>	
3.15.1	NPPF Paragraph 17 requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 requires that planning decisions should aim to avoid impacts on health and quality of life. Paragraph 57 of the NPPF stresses the importance of planning positively for the

	achievement of high quality and inclusive design for all development. There are no locally relevant development plan policies in relation to this section.
3.15.2	As noted, only outline permission and detailed access is to be fully assessed at this stage, with many matters reserved for consideration at a later stage. However, the indicative layout provided indicates that up to 290 dwellings could potentially be accommodated on this site without having a direct adverse impact on surrounding residential properties, in terms of overlooking or loss of light. As layout is reserved for future assessment, it is considered at this stage that there is sufficient comfort that the development would not directly harm residential amenity.
3.15.3	Based on the indicative masterplan and insofar as can be measured using the plans provided, the layout and scale of the development is deemed to be acceptable and demonstrates satisfactory separation distances can be achieved between the dwellings proposed, which ensure that residential amenity is protected. In the context of the above, the proposals are not considered to be in conflict with Chapter 12 of the NPPF.
3.15.4	It is therefore considered that the proposal, subject to conditions, is compliant with the relevant policies in the Development Plan, relevant sections of the NPPF; where these can be given weight.
3.15.5	Representations have been received from interested parties in relation to amenity impacts on nearby occupiers, both post and during construction, including loss of views. It is however not considered that this is an appropriate reason for refusal of the application (with loss of views not being a material planning consideration), and this application is considered in regard to amenity matters, to be compliant with relevant policy, subject to relevant conditions, insofar as this can be assessed as an outline planning application.

<b>3.16 Highways</b>	
3.16.1	This section seeks to appraise the impacts that the proposal may have on the surrounding Highways and Transport Network. Typically, the key issues around Highways and Transport matters in relation to rural residential developments, such as this, are Highway Safety, Access, Car Parking and Sustainable Transport Options. Policies TRT1, TRT3, TR9 and TR12 of the UDP are relevant in relation to this section. SPD4 is also relevant to this application, which sets out the Parking Standards, which is a detailed matter and would be considered in a subsequent reserved matters application. The applicant has submitted the following which have relevance to this section: Environmental Statement, Planning Statement; Design and Access Statement; 'Very Special Circumstances' Paper; Transport Assessment; Cumulative Transport Assessment; and, Framework Travel Plan. Consultation has been undertaken with the Highways Development Management Team and National Highways and their comments are considered as part of the commentary below.
3.16.2	The requirements for off-street vehicle and cycle parking are set out as maximums under Policies TR9 and TR12 of the UDP and the accompanying Supplementary Planning Document on Parking Standards.
3.16.3	Paragraph 110 of the NPPF states <i>"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport</i>

	<i>modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”</i>
3.16.4	Paragraph 111 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
3.16.5	Paragraph 112 of the NPPF adds to this and states “ <i>Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and, e) be designed to enable charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.”</i>
3.16.6	The development is supported with a transport assessment and a travel plan, the results to which are accepted by the Council’s Traffic and Transportation team. The assessment details the traffic impact at agreed junctions and also includes an overall assessment of the further seven residential sites and the traffic they are forecast to generate within a Cumulative Impact Transport Assessment.
3.16.7	The transport assessment shows that the Thingwall Road East / B5138 Pensby Road junction will be oversubscribed when the development traffic is added to the background traffic, as such a highway improvement is proposed for this junction. The revised junction layout would require the developer to enter into a s278 highway agreement with the Local Authority to enable the works to be undertaken. The details of this highway improvement will therefore require approval from Wirral Council and the works to be undertaken at the developer’s expense.
3.16.8	In addition to the proposed priority junction improvements, further works would be required under the s278 agreement namely the works to introduce the two access points into the site and the new cycleway adjacent to Thingwall Road, together with the proposal for an uncontrolled crossing also on Thingwall Road.
3.16.9	Furthermore, the cumulative impact assessment shows that the Arrowe Road/Arrowe Brook Lane junction will be impacted by the development and is proposed to be improved, Curtins drawing reference 77829-CUR-00-XX-DR-TP-75006-P01. As this junction also requires a highway improvement this should be included within the s278 works for this application. As some of the land used for this improvement is outside of the adopted highway boundary the

	<p>developer will also have to dedicate this area as highway and for it to become adopted by the Local Highway Authority.</p>
3.16.10	<p>It is acknowledged that the application is outline only with all matters reserved except for access, which is provided onto the site via two priority access junctions from Thingwall Road. The proposed accesses have appropriate visibility splays and satisfactorily demonstrate that vehicles are able to enter and leave at the same time.</p>
3.16.11	<p>Pedestrians and cyclists are also accounted for within the scheme and appropriate dropped kerbs and tactile paving are to be installed at both access points to Wirral's highway standard. An uncontrolled crossing point is also proposed for Thingwall Road to link with the two existing bus stops and provide suitable access to these facilities. The existing PROW (Bridleway) that crosses the site is to be enhanced for all users and the developer has also offered to maintain the PROW in perpetuity. The existing Limbo Lane (PROW) also connects to this PROW and should therefore be included within the proposals. In addition, a dedicated cycleway is also proposed to run adjacent to the development along Thingwall Road. Where this cycleway meets the PROW further enhancements are proposed to provide an accessible link and help make the development permeable for active travel modes.</p>
3.16.12	<p>There is a proposed sports pitch and facilities that are also shown with the indicative layout. These facilities may bring outside groups and non-residents into the site and it would be beneficial for traffic calming to be introduced on the spine road and/or other main throughfares within the site also.</p>
3.16.13	<p>As the majority of the proposals are in outline only it is important that the Highway Authority sets out their requirements for the detail application for when this is received, so that there are no discrepancies or ambiguities with what is expected from the developer and the design. As such, suitable conditions have been recommended should the application be considered suitable for approval. These conditions relate to the following matters: details impacting highway matters required prior to commencement; highway phasing plan; details regarding management and maintenance of streets; adoption details; highway improvements; drainage details; visibility splays; parking provision; and construction management. However, further information is required to confirm detailed elements required at this stage e.g. legal agreement and specific condition wording. This information has not been received.</p>
3.16.14	<p>National Highways have a remit in regards to impacts to the Strategic Road Network. With regards to this site this relates to the M53. National Highways have commented on the site, "this application is part of a collection of planning applications (OUT/22/00941 through to OUT/22/00947) being submitted in parallel, that collectively amount to more than 750 residential units, on sites that have not been modelled as part of the emerging Wirral Local Plan. Curtins, acting as Transport Consultants on behalf of the developer, have undertaken a cumulative Transport Assessment to demonstrate the impact of the sites together. In order to validate the findings of this assessment National Highways have requested that Curtins provide: LinSig Models for M53 J3 &amp; J4; Signal Controller Specs; Trip assignment spreadsheet National Highways therefore requests that no decision is made relating to this application until 15th December 2022 to allow time for the requested information to be provided, in order to ensure that the impacts that the proposed developments may have on</p>

	M53 are correctly understood.” This further information has not yet been provided, and it is therefore understood that this objection remains in place. Given the concerns raised, it is not considered that appropriate matters have been resolved, and it is not considered that satisfactory information has been submitted to demonstrate that the impacts to the Strategic Road Network is not ‘severe’ and is therefore contrary to the NPPF, particularly chapter 9.
3.16.15	In relation to Highways and Transport matters, given the comments of National Highways, the Strategic Highway Authority, the proposal is therefore considered to not be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight.
3.16.16	Representations from interested parties have been received objecting to the proposal, these have raised the following issues: Impact on physical infrastructure; local highway infrastructure/volume of traffic created by the proposal; highway access concerns; and, poor accessibility of the proposal to public transport networks. These concerns are noted, along with the comments from the Local Highway Authority, there are still outstanding concerns from the Strategic Highway Authority (National Highways), insofar as the Strategic Road Network is concerned.

<b>3.17 Ecology and Biodiversity</b>	
3.17.1	<p>This section seeks to appraise the proposal and protect and enhance the biodiversity and geodiversity of the borough, particularly in relation to its impact on habitats and protected species and, especially those areas designated as of international, national and local importance. Policies NCO1, NC1, NC3, NC4, NC7 of the Wirral UDP are relevant to this section, as is Section 15 of the NPPF. The Local Planning Authority take advice from Merseyside Environmental Advisory Service (MEAS) in relation to ecological matters. The following ecological information has been submitted in support of the planning application:</p> <ul style="list-style-type: none"> <li>• Environmental Statement (ES) – Land East of Glenwood Drive, Irby, Chapter 8 - Ecology (Strutt &amp; Parker, May 2022);</li> <li>• Biodiversity Accounting Assessment Report – Site A, Land East of Glenwood Drive, Irby (Environment Bank, 6th May 2022, EB03173-4);</li> <li>• BNG on-site spreadsheets – ref: Site A BNG on-site spreadsheet;</li> <li>• BNG off-site spreadsheet – ref: Site A BNG off-site spreadsheet; and</li> <li>• Shadow Habitats Regulations Screening Report – Site A, Land East of Glenwood Drive, Environment Bank, April 2022, UG1101.</li> </ul>
3.17.2	The ecological surveys which have been undertaken have been summarised within the submitted Environmental Statement (ES) (Strutt & Parker, May 2022). The Ecological Impact Assessment (EclA) has been undertaken in accordance with the best practice methodology (e.g. CIEEM, 2018).
3.17.3	NPPF, Chapter 15, Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph

	175 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.
3.17.4	The areas of the site that will be directly impacted by the proposals comprise mainly habitats of low nature conservation value, so any significant changes or additions are unlikely. As mentioned above, the ecological surveys which have been undertaken have been summarised within the submitted Environmental Statement (ES) and the Ecological Impact Assessment (EclA) has been undertaken in accordance with the best practice methodology (e.g. CIEEM, 2018). However, the full survey reports have not been provided which are required prior to determination.
3.17.5	<p><i>Habitats</i></p> <p>In summary the site comprises agricultural field with a linear woodland belt and double hedgerow along the central portion. Thin strips of neutral and modified grassland, ruderal vegetation and scrub run along site boundaries, with three ponds adjacent to the northern boundary and further ponds as part of the northern agricultural landscape. According to the submission details, the habitats of greater value, namely the ponds, woodlands and hedgerows, will be retained. However, areas of hedgerow will be fragmented due to the construction of new access roads, although the retained hedgerows will be buffered by new planting to compensate for this.</p>
3.17.6	<p><i>Protected Species</i></p> <p><i>Amphibians</i></p> <p>Great crested newt (GCN) were found to be absent from on-site ponds following Habitats Suitability Index (HSI) Assessment and eDNA survey. However, a single off site pond, P12, returned positive results for GCN eDNA. Pond P12 is within Arrowe Park golf course, 180m north of the site and is 312m from the nearest on site pond. As a result, direct impacts to GCN from the development are unlikely. The Council does not need to assess the proposals against the three tests (Habitats Regulations). However, even if GCN are absent, the ponds may still provide opportunities for other amphibians (including common toad, a Priority Species) and these may be harmed as a result of the proposed development.</p>
3.17.7	As a precaution, it is therefore advised that the undertaking of Reasonable Avoidance Measures (RAMs) during the construction phase is secured by a suitably worded planning condition (alternatively these can be included within the CEMP), should the application be approved.
3.17.8	<p><i>Bats</i></p> <p>No structures were present within the site. A number of trees at the site boundaries have features that could support roosting bats, however the current proposals indicate that these trees will all be retained. If this were to change then further bat surveys may be required. Bat activity surveys were undertaken on the site and five species of bat were recorded, namely noctule, common pipistrelle, soprano pipistrelle and brown long-eared bat. However, common</p>

	<p>pipistrelle was the most commonly recorded with the highest levels of activity being associated with hedgerows and tree lines at the north west tip of the site.</p>
3.17.9	<p>Based on the bat species recorded and the number of recordings made during the bat transect and automated survey, the ES concludes that the site is of local value for bats and this is agreed with. The majority of the existing foraging and commuting habitat for bats will be retained and where loss of hedgerow will occur compensatory planting is to take place. With the implementation of mitigation, it is not considered that the proposals will have a significant effect on foraging and commuting bats.</p>
3.17.10	<p>Lighting for the development may affect the use of boundary hedgerows and pond area by foraging and commuting bats. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto those habitats, in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition, should the application be approved. Details of construction lighting, designed so as to avoid light spillage onto retained habitats, should be included within the CEMP, which could be secured via a suitably worded condition.</p>
3.17.11	<p>It is understood that a bat box / brick scheme will be implemented to enhance the site for roosting bats, Details of this (which includes number, type and location on an appropriately scaled plan, along with a timetable for implementation) could be secured by a suitably worded planning condition.</p>
3.17.12	<p><i>Breeding Birds</i></p> <p>Vegetation on site may provide nesting opportunities for breeding birds, which are protected and UDP policy NC7 applies. A suitable condition is suggested (alternatively this could be included within the CEMP Condition) to cater for this.</p>
3.17.13	<p><i>Non-breeding Birds</i></p> <p>Non-breeding bird surveys (referred to as wintering bird surveys in the ES) were undertaken between September 2021 and March 2022. From the fourteen survey visits undertaken there were no observations of qualifying species using the site. The dedicated non-breeding bird survey (comprising 14 survey visits) is sufficient to determine that the application site is unlikely to be in regular use by significant numbers of qualifying bird species. It is considered that the application site is not functionally linked to internationally designated sites.</p>
3.17.14	<p><i>Terrestrial Mammals</i></p> <p>No evidence of badger was observed on the site during the ecological surveys. However, the application site was considered to provide suitable sett creation and foraging opportunities for this species. Habitats on site were also considered to be suitable for hedgehog. Badger is a protected species, whilst hedgehog are a Priority Species and UDP policy NC7 applies. Appropriate reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them, and can be secured via a suitably worded condition or can be included within the CEMP, should the application be approved.</p>
3.17.15	<p>In order to maintain habitat connectivity for hedgehogs, hedgehog highways (13cm x 13cm gaps) should be installed into any close board fences on site.</p>

	This can be secured by a suitably worded planning condition, should the application be approved.
3.17.16	<p><i>Biodiversity Net Gain</i></p> <p>Paragraph 174 of the NPPF requires development to “providing net gains for biodiversity”. Regarding Biodiversity Net Gain, the applicant has provided the following information in support of the planning application:</p> <ul style="list-style-type: none"> <li>• Biodiversity Accounting Assessment (BAA) Report, Environment Bank, 06/05/2022, Ref: EB03173-4;</li> <li>• BNG on-site spreadsheets – ref: Site A BNG on-site spreadsheet; and,</li> <li>• BNG off-site spreadsheet – ref: Site A BNG off-site spreadsheet.</li> </ul>
3.17.17	The metrics provided appear to have been completed correctly, however the latest version of the Biodiversity Metric is 3.1, whereas the submitted metrics are version 3.0. For the reserved matters application the BAA report and metrics should be updated using the latest version of the metric. This, however, can be secured by a suitably worded planning condition.
3.17.18	The BAA report and completed on-site metric shows that on balance, the proposed development would result in a net gain of 7.17 habitat biodiversity units and a net gain of 3.38 hedgerow biodiversity units, which is equivalent to a net gain of 15.09% and 43.97%, respectively. The applicant has therefore demonstrated in excess of a 10% uplift in habitat units and offsite habitat creation is not required. However, as part of BNG requirements for the wider suite of developments an area of land has been identified which is owned by the applicant. This offsite area is shown on Figure 3 of the BAA report. According to the BAA report the off-site area is currently comprised of agricultural land set to temporary grass, clover leys and bare ground, which is of negligible ecological value. The off-site metric therefore shows that the proposed habitat creation and enhancement proposals onsite and offsite will result in a net gain of 135.5% and 91.87%, respectively. This is therefore compliant with relevant policy to biodiversity net gain as set out in paragraph 179 of the NPPF.
3.17.19	<p><i>Habitat Regulations Assessment and Designated Sites</i></p> <p>The following internationally designated sites are easily accessible by car and public transport from the proposed development site, UDP policies NC1 and NC2 apply:</p> <ul style="list-style-type: none"> <li>• Dee Estuary SAC;</li> <li>• Dee Estuary SPA;</li> <li>• Dee Estuary Ramsar;</li> <li>• Mersey Narrows and North Wirral Foreshore SPA;</li> <li>• Mersey Narrows and North Wirral Foreshore Ramsar;</li> <li>• Mersey Estuary SPA and,</li> <li>• Mersey Estuary Ramsar.</li> </ul>
3.17.20	The proposal is up to 290 residential dwellings, this will result in increased visits (recreational pressure) to the sites listed above. This may result in significant effects on habitats and species for which these sites have been designated.

3.17.21	Recreational pressure from residential development has been identified as a Likely Significant Effect (LSE) alone and in-combination within the Habitats Regulations Assessment (HRA) of the emerging Wirral Local Plan. Recreational pressure is also recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans as Medium-High risk to qualifying features of the national and international sites.
3.17.22	The applicant has submitted a Shadow Habitats Regulations Assessment (sHRA). The sHRA includes an Assessment of Likely Significant Effects (ALSE) for the proposals. Regarding recreational pressure effects, the shadow ALSE concludes that proposed development is unlikely to lead to significant recreational pressure effects alone. However, it concedes that there is potential for likely significant effects as a result of the increased recreational pressure on the internationally designated sites in-combination with the quantum of housing development proposed within Wirral and this is agreed with. The shadow HRA concludes that the application site is unlikely to be functionally-linked to internationally designated sites due to the negative findings of the non-breeding bird survey and this is agreed with.
3.17.23	As the shadow ALSE determines that likely significant effects may occur due to increased in-combination recreational pressure, an Appropriate Assessment (referred to in the shadow ALSE as a Stage 2 Assessment) will be required prior to determination. The Appropriate Assessment will need to be informed by mitigation measures.
3.17.24	No mitigation measures have been proposed in the shadow HRA report, although the ES states that mitigation will comprise public open space within the development and offsite provision, including a Site of Alternative Natural Greenspace (SANG) and new footpaths.
3.17.25	However, having considered the above mitigation proposed, it is not considered that it adequately addresses the potential in-combination effects which will arise. As, even with the proposed on and off-site provision, new SANG creation (subject to a current planning application) and new footpaths, it is still considered that residents of the proposed new development will wish to visit the Wirral coast for recreation. Therefore, to ensure that recreational pressure effects will be adequately mitigated, it is advised that the following measures will also be required in addition to the above mitigation: provision of an information leaflet to all new residents and a commuted sum payment secured by a planning obligation.
3.17.26	The commuted sum would be used by the Council for undertaking Site Access Management and Monitoring measures (SAMMs) within the designated sites, such as managing footpaths and providing signage and interpretation. An appropriate commuted sum figure will require agreement with the Council prior to determination. This agreement is necessary to enable the Appropriate Assessment to be undertaken.
3.17.27	With the recent Regulation 19 Local Plan consultation, Wirral Council has published an Interim Approach to Avoid and Mitigate Recreational Pressure in Wirral (May 2022, version 2). This proposes a commuted sum figure of £280.26 per dwelling, which would provide adequate mitigation.

3.17.28	<p>The applicant has not confirmed that they are willing to opt-in to the above measures or undertake their own bespoke assessment and mitigation. This agreement, and confirmation on what the commuted sum will be used for, will be necessary to enable the Appropriate Assessment to be undertaken. Regarding the Appropriate Assessment, the applicant should clarify whether they intend to complete this themselves, a notification of this has not been received.</p>
3.17.29	<p><i>SSSI IRZs</i></p> <p>The proposed development is within the recently updated (April 2022) Natural England Impact Risk Zone (IRZ). These zones have been identified to trigger consultation with Natural England to assess impacts of development on SSSIs, it is understood that the proposal meets the recreational pressure trigger.</p>
3.17.30	<p>Local Wildlife Sites</p> <p>The application site is adjacent or near to the following locally designated sites and UDP policy NC5 applies:</p> <ul style="list-style-type: none"> <li>• Arrove Park LWS (immediately adjacent to the east boundary); and</li> <li>• Harrock Wood LWS</li> </ul>
3.17.31	<p>Arrove Park LWS is an intensively managed golf course and as such it is regularly maintained to ensure it is in good condition. However, due to the immediate proximity of the woodland edge of Arrove Park LWS, a CEMP, required due to the major development nature, can be secured by condition to include tree protection measures and suitable buffer zone. The ES states best practice measures will be followed with regards to dust and pollution prevention and will be detailed within a CEMP and therefore impacts on the nearby designated sites during the construction phase are expected to be negligible and neutral. This is sufficient and can be secured by a suitably worded condition.</p>
3.17.32	<p>In terms of operational impacts, due to the proximity of Harrock Wood LWS, impacts from the addition of 290 dwellings on top of existing recreational use, and particularly dog walkers, has the potential to impact upon the ground flora, with the site exhibiting species such as dog violet, bluebell and pignut. However, it is considered that the proposed SANG should ensure that any such effects are either avoided or minimised. However, this SANG would need to be secured via a legal agreement and does not currently have planning permission.</p>
3.17.33	<p>As mentioned above, full survey reports have not been provided which are required prior to determination, therefore insufficient information has been received to assess the proposal in relation to ecology and biodiversity matters. The proposal is therefore considered to not be compliant with the relevant policies in the Development Plan (Particularly Policies NCO1, NC1, NC3, NC4, NC7), the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight.</p>
3.17.34	<p>Representations have been received from interested parties including an objection from Natural England, regarding Ecology and Biodiversity matters,</p>

	including the impact of the proposal on wildlife, protected and non-protected species; inadequate biodiversity mitigation; impact on designated ecological sites and watercourses. It is considered that these have some merit, overall it is considered that insufficient information has been submitted to appraise ecology and biodiversity matters in full,
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<b>3.18 Archaeology</b>	
3.18.1	This section seeks to appraise the proposal against the impact this may have on nearby archaeological heritage assets, both designated and non-designated assets. Policies CHO1, CH25 of the Wirral UDP are relevant to this section, as is section 16 of the NPPF. MEAS have provided comments to help compile this section of the report and provide advice on archaeological matters to the Council. The applicant has also submitted an Environmental Statement and Heritage Impact Assessment, which have relevance to this section.
3.18.2	The Heritage Impact Assessment (SLR April 2022) issued in support of the application suggests in Section 5.1 the archaeological potential of the development area could relate to medieval and post-medieval agricultural related features “which would be anticipated to be of low heritage importance”. This is an incorrect assessment. Any medieval archaeology within Merseyside would be of regional importance. Although research aims are cited from The Historic Environment of North West England. A Resource Assessment and Research Framework 2021, no mitigation strategy for the impact of the development is presented.
3.18.3	There is one non-designated heritage asset recorded on the Merseyside Historic Environment Record within the proposed development: MME627 A possible site observed from aerial photographs, Arrowe. It may have been a linear feature. In addition, although subject to some ground disturbance along the High Voltage Direct Current (HVDC) route the application site has remained as agricultural land throughout the Post-Medieval, Industrial and Modern periods. Undeveloped and historically undisturbed areas of green space are considered to have an as yet undefined archaeological potential.
3.18.4	Therefore, MEAS have suggested that the applicant be required to undertake a programme of archaeological work, and that such works be secured by means of condition. This position is agreed with.
3.18.5	An appropriately qualified and experienced archaeologist should produce the Archaeological Written Scheme of Investigation (WSI). A contingency for further archaeological works as warranted by the investigation results should be included. The WSI must be approved in writing by the LPA prior to commencement of the archaeological works.
3.18.6	In relation to archaeological matters, the proposal is therefore considered to be compliance with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight.
3.18.7	A number of comments have been received in relation to the impact the proposal may have on archaeological assets. These comments have been considered and are noted, however it is considered that impacts on these have been assessed as appropriate in the context of a planning application, and are either acceptable in terms the determination of a planning application such as

	this, or suitable conditions could be appended to the application, were this to be approved.
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<b>3.19 Drainage and Flood Risk Matters</b>	
3.19.1	This section seeks to appraise the proposal in the context of flood risk and drainage matters. Chapter 14 of the NPPF forming the national planning policy context, Policies WA2, WA5, WAT2. The applicant has submitted the following: Environmental Statement; Flood Risk and Drainage Strategy; and, a Design and Access Statement.
3.19.2	The National Design Guide (September 2019) is also relevant to this element of the report, particularly the section relating to 'resources'. In relation to 'resources' the National Design Guide states "Well designed places: have a layout, form and mix of uses that reduces their resource requirement, including for land, energy and water; are fit for purpose and adaptable overtime, reducing the need for redevelopment and unnecessary waste; use materials adopt technologies to minimise their environmental impact"
3.19.3	Consultation has taken place in relation to surface water drainage with the Lead Local Flood Authority (LLFA) and, as well as consultation with the Environment Agency (EA), and United Utilities who have differing remits with regards to Flood Risk, Drainage and Water related matters.
3.19.4	The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions. United Utilities have also commented that they can confirm that whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design, however they consider this can be overcome by a suitably worded condition. The EA have commented that the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk with the imposition of a condition.
3.19.5	Following consideration of the responses of consultees, it is considered that the application has demonstrated that appropriate flood risk, drainage and water related matters can be successfully achieved on site, insofar as expected with an outline planning application. It is considered that the proposed development would not increase the risk of flooding to the area. The proposals are therefore compliant with the NPPF.
3.19.6	The proposal is therefore considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight in relation to surface water drainage matters.
3.19.7	A number of comments have been received in relation to the impact the proposal may have on physical infrastructure, including local foul and surface water drainage networks, and the potential to overwhelm these, as well as comments regarding the impact of the proposal on water supplies and watercourses. These comments have been considered and are noted. As can be seen from the appraisal in this section, the impact of the proposal on the foul and surface water

	drainage networks have been taken into account during the consideration of this planning application.
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<b>3.20 Waste Matters</b>	
3.20.1	<p><u>Construction Waste Management</u></p> <p>The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.</p>
3.20.2	In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.
3.20.3	A number of representations have been received in relation to comments regarding construction waste, and amenity impacts during construction. These comments are noted, however it is considered that a suitable management plan can be secured were this planning application to be approved.
3.20.4	<p><u>Waste Storage and Collection</u></p> <p>The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan, the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply.</p>
3.20.5	These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, the requirement for a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved The Planning Statement (Strutt & Parker May 2022) indicates parts 1-3 of policy WM9 will be implemented within in the design. This is welcomed and should be secured by a suitably worded condition.

<b>3.21 Sport and Recreation Matters</b>	
3.21.1	The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity offsite. The level and nature of any provision should be informed by a

	<p>robust evidence base such as an up-to-date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment. In this case Wirral has an up to date Playing Pitch Strategy and Outdoor Sport Strategy (PPOSS) 2021 and this has been used to help inform this response. In accordance with Section 8 of the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. Sport England have provided comment on the scheme indicating that s106 contributions are required however this is in the context of the 7 applications submitted by Leverhulme (OUT/22/00941, OUT/22/00942, OUT/22/00943, OUT/22/00944, OUT/22/00945, OUT/22/00946 and OUT/22/00947).</p>
3.21.2	<p>Of the sites submitted for consideration by Leverhulme Estates, only this application (OUT/22/00946) makes provision for outdoor sports provision on site, but there is no information submitted to demonstrate how the provision of two pitches (type unknown) has been developed, and what evidence of need has informed the proposal.</p>
3.21.3	<p>The cumulative impact across all applications provides no detailed information in relation to formal sports facilities, indoor or outdoor, and therefore Sport England objects to this application as it is not compliant with NPPF or saved UDP Policy URN2.</p>
3.21.4	<p>Sport England have commented that they would be pleased to review the objection with a view to potentially withdrawing their objection when they have received:</p> <ul style="list-style-type: none"> <li>• Details of any off-site outdoor sport and indoor sport enhancements to meet the additional demand arising from the development. Sport England's Strategic Planning Tools show this development is estimated to generate additional demand equating to: a. 3 pitch equivalents (1 adult football pitch, 1 youth football pitch and 1 mini football pitch), b. 3 additional changing rooms, c. 5 additional hours per week for football training on a 3G Artificial Grass Pitch, d. 8 match equivalent sessions per season on a natural turf cricket wicket, e. 205 additional visits per week to sports halls; and f. 162 additional visits per week to swimming pools. Indicative costs to accommodate the additional demand is set out later in this email. If the LPA consider the cumulative impact of all eight housing applications that form Phase 1 is appropriate then a pro rata calculation can be developed based on the total cost of additional sports provision required and the number of units proposed in each application</li> <li>• Incorporate the 10 principles of Active Design into the overall design of the development as sanctioned by BREEAM in collaboration with Sport England. Active Travel, in general terms appears to have been considered but not the creation of an Active Environment to create opportunities for a wide range of physical activity not just cycling and walking.</li> </ul> <p>Sport England state that if the Local Planning Authority are minded to approve this and the other applications then two conditions are strongly recommended relating to a Sports Strategy and Active Environment Strategy, however this is not in place of a legal agreement defining contributions and other relevant matters.</p>

3.21.5	Given the commentary above, the proposal is not considered to accord with relevant sections of the development plan in relation to sports provision both indoor and outdoor, taking into account relevant material considerations and the provisions and intentions of the NPPF; and emerging Local Plan, where this can be given weight. The applicant has not agreed to a contribution in a draft s106 agreement
3.21.6	Representations have been made from interested parties regarding impact the proposed dwellings will have on community facilities and physical infrastructure, which may include sports facilities, such as those referred to in this section. These comments are noted.
3.21.7	Cumulatively, it is unclear as to whether the on site provision posed adequately caters for the demands in relation to this site. The applicant has queried the methodology by Sport England, at the time of writing this report this matter is unresolved.
3.21.8	The proposal is therefore considered to not be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight in relation to matters relating to relevant planning obligations in relation to this application.

<b>3.22 Open Space</b>	
3.22.1	The occupiers of new development, especially residential, will generate demand for open space provision and child place space. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies there is therefore a requirement for open space provision to be secured with the proposal.
3.22.2	<p>UDP Policy GR6 (Greenspace Within New Family Housing Development Proposals) states that new family housing development, defined as houses with two or more bedrooms, will be required to provide greenspace at an overall level of 60sqm for every new dwelling constructed and will be required within this overall requirement, to make specific provision for safe children's play. Greenspace provided under Policy GR6 should be accessible public open space, clearly set out for the purpose of visual amenity and local recreation.</p> <p>Policy RE11 (Criteria for Children's Play Facilities) states the Local Planning Authority will need to be satisfied that areas specifically intended to cater for children's play are appropriate in terms of their siting, scale and design. Proposals should in particular minimise the potential for disturbance to adjacent property, enable informal supervision from the surrounding area and provide for safe pedestrian access.</p>
3.22.3	It is understood that this proposal includes Accessible Open Space of 6.55ha, including sports pitches and play area (4.96ha accessible Open Space excluding Sport Pitches and Play Area). It is understood that this is above the policy requirement of 2.58ha for open space, and 0.02ha above policy requirement for play areas. This would be a matter secured by way of condition and/or legal agreement.
3.22.4	Subject to suitable conditions and/or legal agreement to deliver required level of external amenity space and child place space, including the ongoing

	<p>maintenance of play facilities, it is considered that a sufficient level of external amenity space (qualitative and not necessarily quantitative) and child play space would be delivered and ensure high quality living conditions are achieved for all age groups in accordance with the overarching aspirations of Policy GR6.</p>
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<b>3.23 Section 106 Agreement</b>	
3.23.1	<p>When considering the potential content of a legal agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is standard practice with applications where S106 contributions are likely to be required for the applicant/agent to provide a draft heads of terms, with their submission. The relevant development plan policy in relation to S106 matters is Policy URN2 of the UDP. A draft S106 heads of terms has not been provided in this instance.</p>
3.23.2	<p>Contributions/Provisions for the following would be secured should the application be recommended for approval:</p> <ul style="list-style-type: none"> <li>• Off-site highway improvements;</li> <li>• Sports facilities/pitch provision;</li> <li>• Education contribution/facility;</li> <li>• Affordable housing;</li> <li>• Open space provision;</li> <li>• Off-Site Ecological Impacts</li> </ul>
3.23.3	<p>The expected Affordable Housing contribution is discussed elsewhere in this report, however, to summarise a contribution of 20% is required to relevant affordable housing policy in relation to this scheme, with the applicant offering 30% affordable housing within the scheme.</p>
3.23.4	<p>There is a known shortfall of school places within the area which the application would serve.</p>
3.23.5	<p>In the absence of a recommendation for approval, the LPA has not sought to engage with the applicant on the formal agreement of the S106 agreement.</p>
3.23.6	<p>Representations have been received in relation to the impact the proposal may have in relation to physical and community infrastructure. It is considered that these comments have some merit.</p>
3.23.7	<p>The proposal is therefore considered to not be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight in relation to matters relating to relevant planning obligations in relation to this application.</p>

<b>3.24 Climate Change</b>	
3.24.1	It is important that any development takes into account the effects of climate change and seeks to mitigate these. NPPF paragraph 150 states that to ensure that risks from climate change can be managed, suitable adaptation measures should be adopted, including through the inclusion of green infrastructure and the use of renewable and low carbon energy where appropriate. A range of measures have been referred to through the suite of documents submitted by the applicant including both physical and non-physical design approaches, and various mitigation measures e.g. sustainable drainage features.
3.24.2	Representations have been received relating to the proposals impact on climate change, including but not limited to, the proposal being contrary to the national and international 'climate change' and 'green' agenda; the potential urban heat island of the proposal; as well as other matters covered elsewhere in this report.
3.24.3	Whilst some matters such as physical and non-physical design, biodiversity matters, flood risk and drainage matters, have been considered by the applicant and could be secured either through an outline permission, associated conditions/legal agreement to mitigate for the impacts of climate change, the introduction of a major scheme such as this adjacent to the settlement edge of the Wirral has significant disadvantages. This is particularly apparent when compared with schemes within the urban fabric of the borough. These include, but are not limited to, decreased access to sustainable transport modes e.g. bus, walk, cycle; as well as increased reliance on the private car for a larger number of the residents. Further to this, this site will see a significant increase in land in urban use from being an undeveloped, agricultural 'green field' site.

<b>3.25 Other Matters</b>	
3.25.1	Representations have been received in relation to the lack of information and quality of information provided in relation to the scheme as part of this application. These comments are noted and can form a reason for refusal in its own right. Although the proposal is outline, with details intended to be provided later, a wide range of information is expected to be provided throughout the outline application scheme to demonstrate the application is acceptable in principle, such as that requested by consultees. It is for the applicant to do this through the application, both with the information they submit initially and that submitted through the gestation period of the application. In relation to a number of areas e.g. Landscape, Ecology, Highways and Transport, satisfactory information has not been forthcoming from the applicant/agent. This absence of satisfactory information has, in part, informed some of the recommended reasons for refusal of the scheme.
3.25.2	Comments regarding the inflationary impacts of development, impacts on views and the quantum of comments have been received, as well as the impact the proposals may have on the 'Lever' legacy in Wirral, and the motives of the landowner/developer/applicant. Whilst these comments are noted, these are not considered to be matters that are material to the consideration of a planning application.

3.25.3	Comments have been submitted in relation to the potential for the schemes to cause social inequality across the borough. These comments are noted; however each application needs to be considered on its own merits.
3.25.4	Concerns have been raised regarding issues regarding the ability for representations to be made to the council. It is understood that this was a temporary issue and has subsequently been resolved and comments have been able to be submitted during a full statutory period.
3.25.5	A broad range of representations have been received in relation to this application, these comments have been fully considered and noted.

<b>Conclusion</b>	Having regards to the individual merits of this application the decision to refuse Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-
	<p>The proposal is considered to constitute inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.</p> <p>Some benefits would arise from the proposed development including the delivery of both market and affordable housing, although it is not clear whether the proposed scheme would be likely to be delivered within five years to contribute towards the Council's immediate housing land supply position. In any case, it is not deemed that the benefits put forward by the applicant form very special circumstances.</p> <p>The fundamental aim of the Green Belt is to prevent urban sprawl by keeping the land permanently open and to direct new investment into the urban area rather than restricting housing supply. The Council is not proposing to change any Green Belt boundaries through the emerging Local Plan and the Government in re-stating the long term established approach in previous policy stresses the importance of the Green Belt and makes it clear that permanence and openness are essential characteristics.</p> <p>The proposed development is not acceptable in principle and would adversely affect the character and appearance of the area, and would result in the loss of best and most versatile agricultural land. Further to this it is considered that the proposed development would create urban sprawl, would encroach into open countryside, and would undermine urban regeneration and the re-use of derelict and other urban land both in its own right and as a result of setting an undesirable precedent that would perpetuate unsustainable patterns of development throughout the Borough.</p> <p>In addition to the above, insufficient information has been submitted in support of the application in respect of ecological, highways and transport, and the provision for sport and recreation. It has therefore not been demonstrated that impacts from the proposal can be adequately mitigated for.</p> <p>In addition, a satisfactory S106 agreement has not been provided in relation to the following matters: Off-site highway improvements; Sports facilities/pitch provision; Education contribution/facility; Affordable housing; Health</p>

	<p>Facilities/contribution; Open space provision; Recreational provision; Employment and skills</p> <p>Overall, the permanent harm caused to the Green Belt by reason of inappropriateness, and the other identified harm, would not be clearly outweighed by the other considerations, either separately or cumulatively. Consequently, the very special circumstances necessary to justify the development do not exist.</p> <p>The proposal would conflict with the above identified policies of the UDP and the development plan as a whole. There are no other considerations which outweigh this finding.</p>
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<b>Recommended Decision:</b>	<b>Refuse</b>
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<b>Recommended Reasons:</b>	
<p>1. The site lies in an area of Green Belt where the siting of new dwellings is considered to be inappropriate development, which is by definition harmful to the Green Belt. The proposal would be contrary to the core planning principles within the NPPF of protecting the Green Belt, preventing urban sprawl and recognising the intrinsic character of the countryside. There are no very special circumstances that would outweigh the harm and detrimental impact of the proposal upon the openness of the Green Belt and so development is therefore contrary to the provisions of Policies URN1 (General Principles and Urban Regeneration) and GB2 (Guidelines for development in the Green Belt) of the Wirral Unitary Development Plan (Adopted February 2000) and Section 13 of the National Planning Policy Framework</p> <p>2. The proposed dwellings would represent an imposing and obtrusive urban built form of development and urban encroachment into this attractive undeveloped countryside/ rural landscape location, which would detract from and have a permanent detrimental impact upon the natural rural character and appearance of the site, landscape and setting of this particular part of the open countryside and Green Belt. As such the proposal therefore fails to accord with the advice set out in the NPPF on the basis that it fails to conserve and enhance the natural character and appearance of this part of the open countryside and it would adversely affect the intrinsic character and beauty of this part of the countryside contrary to the National Planning Policy Framework, and Policies URN1, LA7 Wirral Unitary Development Plan (Adopted 2000).</p> <p>3. By reason of its extent and depth beyond existing development, and the proposed indicative layout, the proposed development would have a detrimental impact on the character and appearance of the countryside, landscape, and settlements of Irby and Thingwall. The development would also result in the loss of Grade 2 and 3a 'Best and Most Versatile' agricultural land, with no public benefits present to override the need to protect the land. The proposal is therefore contrary to Section 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework and Policies AGR1, AG1, AG2 of the Wirral Unitary Development Plan (Adopted 2000).</p> <p>4. Insufficient information has been submitted in support of the application in respect of the ecological impact of the proposal. The application fails to demonstrate how it would protect and enhance the biodiversity and geodiversity of the borough, especially those areas designated as of international, national and local importance, due to a lack of information submitted. It has therefore not been</p>	

demonstrated that there would be no unacceptable harm to any protected species, wildlife diversity and protect ecological sites and as such the development would be contrary to the provisions of the NPPF (Chapter 15) Policies NCO1, NC1, NC3, NC4, NC7 of the Wirral Unitary Development Plan (Adopted 2000).

5. The provision for sustainable and active travel modes have not been satisfactorily supported within the proposals and as a consequence it is considered that the development will become car dominated and vehicles become the primary choice of travel. In addition, the submitted Transport Assessment does not adequately assess cumulative impact of the development, along with other developments, on junctions on the M53 motorway. As such the proposals are in conflict with TRT1, TRT3 and TR11 of the Wirral Unitary Development Plan (Adopted 2000) and the National Planning Policy Framework.

6. A Section 106 Agreement has not been completed to secure the following facilities/contributions/details, which are considered necessary to mitigate the impacts of the proposed development:

Off-site highway improvements

Sports facilities/pitch provision

Education

Affordable housing

Open Space and Play provision

Off Site Ecological Contributions

This would be contrary to Policy URN2 of the Wirral Unitary Development Plan and Paragraphs 55-58 of the National Planning Policy Framework.

**Expiry Date:**

28-October-2022

## Appendix 1: Analysis of Very Special Circumstances

The applicant considers that the following are very special circumstances that cumulatively span across the whole suite of applications submitted by Leverhulme Estates:

<b>Very Special Circumstance Posed by applicant</b>	<b>Officer analysis</b>
Following a 'Planned (and Plan-led)' Approach;	Not a formally considered plan, and development would be contrary to existing UDP policy and to the emerging Local Plan that is being progressed by the local planning authority.
Effective Housing Delivery;	The Council can demonstrate a five-year housing land supply and has a supply of sites through the emerging local plan.
Green Belt Management - 'Responsible release of Green Belt Land'	Contrary to the emerging Local Plan that is being progressed by the local planning authority. Adequate Housing Land Supply can be demonstrated through the council's five-year housing land supply assessment and the emerging Local Plan.
Environmental Enhancements Package	Benefit of the scheme, but not a Very Special Circumstance.
Leverhulme's long term stewardship	Good Planning and should be aspired to in any housing development.
Contribution to Wirral's 5 Year Housing Land Supply	The Council can demonstrate a five-year housing land supply and has a supply of sites through the emerging local plan.
Biodiversity Net Gain 20% across the sites	Good Planning and should be aspired to in any housing development.
Provision of a Site of Alternative Natural Green Space (SANG) Including 22.7ha of Land	Benefit of the scheme, but not a Very Special Circumstance.
Circular Walk of 3.5km	Good Planning and should be aspired to in any housing development.
Parking Provision	Good Planning and should be aspired to in any housing development.
Long term stewardship through the design charter	Good Planning and should be aspired to in any housing development.
Locally Specific House Types	Good Planning and should be aspired to in any housing development.
Open Space Provision in excess of Wirral's Latest Open Space Standards	Benefit of the scheme, but not a Very Special Circumstance.
Walkable Neighbourhoods	Good Planning and should be aspired to in any housing development.

The posed very special circumstances of this particular scheme as presented by the applicant, are considered to be:

<b>Very Special Circumstance Posed by applicant</b>	<b>Officer analysis</b>
Contribution to housing supply	The Council can demonstrate a five-year housing land supply and has a supply of sites through the emerging local plan.
Affordable Housing Provision @ 30% (10% above policy requirement) on site provision	Benefit of the scheme, but not a Very Special Circumstance.

10% Self Build and Custom Build Homes;	Benefit of the scheme, but not a Very Special Circumstance.
New Sports Pitches 1.4ha (Adult and Junior Pitches)	Benefit of the scheme, but not a Very Special Circumstance.
Formal Play Areas 0.19ha	Benefit of the scheme, but not a Very Special Circumstance.
Provision of Cyclegreenway	Good Planning and should be aspired to in any housing development.
Community Facilities / Sports Pavillion	Good Planning and should be aspired to in any housing development.
Accessible Open Space 6.55ha, including sports pitches and play area referred to above (4.96ha accessible Open Space excluding Sport Pitches and Play Area) - Above policy requirement of 2.58ha for open space, and 0.02ha above policy requirement for play area	Benefit of the scheme, but not a Very Special Circumstance.
New Woodland Planting at intersection of improved PROW links to Arrowe Park	Good Planning and should be aspired to in any housing development.
Improved PROW links	Good Planning and should be aspired to in any housing development.
New hedgerow planting	Good Planning and should be aspired to in any housing development.
Additional Highway Improvements	Good Planning and should be aspired to in any housing development.

