



REPORT TITLE	REVISED LOCAL DEVELOPMENT SCHEME
REPORT OF	Head of Regeneration Strategy

REPORT SUMMARY

This report seeks approval to revisions to the future timetable for the preparation of the Wirral Local Plan, as set out in the revised Local Development Scheme attached to this report. The revised Scheme will replace the Local Development Scheme which came into effect in February 2022.

It has become necessary to amend the Local Development Scheme because of a slight slippage in the anticipated submission date of the Submission Draft Local Plan for Independent Examination following the completion of the Regulation 19 Consultation Stage on 25th July 2022.

The Council is still under the threat of intervention by the Government because of the timescale for producing the Local Plan. Regular meetings have taken place with the Department for Levelling Up, Communities and Housing (DLUCH), who are aware of the need for a revision of the LDS to ensure legal compliance.

The Wirral Plan 2021-2026 sets out the Council's vision to secure the best possible future for our residents, defined by the community prosperity we create and supported by our excellent people and services. This proposal directly supports all of the themes within that Plan:

This matter affects all Wards.

This matter is a Key Decision.

RECOMMENDATIONS

The Director of Regeneration and Place is recommended to approve the adoption of the Local Development Scheme as set out in Appendix 1.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION/S

- 1.1 This revised document attached to this report replaces the Local Development Scheme which came into effect in February 2022.
- 1.2 It has become necessary to amend the Local Development Scheme to avoid any potential risk related to legal compliance during the examination process.
- 1.3 There has been a slight slippage in the date for submission of the Submission Draft Local Plan for independent examination, from the September 2022 date anticipated in the latest adopted Local Development Scheme.
- 1.4 In order to ensure that the Local Development Scheme is up to date it is necessary to seek approval for an amendment to the scheme.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There are no alternative options, as it is a legal requirement to have an up-to-date Local Development Scheme, to be published as soon as possible after the relevant information becomes available.

3.0 BACKGROUND INFORMATION

- 3.1 The Wirral Local Plan is a Development Plan Document that is intended to set the long-term vision, objectives, strategic and non-strategic policies for the use of land in the Borough over the next 15 years. This also provides the framework for future Development Plan Documents, Neighbourhood Plans and Supplementary Planning Documents and for future development management decisions.
- 3.2 The Council has previously published an Issues and Options report under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations") and a Proposed Submission Draft Wirral Local Plan 2021-2037 under Regulation 19 of the 2012 Regulations, in May 2022 to the timescale agreed with the Department of Levelling Up Housing and Communities ('DLUHC') and reflected in the existing Local Development Scheme.
- 3.3 The existing Local Development Scheme goes on to state that submission of the Local Plan would take place between July and September 2022, commencement of the Examination in mid- to late 2022 and adoption of the Local Plan would take place in mid- to late 2023.
- 3.4 However, the timetable for the remaining stages of preparation of the Wirral Local Plan has had to be revised, to take account of a slight slippage in the anticipated date of the formal submission of the Draft Local Plan for independent examination, from September to October 2022. This is because the period for receipt of representations had to be extended from 20th June 2022 to the 25th July 2022 as the Council identified that two documents, which were published in support of the Local Plan, were incomplete. The revised Local Development Scheme now states that the Local Plan will be submitted

between October and November 2022, with hearing sessions now expected to commence in early 2023 and adoption of the Local Plan now anticipated for late 2023/early 2024. The new timetable is set out in the revised Local Development Scheme at Appendix 1.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from the publication of the revised Local Development Scheme.
- 4.2 The continued preparation of the Wirral Local Plan will be funded from the Local Plan budget within the Regeneration and Place Directorate.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 15 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) requires the Council to prepare and maintain a Local Development Scheme. The scheme must list the development plan documents and the subject matter and geographical area to which each development plan document is to relate and the timetable for the preparation and revision of the development plan documents.
- 5.2 Section 15(8) of the 2004 Act states that the Council must revise their local development scheme at such time as they consider appropriate. Section 15(9A) of the 2004 Act states that the Council must make the Scheme and any more up-to-date information on the timetable available to the public, as soon as it becomes available
- 5.3 The proposals within this report will enable the Council to meet the statutory requirements of the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 5.4 The Local Development Scheme is not part of the development plan.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 The Council’s Local Plan will be prepared primarily using existing IT and staff resources in the Regeneration and Place Directorate. Additional specialist resources will also be used to provide essential technical support as required.

7.0 RELEVANT RISKS

- 7.1 The implications of paragraph 11 of the National Planning Policy Framework, is that unless additional land for residential and other development can be identified in the emerging Local Plan, the absence of an appropriate land supply could lead to the loss of appeals against the refusal of planning permission, with costs awarded against the Council, unless it can be demonstrated any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed.
- 7.2 The Local Development Scheme will be used by Government to assess the Council’s progress in the preparation of an up-to-date Local Plan.

- 7.3 The Secretary of State has the power to direct amendments to the Local Development Scheme, as well as powers over its content and review.
- 7.4 The Local Development Scheme has its own risk register in Appendix 2 which is reviewed whenever the document is required to be updated. The risks identified remain relevant, including Covid-19, although the risk of disruption to the process from national lockdowns seems to be significantly reduced at present. If necessary, risks would be escalated to the Director of Regeneration and Place.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 There is no requirement for the revised Local Development Scheme to be subject to external consultation. The documents set out within it are subject to various rounds of consultation in accordance with the Planning Compulsory Purchase Act 2014 (as amended) and the revised procedures required by the 2012 Regulations.
- 8.2 National planning guidance states that the Local Development Scheme must be made available publicly and kept up to date so that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website. A continuously up-dated record of progress is available on the Council's website at: <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/wirral-new-local-plan/new-local-plan>

9.0 EQUALITY IMPLICATIONS

- 9.1 The revision of the Local Development Scheme would not have any adverse impacts on any protected characteristics, although there is the potential for the documents proposed in the Local Development Scheme to have adverse impacts. To mitigate this, each of the proposed documents will be subject to their own equalities assessments as a necessary part of the process of their production to ensure emerging policies are suitably framed to promote equal opportunities for all.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The Local Development Scheme does not have any direct environmental or climate impacts. However, as the scheme facilitates the preparation of a Local Plan there will be a series of potential impacts on the environment through the adoption of the new Local Plan. These will be assessed and mitigated through the Sustainability Appraisal which has been prepared to support the preparation of the Local Plan. The Examination in Public will be the forum in which the environmental or climate impacts of the Local Plan proposals can be examined by a Planning Inspector appointed by the Secretary of State. The Local Development Scheme and Local Plan will support the commitments made within the Cool Wirral strategy to achieve net zero by 2041.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Local Development Scheme does not have any community wealth implications directly but the adoption of the Local Plan will result in the delivery of significant development which will give opportunities for social wealth capture. The Submission Draft Local Plan contains a Social Value Policy.

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APPENDICES:

APPENDIX 1: LOCAL DEVELOPMENT SCHEME FOR WIRRAL OCTOBER 2022

BACKGROUND PAPERS

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

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

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

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

[National Planning Policy Framework](#)
[Planning Practice Guidance](#)
(MHCLG)

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

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet – Approval of Revised Local Development Scheme	30 September 2019 (Minute 33)
Council – Approval of Revised Local Development Scheme	14 October 2019 (Minute 72)
Delegated – Local Development Scheme	3 rd October 2020
Economy Regeneration & Development Committee	26 th January 2022 (Minute 67)

