

WIRRAL COUNCIL

CABINET – 23 JULY 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE SERVICES

LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – REVIEW OF LOCAL DEVELOPMENT SCHEME

EXECUTIVE SUMMARY

The preparation of a Local Development Scheme is a statutory requirement under the Planning and Compulsory Purchase Act 2004. The Scheme lists the type and number of statutory planning documents that the Council intends to produce, together with a timetable for their preparation.

The Scheme must be submitted for approval to the Secretary of State before it can be brought into effect by Council resolution. Delivery against the Scheme is a criterion for the annual award of Housing Planning Delivery Grant. The development and delivery of strategic policy frameworks to achieve sustainable economic development forms part of the Delivery Plan for the Corporate Plan.

This report considers an update to the Local Development Scheme last approved by the Council in July 2007 (Council, Minute 30). It recommends that the revised Scheme attached to this report is approved for submission to the Secretary of State.

1 Background

- 1.1 The Local Development Framework is a series of statutory Local Development Documents that set out the Council's policies for the use and development of land as a replacement for the adopted Unitary Development Plan. The Framework plays a major role in the determination of individual planning applications and in other decisions taken under the Town and Country Planning Acts.
- 1.2 The Local Development Scheme sets out the Council's programme for the preparation of Documents that will form part of the Local Development Framework.
- 1.3 The Scheme must be approved by the Secretary of State. The Secretary of State has powers of direction to modify the content of a Local Development Scheme. Once submitted, the Secretary of State has four weeks to consider the Scheme and to direct any alterations that he may wish to see, before the Scheme can be brought into effect by Council resolution.
- 1.4 Only documents included in an approved Local Development Scheme can be adopted as part of the Local Development Framework. New documents can only be added by submitting a formal amendment to the Scheme to the Secretary of State.

2 Review of Progress

- 2.1 The text of the revised Local Development Scheme, recommended for submission to the Secretary of State, is attached to this report.

Adopted Documents

- 2.2 The Council has so far adopted five Local Development Documents, including:
- Statement of Community Involvement (Council 18 December 2006, Minute 86);
 - Supplementary Planning Document 1 – Designing for Development by Mobile Phone Operators (Council, 30 October 2006, Minute 61)
 - Supplementary Planning Document 2 – Designing for Self Contained Flat Development and Conversions (Council, 30 October 2006, Minute 61)
 - Supplementary Planning Document 3 – Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments (Council, 30 October 2006, Minute 61)
 - Supplementary Planning Document 4 – Parking Standards (Council, 25 June 2007, Minute 22)

Core Strategy Development Plan Document

- 2.3 The main priority for the review of the Local Development Scheme is to secure more effective progress on the preparation of the Core Strategy.
- 2.4 Consultation on the preparation of a Core Strategy Development Plan Document began in October 2005. Consultation on an Issues, Vision and Objectives Report took place in February 2009. Spatial Options will be considered by Cabinet in September 2009 with a view to undertaking public consultation in October 2009.
- 2.5 The timetable for future stages of production is set out within the draft Scheme attached. The timetable has been accelerated to support the delivery of the Council's Investment Strategy.
- 2.6 To meet this timetable it will no longer be possible to provide detailed presentations to each Area Forum at each stage in the process. Copies of all the relevant documentation will, however, be sent to all Area Forum members as part of the formal consultation process. The target date for adoption is now June 2011.

Site-Allocation Development Plan Documents

- 2.7 Previous Local Development Schemes indicated the Council's intention to prepare site specific allocations Documents for housing; employment; and for town centres, retail and leisure.
- 2.8 Government Office has advised that site specific proposals should now be presented in a single site-allocation Document, to better facilitate the consideration of mixed use

developments. The necessary amendments to accommodate a single Document have therefore been included.

- 2.9 The longer term intention to prepare site-specific Documents related to green infrastructure and heritage is retained but a timetable will not be included until the necessary resources can be identified, through a future review of the Scheme.

Birkenhead Docklands Area Action Plan

- 2.10 The intention to prepare an Area Action Plan, signalled in previous Local Development Schemes, has now been brought forward to support the delivery of the Mersey Heartlands Growth Point.

Joint Waste Development Plan Document for Merseyside and Halton

- 2.11 Consultation on the preparation of a Joint Waste DPD, undertaken on behalf of the districts by the Merseyside Environmental Advisory Service, began in March 2007. Preferred Options for the Waste DPD are expected to be published for public consultation in October 2009. A public meeting will be held in each of the districts to provide additional information.

- 2.12 The timetable for future stages of production is set out within the draft Scheme attached. The target date for adoption is now October 2011.

Supplementary Planning Documents

- 2.13 Government Office has advised that Supplementary Planning Documents linked to the older Unitary Development Plan should no longer be prepared.

- 2.14 While the duty to specify the programme for the preparation of SPDs has now been removed, the draft Scheme still indicates the Council's intention to prepare SPDs to provide further details on matters related to:

- Design
- Affordable Housing
- Green Infrastructure
- Transport and Accessibility
- Developer Contributions

- 2.15 These and other new SPDs cannot be prepared until an appropriate policy has been included in a higher level Development Plan Document.

3 Public Consultation

- 3.1 There is no statutory requirement for public consultation on a Local Development Scheme but the Council made a commitment to consult local stakeholders on the scope of any review in the Statement of Community Involvement adopted in December 2006.

3.2 Letters informing previous respondents of the publication of the Council's Annual Monitoring Report and of the intention to review the Local Development Scheme were sent out in January 2009. The deadline for comments was 27 February 2009. Three responses were received on the content of the review:

Respondent	Comment
The Oxton Society	<p>The Society is concerned that there appears to be no immediate intention to update the more detailed guidance for development control in the Oxton Conservation Area, which is currently set out in the "old-style" SPG21. The weight attached to old style SPG's in development control is likely to diminish, particularly where they are out-of-date. We cannot agree that SPG21 (1994) is "up-to-date", as recorded in the Annexe to the LDS, as there have been significant changes and erosion of character, as clearly revealed in the Character Appraisal completed in 2006.</p> <p>The LDS 2007 anticipated the preparation of a Heritage DPD in 2011. If this remains the Council's intention, it is essential that the new LDS sets out clearly the proposed scope and content of the Heritage DPD, in particular, how it will embrace the policies and proposals in the approved Conservation Area Appraisals and Management Plans.</p>
Countryside Council for Wales	<p>Sets out the designated sites in Wales that will need to be considered under the Conservation (Natural Habitats, etc) Regulations 1994.</p> <p>Requests that any review take account of the River Dee Regional Park/Green Infrastructure project, being promoted by the Mersey Dee Alliance. CCW is very supportive of this initiative and believe it can provide great benefit to residents of Wirral in terms of an improved environment and quality of life, as well as economic and social advantage.</p>
Environment Agency	<p>UDP Policy WA1 – Criteria for Flood Risk, as identified within Section 19: Water of the Annexe needs to be reviewed to meet PPS25 and not PPG25. The policy may also need to reflect the Wirral Strategic Flood Risk Assessment once adopted. The Wirral Strategic Flood Risk Assessment (February 2009) is currently being reviewed.</p>

4 Financial Implications

- 4.1 The funding necessary to deliver the previous Local Development Scheme was set aside by Cabinet on 19 June 2006 (Minute 64) and 28 March 2007 (Minute 314).
- 4.2 Funding currently estimated at £181,000 for the delivery of the Core Strategy in 2009/10 and 2010/11 can be met from existing resources. The estimated funding of £90,000 in 2011/12, for costs arising from the public examination, adoption and final publication of the Strategy will need to be considered as a growth item at the appropriate time.
- 4.3 Funding currently estimated at £240,000 for the delivery of the Allocations Document, which will not begin until 2011/12, for costs arising from printing, consultation, updating evidence, statutory appraisals and public examination will need to be considered as a growth item, at the appropriate time.
- 4.4 Funding currently estimated at £240,000 for the delivery of the Birkenhead Docklands Area Action Plan can be met from existing resources set aside for the delivery of the

Investment Strategy. Cabinet on 5 February 2009 approved £120,000 for an initial study to provide an evidence base for the Area Action Plan jointly funded by the Investment Strategy and by the Housing Market Renewal Initiative (Minute 352 refers).

- 4.5 Funding expected at £48,563 for the preparation of the Merseyside Joint Waste Development Plan Document for 2009/10 can be met from existing resources. Funding of £70,894 for 2010/11 and £42,284 for 2011/12 will need to be considered as growth items, at the appropriate time.
- 4.6 The availability of Housing and Planning Delivery Grant for 2009/10 has not yet been announced.
- 4.7 Any amendments to the Local Development Scheme required by the Secretary of State as a condition of his approval may have additional financial implications.

5 Staffing Implications

- 5.1 There are no staffing implications arising directly from this report

6 Planning Implications

- 6.1 The Local Development Scheme sets out the programme for the preparation of Local Development Documents that, when adopted, will become material considerations in decisions on planning applications and other decisions under the Town and Country Planning Acts.

7 Equal Opportunities Implications

- 7.1 There are no implications for equal opportunities arising directly from this report.
- 7.2 The Local Development Framework will, however, be drawn up to promote equal opportunities irrespective of age, gender, religion, disability or sexual orientation.

8 Social Inclusion Implications

- 8.1 There are no social inclusion implications arising directly from this report.
- 8.2 The Local Development Framework will, however, seek to promote social inclusion as part of the wider promotion of economic revitalisation and sustainable development.

9 Anti-Poverty Implications

- 9.1 There are no anti-poverty implications arising directly from this report.
- 9.2 The Local Development Framework will, however, seek to promote development to address the needs of communities most in need of income and employment.

10 Human Rights Implications

- 10.1 There are no human rights implications arising from this report.

11 Local Agenda 21 Implications

- 11.1 There are no Local Agenda 21 implications arising from this report.
- 11.2 There is a statutory duty to exercise plan-making functions with the objective of contributing to the achievement of sustainable development. Documents forming part of the Local Development Framework will be subject to statutory appraisal processes, including strategic environmental assessment and Habitats Regulations Assessment.

12 Community Safety Implications

- 12.1 There are no community safety implications arising directly from this report.
- 12.2 The Local Development Framework will, however, contain policies intended to minimise the risk from pollution, hazards, flooding, coastal erosion and to promote highway safety.

13 Local Member Support Implications

- 13.1 This report will be of interest to all Ward Members.

14 Background Documents

- 14.1 Planning and Compulsory Purchase Act 2004 (HMSO 2004, Chapter 5) can be viewed at <http://www.opsi.gov.uk/acts/acts2004/20040005.htm>
- 14.2 Town and Country Planning (Local Development) (England) Regulations 2004 (HMSO, SI 2004 No 2204) can be viewed at <http://www.opsi.gov.uk/si/si2004/20042204.htm>
- 14.3 Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (HMSO, SI 2008 No 1371) (a live weblink is currently unavailable)
- 14.4 Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 (HMSO, SI 2009, No 401) can be viewed at http://www.opsi.gov.uk/si/si2009/uksi_20090401_en_1
- 14.5 Planning Policy Statement 12: Local Spatial Planning (CLG, June 2008) can be viewed at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps12lsp.pdf>
- 14.6 Local Development Scheme for Wirral (Approved 24 April 2007) can be viewed at <http://www.wirral.gov.uk/LGCL/100006/200074/856/LDSReviewFinalJuly07.pdf>
- 14.7 Local Development Framework for Wirral – Annual Monitoring Report (December 2008) can be viewed at http://www.wirral.gov.uk/LGCL/100006/200074/856/content_0001673.html

RECOMMENDATIONS

- (1) That the draft Local Development Scheme, attached to this report, is approved for submission to Secretary of State.**
- (2) That the Director of Corporate Services is given delegated authority to agree any amendments to the draft Scheme, required by the Secretary of State as a condition of his approval.**
- (3) That any amendments to the draft Scheme that will have financial implications will be reported back to Cabinet as soon as practicable.**

J Wilkie

Deputy Chief Executive/Director of Corporate Services