

# Wirral Local Plan – Main Modifications Response Form

## Part A

### 1. Personal details

(if an agent is appointed, please complete only the title, name and organisation in the boxes below but complete the full contact details of the agent in section 2 below)

<b>Title</b>	
<b>First name</b>	
<b>Last name</b>	
<b>Organisation (where relevant)</b>	Derwent Development Management Ltd
<b>Address</b>	
<b>Postcode</b>	
<b>Telephone number</b>	
<b>Email address</b>	
<b>Objective ID number (if known)</b>	

### 2. Agent's details (if applicable)

<b>Title</b>	
<b>First name</b>	
<b>Last name</b>	
<b>Job title (where relevant)</b>	
<b>Organisation (where relevant)</b>	ATP
<b>Who are you representing?</b>	Derwent Development Management Ltd
<b>Address</b>	
<b>Postcode</b>	
<b>Telephone number</b>	
<b>Email address</b>	
<b>Objective ID number (if known)</b>	Person ID 1240223

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## 3. Data Protection Notice

	Please tick this box to confirm that you understand that your name and your response will be published, that your full name and details will be passed to the Planning Inspectors, and that you have read and understood the Council's privacy notice.
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Please note that all comments will be held by Wirral Council and made available in accordance with our privacy notice, which can be viewed at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/forward-planning-privacy-notice> or obtained from one of the addresses below.

Please read all the information related to this consultation on the Council's webpage at <https://www.wirral.gov.uk/new-local-plan> or which has been placed in public libraries, and the Wirral Local Plan Modifications Response Form Background Note before you make your representations.

## 4. Completed Responses

Please submit your completed Response Form/s **to arrive at one of the addresses below no later than 5pm on Friday 8 November 2024.**

- by email to: [localplan@wirral.gov.uk](mailto:localplan@wirral.gov.uk), clearly marked as 'Wirral Local Plan – Consultation on Main Modifications'  
or
- by post to: Wirral Local Plan - Main Modifications, Wirral Council, PO Box 290, Wallasey CH27 9FQ

Please note that comments received after this deadline will not be accepted.

Please use a separate Response Form for each modification that you wish comment on.

If you require any further information, please contact the Council's Forward Planning Team by e-mail at [localplan@wirral.gov.uk](mailto:localplan@wirral.gov.uk) or by telephone on 0151 691 8235.

# Wirral Local Plan – Main Modifications Response Form

## Part B

### 1. To which Modification does your representation relate? (as appropriate)

Main Modification Reference number: **MM 9**

Policies Map Reference number: PM [ ]

Additional Modification Reference number: AM [ ]

### 2. If your comment is on a Main Modification, do you consider that the Main Modification is:

Legally Compliant – **Yes** (please delete as appropriate)

Sound – **No** (please delete as appropriate)

### 3. Please explain why you consider a Main Modification does not assist in achieving legal compliance or soundness or provide any other comments on it in the box below. Please be as precise as possible.

*Please provide all the information and evidence necessary to support or justify your comment. If you wish to support the legal compliance or soundness of a Main Modification, please clearly state that you support it and set out your comments in this box.*

MM9 comprises of new accompanying text and a new policy (Policy WS2).

The proposed fourth paragraph of accompanying text identifies that there has been Plan wide viability testing, but fails to acknowledge that this process demonstrated that numerous typologies would be non-viable.

The Council viability evidence (Aspinall Verdi report from June 2022 referenced DV1) confirms that the following typologies are unviable (B2/B8 and office). It also notes that comparison and convenience retail development typologies would be marginally viable, subject to excluding any land value or other typical costs such as feasibility or s106/s278 costs. In essence, the only typologies which are shown to be viable are for residential uses.

The implication of the fourth paragraph of the accompanying text is that all typologies have been tested and been shown to be viable- this is clearly incorrect. The fourth paragraph of the accompanying text and the policy itself need to be revised to ensure that they only apply to viable typologies i.e. residential use.

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### 4. Please set out in the box below the changes you consider necessary to make the Main Modification legally compliant and sound.

*Please say why each change you consider necessary will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

The implication of the fourth paragraph of the accompanying text to new policy WS2 is that all typologies have been tested and been shown to be viable- this is clearly incorrect.

The fourth paragraph of the accompanying text and the policy itself need to be revised to ensure that they only apply to viable typologies.

This is set out below for ease (amended text shown red).

*All policy requirements including planning obligation requirements set out within the Local Plan have been subject to Plan wide viability testing. Planning applications **for residential development** that comply with the policy requirements are assumed to be viable. Planning applications **for residential development** that do not comply with the policy requirements established in the Local Plan will normally be refused.*

For Policy WS2 itself, we propose the following changes to parts A and B:

*A. Development proposals **for residential development** will be expected to comply with all relevant policy requirements established within this Local Plan. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.*

*B. Proposals **for residential development** that do not fully accord with all relevant Local Plan policies on the grounds of viability, will only be approved by the Council where the applicant has...*

This approach will ensure that only the typologies which have been shown to be viable by the Council's evidence base are subject to policy requirements for alignment with all policy requirements and reference to viability assessment for non-alignment.

Whilst it is reasonable to conclude that excessive land costs should not be a reasonable basis (by developers) to seek to reduce planning obligations, on a similar basis it is not appropriate for a planning authority to mandate that obligations should be sought from developments where their own evidence shows that specific typologies are non-viable and that others could be "marginally viable" by artificial exclusion of typical and reasonable development costs and values. Through our proposed revisions, Policy WS2 could be found sound and in alignment with the NPPG.

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- 5. Do you have any comments on the Sustainability Appraisal or to the Habitats Regulations Assessment in respect of this particular Main Modification? Please provide them in the box below.**

*Please state the document to which you refer, with the relevant paragraph, page and table number. Please be as concise as possible.*

We make no comment on this matter.

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### 6. Do you have any comments on a Proposed Change to the Policies Map? Please provide them in the box below.

*Please state the proposed change to which you refer (in the format 'PMxx'). Please state as concisely as possible how you think the Policies Map should be changed. Please include or attach a map showing your proposed change, if you are able to do so.*

We make no comment on this matter.

# Wirral Local Plan – Main Modifications Response Form

## Part C

**Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below.**

*Please state the additional modification to which you refer (in the format 'AMxx') and provide your comments as concisely as possible*

We make no comment on this matter.

## Wirral Local Plan – Main Modifications Response Form

Thank you for completing this form.

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