

Local Plan: Frequently Asked Questions

We are updating the Frequently Asked Questions to in response to questions raised at the Local Plan consultation sessions

What is a Local Plan?

A Local Plan is a statutory land-use planning document that sets out how the Borough should be developed over the next 15 years, in line with the requirements of national policy and legislation. It comprises a book of policies and a map of proposals that will replace the Council's existing Unitary Development Plan, adopted in February 2000.

The Local Plan must set the overall requirement for housing and other development over the plan period and must identify enough land for development to meet this requirement. The Council's proposed Local Plan is being prepared to be submitted to the Secretary of State during 2019 and will be used for in making decisions on individual planning applications over the fifteen years to 2035.

[Added 7th Sept] Where is national planning policy found and does the Council have to follow it?

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It can be downloaded here: <https://tinyurl.com/o5s4ydt>

Planning law requires that applications for planning permission should be determined in accordance with the Local Plan unless material considerations indicate otherwise. The NPPF is not planning law, but must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

What are Wirral's future housing needs?

The Government has produced a standard method for calculating the minimum number of homes needed in a local authority area based on nationally-published household projections and local incomes which can be viewed at <https://tinyurl.com/ycga7hmd>

This calculation currently shows an overall minimum need for new housing of 12,045 new dwellings over 15 years, equal to 803 dwellings per year (net of demolitions and other losses). This is broadly consistent with the Council's earlier findings and a more recent assessment undertaken at Liverpool City Region Level. It does not allow for economic growth

[Added 7th September] - A number of people have commented on the accuracy of the Government's population projections which form the basis of the minimum housing figure. The Council will appoint an independent statistician to review any submissions received before any further decisions are taken on the content of the Local Plan.

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[updated 7th September] What provisions for affordable housing can be included in the Plan?

Under national policy in the NPPF, the Council can require affordable housing to be provided by developers as part of their proposals (of 11 dwellings or more) subject to viability and evidence of local housing need. The proposed Plan currently includes a policy to require 20% of all new housebuilding to be affordable housing, with a lower rate of up to 10% within areas that are less viable to develop. Developers can only avoid this if they can demonstrate that it would not be viable to provide affordable housing on their particular site and their assessment has been independently verified by a Council-appointed expert at their own expense.

There are different types of affordable housing but national policy requires that at least 10% of the affordable housing provided should be for affordable home ownership, subject to some exemptions.

[Added 7th September] How much housing would be required to meet the needs of Wirral's aging population

National policy in the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. The Council's Strategic Housing Market Assessment (May 2016) identified a net increase of 4,949 additional specialist housing units for older people would be required to meet demand, with particular need for Extra Care and Residential Care equivalent to an average of 309 dwellings per annum over the period to 2030.

What do we need to do to meet Wirral's Future Housing Needs?

National policy requires that the Local Plan must be able to demonstrate a supply of specific deliverable housing sites sufficient to provide five years' worth of housing against our housing requirement. The Local Plan is also required to identify a supply of specific, developable sites or broad locations for years 6-10 and, where possible, for years 11-15.

[Added 7th September] What are specific deliverable sites?

These are defined in National Planning Policy. To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development [less than 10 dwellings], and sites with detailed planning permission, should be considered deliverable until [planning] permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered

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deliverable where there is clear evidence that housing completions will begin on site within five years.

What is a Strategic Housing Land Availability Assessment?

A Strategic Housing Land Availability Assessment (SHLAA) is a technical study to establish realistic assumptions about the availability, suitability and economic viability of land to meet the identified need for housing.

The last SHLAA was produced in 2016. Consultation on a revised methodology took place in 2017. The latest SHLAA, which has now been published for public consultation, has been updated to April 2018 and will be updated to April 2019 before the Local Plan is submitted to the Secretary of State for public examination.

[Added 7th Sept] Why might the amount of land we have to find for housing be increased by 20%?

National Policy in the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirement set out the Local Plan. The supply of specific deliverable sites should include a buffer (which is additional land brought from later in the plan period) of 20% where there has been significant under delivery of housing over the previous three years to improve the prospect of achieving the planned supply. In November 2018 this will be measured against the Housing Delivery Test.

[Added 7th September] Can the Council force a Developer to implement a Planning Permission for housing?

No. Planning consent lapses unless development is started within three years (or any other period specified in the planning permission), but once started, there is no requirement that the development be completed by a certain date. Government guidance indicates that a condition requiring completion by a certain date would not be acceptable.

The Government's current approach is that where sites are not coming forward, additional housing land should be identified to boost supply, as set in the previous answer. However the Government is currently carrying out a review to look at the gap between the number of planning permissions being granted against those actually being built in areas of high demand

[Added 7th Sept] How is viability defined?

In their report "Viability Testing Local Plans" published in 2012, (<https://tinyurl.com/y963mzpo>) the Housing Delivery Group offered the following definition of viability in the context of new development:

"An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the cost and availability of development finance, the scheme provides a competitive return to the

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developer to ensure that development takes place and generates a land value sufficient to persuade the land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered”

National Planning guidance indicates that Policy requirements in Local Plans, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable. Wirral Council has appointed consultants to assess the economic viability of new development in the Borough. An initial baseline report was completed in 2014 and this is being updated to April 2018. In broad terms their work indicates that development viability improves significantly on sites west of the M53 motorway.

[Added 7th September] What is the Council doing to reduce the number of empty properties in Wirral?

The total number of empty properties in Wirral as at 2nd October 2017 was 4,649. This information is taken from the Governments live tables on dwelling stock, Table 615 Vacant dwellings by local authority district: England, from 2004 (Source: council tax base (CTB) - statistical release).

Tackling empty residential properties is a priority for Wirral Council and forms part of the Corporate Plan, a 2020 vision, which includes a target of bringing 1,250 empty properties back into use between 2015 and 2020. As at October 2017 there were a total of 1,936 long-term empty properties (empty for more than six months) in Wirral and during the 2016/17 financial year 290 properties were brought back into residential use following the intervention of the Council.

The Housing Renewal Team utilise a range of resources and legal powers to tackle empty residential properties in the borough with the intention to improve neighbourhoods and make better use of existing homes. Through the proactive work undertaken by the team, Wirral Council is committed to assisting empty property owners return their property to use through a number of schemes specifically developed to enable owners decide which option is the most suitable for their circumstances and their property, this includes the availability of financial assistance through the Empty Property Grant scheme. The Housing Renewal Team also encourages residents who may be affected by an empty property in their neighbourhood to make contact so that appropriate action can be taken to tackle problem premises.

Full Council Tax is payable for all empty properties. Properties that have been empty and unfurnished for more than two years attract a charge of 150%, regardless of any change in ownership, this is called a Long Term Premium Charge. Exemptions may be applicable for some unoccupied properties dependant on the circumstances of the owner, there are specific criteria that must be met for each exemption.

The Council can take account of the reuse of empty properties where it can demonstrate that an active programme is in place in accordance with average past performance. This is included in the allowance for ‘windfall’ sites over the plan period.

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What options have been considered for increasing the supply of housing land?

Surplus employment land

A review of the Borough's employment land was completed in December 2017. This review identified 8 sites that were recommended to be excluded from the employment land supply, in some cases because they were already under construction for housing development. The study shows that there may still be a shortage of suitable land for new employment development by 2035.

The current consultation includes proposals for potential employment and mixed use sites.

Open space and other previously un-developed urban land

The latest Playing Pitch Strategy shows that there is still a shortfall in provision for pitch sports in the Borough.

Reviewing the provision of public open space to provide for additional housing could mean the re-designation of currently protected sites and/or reducing the existing standard of recreation and open space provision.

Increasing the density of development

Increasing densities over those already built into the calculations could change the number and type of dwellings that could be provided on each individual site but may have a detrimental impact on the character of urban areas that are not already protected by existing density controls or heritage designations like conservation areas.

The potential for other neighbouring local authorities to meet Wirral's identified needs

The surrounding local authorities of Cheshire West and Chester, Liverpool, Sefton, Knowsley and West Lancashire have each already indicated that they would be unable to provide for any of Wirral's identified housing needs

Wirral Waters

The main element of Wirral Waters, a long-term, 40-year, privately-funded project to create a new city neighbourhood at East Float in the Birkenhead and Wallasey Docks, already has a 22-year outline mixed-use planning permission for 13,500 residential units and a further 620,757sqm of office, retail, hotel and conference, cultural, educational, community and amenity floorspace.

The main proposals include:

- Four Bridges – mixed uses including the Wirral Metropolitan College and a new Maritime Knowledge Hub along Tower Road in Seacombe
- West Float – a new Marine, Energy and Automotive (MEA) Park at Beaufort Road

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- Northbank, Dock Road, Seacombe – mainly residential-led – comprises:
 - Northbank West - detailed application now submitted for 500 new dwellings (Legacy)
 - Northbank East - Urban Splash - 347 new dwellings (subject to pre-application discussions)
 - Northbank East – a new ‘Belong’ dementia care village (application submitted)
 - Northbank East – a potential further 150 new dwellings (subject to pre-application discussions)
- Marina View and Vittoria Studios – a high density, mixed use residential and commercial proposal to replace the existing dockside transit sheds at Corporation Road; and
- Sky City – a tall buildings cluster to replace the existing dockside transit sheds at Vittoria Dock

Wirral Waters currently comprises most of the former dockland, on the main HGV route to the Motorway, surrounded by existing industrial uses, with issues related to ground conditions, infrastructure and viability, which has made it difficult to attract significant development interest.

The Council’s calculations currently provide for 1,100 units at Wirral Waters during the plan period, based on the most recent detailed proposals and the proposed housing allocations currently include the proposals at Northbank East and Northbank West.

[Added 7th September] Why doesn’t the Council use Compulsory Purchase to speed up development at Wirral Waters?

Local authorities have power to acquire land through a Compulsory Purchase Order (CPO). However Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects (having taken all reasonable steps to acquire the land by agreement) and where there is a compelling case in the public interest. CPOs have to be confirmed by a Government Minister, usually following a public inquiry if objections are made to it.

The land needed to bring forward the delivery of Wirral Waters is all in the ownership of the Peel Group and they have not asked the Council to exercise its CPO powers in order to assemble land to enable Wirral Waters to go ahead.

If the Council were to attempt a CPO of some or all of Peel’s landholdings within Wirral Waters with the aim of taking over the project itself, it could face similar challenges regarding infrastructure, financial viability and the lack of an established housing market in the dockland area. The Council would be expected to have a clear idea of how it intends to use the land in the public interest; and show that all the necessary resources (including funding) are likely to be available to achieve that end within a reasonable time-scale. The Council would also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. The Council would be required to pay compensation relating to the market value of the land and other matters including potentially the impact of the CPO on the value of the rest of Peel’s landholdings in the area.

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Do these other options, including Wirral Waters, meet our future housing land requirements?

No – there is still a shortfall of housing land to meet our local housing needs.

What is the Development Options Review?

In 2016 the Council undertook further consultation on the Borough's housing needs and land supply, as part of the preparation of the Council's proposed Local Plan. This did not identify any significant additional development opportunities to meet the likely identified need for new housing.

In February 2017, the Council's Cabinet approved the undertaking of a wider review of potential development options before any decision is taken on the final sites to be included in the Local Plan (Minute 96).

As a first step, the Council consulted on the approach to assessing the supply of housing land, in July 2017; and consulted on a methodology for undertaking a review of the Green Belt, in October 2017.

What was the purpose of the report to Cabinet on 23 July 2018?

The report summarised the latest available evidence and set out the results of the review of development options approved by Cabinet in February 2017.

It also identified the potential sites that could be allocated for housing, employment and mixed uses for public consultation.

Why do we need to consider land in the Green Belt?

As none of the options discussed above will fully close the gap between our local housing needs and the shortfall of housing land, there is no realistic alternative but to review the potential of land in the Green Belt to accommodate future development.

Even if no land is eventually released from the Green Belt, the review is still required to demonstrate that all the available alternatives have been properly identified and assessed.

What is the Green Belt?

The boundary to the Green Belt is designated locally by the Council and is then protected in line with national planning policy.

National planning policy sets out five purposes for including land within a Green Belt:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;

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- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Once designated, inappropriate development is restricted in the Green Belt, unless there are very special circumstances.

National policy in the National Planning Policy Framework (NPPF) can be viewed at <https://tinyurl.com/o5s4ydt>

The Wirral Green Belt

The Green Belt in Wirral was last amended by the Council in February 2000, when the existing Unitary Development Plan was adopted.

Just under half (45%, 7,317 hectares) of the land area of Wirral is currently designated as Green Belt and the designation applies to the majority of the remaining countryside outside the existing urban area.

The original boundary, which was first identified in 1983, was tightly drawn around the existing built-up area of Wirral to support urban regeneration.

Can Green Belt boundaries be changed?

National policy states that Green Belt boundaries should only be altered in exceptional circumstances that are fully evidenced and justified, through the preparation or updating of Local Plans.

The Council is required to demonstrate that it has examined fully all other reasonable options for meeting its identified needs for development before releasing land from the Green Belt.

Who has undertaken the initial review of the Green Belt?

The initial review has been undertaken by Council officers in line with the requirements of national policy and legislation.

What does the initial review of the Green Belt involve?

The approach that has been taken is set out in the 'Initial Review of the Green Belt Revised Methodology (September 2018)'.

The review has assessed every part of the existing Green Belt against the five purposes of Green Belt set out in national policy and against some of the most relevant higher-level environmental constraints which may also indicate that a particular site might be unsuitable for development.

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Sites already submitted by landowners and developers have also been assessed for their likely impact on national policy and the environment.

The overall findings of the initial review are set out in the 'Initial Green Belt Review Background Report' (September 2018) and in the 'Summary of Initial Green Belt Assessment' (September 2018), which have now been published for public consultation.

Where have the urban Settlement Areas that have been used in the review come from?

The urban Settlement Areas, which can be viewed in the 'Initial Green Belt Review Background Report' (September 2018), were approved by the Council in the Proposed Submission Draft Core Strategy in October 2012, following public consultation in 2010 and 2012.

Where have the Green Belt parcels that have been used in the review come from?

In order to make the assessment more manageable a key part of the review has been to split the Green Belt into smaller land parcels. The boundaries for these parcels are shown in Appendix 2 of the methodology document.

The boundaries to the proposed Green Belt Parcels are based on identifying the clearest and strongest boundaries available, mainly roads and railways, which would normally be expected to meet the requirements of a new Green Belt boundary in national policy. There are 111 parcels in total.

Each parcel has then been assessed against each of the five purposes of including land in the Green Belt and the information so far gathered is summarised in the 'Summary of Initial Green Belt Assessment'.

All of the land parcels in the existing Green Belt can still be shown to meet at least one or more of the purposes of including land in the Green Belt.

Where have the 'Sites for Further Investigation' come from?

The areas that have been identified as suitable for further investigation, which have now been published for public consultation, are either already highly enclosed by an existing urban Settlement Area or, if developed, would not reduce the existing separation with an adjacent urban Settlement Area.

Sites in the open countryside, which are not already highly enclosed or which would reduce the separation with an adjacent urban Settlement Area have not been identified for 'further investigation'.

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What will this 'further investigation' involve?

'Further investigation' will involve a full assessment of the likely impacts of developing each site, including physical constraints, such as biodiversity and flood risk, agricultural land, landscape character, infrastructure, transport accessibility, impact on the existing highway network, utilities infrastructure, public services such as schools and healthcare and an assessment of the impacts on sustainable development objectives.

The results of this public consultation will also be used to inform these further assessments.

If a site has been identified for further investigation' does this mean that it has already been removed from the Green Belt?

No. No decision has been taken to change the Green Belt boundary in Wirral or on the sites to be included in the Local Plan.

National policy says that an existing Green Belt should only be changed in exceptional circumstances, taking account of the need to promote sustainable patterns of development.

It is possible that no sites will be allocated for development in the Green Belt, if it can be shown that alternative sites are available in the urban area or that the harm caused by developing them would be so great as to be contrary to national policy or legislation.

What will happen to the other sites in the Green Belt that have not been identified 'for further investigation'?

These other sites are not currently considered to be suitable for release from the Green Belt.

These other sites would only be re-assessed if the 'sites for further investigation' were ruled out for consideration; no other, more suitable, alternative sites were available; and it could be demonstrated that the harm caused by developing them would not be contrary to national policy or legislation.

What about existing developed sites in the Green Belt?

National policy already allows for the limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

[Added 7th September] What is an infill Village?

Infill Villages were originally designated under Proposal GB7 in the Council's adopted Unitary Development Plan with development controlled through Policy GB6. There are currently 5 such villages, Barnston Village, Eastham Village, Thornton Hough, Raby and Storeton Village.

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The designation and policy is in place because there may be sites which form a gap in an existing row of houses which are suitable for infill development, so long as it did not have an adverse effect on the character of the village or the open character of the Green Belt. If there are no such sites between an existing row of houses, then the policy would have no other impact. The housing remains in the Green Belt.

The current consultation includes options for new or extended infill villages in the Green Belt, where limited infilling could be allowed without removing them from the Green Belt and these are set out in Appendix 16 of the Initial Green Belt Review background report. Residents within the villages have been sent a consultation letter.

At this stage we are just asking for comments on the principle of establishing an infill village. If the Council decides to proceed, the Council will consult further on a proposed boundary for the infill village concerned, before any final decision is taken on the content of the Local Plan.

Will developers be able to submit planning applications in the meantime?

Developers can submit planning applications at any time but to be approved any proposal will have to meet the requirements of national policy.

National policy currently states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan and that inappropriate development in the Green Belt should not be approved except in very special circumstances (NPPF paragraphs 136 and 143 refer).

National practice guidance currently indicates that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt (NPPG Paragraph: 034 Reference ID: 3-034-20141006) (<https://tinyurl.com/y8w7rq2f>).

The National Planning Practice Guidance can be viewed at: <https://tinyurl.com/h3k95f2>

What is the purpose of public consultation on the results of the initial review?

The Council wants to make sure that the information that it has so far collected on each site is correct and that nothing has been missed or overlooked.

The Council also wants to make sure that its future decisions will be based on a complete picture of the potential impacts and facts about each site and location, in consultation with the public and other stakeholders, including service and utility providers and other statutory consultees.

What will the responses to the public consultation be used for?

The consultation responses will be used to complete the initial review and to inform the decisions that the Council will need to take about the sites that may or may not need to be included for development in the Council's Local Plan.

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The first results are expected to be reported to Cabinet in December 2018. The initial review will then be used as part of the evidence to be submitted to a Planning Inspector who will be appointed by the Government to check whether the Council's decisions and proposals are robust and meet national policy, at a formal public examination of the proposals.