

# WIRRAL COUNCIL

## DELEGATED DECISION

<b>SUBJECT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – CORE STRATEGY LOCAL PLAN – CONSULTATION ON MODIFICATIONS TO POLICIES FOR GYPSIES AND TRAVELLERS AND POLICIES FOR TOWN CENTRES</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR REGENERATION AND ENVIRONMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR PAT HACKETT, ECONOMY</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks approval to consult key stakeholders and the public on initial proposed modifications to Core Strategy policies for Gypsies and Travellers, (following the completion of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment 2014) and further proposed modifications to Core Strategy policies for town centres (following advice from the Council's retained retail consultants Nathaniel Lichfield and Partners (NLP) and in response to previous consultation undertaken in July 2013).
- 1.2 It is recommended that consultation on the proposed modifications will be undertaken, for six weeks, in line with national regulations and the Council's adopted Statement of Community Involvement (10 March 2014), accompanied by the documents set out at Appendix 1 and Appendix 2 to this report;
- 1.3 The results of consultation will be reported back to Cabinet before Full Council is recommended to approve the final text of the Core Strategy Local Plan for submission to the Secretary of State.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Council on 15 October 2012 (Minute 60) approved the publication of a Proposed Submission Draft Core Strategy Local Plan to replace the strategic policies of the Council's existing Unitary Development Plan and provide an up-to-date framework for development management decisions and for neighbourhood plans prepared by the local community.
- 2.2 The Proposed Submission Draft was subject to statutory public consultation between 12 December 2012 and 11 February 2013, in line with national regulations and the Council's adopted Statement of Community Involvement (December 2006).
- 2.3 The representations received were considered by the Cabinet Member for the Economy and a series of initial proposed modifications to the Core Strategy were approved for publication in a Delegated Decision published on 20 June 2013 and were published for public comment between 24 July and 13 September 2013.

- 2.4 The modifications approved for publication did not include issues related to gypsies and travellers, subject to the completion of a sub-regional study of accommodation requirements (Delegated Decision Report, paragraph 3.4 refers).
- 2.5 The modifications approved also included a limited response to issues related to town centres and retailing, subject to the completion of further work on the floorspace guidelines to be applied within individual retail centres and the thresholds to be applied to retail impact assessments (Delegated Decision Report, paragraph 4.31 refers).

### **3.0 GYPSIES AND TRAVELLERS**

- 3.1 Cabinet on 11 September 2014 (Minute 51) and Council on 20 October 2014 (Minute 43) approved the findings of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (Arc4, August 2014) and resolved that the findings be included in the Council's emerging Core Strategy Local Plan.
- 3.2 The findings, which include the need for 8 permanent residential pitches and 4 transit pitches to 2033, are recommended to be included in a new Policy CS24A – Requirements for Gypsies and Travellers and in consequential modifications to existing Policy CS24 – Gypsies and Travellers.
- 3.3 At the same time, the opportunity has also been taken to include additional modifications to Policy CS24, to clarify some of the wording and reflect the latest guidance on scale, the use of planning conditions and security and good management.
- 3.4 As these modifications have not yet been seen by other stakeholders, it is recommended that these modifications are published for public comment, for six weeks, alongside the formal publication of Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment, before they are formally included within the final Core Strategy Local Plan.
- 3.5 The consultation documents included in Appendix 1 include the proposed revised text to Policy CS24, the proposed text for new Policy CS24A (Appendix 1.1) and a revised sustainability appraisal summary table for each of the policies (Appendix 1.2 and Appendix 1.3).
- 3.6 The results of consultation will also be used to inform the criteria for site selection, which will be subject to separate consultation early in the new year (Cabinet, 11 September 2014, section 5 and recommendation 2 refers).

### **4.0 TOWN CENTRES**

- 4.1 Additional work, leading to a number of further recommended modifications to the policies for town centres, has now also been completed by Nathaniel Lichfield and Partners (NLP), the Council's retained retail consultants. The modifications recommended include:
- the replacement of floorspace guidelines for retail development within existing centres with thresholds for town and local centre impact assessments;

- a simplification of the approach towards non-main town centre uses within existing centres and parades;
- revisions to take account of amended national permitted development rights;
- amendments to the criteria for edge-of-centre and out-of-centre facilities, to better reflect national policy; and
- consequential changes to the supporting text.

4.2 As these modifications have also not yet been seen by other stakeholders, it is recommended that these modifications are also published for public comment, for six weeks, in line with the Council's Statement of Community Involvement (March 2014).

4.3 The consultation documents included in Appendix 2 include the proposed revised text to Policy CS25 – Hierarchy of Retail Centres; Policy CS26 – Criteria for Development within Existing Centres; Policy CS28 – Town and Local Centre Impact Assessments; and Policy CS29 – Criteria for Edge-of-Centre and Out-of-Centre Facilities (Appendices 2.1, 2.4, 2.7 and 2.10); a revised sustainability appraisal summary table for each of the amended policies (Appendices 2.2, 2.5, 2.8 and 2.11); revised copies of the schedules of recommended responses to previous consultation (Appendices 2.3, 2.6, 2.9 and 2.12); and a copy of the advice from NLP on thresholds for town and local centre impact assessments (Appendix 2.13).

## **5.0 RELEVANT RISKS**

5.1 The main objective of the Council is to secure a Local Plan that a Planning Inspector appointed by the Secretary of State can recommend for adoption as legally compliant and sound. A failure to comply with national policy can be fatal to the legal compliance and soundness of the Core Strategy

5.2 Issues related to gypsies and travellers and town centres are matters which need to be resolved before the Core Strategy can be submitted to public examination and which, if unresolved, could lead a Planning Inspector to recommend that the Core Strategy should be withdrawn as unsound.

5.3 There is a risk that comments that have not been met to the satisfaction of a respondent will need to be addressed at the public examination of the Core Strategy, with associated time and cost implications.

5.4 Given the cost and significance of the public examination process, it is important that the Council continues to seek to minimise the number and range of issues that will need to be examined by the Inspector and to reduce the risk of the Core Strategy being found unsound or legally deficient.

5.5 A failure to undertake appropriate public consultation can also be fatal to the legal compliance and soundness of the Core Strategy.

## **6.0 OTHER OPTIONS CONSIDERED**

6.1 Options for inclusion in the Core Strategy, including options for retailing and for gypsies and travellers, have been subject to consultation on two previous occasions and were considered in the Preferred Options Assessment Report (November 2010) and in the Council's response to consultation on the Preferred Options Report (Cabinet 21 July 2011, Minute 80 refers).

- 6.2 The current requirement for more detailed modifications to the policy for gypsies and travellers and to the policies for town centres arises from the requirements of national policy and representations received at a later stage in the Plan preparation process.
- 6.3 Planning policies, before they are confirmed, must be based on a robust and proportionate evidence base and must be made subject to public consultation, to ensure that all the available reasonable alternatives have been considered and assessed before policies are included in a final Local Plan.
- 6.4 Not modifying the Core Strategy, to address the issues identified within the evidence base and through public consultation, could lead to the Core Strategy being challenged and/or withdrawn with abortive costs and unnecessary time and expense being incurred at a future public examination.

## **7.0 CONSULTATION**

- 7.1 Consultation will be undertaken over a six week period in line with the Council's adopted Statement of Community Involvement (March 2014).
- 7.2 The comments received will be reported back to Members before any final text is recommended for inclusion in the final Core Strategy.

## **8.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

- 8.1 Other outstanding issues, related to employment, housing and the Green Belt, are still to be resolved, following the completion of an up-to-date Housing Market Assessment. The initial findings from the Core Strategy Economic Viability and Community Infrastructure Levy Study will be the subject of a separate report in early 2015.

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 9.1 Voluntary, community and faith organisations, including bodies representing the Gypsy and Traveller community, have been consulted throughout the preparation of the Core Strategy Local Plan, in line with the requirements of the Council's Statement of Community Involvement.

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 10.1 The Core Strategy Local Plan has been prepared using existing resources for Regeneration and Planning.
- 10.2 The Council's contribution towards the jointly commissioned Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment, undertaken by Affordability Research Communities (ARC<sup>4</sup>), was £3,314, funded from the Council's Housing Strategy budget.
- 10.3 The work to support the recommended modifications to the policies for town centres has been undertaken as part of an existing ongoing five-year contract with Nathaniel Lichfield and Partners, for a sum of £1,040, which has been funded from existing resources in Regeneration and Planning.
- 10.4 Consultation is expected to cost in the region of £500, which can be funded from existing resources in Regeneration and Planning.

## **11.0 LEGAL IMPLICATIONS**

- 11.1 National legislation and the Council's Constitution require the publication, submission and adoption of the Core Strategy to be approved by Full Council.
- 11.2 The Core Strategy cannot be formally adopted as part of the statutory Development Plan unless it is found to be legally compliant and sound following independent examination.
- 11.3 To be sound the Core Strategy must be positively prepared, to meet objectively assessed development and infrastructure requirements; justified, in terms of being the most appropriate strategy when considered against the reasonable alternatives; effective, in terms of being deliverable and based on effective joint working on cross-boundary strategic priorities; and consistent with national policy, by delivering sustainable development in line with the National Planning Policy Framework (NPPF, paragraph 182).
- 11.4 Neighbourhood planning proposals, such as those now being prepared for Devonshire Park, Hoylake and Leasowe, will be required to be in general conformity with the strategic policies set out in the Core Strategy once it is adopted.

## **12.0 EQUALITIES IMPLICATIONS**

- 12.1 The Core Strategy has been subject to ongoing Equality Impact Assessment.
- 12.2 The results of previous Equality Impact Assessments prepared at each stage in the preparation of the Core Strategy can be viewed at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/core-strategy-development-plan>
- 12.3 The Equality Impact Assessment to accompany the publication of the revised Core Strategy can be viewed at <http://www.wirral.gov.uk/downloads/5643>
- 12.4 The Equality Impact Assessment to accompany the approval of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment can be viewed at <https://www.wirral.gov.uk/downloads/7213>
- 12.5 The final text of the policies to be included in the Core Strategy will be subject to a separate revised Equality Impact Assessment before they are finally approved.

## **13.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

- 13.1 The Core Strategy includes policies intended to promote a more sustainable pattern of development which could have a significant influence on carbon reduction.

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 14.1 The Unitary Development Plan adopted in February 2000 will remain the statutory Development Plan for Wirral until the Core Strategy is formally adopted by the Council following independent examination. Planning applications must be determined in accordance with the Development Plan unless material considerations, including national policy, indicate otherwise.

14.2 The final Core Strategy, once adopted, including any policies for gypsies and travellers and policies for town centres, will be used in the determination of individual planning applications and in other planning-related decisions as a replacement for the strategic policies for the control of land use and development contained within the Council's Unitary Development Plan adopted in February 2000.

14.4 Neighbourhood planning proposals, such as those being prepared for Devonshire Park, Hoylake and Leasowe, will be required to be in general conformity with the policies set out in the Core Strategy once it is adopted.

## **15.0 RECOMMENDATION/S**

15.1 That the documents attached to this report at Appendix 1 and Appendix 2 are approved for public consultation.

15.2 That the results of consultation are reported back to Cabinet before any final policy is approved for inclusion within the Core Strategy Local Plan.

## **16.0 REASON/S FOR RECOMMENDATION/S**

16.1 To comply with the legal and procedural requirements necessary to complete the preparation and adoption of an up-to-date Core Strategy Local Plan for Wirral.

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## **APPENDICES**

Appendix 1 - Proposed Modifications to Core Strategy Policies for Gypsies and Travellers (including Appendices 1.1 to 1.3)

Appendix 2 - Proposed Modifications to Core Strategy Policies for Town Centres (including Appendices 2.1 to 2.13)

## **BACKGROUND PAPERS/REFERENCE MATERIAL**

Additional background information relating to the earlier stages in the preparation of the Core Strategy Local Plan can be viewed on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/core-strategy-development-plan>

The Government's National Planning Policy Framework and Practice Guidance can be viewed at <http://planningguidance.planningportal.gov.uk/>

The Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment can be viewed on the Council's website at [http://www.wirral.gov.uk/webfm\\_send/7450](http://www.wirral.gov.uk/webfm_send/7450)

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<u>Publication of Proposed Submission Draft</u> Cabinet (Minute 92) Council (Minute 60)	27 September 2012 15 October 2012
<u>Publication of Proposed Modifications</u> Delegated Decision	20 June 2013
<u>Approval of Gypsy and Traveller Assessment</u> Cabinet (Minute 51) Council (Minute 43)	11 September 2014 20 October 2014