

HOYLAKE NEIGHBOURHOOD DEVELOPMENT PLAN - EXAMINATION

EXAMINATION STATEMENT

FOR THE CONSIDERATION OF THE APPOINTED EXAMINER

The Submitted Neighbourhood Plan

The Hoylake Neighbourhood Development Plan (Hoylake NDP) has been prepared by the designated Hoylake Community Planning Forum (also known as Hoylake Vision) which is a voluntary community-based organisation set up to satisfy the requirements of the national Neighbourhood Planning Regulations, which includes a voting membership of 53 individuals and businesses that are representative of the local community within the area.

The members of Hoylake Community Planning Forum voted in favour of submitting the Hoylake NDP for examination on 12 May 2015.

The final Hoylake NDP was submitted with its supporting documents to the Council on 23 September 2016, in electronic format (in colour, with hyperlinks to referenced documents) and in hard copy format (in mono, except for the maps, with full URLs in place of hyperlinks).

Prior to publishing the submitted proposals the Council had concluded that the Neighbourhood Plan had complied with all the relevant legislative requirements (Council Delegated Report published 26 October 2015, links below, refer).

Consultation Process

Post-submission publicity took place between Monday 9 November 2015 and Tuesday 22 December 2015. The deadline for comments to be submitted was 5pm on Tuesday 22 December 2015. No additional comments were received after this deadline had expired.

The proposals were publicised by the Council on the Council's website - on the News page, and Neighbourhood Planning webpages and press notices were published in the Wirral Globe (the local free press which circulates within the area) on 11 November 2015 and on 25 November 2015.

Notification letters and emails with links to the on-line documents were sent to the relevant Schedule 1 Consultation Bodies and to all previous respondents to the Hoylake NDP.

Notification letters and emails with links to the on-line documents were also sent to all contacts on the Council's Local Plan contacts Database living within the CH47 and CH48 postcode areas (which cover the Neighbourhood Plan Area) and to all those who had previously been recorded as submitting representations in relation to Hoylake. This included people who had previously submitted representations to the Core Strategy Local Plan consultation on the proposed reclassification of Hoylake Town Centre from a 'Town' to a 'District' centre.

Notification letters and emails were also sent to Councillors representing the Electoral Wards of Hoylake and Meols and West Kirby and Thurstaston; the Council's Cabinet Member for the Economy; and the local MP.

Additional summary information, inviting comments on the consultation, were also circulated via:

- The Hoylake Vision e-newsletter (1400 subscribers, Facebook shared to 1,800 and Twitter shared to 2,800),
- The Wirral Older People Parliament (300 members notified by email),
- Community Action Wirral (sent to 515 email subscribers and 1,061 Twitter followers)
- West Wirral Constituency Area contacts (150 notified by email)
- Wirral Chamber of Commerce
- Email notification to people in the Hoylake area who had previously responded to earlier consultations related to Council budget options contacts)

Paper copies of the submitted documents and the Council's Notice of Consultation were placed for public inspection at the Council's offices at Wallasey Town Hall; and within the Neighbourhood Area, at Hoylake Library and at The Parade (Hoylake Community Centre) during their normal opening hours.

A copy of the Hoylake NDP was also made available for inspection at Melrose Hall during separate Council drop-in sessions on a local Golf Resort proposal which took place between 11 November and 13 November 2015 and the NDP was left at the Hall for the remainder of the consultation period.

The Council therefore believes that the requirements of Regulation 16 of the Neighbourhood Planning Regulations, to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area, have been satisfied.

Representations Received and Council Responses

Sixteen responses were received during the post-submission publicity period, copies of which are attached to this report and summarised in Schedule 1.

The following sets out the joint response of the Council and the Forum on the principal headline issues raised.

Extent of the Plan Boundary

Issues: The NDP boundary should reflect the historical and functioning economic boundaries of Hoylake. The beach has been excluded from the Neighbourhood Plan. The inclusion of open land to the south of Carr Lane and parts of Meols within the Plan area has been questioned.

Raised principally by: CPRE/Wirral Society

Council/Forum Comment

The Hoylake NDP has been prepared for a Neighbourhood Area that has been properly designated under Section 61G of the Localism Act and in line with the statutory processes set out in the Neighbourhood Planning Regulations 2012.

As a Neighbourhood Plan Vanguard or “Frontrunner” from April 2011, Hoylake Village Life had already undertaken extensive public consultation in the Hoylake area, as detailed on its web site, prior to the Neighbourhood Planning Regulations coming into force. Hoylake Village Life then held a series of public meetings in 2012, in order to broaden its membership and fully comply with the Neighbourhood Planning Regulations, which resulted in the formation of the Hoylake Community Planning Forum (also known as Hoylake Vision), to prepare a Neighbourhood Plan for Hoylake.

Hoylake Community Planning Forum submitted its formal application for designation on 28 August 2012. The publication of their application was authorised by the Council through a Strong Leader Decision on 28 September 2012 and the constitution, area boundary and supporting documentation was advertised for public consultation in line with the national regulations between 19 December 2012 and 1 February 2013. Following this consultation period, within which no substantive representations were made on the proposed area boundary, the Council resolved to designate the Hoylake Community Planning Forum as the sole neighbourhood planning body for the Neighbourhood Area for a period of five years (Council Meeting 30 April 2013, Minute 147 refers).

Housing Need

Issues: The NDP does not plan for meeting housing and employment needs. The Wirral UDP is out of date, and is not a suitable evidence base or starting point for the

Hoylake NDP. The emerging Core Strategy is yet to be submitted and is also based on outdated evidence.

Raised principally by: Graeme McGaffney, Mr G Stevens, CPRE, Wirral Society

Council/Forum Comment

Addressing housing needs in areas outside the existing urban area, which in Wirral is defined by the Green Belt identified in the existing Unitary Development Plan, is a strategic matter that can only be addressed through the Council's statutory Local Plan and not through the Hoylake NDP.

The housing requirement in the Wirral UDP (adopted 2000) is time expired and the new dwelling requirement in UDP Policy HSG1 was not "saved" beyond 27 September 2007 on the grounds that it was out-of-date and no longer had any legal weight. New dwelling requirements were now to be set through the Regional Spatial Strategy rather than through a local policy with a new figure for Wirral due to be issued by the Secretary of State in the review of the Regional Spatial Strategy.

Following the revocation of the Regional Spatial Strategy in May 2013 the Council has commissioned an update to its own Strategic Housing Market Assessment (and separate viability assessment) to identify a replacement housing requirement for Wirral, to take account of the latest national household projections. This work will be concluded during April 2016¹ and is expected to be reported in June/July 2016.

A specific housing requirement figure for Hoylake is not going to be identified in the revised Strategic Housing Market Assessment, nor will one be identified in the emerging Core Strategy Local Plan. As such there is no up-to-date housing evidence or appropriate area-specific housing requirement in a higher tier adopted or emerging Local Plan which the Neighbourhood Forum is able to accommodate within the Hoylake NDP.

As the Neighbourhood Forum does not have the function or resources to prepare strategic policies to assess housing needs and requirements, the Hoylake NDP does not set a numerical cap on new housing within the Plan Area but instead the policies H1 and H3 focus on assessing windfall/infill proposals solely in terms of their impact on the character and appearance of the Plan Area. Policy H2 goes no further than to require major residential proposals to address housing needs for the local area based on an up to date assessment of housing need.

It is recognised by the Forum that the Local Planning Authority may find itself in due course considering planning applications for housing within the Hoylake

¹ The final report will not be available to the Council before 29 April 2016
Hoylake Neighbourhood Development Plan
Examination Statement – Wirral Council

Neighbourhood Area with a Neighbourhood Development Plan that has passed referendum and has been “made” by the Council, (and has become part of the development plan for the area) but that in advance of the adoption of the Core Strategy Local Plan the Local Planning Authority may be unable to demonstrate a five-year supply of deliverable housing sites resulting in the application of paragraphs 14 and 49 of the Framework to the policies in the Hoylake NDP.

It is also recognised that once the Core Strategy Local Plan is adopted, any conflict between the Hoylake NDP and the Core Strategy Local Plan will have to be addressed in line with Section 38(5) of the Planning and Compulsory Purchase Act 2004, which requires that the conflict must be resolved by favouring the policy which is contained in the last document to become part of the development plan.

As there is a different forum for the challenge and determination of emerging strategic level policies for the provision of housing in the Core Strategy Local Plan, through a separate public consultation and statutory public examination, the Council and the Forum do not believe that any further change to the Neighbourhood Development Plan, in respect of its housing policies, would be appropriate or necessary to meet any Basic Condition for the Hoylake NDP.

Natural Environment

Issues: The natural environment/protected species should be better reflected in the NDP. A policy to protect SSSIs should be included.

Raised principally by: Natural England, CPRE, Wirral Wildlife

Council/Forum Comment

National Planning Policy Guidance (NPPG) paragraph 040 (Reference ID: 41-040-20160211) indicates that neighbourhood plans are not obliged to contain policies addressing all types of development. The Neighbourhood Forum contend that the natural environment/nature conservation (other than in relation to the beach - which is outside the Neighbourhood Area) was not a local priority identified in responses to the consultation undertaken by the Neighbourhood Forum and it has not therefore been included in a specific policy in the Hoylake NDP, having been included in higher tier policies in the Council’s Unitary Development Plan and emerging Core Strategy Local Plan.

There has, however, been an on-going dialogue with Natural England through the preparation of the Neighbourhood Plan as part of the Habitats Regulations Assessment screening process. NDP Policy NC1 has only been included in the Hoylake NDP as an output of this process, because of the adjacent European sites on the foreshore and to ensure that the Hoylake NDP demonstrates compliance with Hoylake Neighbourhood Development Plan

a Basic Condition, with regard to EU obligations and Schedule 2 of the Neighbourhood Planning Regulations. Natural England has accepted the conclusions of the Habitats Regulations Screening assessment.

Internationally designated European sites carry the highest tier of protection within the planning system in England. Nationally designated Sites of Special Scientific Interest (SSSIs) (the boundaries of which are co-terminus with the European site boundaries) are protected through separate legislation and by the policies in the higher tier Wirral UDP (UDP Policy NC3 refers) and the inclusion of policies relating to SSSIs in the Neighbourhood Plan would represent an unnecessary duplication.

In the same way, protected species are also protected through separate legislation and by the higher tier Wirral UDP (UDP Policy NC7 refers).

The Council and the Forum believes that the Basic Condition with regard to EU obligations for the conservation of natural habitats and of wild fauna and flora and the conservation of wild birds has been complied with and that no further change is, necessary to meet any Basic Condition for the Hoylake NDP.

Hoylake Golf Resort

Issues: Representations on matters related to a proposed golf resort (which does not form part of the Hoylake NDP).

Raised principally by: John Hutchinson, Mr G Stevens, CPRE, Wirral Society, Wirral Wildlife

Council/Forum Comment

In July 2015 the Jack Nicklaus Group was chosen by Wirral Council as the preferred development partner for a new golf resort in the Hoylake area, following an international procurement exercise. The project partners have now provided more details of their proposals, which they indicate would deliver:

- 175 new jobs on site and around £120 million of new investment
- A Jack Nicklaus signature golf course and links academy
- A new municipal golf course
- A Marriott Resort Hotel and Spa
- Extensive opportunities for habitat creation
- Extra visitor spend supporting a vibrant tourism economy
- A new link road to serve the Golf Resort and Hoylake
- Enabling housing development.

The Council arranged two initial awareness raising drop-in events in November 2015 in venues in Hoylake and West Kirby which overlapped with the publicity stage on the Hoylake NDP. The Golf Resort proposal is currently at pre-application stage, with submission of a planning application likely to be at least 18 months away.

Green Belt is a strategic policy which falls outside the power of the Neighbourhood Forum to influence through the Hoylake NDP.

The Council is not promoting any release of Green Belt land or any site allocation in the Core Strategy Local Plan to facilitate what would be inappropriate development in the Green Belt, which could only be approved in very special circumstances and subject to notification to the Secretary of State.

Nor, as it is inappropriate development in the Green Belt, does the Hoylake NDP seek to promote or enable the Golf Resort in its policies or to allocate land for it within that part of the Green Belt which lies within the Plan Area (the Golf Resort would also cover a wider area than that covered by the Hoylake NDP).

Hoylake NDP Policy CL2, which refers to a comprehensive mixed use redevelopment proposal or individual proposals delivered as part of a phased master plan approach within an area taking in Carr Lane and part of the Green Belt, is caveated as being subject to the strict controls upon development in the Green Belt. The requirements of NDP Policy NC1, may also apply.

The Golf Resort proposal will therefore have to be brought forward as a planning application submitted by the promoters of the project which would have to demonstrate very special circumstances, satisfy the other requirements of national policy relating to development in the Green Belt along with other environmental and planning considerations and will have to be referred to the Secretary of State in the event of a resolution to approve by the Local Planning Authority.

As there is a separate statutory mechanism for making representations to and determining a future planning application for a Golf Resort, the Council and the Forum do not believe that any further change to the Hoylake NDP would be appropriate or necessary to meet any Basic Condition for the Hoylake NDP.

Other Matters

Strategic Environmental Assessment and Habitats Regulations Assessment

The SEA Screening Report (July 2015) prepared by the Council concluded that an additional environmental report would not need to be prepared.

The Council commissioned its specialist advisors on the natural environment (Merseyside Environmental Advisory Service) to undertake the assessment of likely significant effects of the Hoylake NDP on Natura 2000 sites. Their Screening Report (July 2015) concluded that the Hoylake NDP is not directly connected with or necessary to the management of the Natura 2000 sites; does not intrude into the boundary of Natura 2000 sites; and is not considered, either alone or in-combination with other plans or projects, to have a likely significant effect on a Natura 2000 site.

The screening report notes that the NDP includes a dedicated policy (NC1) for the protection of Natura 2000 sites which should ensure that likely significant effects are avoided and therefore concludes that no appropriate assessment is required to be made under Regulations 61, 62 and 68 of the Habitats Regulations, before the Council decides to adopt and implement the NDP.

Separate consultation with the statutory consultation bodies - Historic England, Natural England and the Environment Agency was undertaken on the content of the Strategic Environmental Assessment (SEA) Screening Report and (with Natural England) on the content of the Habitats Regulations Assessment Report, on 23 July 2015, in advance of the submission of the Hoylake NDP to the Council. These bodies have concluded that no further assessments were required (correspondence is listed below).

The Council has therefore concluded, with the agreement of the statutory consultation bodies, that an additional environmental report will not need to be prepared; that the Basic Condition with regard to EU obligations for assessing the effects of certain plans and programmes on the environment has been complied with; that the Basic Condition with regard to EU obligations for the conservation of natural habitats and of wild fauna and flora and the conservation of wild birds has been complied with and that no further change is necessary to the Hoylake Neighbourhood Plan.

Both of the final agreed assessments are included in the Basic Conditions Statement.

List of Enclosures

Wirral Council Documents

Delegated Report – Hoylake NDP – October 2015 (which can also be viewed at: <http://democracy.wirral.gov.uk/documents/s50029082/Hoylake%20Neighbourhood%20Plan%20Report.pdf>)

Delegated Decision - Hoylake NDP - issued 3 November 2015 (which can also be viewed at: <http://democracy.wirral.gov.uk/ieDecisionDetails.aspx?ID=3030>)

Equality Impact Assessment (which can also be viewed at:
<http://tinyurl.com/z36o2u2>)

Notice of Consultation (which can also be viewed at <http://tinyurl.com/zc9lsp4>)

Submitted Documents

(Which can also be viewed at: <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/neighbourhood-planning/hoylake>)

Document 1 - Proposed Neighbourhood Development Plan (which can also be viewed at: <http://tinyurl.com/h5sroc4>)

Document 2 – Basic Conditions Statement (which can also be viewed at <http://tinyurl.com/zpo3wa5>)

Document 3 - Consultation Statement (which can also be viewed at:
<http://tinyurl.com/h23rvhk>

Comments Received in Response to Post-Submission Consultation

HNDP 1 – M. Meredith Jones
HNDP 2 – N. Grant
HNDP 3 - Highways England
HNDP 4 - Historic England
HNDP 5 - Environment Agency
HNDP 6 – United Utilities
HNDP 7 – National Grid
HNDP 8 – G. McGaffney
HNDP 9A – J. H Hutchinson
HNDP 9B – J. H Hutchinson
HNDP10 – Natural England
HNDP 11 – G. Stevens
HNDP 12 – CPRE
HNDP 13 – Wirral Wildlife
HNDP 14 – The Wirral Society
HNDP 15A – M. Turpin
HNDP 15B – M. Turpin
HNDP 16 - M. Cunningham

Strategic Environmental Assessment and Habitats Regulations Assessment

Council Notification Letter to Historic England (dated 23 July 2015)
Reply from Historic England (email dated 18 August 2015)
Council Notification Letter to Natural England (dated 23 July 2015)
Reply from Natural England (letter dated 08 September 2015 and follow-up email dated 16 September 2015)
Council Notification Letter to the Environment Agency (dated 23 July 2015)
Reply from the Environment Agency (confirmation letter dated 18 August 2015)

Links to Other Relevant Documents

The Council's existing Unitary Development Plan can be viewed at

<http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/unitary-development-plan/written>

The Council's Proposed Submission Draft Core Strategy (December 2012) can be viewed at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-0>

The latest position and the background to the proposed modifications to the Core Strategy can be viewed at

<http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan>

The Joint Waste Local Plan for Merseyside and Halton can be viewed at

<http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/joint-waste-local-plan-merseyside>

Schedule 1

Summary of Comments Received on the Submitted Documents (separate Excel spreadsheet)

(This summary is not intended to influence your deliberations; it is merely a summary of the responses which we have prepared for ourselves, which you may find of assistance. The text in red in square brackets is the Council's - providing clarification on page/paragraph references etc.)