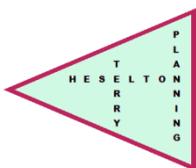


Draft Hoylake Neighbourhood Plan (Submission Draft)

Report of the Independent Examination

Terry Raymond Heselton BA (Hons), Dip TP, MRTPI

Independent Examiner



Terry Heselton Planning

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Summary

I have examined the Hoylelake Neighbourhood Plan as submitted to Wirral Council by Hoylelake Community Planning Forum. The examination has been undertaken by written representations.

I conclude that the Neighbourhood Plan meets all of the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However a number of modifications are required to ensure that the Plan meets the four 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule.

Subject to making the modifications set out in my report I recommend that the Hoylelake Neighbourhood Plan proceed to referendum, and that the voting area corresponds with the Hoylelake Neighbourhood Area as designated by Wirral Council on 30 April 2013.

1.0 Introduction

- 1.1 I have been appointed by Wirral Council, with the consent of Hoylake Community Planning Forum, to examine the Hoylake Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Hoylake Neighbourhood Plan (referred to as ‘the Neighbourhood Plan’ or ‘the Plan’) has been produced by Hoylake Community Planning Forum under the provisions of the Localism Act 2011, which introduced the means for local communities, including communities in non parished areas, to produce planning policies for their local areas. The Hoylake Community Planning Forum is a qualifying body for leading the preparation of a neighbourhood plan¹.
- 1.3 The Neighbourhood Plan covers the built up area of Hoylake comprising the promenade, the town centre, a number of residential areas and the Carr Lane Industrial Estate south of the West Kirby to Birkenhead railway, together with some open agricultural land beyond. Hoylake is one of a number of seaside towns within the Metropolitan Borough of Wirral located at the north west corner of the Wirral Peninsula.
- 1.4 My report provides a recommendation as to whether or not the Neighbourhood Plan should proceed to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Wirral Council. The Plan would then be used to determine planning applications and guide planning decisions in the Hoylake Neighbourhood Area.

2.0 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that neighbourhood plans meet four ‘Basic Conditions’², together with a number of legal requirements. Neighbourhood plan examinations are narrower in scope than Local Plan examinations and do not consider whether the plan is ‘sound’.
- 2.2 In order to meet the ‘Basic Conditions’, a neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State’,
 - contribute to the achievement of sustainable development,
 - be in general conformity with the strategic policies of the development plan for the area of the authority (or any part of that area), and

¹ Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

² Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

- not breach, and be otherwise compatible with EU obligations
- 2.3 In addition to reviewing the Submission Draft of the Neighbourhood Plan I have considered a number of background documents which are listed in Appendix 1, together with representations submitted by sixteen individuals and organisations, as part of the examination.
- 2.4 The general rule is that examination of the issues is undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue (or issues) or to ensure that a person has a fair chance to put a case.
- 2.5 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues on which I require clarification. I am also of the opinion that all parties have had full opportunity to register their views and put their case forward. I have therefore undertaken the examination through consideration of written representations, supported by an unaccompanied site visit of Hoylake and the surrounding area.
- 2.6 In undertaking the examination I am also required to check whether:
- the Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area ³;
 - the Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to ‘excluded development’, and not to relate to more than one neighbourhood area ⁴,
 - the Neighbourhood Plan has been prepared for an area that has been properly designated ⁵ and has been developed and submitted for examination by a qualifying body ⁶, and
 - adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan⁷.
- 2.7 As Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan is submitted to referendum, on the basis that it meets the ‘Basic Conditions’ and other legal requirements; or
 - that modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the draft Neighbourhood Plan as modified is submitted to Referendum; or
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the ‘Basic Conditions’ and other relevant legal requirements⁸.

³ Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

⁴ Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

⁵ Section 61G Town and Country Planning Act 1990 as amended

⁶ Section 38C Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

⁷ Section 38A (8) Planning and Compulsory Purchase Act 2004 as applied by the Neighbourhood Planning (General) Regulations 2012

- 2.8 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the 'Basic Conditions', that it is compatible with Convention Rights, or for the purpose of correcting errors⁹.
- 2.9 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to then consider whether or not the Referendum Area should extend beyond the Hoylake Neighbourhood Area, and if so what the extended area should be¹⁰.
- 2.10 I make my recommendations in this respect in the final section of this report.

3.0 Representations

- 3.1 Responses were received during the Regulation 16 Publicity period from or on behalf of nine organisations, (Natural England, the Environment Agency, Historic England, Highways England, United Utilities, National Grid, the Campaign to Protect Rural England (CPRE) Wirral, Wirral Wildlife, and the Wirral Society), and from seven individuals/local residents.
- 3.2 **Natural England and Wirral Wildlife** would like more prominence to be given to nature conservation issues.
- 3.3 This view is shared by **the CPRE** who consider the Plan is too economically focused and also raise concerns about the evidence base and the absence of robust data to justify some of the conclusions on key issues. While the housing policies are supported it is suggested that the housing requirement for Hoylake should be scaled down as otherwise there is a risk to areas of Green Belt.
- 3.4 Another respondent considers the Plan does not meet the Basic Conditions tests because it fails to address housing and employment needs and does not contribute to the achievement of sustainable development contrary to national planning policy.
- 3.5 **The Wirral Society** disagrees with some of the conclusions in the Plan about the local economy and considers the Green Belt to be at risk. The Society also has concerns about the Plan being prepared in advance of Wirral Councils Core Strategy Local Plan (CSLP) and in isolation from neighbouring areas.
- 3.6 **The Environment Agency, Highways England, Historic England, National Grid and United Utilities**, had no substantive comments to make.
- 3.7 While a number of **local residents** generally support the Plan proposals,

⁸ Paragraph 10(2) Schedule 4B of the Town and Country Planning Act 1990 as amended

⁹ Paragraph 10(3) Schedule 4B of the Town and Country Planning Act 1990 as amended

¹⁰ Paragraph 10(5) Schedule 4B of the Town and Country Planning Act 1990 as amended

the risk posed to the quiet enjoyment of the Promenade by further development is the subject of objection, as is the risk to residential neighbourhoods through the extension of the night time economy. Others suggest objectives and policies to safeguard the historic environment and the 'classic' resort status of the town should be strengthened.

- 3.8 A number of those commenting on the Plan consider the neighbourhood area boundary should be amended. Others object to an emerging proposal for a Golf Resort which may affect land within the neighbourhood area but which does not form part of the Plan proposals.
- 3.9 The general and detailed points raised on specific issues and policies in the Plan by those submitting representations are considered in Section Six of my report.

4.0 Compliance with Legal Requirements

(a) The Qualifying Body

- 4.1 Following an application by Hoylelake Village Life, a local community based organisation, the Hoylelake Community Planning Forum (the Forum) was formally designated by Wirral Council as a neighbourhood forum for a period of five years on 30 April 2013.
- 4.2 This followed 6 weeks public consultation and consideration of the proposed constitution by the Council in accordance with the Regulations.
- 4.3 The Forum includes a voting membership of 53 individuals and businesses, including local councillors, that are representative of the local community within the area.
- 4.4 I am satisfied that the Forum has been properly constituted and that the relevant statutory requirements under Section 61F of the Town and Country Planning Act 1990 (as amended), and Regulations 8, 9 and 10 of the Neighbourhood Planning (General) Regulations 2012 in relation to the designation and the authority of the organisation preparing the Neighbourhood Plan have been complied with.
- 4.5 As this is a non parished area Hoylelake Community Planning Forum is therefore the recognised 'qualifying body' for the purposes of preparing a Neighbourhood Plan.

(b) Plan Area

- 4.6 The Neighbourhood Plan relates to the whole of the Neighbourhood Area that was designated by Wirral Council on 30 April 2013, following an application by Hoylelake Community Planning Forum.

- 4.7 The Neighbourhood Area covers the built up area of Hoylelake comprising the promenade, the town centre, a number of residential areas and the Carr Lane Industrial Estate south of the West Kirby to Birkenhead railway, together with some open agricultural land beyond.
- 4.8 The application was approved following the receipt by the Council of a map identifying the proposed Neighbourhood Area together with supporting documentation which was advertised for a six week period during which no substantive comments were received by the Council.
- 4.9 This satisfies the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G of the Town and Country Planning Act 1990 (as amended) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.
- 4.10 I am also satisfied that the Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans for the designated Neighbourhood Area in accordance with statutory requirements.
- 4.11 I note that a number of objections to the extent of the Plan boundary have been submitted in response to the Regulation 16 Publicity. These question whether it is appropriate to include open land to the south of Carr Lane and parts of Meols within the boundary and whether the boundary accurately reflects the historical and functioning economic boundaries of Hoylelake. Others consider that the boundary should be extended to include Hoylelake beach and the adjacent built up area of West Kirby.
- 4.12 However as my role is to consider whether the regulatory requirements for designating the Neighbourhood Area have been satisfied, and not to consider the merits of the Neighbourhood Area, it is not appropriate for me to address these representations. I am also mindful of the fact that no such concerns were raised at the time of advertising and consulting on the proposed Neighbourhood Area boundary, which for the reasons stated above has been properly considered and designated by Wirral Council.

(c) Policies for the Development and Use of Land

- 4.13 The Neighbourhood Plan sets out policies in relation to the development and use of land for the defined Neighbourhood Area, which accords with the definition of neighbourhood plans in Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended).

(d) Time Period

- 4.14 A neighbourhood plan must specify the period during which it is to have

- effect. The Neighbourhood Plan clearly states on its title page that it covers the period 2015 to 2020 and therefore satisfies this requirement.
- 4.15 However such a relatively short time period, which corresponds with the five year time limit placed on the Forum, has the disadvantage of introducing an element of uncertainty into the Plan Vision beyond 2020, particularly since there is no reason why the Plan cannot extend over a longer period of time.
- 4.16 At the same time I am mindful of the fact that the Plan has been prepared in advance of the emerging CSLP and that following adoption of the CSLP it may be appropriate to undertake an early review of the Plan.
- 4.17 Although reference is made in the Basic Conditions Statement to the fact that that Plan is intended to cover the transition from extant policies in the Wirral Unitary Development Plan (WUDP) to the emerging CSLP there is only a very brief reference to the intention to review the Plan once the CSLP is adopted in Section 6 (Making it Happen).
- 4.18 In order to overcome this issue and to clarify the future approach I recommend that an explanation be included in the Introduction for the reasons for the short time period accompanied by a commitment to early review of the Plan.

Recommendation 01

- (a) Incorporate an explanation about the five year time period in the Introduction to the Plan, linked to the transition from current WUDP policies to the emerging CSLP.**
- (b) Incorporate an additional reference in the Introduction to the Plan regarding the intention to review the Plan proposals to reflect changes at strategic planning level introduced by the emerging CSLP.**

(e) Excluded Development

- 4.19 The Neighbourhood Plan does not include policies on excluded development such as national infrastructure, mineral or waste related development.

(f) Publicity and Consultation

- 4.20 Public consultation on the production of land use plans, including neighbourhood plans, is a legislative requirement. Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.

- 4.21 The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which describes in some detail the process followed in preparing the Neighbourhood Plan as well as the methods used to engage with the local community and other stakeholders. It also demonstrates how comments received from members of the public and other stakeholders have been taken into account, and how these have influenced the preparation of the Plan.
- 4.22 I have considered the various stages of consultation undertaken prior to and during preparation of the Neighbourhood Plan with particular regard to content, openness and transparency, as well as the extent to which the Regulatory requirements have been satisfied.
- 4.23 The stages of consultation and engagement can be summarised as
- 'Whats Your Vision' Survey (October 2011 – January 2012)
 - Consultation Events and Ongoing Publicity (February 2012 – May 2013)
 - Pre-submission (Regulation 14) consultation on the draft Plan (January – March 2015)
- 4.24 Prior to the formal establishment of the Forum in April 2013 I note that initial stages of consultation and engagement were undertaken by Hoylake Village Life, a local community group established in 2009, who successfully applied for 'Front Runner' status as part of the Government's Neighbourhood Plan programme.
- 'Whats Your Vision' Survey (October 2011 – January 2012)
- 4.25 At the start of the process an initial consultation survey was undertaken in January 2012. Over 5000 survey forms were distributed to every household and business in the neighbourhood area preceded by a billboard campaign to advertise the survey and raise awareness. The survey was also available online on the Hoylake Vision website.
- 4.26 The 'Whats Your Vision' Survey asked a series of questions about homes, jobs and travel in the area, safeguarding special local features, making improvements to open spaces and the High Street, and opportunities to celebrate and promote Hoylake.
- 4.27 Over 550 responses were received in response to the survey questions (approximately 10% of Hoylake households) plus 5000 additional comments covering a range of issues.
- 4.28 All the responses were collated and published on the Hoylake Vision website, with summaries available in hard copy. An exercise was also undertaken to identify areas of consensus which have been used to refine the themes around which the Vision, objectives and policies have been developed.
- Consultation Events and Ongoing Publicity (February 2012 – May 2013)
- 4.29 In order to further promote the preparation of the Plan and to obtain views on specific issues three separate consultations were undertaken as work progressed on the Plan.
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- 4.30 The first of these was a series of 7 public consultation open days which were held on different days and times at different venues during March/April 2012.
- 4.31 This was followed by two issues based public meetings in February and April 2013, to explore beach management issues and the night time economy – two of the issues where it had not been possible to achieve a broad consensus.
- 4.32 An additional innovative consultation event was held in May 2013 in the form of a guided walk around Hoylake, advertised as a ‘Walk the Plan’ event, to enable interested parties and members of the community to see specific sites and explore the Plan area in more detail.
- 4.33 Throughout the preparation of the Plan a variety of media and promotional channels have been used to publicise events and to seek feedback on emerging proposals. These include press releases, social media and regular articles and updates on the Village Life / Hoylake Vision websites. Information and notices advertising forthcoming meetings were placed in the local library and other public venues. Regular on-screen adverts were also displayed in the local cinema
- 4.34 I also note that Hoylake featured in a BBC Radio 4 (The World Tonight) broadcast on Localism which will have helped to raise awareness locally.

Pre submission (Regulation 14) Consultation on the Draft Plan

- 4.35 The draft Plan was published for consultation in January 2015 and the 6 weeks Pre - Submission (Regulation 14) consultation took place between 26 January 2015 and 11 March 2015.
- 4.36 The consultation was publicised through the Hoylake Vision web site and public notices on 2 separate weeks were placed in the local newspaper (the Wirral Globe), and on the web site. Copies of the Plan were available for inspection at a number of accessible locations throughout the local area and on the Hoylake Vision website. Details of the various consultation bodies and other stakeholders who were specifically consulted on the draft Plan are provided in the Consultation Statement.
- 4.37 Specific evidence is provided in the Consultation Statement to demonstrate how the publication of the Plan and the opportunity to comment on it has been publicised. The Consultation Statement includes a transcript of all the responses received from 14 separate individuals or organisations and there is an easy to understand summary of the responses and assessment as to whether these raise substantive issues and the proposed action/change to the Plan in response.

Conclusions

- 4.38 During the preparation of the Plan it is apparent that a wide variety of methods have been used to inform and engage with the local community including conventional methods such as public meetings, drop in events, and the local media, as well as digital methods such as email, social media and a dedicated web page on the Hoylake Vision website.

- 4.39 The publication of the consultation draft Plan which was available in both paper and electronic formats has also been well publicised, and I am satisfied that those with an interest in the Plan have been made aware of the opportunity to comment on it and that the views of relevant consultation bodies have been pro-actively sought.
- 4.40 My only reservation concerns the fact that there appears to be a 19 month gap between the 'Walk the Plan' event in May 2013 and the publication of the draft Plan, during which time IBI Taylor Young consultants were appointed to assist with the preparation of the Plan. While it would have been logical to have carried out further formal engagement with the local community and other stakeholders prior to the finalisation of draft policies, as there is no prescription in the Regulations on the frequency or manner of consultation this does not prevent the Plan satisfying the Basic Conditions.
- 4.41 I am also satisfied that an ongoing dialogue has been maintained with interested parties throughout the preparation of the Plan and that those without access to digital media have not been disadvantaged.
- 4.42 While I note that the initial consultation survey is incorrectly referred to as having taken place between October 2012 and January 2013 in paragraph 1.6 in the Consultation Statement, as the survey date is referred to more accurately as 'the winter of 2011/2012' on page 15 of the Plan (under the heading 'Developing a Consensus'), amendment to the text of the Plan is not required.
- 4.43 Taking all the above factors into account there is plenty of evidence to show that the consultation process as a whole was comprehensive and conducted in an open and transparent manner, with lots of opportunities for engagement, involvement and feedback. The Regulation 14 requirements for consultation and publicity have therefore been met.

Regulation 16 Publicity

- 4.44 The draft Neighbourhood Plan, as amended in response to the consultation, was subsequently submitted to Wirral Council on 18 September 2015. The submitted plan, incorporating a map identifying the area covered by the Neighbourhood Plan, was accompanied by a Consultation Statement, and a Basic Conditions Statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.
- 4.45 Wirral Council published details of the Plan and the accompanying documents on their website and in the local press, notified interested parties and 'consultation bodies' of its receipt, and provided details as to how and by when representations could be submitted. Summary information and paper copies of the submitted documents were also made available at a number of accessible locations within the local area and at Council offices.
- 4.46 The formal six week publicity stage for submitting representations

covered the period Monday 9 November to Tuesday 22 December 2015. Sixteen responses were received during the publicity period and no additional comments were received after the deadline for submitting comments expired.

Conclusions

- 4.47 In the light of the foregoing I am satisfied that the Regulation 16 requirements to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area have been met.

5.0 Basic Conditions

- 5.1 This section of my report considers whether the Neighbourhood Plan taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State, whether the plan contributes to the achievement of sustainable development, and whether it is in general conformity with local strategic policy. It also addresses EU obligations. Each of the plan policies is considered in turn in the section of my report that follows this.

(a) National Planning Guidance

- 5.2 National Planning Guidance is set out principally in the National Planning Policy Framework (NPPF) which was published in 2012. At the heart of the NPPF is a presumption in favour of sustainable development¹¹ which when applied to neighbourhood planning means that neighbourhoods should develop plans which support the strategic development needs set out in Local Plans, and which plan positively to support and shape local development that is outside the strategic elements of the Local Plan.¹²
- 5.3 The NPPF incorporates 12 Core Principles¹³ which underpin both plan-making and decision-taking. These are summarised in paragraph 17 of the NPPF and elaborated in the remainder of the NPPF through individual policy topics such as building a strong economy, delivering a wide choice of high quality homes, requiring good design, promoting sustainable transport, and conserving the historic environment.
- 5.4 Included in the 12 Core Principles is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made.
- 5.5 The NPPF also (paragraph 184) requires neighbourhood plans to be

¹¹ National Planning Policy Framework (2012) para 14

¹² National Planning Policy Framework (2012) para 16

¹³ National Planning Policy Framework (2012) para 17

‘aligned with the strategic needs and priorities of the wider local area, and to be in general conformity with the strategic policies of the Local Plan. To facilitate this, Local Planning Authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans (and neighbourhood development orders) should not promote less development than that set out in the Local Plan or undermine its strategic policies.

- 5.6 It goes on (paragraph 185) that once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.
- 5.7 More detailed guidance and advice, expanding on the general policies in the NPPF has been available since March 2014 as Planning Practice Guidance (PPG). This includes specific guidance as to ‘What evidence is needed to support a neighbourhood plan?’¹⁴, and ‘How policies should be drafted’¹⁵, that is “*a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*”.
- 5.8 I have had regard to these principles in carrying out the examination, since the manner in which policies are drafted and whether or not they are supported by appropriate evidence is clearly fundamental to determining whether or not individual policies and a plan as a whole satisfies the Basic Conditions.
- 5.9 Less straightforward to determine is whether a policy is distinct, and whether it reflects local circumstances. For example while it is clear that many policies in the Hoylelake Neighbourhood Plan are driven by local circumstances and community preferences, to a certain extent some could apply to other, if not all, locations. I have taken the view that the fact that a local community has chosen to include a particular policy, reflects its awareness that the particular issue is of special importance to the locality, and this does not therefore prevent that policy from satisfying the Basic Conditions.
- 5.10 Taken as a whole I conclude that the Neighbourhood Plan reflects the broad principles embedded in the NPPF and PPG. In those instances where individual policies and/or supporting text have been found to be inconsistent with national policy I have made specific recommendations to correct this later in the report.

¹⁴ Planning Practice Guidance para 040 Ref ID: 41-040-20140306

¹⁵ Planning Practice Guidance para 041 Ref ID: 41-041-20140306

(b) Sustainable Development

- 5.11 In carrying out the examination I am also required to consider whether the Plan would contribute to the achievement of sustainable development, as described in the NPPF.
- 5.12 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of interdependent roles, namely:
- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 5.13 Although the Neighbourhood Plan does not make specific provision for new development, for example through site allocations, it does recognise there will be new development in the Plan area, and includes policies to manage and integrate that development. Other policies aim to conserve and enhance the natural and historic environment, and ensure the retention and improvement of local facilities and greenspaces. These are key aspects of sustainable development, as set out in the NPPF, which states (paragraph 9) that *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*
- *making it easier for jobs to be created in cities, towns and villages;*
 - *moving from a net loss of bio-diversity to achieving net gains for nature;*
 - *replacing poor design with better design;*
 - *improving the conditions in which people live, work, travel and take leisure; and*
 - *widening the choice of high quality homes”.*
- 5.14 Subject to the modifications recommended later in my report I am satisfied that the Neighbourhood Plan is capable of contributing to the

achievement of sustainable development.

(c) Strategic Local Policy

- 5.15 Statutory weight is given to neighbourhood development plans that are closely aligned with and in general conformity with the strategic policies of the development plan for the local area. Neighbourhood plans are also required to plan positively to support local strategic policies¹⁶. This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.
- 5.16 The current development plan for the area comprises
- Remaining ‘saved’ policies in the Wirral Unitary Development Plan (WUDP) (adopted February 2000), and
 - The Joint Waste Local Plan for Merseyside and Halton (JWLP) (adopted July 2013).
- 5.17 The JWLP contains policies to ensure that good waste prevention and resource management is used on construction sites and in the design of buildings and that the design and layout of new development facilitates the storage and collection of waste. None of the other policies have direct relevance for the Hoylelake Neighbourhood Plan.
- 5.18 Although the WUDP was adopted as long ago as February 2000 it remains the most up to date development plan for the area. Policies in the Plan were initially saved for a three year period until 27 September 2007 under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended). Policies that remained relevant and compliant with (at the time) national and regional policies were then extended beyond that date by Direction of the Secretary of State in September 2007.
- 5.19 These remain in force until replaced by new development plan policies and are still part of the ‘development plan’ for the area, although in accordance with national planning policy less weight may now be attributed to them, particularly in view of the period of time which has elapsed since they were first adopted.
- 5.20 The WUDP sets out a number of strategic (Part One) policies to guide future development across the Borough. ‘Saved’ Part One policies relevant to the Neighbourhood Plan are:-
- URN1 Development and Urban Regeneration
 - HSG2 Affordable Housing
 - GBT1 Green Belt Boundaries
 - GRE1 The Protection of Urban Greenspace
 - REC1 Principles for Sport and Recreation

¹⁶ National Planning Policy Framework (2012) para 184

- TLR1 Principles for Tourism Development
- CHO1 The Protection of Heritage
- AGR1 The Protection of Agriculture
- NCO1 Principles for Nature Conservation
- LAN1 Principles for Landscape
- TRT3 Transport and the Environment
- SHO1 Principles for New Retail Development
- WAT1 Fluvial and Tidal Flooding
- COA1 Principles for the Coastal Zone

5.21 As the NPPF post dates the WUDP its policies take precedence in the event of any conflict.

5.22 The WUDP also contains more specific 'Saved' Part Two policies and proposals for specific areas or individual sites which also remain in force until replaced by future development plan documents. A number of these are hybrid policies which while performing a development management function also contain strategic elements which meet the definition of strategic policy set out in PPG.¹⁷

5.23 Remaining Part Two 'Saved' Policies which are of relevance to the Neighbourhood Plan Area are:-

- EM6 General Criteria for New Employment Development
- EM7 Environmental criteria for New Employment Development
- EM8 Development Within Primarily Industrial Areas
- HS4 Criteria for New Housing Development
- HS5 Density and Design Guidelines
- HS6 Principles for Affordable Housing
- HS7 Sheltered Housing
- HS8 Nursing Homes
- HS9 Mobility Housing
- HS10 Backland Development
- GB2 Guidelines for Development in Green Belt
- GR1 Protection of Urban Greenspace
- GR2 Land Designated as Urban Greenspace
- RE1 Criteria for Urban Recreational Facilities
- TL1 Protection of Urban Tourism Resources
- TL2 Criteria for Urban Tourism
- CH1 Development Affecting Listed Buildings

¹⁷ Planning Practice Guidance para 076 Ref ID: 41-076-20140306

- CH2 Development Affecting Conservation Areas
- CH3 Demolition Control Within Conservation Areas
- NC1 The Protection of Sites of International Importance for Nature Conservation
- NC2 Sites of International Importance for Nature Conservation
- LA3 Priorities for Areas Requiring Landscape Renewal
- TR8 Criteria for the Design of Highway Schemes
- TR11 Provision for Cyclists
- TR12 Requirements for Cycle Parking
- SH1 Criteria for Development in Key Town Centres
- SH3 Ground Floor Residential Uses in Key Town Centres
- SH6 Development Within Primarily Commercial Areas
- SH7 Upper Floor Uses in Retail Premises
- SH8 Criteria for Shop Fronts
- GR6 Greenspace Within Family Housing Developments
- CO1 Development Within the Developed Coastal Zone

- 5.24 Some of these policies will be replaced by policies in the Neighbourhood Plan. As the 'saved' policies in the WUDP predate the NPPF, the NPPF takes precedence where there is a conflict.
- 5.25 Although Wirral Council is preparing a new Core Strategy Local Plan which will replace a number of 'saved' WUDP policies this is at a relatively early stage of preparation and only limited weight can be attached to the draft policies. More weight can be attached to the CSLP evidence base which provides the most up to date information available on a number of topics.
- 5.26 In assessing whether the Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area I have taken remaining saved policies in the adopted WUDP as the starting point. In so doing I have taken into account that in accordance with national planning policy less weight may now be attributed to these policies than formerly, and in any case that some policies are now out of date and/or superseded by national planning policy.
- 5.27 A number of modifications are necessary for the Neighbourhood Plan to be in general conformity with the above strategic policies. These are set out in Section 6 (Comments on the Neighbourhood Plan) of my report.

(d) European Union Obligations

- 5.28 Local Planning Authorities are legally responsible for deciding whether neighbourhood plan proposals are compatible with EU obligations, including obligations under the Strategic Environmental Assessment (SEA) Directive¹⁸.
- 5.29 In circumstances where a neighbourhood plan is likely to have significant environmental effects, for example where it includes proposals to allocate land for development, it may require an SEA to be undertaken as part of the preparation process, in accordance with the SEA Directive and Environmental Assessment Regulations¹⁹. Draft neighbourhood plan proposals should therefore be screened to assess whether they are likely to have significant environmental effects²⁰. Where significant environmental effects are identified plans should be accompanied by a full SEA report.
- 5.30 Wirral Council have therefore prepared a Strategic Environmental Assessment (SEA) screening opinion based on policies in the draft Plan. The assessment concludes that the Neighbourhood Plan does not require a full SEA as no significant environmental effects are likely to occur as a result of the implementation of policies contained in the Plan.
- 5.31 A separate Habitats Regulations Assessment screening as to whether a Habitats Regulations Assessment (HRA)²¹ was required under the Habitats Directive²² was also carried out on behalf of the Council by Merseyside Environmental Advisory Service. This concludes that an 'appropriate assessment' of European designated sites (or Natura 2000 sites) is not required in order to progress the Plan further.
- 5.32 While it has been suggested (in response to the Regulation 16 Publicity) that in view of the potential implications for nationally and internationally designated nature conservation sites the Plan should be subject to a full Strategic Environmental Assessment as well as a Habitat Regulation Assessment and Sustainability Appraisal, I am satisfied that the screening reports undertaken in accordance with the Regulations, demonstrate that full assessments are not required.
- 5.33 I also note that the three statutory consultation bodies comprising English Heritage, the Environment Agency and Natural England who were consulted during the preparation of the screening reports have not raised any concerns in this respect.
- 5.34 The Environment Agency and Natural England have confirmed in writing that they agree with the conclusions that no significant effects will result

¹⁸ European Directive 2001/42/EC

¹⁹ Environmental Assessment of Plans and Programmes Regulations 2004

²⁰ Planning Practice Guidance para 027 Ref ID: 11-027-20150209

²¹ in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

²² European Directive 92/42/EEC

from the implementation of the policies and that it is unnecessary to undertake a full SEA or HRA. Historic England indicated that they do not wish to make any comments.

- 5.35 It is also the case that, in comparison with Local Plans, there is no requirement to prepare Sustainability Appraisals in connection with neighbourhood plans.
- 5.36 An equalities impact assessment carried out by Wirral Council indicates that the constitution of the Forum, and the process for preparing the Plan, facilitates the positive involvement of all members of the community in the preparation of the Plan for the wider benefit of the area. It also concludes that the aims, objectives, and policies in the Plan will have positive impacts on groups with protected characteristics. No evidence has been put forward to suggest otherwise, and I agree with the conclusions of the assessment.
- 5.37 I am therefore satisfied that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and human rights requirements and therefore satisfies that 'Basic Condition'.

6.0 Comments on the Neighbourhood Plan

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my report, particularly whether individual policies and supporting text have regard to national policy, and whether they are in general conformity with local strategic policies in the WUDP. Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

(a) General Comments

Scope of the Plan and Prematurity

- 6.2 The Neighbourhood Plan is structured around six themes which reflect the issues and priorities identified as particularly important by people who live and work in Hoylelake. These are; Improving the Town Centre, The Promenade and Recreation, Getting Around Hoylelake, Special Buildings and Places, Homes in Hoylelake, and Enhancing Carr Lane Industrial Estate.
- 6.3 Although the Plan recognises the need to maintain Hoylelake as an attractive residential environment for both its existing and projected population, and also includes proposals to support the local economy, it does not set out an overall strategy for accommodating future development needs.
- 6.4 This omission is the subject of an 'in principle' objection to the Plan on the

grounds that by not addressing future housing and employment needs the Plan conflicts with the requirement in the NPPF to promote the provision of sustainable, viable communities.

- 6.5 The evidence of future housing need relied on in the Plan is also considered to be inadequate as the WUDP is 15 years out of date while the evidence produced in connection with the emerging CSLP is considered to be flawed because it ignores the results of the 2010 SHMA and the 2012 SHLAA, and the CSLP is yet to be submitted.
- 6.6 It is pointed out that although the Plan recognises that Hoylelake is an increasingly popular place for younger families to live, and states that the priority is to meet needs arising from both the existing and projected population, no attempt is made to address these needs.
- 6.7 This contrasts with the view expressed by a local resident that the overriding objectives of the Plan should be to enhance local distinctiveness and provide facilities for an ageing population, and that the reference in the Introduction to the Plan to not promoting less development than that established in the (higher tier) development plan, is therefore inappropriate.
- 6.8 **CPRE** also challenge the evidence base and the interpretation of the evidence. From their perspective more emphasis should be placed on creating balanced communities through the maximisation of development opportunities within the existing built up area, including more living accommodation above shops and the subdivision/conversion of other premises.
- 6.9 A related issue raised by a number of those commenting on the Plan is the relationship between the Plan and extant and emerging strategic policy. For example it is suggested by the **Wirral Society** that the CSLP should be completed first in order for the Neighbourhood Plan to fit in with local strategic policy.

Comments

- 6.10 There are clearly divergent views on the extent to which the Plan adequately addresses future development needs.
- 6.11 I agree that as the housing requirement in the WUDP is time expired this does not provide an appropriate starting point for the Plan. In contrast, National Planning Guidance²³ makes it clear that although neighbourhood plans are not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 6.12 In this respect I reject the suggestion that the results and conclusions set out in the SHMA and the SHLAA should be fully reflected in the CSLP as emerging policy is required to balance the results of needs assessments and land availability with other factors in order to produce an appropriate

²³ Planning Practice Guidance para 009 Ref ID: 41-009-20140306

'policy intervention'.

- 6.13 I am also mindful of the fact that there is no legislative requirement for neighbourhood plans to set their own housing numbers or to allocate land for development,²⁴ and they may rely on higher tier Local Plans to identify future development needs and if necessary to allocate land required to meet identified needs. As the emerging CSLP will not establish a specific housing requirement for Hoylelake policies in the Neighbourhood Plan therefore focus on assessing infill and other windfall proposals in terms of their impact on the local area.
- 6.14 In the circumstances I consider this to be an appropriate approach. In considering future proposals for residential development decision makers will be required to take a range of factors into account including Neighbourhood Plan policies, extant WUDP policies (if not superseded by Neighbourhood plan policies) and whether there is a Borough wide five year housing land supply.
- 6.15 If circumstances necessitate a change of approach before the adoption of the CSLP, for example by establishing a specific housing requirement or allocating specific sites then this is something that Wirral Council would manage as part of their strategic planning functions, and those policies would supersede Neighbourhood Plan policies.
- 6.16 However greater clarity could be achieved in the Plan by acknowledging the respective roles of the Neighbourhood Plan and the emerging CSLP, with an explanation as to why there is no specific housing requirement for Hoylelake.

Recommendation 02

Incorporate additional explanation in Theme 5 (Homes in Hoylelake) on page 12 and in Subsection 5.6 (Homes in Hoylelake) on page 37 to the effect that

- i. responsibility for assessing objectively assessed housing need rests with Wirral Council although as the emerging CSLP will not establish a specific housing requirement for Hoylelake policies in the Neighbourhood Plan focus on managing infill and other windfall proposals to ensure there is no significant adverse impact on the local area, and**
- ii. In considering future proposals for residential development decision makers will take a range of factors into account including Neighbourhood Plan policies, extant WUDP policies and whether or not there is a Borough wide five year housing land supply.**

Policy Omissions

- 6.17 A number of those responding to the Regulation 16 Publicity have

²⁴ Planning Practice Guidance para 040 Ref ID: 41-040-20160211

commented on the fact that the Plan does not cover other issues such as the natural environment, climate change, and air quality.

- 6.18 Other suggestions include promoting sustainable transport by enhancing cycling facilities and improving public transport, providing more car parking and introducing traffic management measures particularly to assist pedestrians crossing Market Street.
- 6.19 Another local resident considers the beach is in need of better management.

Comments

- 6.20 While the Plan may be improved by incorporating some of these suggestions neighbourhood plans are not obliged to contain policies addressing all types of development²⁵ and there is no prescription in current guidance or legislation about the range of topics that should be covered or the level of detail.
- 6.21 The Plan instead concentrates on addressing issues which have been identified as local priorities through on-going consultation with the community.
- 6.22 In some cases excluded topics, such as the natural environment are covered by policies in the WUDP and emerging CSLP, and also through national planning policy and specific legislation, such as protection of species legislation.
- 6.23 Other suggestions such as improvements in public transport, the provision of traffic management measures and improvements to beach management are also outside the scope of the Plan which is concerned with land use issues.
- 6.24 No changes to the Plan are therefore recommended in response to the above suggestions.

Golf Resort Proposal

- 6.25 In commenting on the Plan a number of respondents have included objections to an emerging proposal for a Golf Resort which may be the subject of a future planning application potentially affecting land within the Plan Area.

Comments

- 6.26 As the Plan does not include a specific proposal for a Golf Resort it is outside the scope of the examination to consider objections to the Golf Resort. However I am mindful of the fact that the proposal is linked to an area of Green Belt land within the Plan Area and that Policy CL2 (Comprehensive Redevelopment) is intended to facilitate, inter alia, appropriate forms of development within the Green Belt as part of a

²⁵ Planning Practice Guidance para 040 Ref ID: 41-040-20160211

masterplan approach covering this area and the adjacent Carr Lane Industrial Estate.

- 6.27 Issues in relation to Policy CL2, including potential future development within the Green Belt are addressed in Section 6 of my report.

Cross Referencing to Emerging Core Strategy Local Plan

- 6.28 Numerous references are made throughout the plan to evidence, statements and priorities in the emerging CSLP which is being prepared in parallel with the Neighbourhood Plan by Wirral Council.
- 6.29 It is clearly in the interests of joined up plan making that different tiers of plan making, which may have reached different stages in the process, should inform one another, and the regard that has been given to both extant and emerging policy in the Neighbourhood Plan is to be welcomed.
- 6.30 As the CSLP is at an early stage of preparation and has not yet been submitted for examination until it is found to be 'sound', and the Inspectors report has been published, only limited weight may be attached to the policies in it.
- 6.31 While emerging CSLP policies are not referred to directly care must still be taken to avoid giving the impression that the various quotations and references are taken from an adopted development plan document, by inserting an appropriate 'qualification'.

Recommendation 03

References and quotations taken from the emerging CSLP should be qualified throughout the document by reference to the 'emerging CSLP' or the 'draft CSLP'.

Non Land Use Priorities

- 6.32 Plan making at the local level will inevitably focus on wide ranging aspirations of the community, some of which may be non land use based.
- 6.33 Where neighbourhood plans incorporate non land use policies and aspirations it is important that these are clearly distinguishable from the land use and development policies that will be used to inform the decision making process.
- 6.34 I note that the non land use aspirations emerging from the consultation process are identified separately to the land use policies, under the sub-heading 'Priorities' in each of the themed policy sections of the Plan. These are referred to in the first paragraph on page 16 as being complimentary to the planning policies but outside the formal statutory scope of the NDP.
- 6.35 However while the structure of the document and the explanation given about the purpose of identified priorities is a practical response to the

above issue, the terminology used throughout the document which links 'Priorities' with planning policies, for example 'Policies and priorities have been developed ...' in the last paragraph on page 4, is confusing. This can be overcome by qualifying references to 'Priorities' throughout the document with the phrase 'non land use'.

- 6.36 For clarification my report does not consider the non land use aspirations and intentions described under 'Priorities' in the plan, and neither does it address comments that may have been submitted concerning these aspirations, which are a matter for Hoylake Vision to consider.

Recommendation 04

Insert '*non land use*' before 'priorities' throughout the document as appropriate.

(b) Introductory Sections,

- 6.37 The Introduction to the Plan describes the neighbourhood plan process and the general background and planning policy context within which the Plan has been prepared. This is followed by sections entitled 'Hoylake Today and Tomorrow' and 'Developing a Consensus'.
- 6.38 'Hoylake Today and Tomorrow' provides a socio-economic profile of the area and summarises the key issues and themes to emerge from analysis of the evidence base and views expressed by the local community and other stakeholders during the preparation of the Plan. The six themes, which have been used to inform the development of the Plan Vision, objectives and policies, are; Improving the Town Centre, The Promenade and Recreation, Getting Around Hoylake, Special Buildings and Places, Homes in Hoylake, and Enhancing Carr Lane Industrial Estate.
- 6.39 The overall focus on developing a Plan based on areas of broad consensus, following engagement and consultation with the local community, is highlighted further in 'Developing a Consensus'.

Comments

- 6.40 These opening sections are clearly written and informative. They provide the background to the policies that follow and a comprehensive assessment of issues, which helps to develop a strong sense of place and to demonstrate how the vision and objectives have been arrived at.
- 6.41 The response to the Regulation 16 Publicity has however highlighted a number of anomalies and inaccuracies including the conclusions reached in the Plan about the local socio economic profile and regarding the evidence used to justify some of the key themes.
- 6.42 For example the conclusion on page 7 that the population profile of the town is increasingly dominated by younger age groups is considered to be misleading because it ignores the fact that retired people still account

for a very significant proportion of the population, well in excess of the national average.

- 6.43 While I do not agree that the significance of the number of retired people is being ignored better balance could be achieved in the text by referring to the fact that retired people make up nearly one quarter of the population compared to 16% nationally.

Recommendation 05

In the second paragraph on page 7 delete ‘These figures indicate that Hoylake, whilst retaining a significant number of older people,’ and insert ‘*While retired people make up nearly one quarter of the population, compared to 16% nationally, the above figures indicate that Hoylake*’

- 6.44 I also agree with **CPRE** that greater clarity could be achieved by providing specific sources and dates for statistical data such as average household income, and also providing comparative information for the Wirral Council area as a whole.
- 6.45 In view of the fact that Hoylake specific socio-economic, housing and other data is unavailable (owing to differences between the Neighbourhood Area and census output boundaries), it is equally important to stress throughout the document that the data quoted relates to a larger geographical area (than Hoylake) and is therefore only useful as a guide.
- 6.46 This is particularly the case in relation to the housing statistics quoted in Plan Theme 5 – ‘Homes in Hoylake’ which mostly relate to the Wirral Council area as a whole and are therefore not necessarily representative of Hoylake. In addition the reference to a net annual housing requirement of 153 dwellings in Hoylake/Meols Ward (bullet point 4 on page 12) should be to 153 affordable dwellings, based on the results of the most recent SHMA update.
- 6.47 In order to overcome these issues consideration could be given in a future Plan review to analysing and disaggregating ‘super output’ census data to establish whether reliable Hoylake specific data can be produced.

Recommendation 06

- (a) Insert an additional paragraph in ‘Socio-Economic Profile’ explaining that where Hoylake specific data is not available indicative information for larger geographical areas such as the Hoylake-Meols Ward has been used, which should only be taken as a guide.**
- (b) In the first paragraph in ‘Socio-Economic Data’ insert a reference to the date and source of the household income data and provide a comparative figure for the Wirral Council**

area as a whole.

(c) In the first paragraph on page 7 insert '*and Meols Ward*' after 'Hoylelake'.

(d) In the first sentence under Theme 5 (Homes in Hoylelake) on page 12 delete 'in Hoylelake' and insert '*within the Wirral Council area as a whole*'.

(e) In the fourth bullet point on page 12 insert '*affordable*' after '153'.

- 6.48 While **CPRE** and the **Wirral Society** disagree with the conclusion in Theme 1 - Improving the Town Centre, that the town centre's performance has improved since 2009 as a result of its association with Golf Championship events I do not consider, whether or not that is the case, that this detracts from other evidence that performance has improved and there is significant local support for continued enhancement of the town centre.
- 6.49 In a small number of instances changes are required to correct minor anomalies and inaccuracies or to ensure the wording fully reflects national planning policy and other guidance.
- 6.50 First, in the fourth paragraph on page 3 the reference to the Plan being in general conformity with strategic policies in both the WUDP and the emerging CSLP is inappropriate as the CSLP policies may be subject to change before final adoption. In any case it is highly unlikely that any plan can generally conform with two sets of strategic policies adopted more than 15 years apart, particularly in the light of policy change at national level during that period.
- 6.51 Second, an inaccurate reference is made in the third paragraph on page 4 to 'more detail about the plan preparation process can be found on page 42-43 of this document', whereas the additional information is on page 43 only and this refers to what happens after the Plan is 'made'.
- 6.52 Third, the reference to 'Special Buildings and Places' as one of the 'Six Themes' on page 4 (fourth bullet point) is not consistent throughout the Plan and is referred to as 'A Distinctive Identity' under 5.5 on the contents page, and 'A distinctive Identity: Special Buildings and Places' as the heading on page 33
- 6.53 Fourth, although there are no operational branches of Barclays Bank within the Plan Area reference is made to a Grade II listed Barclays Bank in the list of listed building and structures on page 11 and to a former Barclays Bank in the list of 'unlisted buildings with architectural, historical or community value' in the first paragraph on page 12, and on page 33, as pointed out by the Wirral Society.

Recommendation 07

- a) Delete '**both the UDP and the CSLP**' in paragraph 4 on page 3 and insert '*the UDP and has had regard to emerging policies*

in the CSLP'

- b) Delete 'More detail about the plan preparation process can be found on pages 42-43 of this document' in paragraph 3 on page 4 and insert '*Information about the monitoring, implementation and review of this plan can be found on page 43 of this document*'.
- c) Change 'A Distinctive Identity' on the contents page to '*Special Buildings and Places*', and delete 'A Distinctive Identity' from the heading on page 33.
- d) Clarify that the reference to Barclays Bank as a listed building on page 11 is to the 'former Barclays Bank' and remove reference to the former bank as an 'unlisted building with architectural, historical or community value' on pages 12 and 33 of the Plan.

(c) Vision and Objectives

- 6.54 The overarching vision of the Plan is to maintain Hoylake as an attractive seaside town and a popular place to live in and visit, which supports a healthy socially conscious community and a thriving economy. This is supported by nine key objectives which are intended to inform the policies which follow in the next section of the Plan.
- 6.55 However while I acknowledge the desire to reflect locally determined community priorities in the vision and objectives I am concerned that there is insufficient recognition of the requirement in national policy for Plans to contribute toward the achievement of the economic, social and environmental dimensions of sustainable development.
- 6.56 In this respect I agree with those respondents who consider that the vision and objectives are weighted too much toward the economic aspects of sustainable development, with insufficient recognition of the social and environmental aspects. This is at odds with the housing policies in the Plan and the statement in section 5.6 that the 'availability and affordability of housing remains a local priority'.
- 6.57 I am also mindful of the fact, as pointed out by a **local resident** that as objective 1 is wider in scope than other objectives it effectively establishes a number of overarching principles for other objectives and the policies that follow. I therefore recommend that the social inclusion and sustainability elements of objective 1 be incorporated into the Vision Statement to achieve a more evenly balanced vision for Hoylake in line with national planning policy. At the same time objective 1 could be replaced with a new objective corresponding with the approach to new housing provision demonstrated in the housing policies.
- 6.58 My responses to other comments on the Plans' objectives are as follows.
- 6.59 First I disagree with the suggestion made by a **local resident** that the overriding emphasis in the Plan should be more narrowly focused on
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enhancing the attractiveness of Hoylake as a place to live, since this would undermine the wider sustainability objectives in national planning policy.

- 6.60 Second, there are clearly mixed views on the extent to which the ‘evening economy’ should be promoted in view of the association with alcohol related problems. Particular concerns have been raised about the potential adverse impacts on residential occupiers within the town centre and on adjacent residential neighbourhoods. I am also mindful of the fact that anti social behaviour, litter, noise and light pollution associated with night time activity can also impact on business premises and local amenity generally. In order to provide more protection for local residents and businesses I suggest that objective 3 be strengthened by incorporating reference to local amenity and clarifying the meaning of ‘good living conditions’.
- 6.61 Third while there appears to be significant support for maximising the tourism and recreational potential of the promenade there are also concerns that over development could lead to the loss of the elements (quiet relaxation etc) that make it special in the first place. It is also suggested that further research is needed in order to establish the demand for additional facilities and appropriate levels of future use. In order to provide a better balance between these competing interests I suggest this objective be qualified by reference to an ‘appropriate range of facilities’.
- 6.62 Fourth there is no justification in strengthening objective 7, as suggested by a **local resident**, since national planning policy requires the conservation and enhancement of heritage assets to be balanced with other objectives. However amendment is required in order to accurately reflect the reference to ‘conservation and enhancement’ of heritage assets in national Planning Practice Guidance, rather than the ‘protection’ of heritage assets.
- 6.63 Fifth I agree that the meaning of objective 8, as drafted, is unclear as it is seeking to balance a number of considerations (which is the role of the Vision Statement) rather than promote a specific measurable objective. Amendment is therefore required in order to clarify the wording which I suggest could be further simplified by replacing references to ‘improved on-street car parking’ and ‘minimising traffic congestion’ with a reference to traffic management which encompasses both of these initiatives. As public transport and traffic management initiatives are the responsibility of a number of other organisations it would also be appropriate to refer to ‘supporting’ rather than ‘promoting’ such initiatives.

Recommendation 08

- (a) Replace the first sentence of the Vision Statement with the following ‘*To maintain Hoylake as an environmentally attractive seaside town and socially inclusive and sustainable place to live, work in and to visit*’, and delete ‘socially**

- conscious' in the second sentence and insert '*well housed*'.
- (b) Replace objective 1 with the following new objective '*To support the provision of additional housing, including affordable housing to meet the identified needs of the existing and future population*'.
 - (c) Delete 'good living conditions' in objective 3 and insert '*the amenities of the local area, particularly the amenities of local residents*'.
 - (d) Insert '*with an appropriate range of facilities*' after 'tourism destination' in objective 4.
 - (e) Substitute '*conserve*' for 'preserve' in objective 7.
 - (f) Delete 'balance the need to' in objective 8, delete 'with the desire to improve on-street car parking', and substitute '*and to support public transport and traffic management initiatives*' for 'promote public transport and minimise traffic congestion'.

(d) Policies and Priorities

Format

- 6.64 The land use policies part of the Plan is organised into the six themes identified in 'Hoylelake Today and Tomorrow', namely; Improving the Town Centre, The Promenade and Recreation, Getting Around Hoylelake, Special Buildings and Places, Homes in Hoylelake, and Enhancing Carr Lane Industrial Estate, plus an additional policy to protect internationally important nature conservation resources.
- 6.65 Each themed subsection contains a group of policies relevant to that particular theme, preceded by a summary of relevant issues and opportunities, and community views.
- 6.66 Individual policies within each subsection are set out in a dark grey highlighted box to distinguish them from the accompanying text and justification.
- 6.67 The policies are followed by 'Priorities' which are described as 'priorities which (Hoylelake Vision) would like to see addressed..... but which cannot be addressed directly by planning policies'.
- 6.68 Finally each subsection concludes with a list of objectives which the subsection policies are intended to address, and a statement on policy compliance.

Comments

- 6.69 The individual subsections are presented in a well organised and consistent way although Subsection 5.1 (Protection of Natura 2000 Sites) does not conform to the same format.
- 6.70 The justification for individual policies is also appropriately cross referenced to supporting information in the Plan and to other evidence base documents.

- 6.71 While I have reservations about the presentation of a combined rationale for groups of policies, as the justification for each individual policy is reasonably clear and linked to one of the six themes described in Section 2 (Hoylelake Today and Tomorrow) I conclude there would be no significant benefit in restructuring these sub sections. The current format also avoids an element of repetition if each policy were to be accompanied by a separate justification as the evidence base and justification for some of these policies overlaps.
- 6.72 It is not appropriate however to include a standard paragraph at the end of each section claiming that the policies in each section are in general conformity with all relevant national and strategic local planning policies, without producing specific evidence. Although the paragraph is cross referenced to the Basic Conditions Statement which supports the Plan, in order to demonstrate conformity individual Neighbourhood Plan policies and the extant WUDP policies with which they conform should be identified.

Recommendation 09

At the end of each subsection incorporate a list of extant local strategic policies in the WUDP which individual policies are considered to comply with.

Subsection 5.1 Protection of Natura 2000 Sites

- 6.73 **Policy NC1 (Protection of Natura 2000 Sites)** is intended to ensure compliance with European Directives and UK Regulations in relation to the protection of Natura 2000 Sites – the network of European nature protection areas which includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Proposals which may result in likely significant effects must be accompanied by sufficient evidence to enable Wirral Council to make an appropriate assessment in accordance with the Habitats Regulations, and proposals will only be permitted in exceptional circumstances or where any adverse effects can be mitigated.

Comments

- 6.74 The policy has regard to national policy by seeking to conserve and provide a high level of protection to sites of international nature conservation status. This is consistent with the environmental dimension of sustainable development.
- 6.75 The policy also generally conforms with WUDP Policies URN1 (Development and Urban Regeneration), NCO1 (Principles of Nature Conservation) and NC1 (The Protection of Sites of International Importance for Nature Conservation) by providing a level of protection appropriate to the relative status of Natura 2000 sites.
- 6.76 However as drafted the policy does not fully reflect the requirements set
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- out in the Habitats Regulations 2010, a point made by **CPRE** in their comments. For example reference to avoiding adverse effects or mitigating the effects of development weakens the intention set out in paragraph 116 of the NPPF which indicates that planning permission should normally be refused unless there are exceptional circumstances.
- 6.77 My recommended changes are intended to ensure compliance with national policy and to correct a minor factual inaccuracy by ensuring the policy refers to internationally important 'nature conservation' sites rather than internationally important sites.
- 6.78 A number of changes are also required to improve the clarity and accuracy of the accompanying justification.
- 6.79 First, the introductory paragraph to the policy, which refers to national planning policy and associated legal requirements, should be combined with the 'Reasoned Justification' which follows the policy to provide a more robust justification. In order to establish the context and background to the policy it would be helpful to replace this paragraph with information about Natura 2000 sites including an explanation about their significance and designation, a description of the habitats and associated birdlife present, and their relationship with other land uses and activities. As suggested by **CPRE** and the **Wirral Society** this should be accompanied by a map identifying Natura 2000 sites within the vicinity of Hoylelake.
- 6.80 Second, the reference in the reasoned justification to the requirements of Policy NC1 affecting internationally important nature conservation sites 'whether in Hoylelake or elsewhere' is misleading as policies only apply within the neighbourhood area, or in cases such as this, where development within the Neighbourhood Area may impact on nature conservation resources outside the designated area. It would be more accurate to refer to 'within or in the vicinity of Hoylelake'.
- 6.81 Third the reference to compensatory measures being undertaken prior to development weakens the policy intent and should be deleted.

Recommendation 10

- a) **Insert '*nature conservation*' after 'internationally important' in line 2 and line 7 of Policy NC1.**
- b) **Delete 'Adverse effects should be avoided, or where this is not possible they should be mitigated, to make sure that the integrity of internationally important sites is protected.', in Policy NC1 and substitute '*if the adverse effects can be removed by conditions or planning obligations, or in the absence of alternative solutions,*' for 'where there are no alternative solutions and' in line 8.**
- c) **Combine the first paragraph in subsection 5.1 with the reasoned justification for the policy.**
- d) **Insert a new paragraph providing information about Natura 2000 sites including an explanation about their significance**

and designation, a description of the habitats and associated birdlife present, and their relationship with other land uses and activities.

- e) Incorporate a map for information purposes identifying Natura 2000 sites within the vicinity of Hoylelake.**
- f) Delete ‘whether in Hoylelake or elsewhere’ in line 2 of the reasoned justification and insert ‘*within or in the vicinity of Hoylelake*’.**
- g) Delete the last sentence in the reasoned justification.**

6.82 Subject to the above modifications the Policy meets the Basic Conditions.

Subsection 5.2 (Improving the Town Centre)

6.83 This group of policies is intended to maintain the vitality and viability of the Town Centre, and to support the continued enhancement of the centre through the redevelopment of premises, the creation of a high quality public space, and by promoting high quality design including well designed shopfronts.

6.84 By seeking to sustain and enhance the retail centre the policies generally conform with WUDP Policy SHO1 (Principles for New Retail Development).

Town Centre Boundary

6.85 The Town Centre, which is defined on the Proposals Map (Map 2), incorporates the area defined as a ‘Key Town Centre’ in the WUDP together with an area defined as a ‘primarily commercial area’.

6.86 National planning policy provides guidance for Local Planning Authorities on framing policies for the management and growth of town centres including defining a hierarchy of centres and the extent of town centres/primary shopping areas, and allocating sites for a range of town centres uses based on identified needs.

6.87 Qualifying Bodies may also allocate sites for development if they so wish²⁶ and I see no reason why they might not also undertake the role of defining or reviewing town centre and primary shopping area boundaries.

6.88 While Hoylelake is proposed to be redesignated from a Key Town Centre to a ‘District Centre’ in the hierarchy of retail centres in the emerging CSLP the principle of defining retail centre boundaries remains the same.

6.89 In this respect I do not agree with **CPRE** that as the Town Centre is proposed to be redesignated as a District Centre it is therefore inappropriate to continue to maintain the extent of existing retail uses, particularly since the emerging CSLP promotes continued investment, with retail as the principal use, in both Town Centres and District Centres. The Qualifying Body are not obliged to amend the existing retail centre

²⁶ Planning Practice Guidance para 042 Ref ID: 41-042-20140306

boundaries which may in any case may be reviewed through a future site specific Local Plan, as referred to in paragraph 21.9 of the proposed Submission Draft CSLP, which would supersede the current boundaries.

6.90 No other suggestions have been put forward to either enlarge or reduce the Town Centre boundary defined in the WUDP, which therefore remains an appropriate boundary for Neighbourhood Plan policies.

6.91 **Policy HS1 (Active Frontages)** differentiates between areas regarded as 'key shopping areas' within the town centre, and areas of 'secondary frontage'. Development proposals, including changes of use, to A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food take-away) will be supported within the 'key shopping area', provided a consistent active frontage is maintained. Within each area defined as secondary frontage a wider range of uses will be acceptable including, in addition to retail uses (Classes A1 – A5), residential and hotel uses (Classes C1-C3) and social, cultural and service uses (Classes D1-D2).

Comment

6.92 The policy reflects national planning policy by clearly defining primary shopping frontages, (which is referred to in the Plan as 'Key Shopping Area'), and secondary frontages, and identifying which uses will be permitted in respective locations.

6.93 Although no explanation is provided regarding the criteria used to define these areas on the evidence of my site inspection 'secondary frontage' comprises non retail uses such as a public car park, car sales business, a car repair business, a meeting hall, and a number of residential premises.

6.94 This reflects the intentions set out in the NPPF for planning policies to promote a more diverse retail offer with a wider range of 'town centre' uses, than envisaged in the WUDP retail management policies, which are partly superseded by the NPPF.

6.95 The policy therefore meets the Basic Conditions and no modifications are required.

6.96 **Policy HS2 (New Development)** supports the selective redevelopment of buildings within the town centre provided proposals make a positive contribution to a vibrant mix of uses and incorporate high quality designs.

6.97 **Policy HS3 (Public Space)** supports proposals 'that may emerge' to redevelop land and premises that are located partly within and adjacent to the Town Centre. Current land uses include shops, a public house, a meeting hall, car repair business, and tennis courts, Schemes must incorporate a high quality public space and be delivered as part of a masterplan approach.

Comment

6.98 Both policies contribute toward the national planning policy objectives of promoting competitive town centre environments, supporting economic

growth and achieving high quality designs, key elements in the economic and environmental dimensions of sustainable development. The provision of a new public space as an integral design element, in accordance with Policy HS3, also reflects one of the objectives of paragraph 58 of the NPPF (bullet point 3) to optimise the potential to incorporate green and other public space as part of new developments.

- 6.99 In addition to contributing toward the enhancement of the Town Centre in accordance with WUDP Policy SHO1 (Principles for New Retail Development), the policies complement WUDP Policy URN1 (Development and Urban Regeneration) by making full and effective use of land within the urban area.
- 6.100 A **local resident** has suggested that the policy should be strengthened by incorporating reference to preserving and enhancing the special character of Hoylelake and including specific design criteria. However as the examples of recent 'poor designs' referred to in the submitted comments are outside the town centre these comments are not directly relevant to the town centre area covered by the policy.
- 6.101 In any case design considerations, including the conservation and enhancement of heritage assets are covered in Subsection 5.5 (A Distinctive Identity: Special Buildings and Places).
- 6.102 Policy HS2 and Policy HS3 therefore meet the Basic Conditions and no modifications are required.
- 6.103 **Policy HS4 (Shopfront Design)** requires proposals for the alteration, replacement or creation of shopfronts within the Town Centre to comply with advice set out in the Shopfront Design Guide produced by Hoylelake Village Life.
- 6.104 In the absence of a relevant and up to date Supplementary Planning Document prepared and adopted by the Local Authority I understand the reasons for preparing a design guide. However no evidence or explanation is provided to justify the policy and the desirability of ensuring a high standard of shopfront design is not referred to in the commentary on the 'Improving the Town Centre' theme.
- 6.105 Neither does the Shopfront Design Guide which is published in draft form on the Hoylelake Village Life website appear to have been subject to any form of public consultation with key stakeholders and members of the public. As the Guide was published in 2011 elements of the document could become out of date. There is also no mechanism for ensuring that it is kept up to date and that the Plan is future proofed in that respect.
- 6.106 I therefore conclude that in view of the impracticability of using the Hoylelake Village Life Shopfront Design Guide to inform the consideration of planning applications Policy HS4 does not add anything to extant WUDP Policy SH8 (Criteria for Shop Fronts) and should be deleted.
- 6.107 Proposals for new shop fronts will continue to be considered on the basis of WUDP Policy SH8 (Criteria for Shop Fronts) until replaced by new

Local Plan policies and accompanying guidance. In this respect I note that Wirral Council are producing an SPD on Town Centre Uses alongside the CSLP which will include guidance, inter alia, on design, materials, shop fronts and architectural detailing, to support the implementation of the CSLP.

Recommendation 11

Delete Policy HS4

- 6.108 **Policy HS5 (Evening Economy)** supports proposals which would increase early evening activity in the Town Centre, particularly related to high quality food and drink, arts, cultural uses and later retail trading, provided there would be no significant adverse effects on the living conditions of nearby residential occupiers.
- 6.109 The policy reflects the requirement in national planning policy to plan proactively for economic growth balanced with supporting vibrant and healthy communities and safeguarding the environment - the three dimensions of sustainable development. There are no comparable policies in the WUDP, although the policy reflects the overriding regeneration intentions in WUDP Policy URN1 (Development and Urban Regeneration) by making full and effective use of land within the urban area.
- 6.110 While I am mindful of the concerns expressed by local residents about potential adverse impacts on nearby residential occupiers, particularly through alcohol related issues, as referred to previously the licensing of premises and granting of late night licences is subject to separate legislation and not a matter to be addressed through planning policies. The policy also specifically refers to promoting early evening activity as opposed to late night activity.
- 6.111 Although the promotion of the evening economy is only tenuously related to land use planning as the policy seeks to balance economic considerations with the need to protect residential amenity it may assist decision makers when considering the potential impacts of certain types of activity such as cafes, restaurants, takeaways and bars, and is therefore appropriate.
- 5.112 Amendment is however required to ensure that consideration is given to safeguarding the amenity of the local area from potential adverse impacts such as anti social behaviour, litter, noise, and light pollution, as well as protecting residential amenity, in line with my previous recommendation to strengthen objective 3.

Recommendation 12

Delete 'living conditions of occupants of nearby buildings with a residential use', in Policy HS5 and insert '*the amenities of the local*

area, particularly the amenities of local residents', and make consequential changes to the accompanying text.

- 6.113 Subject to the above modification the policy meets the Basic Conditions.
- 6.114 **Policy HS6 (Upper Floors)** encourages the use of upper floors in the defined Town Centre for residential and office use provided there is no significant adverse effect on the living conditions of nearby occupiers.
- 6.115 The policy replaces WUDP development management Policy SH7 (Upper Floor Uses in Retail Premises).

Comments

- 6.116 By supporting the use of upper floors for residential and business use the policy reflects national planning policy which recognises the role that residential development can play in ensuring the vitality of town centres. Widening the choice of housing and facilitating job creation (through the use of upper floors of premises) are also key aspects of sustainable development.
- 6.117 As well as generally conforming with WUDP Policy SHO1 (Principles for New Retail Development) which seeks to sustain and enhance the vitality and viability of Key Town Centres the policy reflects the overriding regeneration intentions in WUDP Policy URN1 by making full and effective use of land within the urban area. The policy replaces WUDP development management Policy SH7 (Upper Floor Uses in Retail Premises).
- 6.118 The policy therefore meets the Basic Conditions and no modifications are recommended.

Subsection 5.3 The promenade and Recreation

- 6.119 **Policy BR1 (Seafront Recreation)** supports proposals to enhance the Promenade, to provide high quality sensitively located food and drink outlets, and to provide or upgrade recreational facilities, provided there is an 'evidenced' community need. The policy also applies to areas defined on the Proposals Map as 'focal points for seafront recreation'. Proposals that would have a detrimental effect on the character or coastal defence function of the Promenade, or on adjacent international nature conservation sites will not be permitted.

Comments

- 6.120 The policy reflects some of the core principles in the NPPF such as taking account of the different roles and character of different areas, supporting sustainable economic development, conserving and enhancing heritage assets, and improving health, social and cultural facilities. It therefore contributes to the economic, social and environmental dimensions of

sustainable development.

- 6.121 It also complements WUDP policies which promote full and effective use of land (Policy URN1), control development within the coastal zone (Policy COA1 and Policy CO1), direct new recreational facilities to the urban area (Policy REC1), support tourism in urban coastal locations (Policy TLR1) while protecting coastal views, scenery and facilities for coastal recreation (Policy TL1) and ensuring that new uses complement existing facilities (Policy TL2).
- 6.122 The responses to the Regulation 16 Publicity and views submitted during the preparation of the Plan indicate a divergence of views regarding the future of the Promenade. Some people are in favour of exploiting the potential for more tourist related development while others would like to maintain the present level of activity.
- 6.123 Objections to the policy principally concern whether further tourist related development would destroy the uniqueness of the Hoylake seafront, create conflict with other activities, including beach related activities such as bird watching, and/or have an adverse impact on the nature conservation value of adjacent areas. For example it is suggested that the Promenade should be maintained as a place for quiet relaxation with tourism facilities focused on other centres such as West Kirby and New Brighton. Another suggestion is that further research should be undertaken in order to establish the demand for additional facilities and appropriate levels of future use.
- 6.124 While I am satisfied that there are appropriate safeguards in the policy to ensure that the character of the Promenade and the adjacent Natura 2000 sites are not harmed, inadequate recognition is given to existing activities and environmental issues. A better balance between future commercial development and low key activities and facilities could be achieved by requiring decision makers to take account of the need to avoid conflict between differing activities, when considering future development proposals.
- 6.125 The reference to new community and/or visitor facilities in the policy should also be qualified by reference to 'appropriate types of facilities' in line with my previous recommendation to strengthen objective 4.
- 6.126 I am also mindful of the fact that part of the area(s) identified as a focal point for seafront recreation is designated as Urban Greenspace in the WUDP (Policy GR2), where development will only be permitted if proposals do not prejudice visual amenity, landscape character, nature conservation value or continued use of the site for open air recreation.
- 6.127 Although there is a potential conflict with local strategic policy this can be overcome by including an explanation in the text that proposals will need to satisfy the requirements of WUDP Policy GR2 (where appropriate), as well as Neighbourhood Plan Policy BR1, and incorporating a reference in Policy BR1 to improve the clarity of the Plan.
- 6.128 Further amendment is required to ensure that the wording of the policy is consistent with the wording (as recommended to be changed) in Policy

NC1 (Protection of Natura 2000 Sites), in relation to the protection of internationally important nature conservation resources on adjoining areas of beach. The meaning of the last sentence in the fourth paragraph on page 25, which contains a double negative, should also be clarified.

Recommendation 13

- (a) Delete 'Creating new' in the third bullet point in policy BR1 and insert '*Providing appropriate types of*'
- (b) Insert '*provided this would not create or exacerbate conflict with other activities, including beach related activities*' after 'will be supported' in line 9 of policy BR1.
- (c) Insert '*provided there is no conflict with the most up to date local strategic policy for safeguarding identified areas of urban greenspace*' after 'will be permitted' in line 11 of policy BR1.
- (d) Insert an explanation in the text accompanying Policy BR1 that part of the area(s) identified as a focal point for seafront recreation is designated as Urban Greenspace in the WUDP (Policy GR2), where development will only be permitted if proposals do not prejudice visual amenity, landscape character, nature conservation value or continued use of the site for open air recreation, and that proposals will need to satisfy the requirements of both policies.
- (e) Delete 'or adjacent internationally or nationally important nature sites' in line 13 of policy BR1, and insert a new sentence after 'will not be permitted' in line 14, '*Development which would adversely affect the integrity of internationally important nature conservation sites will only be permitted exceptionally in accordance with Policy NC1*'.
- (f) Delete 'no unavoidable ecological damage is caused' in the last sentence in the fourth paragraph on page 25, and insert '*these important nature conservation resources are not harmed*'.

- 6.129 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.130 **Policy BR2 (Open Space and Recreation)** supports proposals that meet an evidenced community need for new or enhanced public open space and recreation.
- 6.131 The policy reflects national planning policy which includes the promotion of health and wellbeing, and the provision of open space and recreational facilities to meet community needs, among its core principles. These are key attributes of sustainable development.
- 6.132 Policy BR2 generally conforms with WUDP Policy REC1 (Principles for Sport and Recreation) which directs new facilities for sport and recreation

toward the existing urban area, and with Policy GRE1 (The Protection of Urban Greenspace) which aims to secure a network of open spaces and recreational opportunities within each part of the Borough

- 6.133 The policy therefore meets the Basic Conditions and no modifications are recommended.

Subsection 5.4 Getting Around Hoylake

- 6.134 **Policy TR1 Market Street** aims to balance the needs of the motorist (by supporting enhanced on-street parking), with the needs of pedestrians and cyclists (by supporting proposals that would improve pedestrian and cycle connections between Market Street, the promenade and the railway station). A further policy strand supports traffic management and anti-congestion initiatives within the defined 'key shopping area'.
- 6.135 Facilitating pedestrian and cycle movements as an alternative to the motor car reflects the objectives in national planning policy of promoting sustainable transport and healthy communities. Traffic management initiatives and improved on-street parking support the maintenance and enhancement of a competitive town centre environment in which people shop and work. The policy therefore contributes toward the economic, environmental and social aspects of sustainable development.
- 6.136 Although there are no equivalent policies in the WUDP the policy is consistent with the urban regeneration strategy of the UDP which promotes "using already developed areas in the most efficient way whilst making them more attractive places to live and work".
- 6.137 However while sustainable transport issues and traffic management are inextricably linked to land use planning the Neighbourhood Plan recognises that traffic management initiatives themselves are not necessarily land use in nature, and that their implementation is dependent on multi agency action and investment.
- 6.138 This creates a dilemma as the policy is therefore primarily aspirational in nature and there is a case for deleting the policy and incorporating the range of initiatives identified in it within the list of non land use priorities in the Plan.
- 6.139 On the other hand retention of the policy would enable decision makers to take these local priorities into account when considering development proposals, and potentially to secure developer contributions toward future traffic management schemes and sustainable transport initiatives, either through planning obligations or future CIL mechanisms.
- 6.140 As the policy satisfies the Basic Conditions in all other respects I do not therefore recommend its deletion. Reference should however be made in the accompanying text to clarify the way in which the policy is intended to be used to influence investment decisions by securing funding toward traffic management schemes and sustainable transport initiatives through

developer contributions.

Recommendation 14

Incorporate an explanation in the text accompanying Policy TR1 that the policy will be used to influence investment decisions by securing developer contributions toward traffic management schemes and sustainable transport initiatives in connection with development proposals.

Subsection 5.5 A Distinctive Identity: Special Buildings and Places

- 6.141 **Policy DI1 (Character of Buildings)** is intended to ensure that extensions or alterations to buildings with ‘characteristic local features’ do not diminish the character of those buildings. Proposals are also expected to demonstrate how they would preserve or enhance the character of the building. The policy is supported by an appendix identifying examples of locally important buildings which are considered to exhibit ‘characteristic local features’ and which Hoylake Vision would like to form the basis of a ‘Local List’.

Comments

- 6.142 Policy DI1 has regard to national planning policy by conserving and enhancing local heritage assets which contribute toward the quality of the built environment and toward people’s quality of life, two of the key aspects of sustainable development. It also generally conforms to WUDP Policy CHO1 (The Protection of Heritage) which safeguards buildings of recognised architectural or historic importance.
- 6.143 However I do have reservations about the clarity and syntax of the wording in the first part of the policy which states that ‘.... (proposals) will be permitted unless the character of the building would be diminished’. A clearer and more positive form of words would be ‘..... (proposals) must not materially diminish the significant character of the building’.
- 6.144 In response to the Regulation 16 Publicity a **local resident** suggests that the policy wording should be strengthened to ensure that development is only permitted where the character of the building(s) is preserved and enhanced. As this is an equally negative form of wording (to that proposed in the policy) which would not satisfy the requirement for plans to be positively prepared or the presumption in favour of sustainable development in the NPPF I reject this suggestion.
- 6.145 Two further changes are required to ensure the policy wording and the accompanying explanation fully reflects national planning policy and guidance.
- 6.146 First, the policy should clarify that the features identified in Appendix 1 are

typical local features to avoid giving the impression that they are of wider significance.

- 6.147 Second the requirement for proposals to demonstrate how the design would preserve or enhance the significant character of the building is inappropriate as the buildings identified in Appendix 1 are neither statutorily designated heritage assets (such as listed buildings) nor non designated heritage assets (Local List /Local Heritage Assets).
- 6.148 Reference is made in the text accompanying the policy and in Appendix 1 to the intention to prepare a 'Local List', but with an incomplete explanation of the process involved. The Plan should clarify that national Planning Practice Guidance²⁷ confers responsibility for identifying non designated heritage assets (referred to as 'locally listed' heritage assets) on Local Planning Authorities. The process of agreeing a 'Local List' would therefore require the co-operation of Wirral Council, and the selection of sites would need to reflect English Heritage guidance for assessing the suitability of buildings to be identified as local heritage assets.
- 6.149 Until a Local List is produced there is nothing to prevent locally valued features, buildings, structures and spaces being protected through neighbourhood plans. Arguably that is one of the main purposes of the neighbourhood approach to planning. In any case there is no guarantee that a 'Local List' will ever be agreed and published.
- 6.150 However although the buildings and features identified in Appendix 1 form the basis of a Local List as these only represent examples of local features rather than specific buildings and no addresses are provided to identify the buildings themselves I agree it would not be appropriate to treat the buildings identified as 'Local Heritage Assets', at this stage.

Recommendation 15

- (a) Delete 'significant' in line 1 of Policy DI1 and insert '*local*' after 'characteristic' in line 2.**
- (b) Delete 'will be permitted unless the proposed changes(s) would' in line 3 and insert '*must not*' after 'this Plan'.**
- (c) Delete the last sentence of Policy DI1.**
- (d) Incorporate additional explanation in the text accompanying Policy DI1 to clarify that national Planning Practice Guidance²⁸ confers responsibility for identifying non designated heritage assets (referred to as 'locally listed' heritage assets) on Local Planning Authorities and the process of agreeing a 'Local List' would therefore require the co-operation of Wirral Council, and the selection of sites would need to reflect English Heritage guidance for assessing the suitability of buildings to be identified as local heritage.**

²⁷ Planning Practice Guidance para 041 Ref ID: 18a-041-20140306

²⁸ Planning Practice Guidance para 041 Ref ID: 18a-041-20140306

6.151 Subject to the above modifications the Policy meets the Basic Conditions.

6.152 **Policy DI2 (Scale and Design of New Development)** requires the design and size of development proposals, and the materials of construction to respond to the distinctive character of the area. The second part of the policy requires proposal to demonstrate how they preserve or enhance heritage assets, whether listed or locally defined.

Comments

6.153 The policy has regard to national policy by promoting designs which reflects local character and distinctiveness, and where appropriate which also safeguard heritage assets. The achievement of a high quality built environment and the protection of the built environment contribute to the social and environmental aspects of sustainable development.

6.154 In considering whether the policy meets the Basic Conditions I have taken into account comments from a **local resident** who suggests that the requirement for designs to 'respond to the distinctive character of the area' is too vague an expression which will not ensure that developments harmonise with or reflect their local surroundings.

6.155 While national planning policy requires development designs to 'respond to local character' it also refers to the need to 'reflect the identity of local surroundings' (paragraph 58, bullet point 4 of the NPPF). I therefore recommend that the policy wording be amended to more accurately reflect the wording in the NPPF.

6.156 As the second part of the policy is specifically concerned with the protection of heritage assets rather than the design of buildings generally I suggest this should be the subject of a separate policy.

6.157 This should more accurately reflect the reference in national planning policy to the 'conservation and enhancement' of heritage assets, rather than the 'protection' of heritage assets.

6.158 As referred to above since there is no Local List and there are no locally designated heritage assets the policy can only apply to designated heritage assets. The reference to heritage assets 'identified on the Proposals Map whether listed or not' is therefore inappropriate and should be deleted.

6.159 I also recommend deleting the reference to 'promoting high levels of sustainability' as it is not clear whether this means building designs and construction, or a wider interpretation. In any case no justification or supporting evidence has been put forward.

Recommendation 16

(a) Insert '*and reflect the identity*' after 'distinctive character' in line 3 of policy DI2.

(b) Create a separate policy incorporating the second part of

Policy DI2.

- (c) Insert ‘designated’ after ‘significance of any’ and delete ‘identified on the Proposals Map, whether listed or not’**
- (d) Substitute ‘conserve’ for preserve’.**
- (e) Delete ‘and should, where appropriate, promote high levels of sustainability’ after ‘enhance that significance in line 7.**

6.160 Subject to the above modifications the Policy meets the Basic Conditions.

Subsection 5.6 Homes in Hoylake

6.161 **Policy H1 Residential Development** supports proposals for additional dwellings provided proposals do not have a significant adverse effect on adjoining residents and meet the design requirements of Policy DI2 and the requirements of Policy CL2 in relation to proposals for a mixed use comprehensive redevelopment scheme at Carr Lane Industrial Estate.

Comments

6.162 The policy reflects the presumption in favour of sustainable development in national planning policy, and indirectly supports objectives to make effective use and re-use of land, and to deliver a wide choice of homes. It therefore contributes to the economic, social and environmental dimensions of sustainable development. The policy also generally reflects the guiding principles in WUDP Policy URN1 (Development and Urban Regeneration) and complements WUDP Policy HS4 (Criteria for New Housing Development) and other WUDP policies for managing the provision of different types of housing.

6.163 I agree with those responding to the Regulation 16 Publicity that as the principal source of new housing in Hoylake is likely to be infill development, development on brownfield land, redevelopment, change of use and conversion of premises, including ‘living over the shop’ schemes, reference to this should be made in both the policy and accompanying text. Further clarification should be provided that the policy applies within the existing built up area to ensure consistency with national and local strategic policy.

6.164 In the light of my recommendation to delete Policy H3 below I suggest that the policy incorporates an additional requirement to ensure that proposals for residential development (including infilling) do not have a significant adverse effect on the distinctive character of the local area.

6.165 A number of changes are also required to the accompanying text to improve clarity, ensure consistency with other recommended changes and to fully reflect national planning policy. These supplement my previous recommendation (Recommendation 02) to provide clarification about the reason for the absence of a specific housing land requirement for Hoylake.

- 6.166 First, the estimated number of dwellings which can be accommodated in Hoylelake should be qualified in paragraph 5 on page 37 by referring to the fact that the source of this estimate, which is based on the potential capacity of identified brownfield sites and sites with planning permission, is a consultation document on 'settlement area policies' published by Wirral Council in connection with the preparation of the CSLP. Reference should also be made to Wirral Councils updated assessment of housing land capacity for Hoylelake and West Kirby based on the 2012 SHLAA which is included in the Spatial Portrait accompanying the Submission Draft CSLP. Additional clarification that the numbers quoted apply over the whole CSLP period is also required.
- 6.167 Second, the reference to Green Belt in the final paragraph of 'Issues and Opportunities' on page 38 should be the subject of a separate paragraph in order to avoid giving the impression that the considerations outlined in the second part of the paragraph apply equally to Green Belt. As residential development is not an appropriate form of development in the Green Belt it would be more accurate to refer to the fact that future residential development in Hoylelake will be concentrated in the existing built up area.

Recommendation 17

- (a) Delete 'the construction of' and 'those for a 'in line 1 of Policy H1 and insert '*within the existing built up area, including infilling, redevelopment, conversion*' after 'new dwellings'.**
 - (b) Insert '*the distinctive character of the local area or*', after 'adverse effect upon' in line 5 of Policy H1.**
 - (c) Clarify that the estimated dwellings capacity quoted in the 'Issues and Options' section preceding Policy H1 is taken from a consultation document on 'settlement area policies' published by Wirral Council in connection with the preparation of the CSLP, and that the numbers quoted apply over the whole CSLP period.**
 - (d) Incorporate additional reference to Wirral Councils updated assessment of housing land capacity for Hoylelake and West Kirby (based on the 2012 SHLAA) which is included in the Spatial Portrait accompanying the Submission Draft CSLP.**
 - (e) Delete 'The surrounding Green Belt provides very limited opportunities for major new residential schemes' on page 38, and insert a new paragraph '*As Hoylelake is constrained by Green Belt future residential development will be concentrated in the existing built up area*'.**
- 6.168 Subject to the above modifications the Policy meets the Basic Conditions.

6.169 **Policy H2 Housing Type and Tenure** aims to ensure that large housing developments, of 10 or more dwellings, take account of the housing needs of the whole community, including the provision of affordable and specialist housing.

Comment

6.170 Policy H2 has regard to national planning policy by supporting the provision of inclusive and mixed communities one of the key aspects of sustainable development.

6.171 However as the policy is only intended to apply to developments of 10 dwellings or more (which are classed as ‘major’ for planning application purposes by CLG) given the small scale nature of development opportunities within Hoylelake it is unlikely that it will have significant influence over delivering the types of housing required.

6.172 I am also mindful of the fact that no particular reason or justification has been put forward for the 10 dwelling threshold, and that small housing sites are no longer exempted from providing affordable housing following a recent High Court ruling.

6.173 I have considered whether the introduction of a lower threshold would help boost the supply of affordable housing, but in the absence of specific evidence and because interested parties have only had the opportunity to comment on the Plan proposals as published, this would be inappropriate.

6.174 An alternative solution would be to dispense with a threshold altogether and require all proposals to take account of identified housing needs, as appropriate. I appreciate this weakens the policy to a degree but without this qualification I am not confident that the policy will make a meaningful contribution to addressing identified affordable and other housing needs. Inclusion of a reference to ‘where appropriate’ will enable decision makers to judge whether the provision of specific types of accommodation, including affordable housing, is affected by viability or other considerations.

6.175 To more accurately reflect national policy reference should also be made to the provision of a mix of housing types, tenure and sizes, and to ‘wider community’ rather than ‘whole community’ since provision for new housing should be based on ‘objectively assessed housing need’ across the whole housing market rather than just local housing need (NPPG paragraph 47 refers).

Recommendation 18

(a) Delete ‘All major residential proposals (i.e.10 dwellings or more)’ in line 1 of Policy H2 and insert ‘Proposals for residential development’.

(b) Insert ‘where appropriate’ in line 2 after ‘that’.

(c) Substitute ‘wider’ for ‘whole’ in line 2.

(d) Insert ‘by providing a mix of house types, tenures and sizes’

- after 'community' in line 2.*
(e) Delete 'those who require' in line 3.
(f) Delete 'in Hoylake' in line 4.

6.176 Subject to the above modifications the Policy meets the Basic Conditions.

6.177 **Policy H3 Infill Development** is intended to resist infill development in residential areas, including garden land, unless proposals are able to demonstrate that substantial new social, economic or environmental benefits would be achieved.

Comments

6.178 The policy as drafted is overly negative and conflicts with the presumption in favour of sustainable development and housing objectives in national planning policy. Not only would it further restrict the supply of potential housing land within the Hoylake area but it also conflicts with Policy H1 which generally supports new housing development.

6.179 I am particularly mindful of the fact that the policy imposes an onerous requirement on small scale infill schemes to demonstrate how positive social, economic or environmental benefits would be achieved. This corresponds with the 'exceptions test' required for proposals affecting sites with medium-high probability of flooding as part of the sequential approach to flood risk. While larger schemes may be able to satisfy this requirement in practice it is extremely difficult for small sites to demonstrate wider community and other benefits.

6.180 Although the NPPF enables Plans to include policies which resist inappropriate development of residential gardens (paragraph 53 refers) this is on the basis that development would cause harm to the local area. As the policy is not supported by any evidence or particular justification such as the impact of recent developments or identification of areas at risk it does not meet the Basic Conditions and I recommend its deletion.

Recommendation 19

Delete Policy H3

Subsection 5.7 Enhancing Carr Lane Industrial Estate

6.181 **Policy CL1 Local Employment Development** supports continued economic growth in Hoylake provided proposals do not have a significant adverse effect on the living conditions of nearby residents or on the distinctive character of the area. The policy incorporates a sequential test in order to direct development to the Carr Lane Industrial estate before other locations are considered.

Comments

- 6.182 Policy CL1 reflects national planning policy by balancing economic growth with environmental considerations. These are two of the key attributes of sustainable development.
- 6.183 The policy reflects the emphasis on urban regeneration and making full and effective use of land within existing urban areas in local strategic policy (Policy URN1 Development and Urban Regeneration) by directing development toward an established Industrial Area. National planning policy also advocates identifying priority areas for economic regeneration.
- 6.184 However I have reservations about the introduction of a sequential test since, as drafted, the policy could support development outside the built up area if there are no alternative sites available within the built up area.
- 6.185 As pointed out by one objector there is also no sequential test in national planning policy, which stresses that planning should operate to encourage and not act as an impediment to sustainable growth. The policy could therefore potentially conflict with the ambition to create new local jobs and policies which facilitate job creation in the town centre. I am also mindful of the fact that small scale B1 uses are often by the nature of the activities associated with them compatible with residential uses.
- 6.186 I therefore conclude that while the policy satisfies the purpose of directing employment development to the most appropriate locations in line with sustainable development objectives, it is not appropriate to include B1 uses within the sequential test.

Recommendation 20

Delete reference to B1 use classes in Policy CL1 and insert '*within the existing built up area*' after 'other sites' in line 5.

- 6.187 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.188 **Policy CL2 Comprehensive Redevelopment** promotes the comprehensive redevelopment of Carr Lane Industrial Estate for a mixed use scheme, or individual proposals delivered as part of a phased masterplan approach. The defined policy area includes an area of Green Belt to the south of the existing industrial estate with the proviso that development would be subject to strict Green Belt controls and areas in need of landscape renewal would be improved.

Comments

- 6.189 National planning policy includes economic growth and promoting mixed use schemes among the core elements of sustainable development. However the inclusion of an area of Green Belt land within the defined policy area potentially conflicts with national planning policy aimed at protecting Green Belt land, and extant and emerging local strategic policy

which focuses development within existing urban areas.

- 6.190 As referred to previously objections to this policy are linked to emerging proposals for a Golf Resort on Green Belt land to the south of Carr Lane Industrial Estate which may be the subject of a future planning application. The objectors are concerned that the policy may undermine the status of the Green Belt and potentially prejudge consideration of any future planning application in terms of whether the proposal meets the very special circumstances necessary to overturn Green Belt policy.
- 6.191 Whether or not that is the case, it is illogical to include an undeveloped area of open countryside within the provisions of a policy aimed at securing the redevelopment and regeneration of an existing industrial estate. While the policy refers to ensuring that strict controls apply within the Green Belt this cannot serve any practical purpose since only a small number of development types are considered appropriate within the Green Belt or are identified as exceptions to Green belt policy in the NPPF.
- 6.192 I am also mindful of the fact that no amendment to the established Green Belt boundary is proposed in the emerging CSLP. Future proposals for development would therefore need to be judged on their merits, including whether there were 'very special circumstances' that might justify 'inappropriate' development in the Green Belt.
- 6.193 While there is some support for better land management and landscape renewal within this area, that is in my view insufficient reason to incorporate Green Belt land within an urban regeneration policy.

Recommendation 21

- (a) Delete 'subject to the strict controls upon development within the Green Belt' in line 3 of Policy CL2 and delete the third bullet point, and make consequential changes to the accompanying text.**
- (b) Amend the Proposals Map to exclude Green Belt land from the defined policy area.**

- 6.194 Subject to the above modifications the Policy meets the Basic Conditions.

(e) Making it Happen

- 6.195 The final section of the Plan emphasises the ongoing commitment to keeping the Plan under review and to achieving consensus in the community through extensive consultation.
- 6.196 Planning Practice Guidance recognises the importance of ensuring that neighbourhood plans are deliverable and Hoylake Vision and Wirral Council are to be commended for their commitment to ongoing monitoring

and consultation on future planning applications.

- 6.197 Hoylake Vision will also co-ordinate the measures required to implement non land use priorities and actions which were identified during the preparation of the Plan. This will include seeking funding, influencing investment decisions and lobbying the Council and other partner organisations.

(f) Proposals Map and Illustrative Maps

- 6.198 The Plan is supported by eight illustrative maps including a Proposals Map (Map 2).
- 6.199 These are reasonably clear although the boundary of the Plan Area on the Proposals Map is not legible where it coincides with the proposed masterplan area. This should be rectified by the amendment to the 'masterplan area' boundary in accordance with Recommendation 21.
- 6.200 The delineation of 'improved pedestrian and cycle connections and signage', 'enhanced vehicular and pedestrian level crossings', 'enhanced pedestrian and cycle level crossings', and 'the railway station priority', is not appropriate as these are not firm proposals in the Plan, and should be identified on a separate 'Non Land Use Priorities Map'.

Recommendation 22

Delete the following notations from the Proposals Map; 'improved pedestrian and cycle connections and signage', 'enhanced vehicular and pedestrian level crossings', 'enhanced pedestrian and cycle level crossings', and 'the railway station priority', and delineate these aspirations on a separate 'Non Land Use Priorities' Map.

7.0 Conclusions and Formal Recommendations

Referendum

- 7.1 I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the four 'Basic Conditions'.
- 7.2 Although there are a significant number of modifications the essence of the policies would remain, providing a framework, for managing future development proposals and protecting and enhancing the local environment.

I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to referendum.

Voting Area

- 7.3 I am also required to consider whether the Referendum Area should be extended beyond the Hoylelake Neighbourhood Area.
- 7.4 In commenting on the Plan the **Wirral Society** have raised concerns that the Plan has been prepared in isolation, and that it is inappropriate to prepare a Plan for one locality without considering others. They also consider that this places adjoining communities at a disadvantage as residents from those communities who shop or work in Hoylelake would not be able to take part in the referendum.
- 7.5 This is not an unusual situation however. Communities are empowered to prepare neighbourhood plans through the provisions of the Localism Act and do so on an entirely voluntary basis. Local Authorities (in this case Wirral Council) have no powers to direct the preparation of neighbourhood plans and it would be illogical to prevent one community from bringing a plan forward because its neighbours chose not to do so.
- 7.6 Although, unlike the Local Plan process, there is no obligation on qualifying bodies to co-operate with adjoining communities in preparing their plans, as the consultation process has been open and transparent those living outside the Plan area have not been precluded from contributing to the Plan or indeed from submitting comments on it.
- 7.7 As regards the referendum area no community is completely self-contained and there will always be those who have links with an area who are excluded from taking part. The key test is whether the policies and proposals in the plan have direct impacts and consequences for neighbouring areas.
- 7.8 In this case I am satisfied that the impact of the policies and proposals contained in the Plan, which does not include any land allocations, will have minimal impact on land and communities outside the defined Neighbourhood Area. I therefore consider the Neighbourhood Area to be appropriate.

I therefore recommend that the Neighbourhood Plan should proceed to a Referendum based on the Neighbourhood Area as approved by Wirral Council on 30 April 2013.

Declaration

In submitting this report I confirm that

- I am independent of the qualifying body and the Local Authority.
- I do not have any interest in any land that may be affected by the Plan and
- I possess appropriate qualifications and planning and development experience, comprising 40 years experience in development management, planning policy, conservation and implementation gained across the public, private, and community sectors.

Examiner Terry Raymond Heselton BA (Hons), DiP TP, MRTPI

Dated 27 April 2016

Appendix 1 :

List of Documents referred to in connection with the examination of the Hoylake Neighbourhood Development Plan

- Submission Version of the Hoylake Neighbourhood Plan (September 2015)
- Basic Conditions Statement (September 2015)
- Consultation Statement (September 2015)
- National Planning Policy Framework
- National Planning Practice Guidance
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) (as amended)
- The Environmental Assessment of Plans and Programmes Regulations (2004)
- Wirral Unitary Development Plan (February 2000)
- Submission Draft Core Strategy for Wirral (December 2012)
- Wirral Council Screening Opinion on Strategic Environmental assessment of the Neighbourhood Plan and Habitats Regulation Assessment (July 2015)
- Sixteen representations received during the Publicity period.

I also accessed Wirral Council's planning policy website pages during the course of the examination, the Hoylake Vision website, and the Hoylake Village Life website.