



CABINET: 10 SEPTEMBER 2019

Report of: Director of Development and Regeneration

Relevant Portfolio Holder: Cllr David Evans

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SUBJECT: LOCAL PLAN REVIEW

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider new strategic development options for a new West Lancashire Local Plan, following the review of the Local Plan Review Preferred Options requested by Cabinet in March 2019.

2.0 RECOMMENDATION

- 2.1 That officers continue work on the drafting of a Publication version of the Local based on either strategic development option A or B.

3.0 BACKGROUND

- 3.1 On 12th March 2019, Cabinet resolved:

That the Local Delivery Scheme be amended to allow time for the reconsideration of the proposed Local Plan timescale and for the preparation of and consultation on a new Local Plan Preferred Options.

- 3.2 Since that time, officers have reviewed the Local Plan Review Preferred Options and presented three possible new strategic development options to the Local Plan Cabinet Working Group for consideration. All three options:

- Involve a shorter, more standardised Local Plan period of 2019-2035

- Would require the designation of Safeguarded Land to meet development needs beyond 2035
- Do not provide for any housing need that might arise from Sefton in the future (beyond 2035)
- Are based on an Employment Land Requirement of 104 ha and a Housing Requirement of 5,456 dwellings (both to 2035)
- Would likely involve less than 400 ha of Green Belt release (compared to 641 ha in the Preferred Options)
- Would involve the removal of a number of site allocations which garnered significant levels of objection in the public consultation on the Preferred Options

- 3.3 The proposed new employment land requirement of 104 ha (6.5 ha per year) is based upon the historic delivery trend of B1, B2 and small-scale B8 uses plus a need to help meet the growing demand for large-scale Logistics, as set out by the LCR SHELMA. The proposed new housing requirement of 5,456 dwellings (341 dwellings per year) is based upon the LCR SHELMA figure for West Lancashire plus the West Lancashire housing growth scenarios for Skelmersdale rail and logistics growth.
- 3.4 The safeguarded land requirement for both employment land and housing should reflect an assumed continuation of the proposed housing requirement beyond 2035 for at least 10 years. This is to ensure that the new Local Plan would *"be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period"* (NPPF, paragraph 139(e)), i.e. that the Green Belt boundary would not need to be reviewed again (unless there is a significant change in circumstances) in the next iteration of a West Lancashire Local Plan, which would likely be published 5-10 years after this proposed Local Plan being considered now is adopted.
- 3.5 It should be noted that, in order to ensure that the above requirements are met, the Local Plan must not allocate "just enough" land to meet these requirements. The reality of delivering new development is that it is very rare that all allocated sites come forward as quickly as originally anticipated in a Local Plan, and some may even be delayed very significantly due to an unforeseen constraint on the site. These matters are beyond the ability of the Council to predict or control. As such, when allocating sufficient land to meet the requirements, best practice guides that a Local Plan should factor in 10-20% over the requirements in order to build flexibility into the land supply. This also then often helps to demonstrate a sufficient buffer in the Council's five-year housing land supply calculation moving forward.
- 3.6 In terms of commonalities between the three options, all three can rely upon existing supply and allocations from the adopted Local Plan (2012-2027) to meet a portion of the proposed new housing and employment land requirements. In relation to employment land, there is approximately 54 ha available now on sites with existing permissions or allocated through the adopted Local Plan that could

be reasonable to rely upon being delivered before 2035. This is made up as follows:

| Site | Area (ha) | Comments |
|---|-----------|--|
| XL Business Park (mainly large-scale B8) | 19 | Existing allocation; 17 ha capable of accommodating large-scale B8. |
| White Moss Business Park | 7 | Existing allocation. |
| Pimbo Employment Area | 3 | Collection of smaller sites available across the existing employment area, including Homes England land in the SE. |
| Simonswood Industrial Estate | 14 | Reflects the Peel ownership which already benefits from a permission (but hasn't been developed). |
| Burscough Employment Area (Yew Tree Farm) | 11 | Retains existing employment allocations at Yew Tree Farm. |
| Total | 54 | |

- 3.7 In addition, there is a further 7 ha at Simonswood Industrial Estate that is allocated in the adopted Local Plan, but it would appear unlikely that this would come forward for development by 2035 in addition to the 14 ha already with permission (above). This is because the site has not been actively promoted since the last Local Plan Examination (when it was promoted by a business that no longer exists) and there is still allocated land available at Knowsley Industrial Park nearby which offers competition to Simonswood Industrial estate.
- 3.8 As such, each of the three options would need to identify approximately 70 ha more land for allocation for employment (including 58 ha for large-scale logistics) to ensure the 104 ha requirement can be reasonably expected to be delivered by 2035, taking into account the necessary 10-20% flexibility described above, and at least 60 ha of land (in addition to the 7 ha at Simonswood) to designate as Safeguarded Land.
- 3.9 In relation to housing land, there is potentially as much as 3,696 dwellings that could come forward on sites that:
- Already have planning permission, including allocated sites with permission (2,795 dwellings);
 - Sites within the SHELAA (245 dwellings); and
 - Other allocated sites which don't yet have permission within Skelmersdale Town Centre and Firwood Road phases 2 and 3 (656 dwellings).
- 3.10 The above excludes the existing allocated site at New Cut Lane, Halsall (on the edge of Birkdale), as it would appear that it is unlikely that this would come forward for development by 2035 given the constraints that have been identified to its development since the site was originally allocated in the adopted Local Plan. Instead the site would become Safeguarded Land in a new Local Plan.
- 3.11 As such, each of the three options would need to identify sufficient land to provide up to 3,000 additional dwellings to ensure the 5,456 dwelling requirement can be reasonably expected to be delivered by 2035, taking into account the

necessary 10-20% flexibility described above, and sufficient land for at least 3,410 dwellings to designate as Safeguarded Land (including the New Cut Lane site).

4.0 THE STRATEGIC DEVELOPMENT AND SITE ALLOCATIONS OPTIONS

Employment Land

- 4.1 For employment land, there is only really one option available to the Council if it is to meet the full requirement, ensure the right mix of sites in the right location to meet all types of employment demand and provide land for employment uses beyond 2035 as well. This is because very little land beyond the sites already consulted upon and proposed in the Local Plan Review Preferred Options has actually been promoted for employment purposes (given that employment uses are only really suitable in selected sustainable locations and most landowners would prefer to see their land allocated for more lucrative housing development).
- 4.2 As such, in terms of employment land and in addition to the employment allocations already available from the adopted Local Plan 2012-2027 listed in the table above, any new Local Plan needs to ensure that:
- Between 50 and 60 ha of land needs to be earmarked for large-scale logistics in the M58 Corridor (in addition to that already available at XL Business Park);
 - Some employment land is allocated in Ormskirk and Tarleton to enable those settlements to generate local employment opportunities; and
 - In excess of 65 ha of land is safeguarded for employment needs beyond 2035, with at least half that land safeguarded in the M58 Corridor.
- 4.3 With regard to alternatives, the only significant and realistic alternatives put forward in addition to what was consulted upon in the Local Plan Review Preferred Options were additional land on the western side of Burscough Employment Area (on the former airfield) and additional land to the south of Tarleton. The former is in an area where there is already an area of employment land allocated and yet to be developed. Any additional allocation above this would need to be considered carefully, with particular regard being had to the potential impact of an increased level of employment land allocation in Burscough on the highway network. The allocation of additional employment land to the south of Tarleton would only be appropriate if it was accepted that additional employment land is needed in the Northern Parishes to serve the horticultural industry, to date there is no strong evidence to support this proposition.

Housing

- 4.4 There are three options for meeting the proposed housing requirement and the safeguarded land (housing) target in the new Local Plan, with options varying between how the additional housing land needed above what is already allocated (i.e. land for circa 3,000 dwellings) is distributed across West Lancashire and how much land is safeguarded for potential future housing development needs.

- 4.5 Option A takes the identified requirement for housing to 2035, and the need to identify sufficient land to be safeguarded for development needs beyond 2035, and focuses delivery of it on the Key Service Centres of Skelmersdale, Ormskirk and Burscough and **one** of the three Garden Villages proposed in the Local Plan Review Preferred Options (the latter because there are not sufficient suitable sites directly on the edge of Skelmersdale to accommodate the level of housing growth required). Under this Option development would be focussed on the larger sites within the three Key Service Centres and there would be no new site allocations villages in the Eastern and Western Parishes.
- 4.6 Option B differs from Option A in that it redirects some of the new housing allocations (circa 300 dwellings or 10%) to villages in the Eastern and Western Parishes. In doing so, less land would be needed in one or more of the Key Service Centres for housing.
- 4.7 Option C is the same as Option B except it proposes safeguarding land for an additional 2,000 dwellings (over and above what would be safeguarded under Options A and B) in order to have removed sufficient land from the Green Belt for housing should the Council need to allocate additional land in the next iteration of the Local Plan to make the case for new strategic transport infrastructure, such as an Ormskirk / Burscough Relief Road.

5.0 VIEWS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

- 5.1 It is my view that either of Options A or B would be an appropriate way forward for strategic development in a new Local Plan to 2035. They both offer an appropriate balance of making available sufficient land for development now that is deliverable by 2035, and safeguarding sufficient land for the future, whilst minimising the amount of land that has to be removed from the Green Belt and / or taken out of agricultural use.
- 5.2 The primary difference between these two options is that Option B seeks to spread some of the development to the rural areas, ensuring that all parts of the borough have at least some housing development planned for. However, this of course means that more parts of the borough are affected directly by new housing development. Having had regard to the significant numbers of objections received from the public in response to the previous consultation version of the Local Plan, the proposed number of sites and the scale of development in the rural villages would be significantly reduced from that previously proposed. The revised proposals would address many of concerns raised by the public regarding the rural allocations but not necessarily all.
- 5.3 With regards to Option C, this option has arisen out of discussions within the Local Plan Cabinet Working Group regarding the possibility of creating a new Relief Road between J3 of the M58 and the A59 between Ormskirk and Burscough (and potentially on from there to the A570 between Ormskirk and Southport). Such a proposal would require a business case that is supported by very significant levels of housing and economic growth in the Ormskirk / Burscough / Bickerstaffe / Lathom areas (in a similar way to how the business case for the already proposed Skelmersdale Rail Link needs to be supported by

significant housing and economic growth in the Skelmersdale-Ormskirk area that will benefit from the new rail services). Such housing growth also then potentially enables a developer contribution to be levied that goes towards a local contribution to such a significant strategic infrastructure project, and the more houses, the less of that local contribution needs to be raised via other means by this Council or the Local Transport Authority i.e. Lancashire County Council.

- 5.4 However, whilst proposals regarding Skelmersdale Rail are well advanced, at this time, talk of a relief road is still at a very embryonic stage, with no certainty at this point in time that such a Relief Road proposal would be supported by the County Council let alone the DfT. Consequently, at this moment in time, I see no real basis for removing additional land from Green Belt over and above that required by Option A and B.
- 5.5 As such, it is my view that the Council should not pursue Option C at this time, but support the County Council in any preliminary studies they conduct into the feasibility of such a Relief Road. Then, if the proposals do gain traction and move forward significantly, the matter of releasing land to provide the necessary housing growth to help support that infrastructure proposal can be considered at a future Local Plan Review.
- 5.6 This is the same as happened with the Skelmersdale Rail Link with the adopted Local Plan compared to this current Local Plan Review. The adopted Local Plan referred to the potential for a Skelmersdale Rail Link and supported it, but proposed no housing growth that would be needed in relation to the Rail Link because, at the time of preparing that Local Plan, there was no certainty the Skelmersdale Rail proposals would be feasible. Since then, this Council has supported Lancashire County Council and Merseytravel in feasibility studies and business case development for the Skelmersdale Rail Link to the point where, with the necessary housing growth, it appears that the Rail Link would be viable and would have a good chance of gaining DfT support and funding. This was one of the key drivers in leading the Council to undertake a Local Plan Review even before the NPPF required local planning authorities to do so every 5 years, and the proposed housing requirement for a new Local Plan now reflects a level of housing growth in addition to minimum local needs that incorporates the growth anticipated because of Skelmersdale Rail.
- 5.7 There is of course a fourth option open to the Council which is to withdraw all proposals for a new Local Plan at this time. There are a number of reasons why I would strongly advise against this fourth option:
 - 1) The proposed Local Plan timetable would envisage the submission of a new Local Plan to the Planning Inspectorate by 31 March 2020. By this date some of the key evidence studies would then be two years old, i.e. near the end of their shelf life. Any delay beyond this date, particularly a substantial delay increases the risk of the evidence base being considered out-of-date by a Planning Inspector at Examination. As such, the withdrawal of current proposals would necessitate the need to revisit and update the key evidence studies before the Council could finalise a Local Plan to submit for Examination. This would delay the submission of a new Local Plan by approximately 2 years, resulting in a new Local Plan that would not be ready

to submit until early 2022 (at the very earliest), and so not adopted until early 2023 (if not later). This is assuming that all necessary resources are available to revisit the evidence base and prepare a new Local Plan.

- 2) There would be a cost in the region of £250k to revisit the key evidence studies and go through further rounds of consultation on new Local Plan proposals – this funding is not currently accounted for in existing service budget.
- 3) The delay in the preparation of a new Local Plan would mean that the Plan period would likely need to be extended to go to 2037 or later. Assuming the revised evidence base continued to identify a need for new housing broadly in line with our adopted Local Plan and a need for new employment land, any new Local Plan would still involve the release of land from the Green Belt. As such, the extended period that the Plan would cover would mean that additional land would need to be removed from the Green Belt to cater for those additional years' needs and it is likely that the Local Plan would have to address the issue of potential unmet housing needs from Sefton (given Sefton Council's response to the Preferred Options consultation in Autumn 2018), the consequence of which might be the need for additional Green Belt release.
- 4) The delay in the preparation of a new Local Plan may also work to undermine the business case for the Skelmersdale Rail Link, as there would be no commitment from the Council as to the level of housing and employment growth within the areas that the Rail Link will serve. The Business Case for the Rail Link will be heavily reliant on an expectation of population and economic growth in the catchment area of the Rail Link.
- 5) The delay to the preparation of a new Local Plan would mean that a new Local Plan is not adopted until early 2023 or possibly later. Given the adopted Local Plan has an end date of 31st March 2027, the Council would likely not be able to demonstrate a five-year housing land supply from 1st April 2022. In fact, this could happen much sooner given that some of the allocated sites in the adopted Local Plan have been slow to come forward for development. In addition, the Council would not have properly met the requirement to review the adopted Local Plan within five years of it being adopted *and* then updated the Local Plan as necessary based on the evidence presented by that review, as required by paragraph 33 of the NPPF. As such, the Council's Local Plan policies on housing would be considered out-of-date well before a new Local Plan is adopted, leaving the Council with less control on planning applications for housing development that are contrary to the adopted Local Plan (for example on safeguarded land and protected land sites, as well as potentially on sites in the Green Belt).

5.8 As such, I would strongly encourage Members to making a positive decision to move forward with the Local Plan, and not withdraw the Local Plan proposals, and that either of Option A or B would be a suitable basis to form a "sound" Local Plan to take forward in my view.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 Any proposals for a new Local Plan will be subjected to a Sustainability Appraisal as part of the process by which a Local Plan must be prepared. In relation to Options A to C, given the housing and employment land requirements are the same for all three, the nuances of how the three options affect sustainability come down to where they propose to locate such development. As such, all three options would be comparable in sustainability terms, offering slightly different pros and cons. However, these nuances will be fully explored and assessed in the Local Plan Sustainability Appraisal.
- 6.2 The fourth option, to withdraw all proposals for a new Local Plan at this time, would have a harmful impact on sustainability as, while it would delay the decision to amend Green Belt boundaries and allocate new sites for development (which would have a short-term benefit to some environmental aspects), it would not be planning properly for the identified social and economic needs for the borough and would risk such needs being met in an ad hoc, unplanned manner by planning appeal which would not ensure the necessary environmental mitigation is provided as part of those developments that a new Local Plan would. For example, sites granted planning permission on appeal are not required to provide mitigation for the impact on the Green Belt that a Local Plan allocation is required to do, and the development proposals would be assessed against the current, adopted Local Plan policies for matters such as low carbon, energy efficient development and on-site renewable energy, which are likely to be less onerous than those to be proposed in the new Local Plan.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 Taking forward a new Local Plan to submission by the end of March 2020, and the subsequent Local Plan Examination, is accounted for and resourced in the agreed budgets for the Development and Regeneration Service. However, should there be any delay in taking forward a Local Plan such that it was submitted after March 2020 (i.e. the fourth option described above), this would create significant additional costs as the Local Plan evidence base would need to be updated to remain relevant and additional public consultation would become necessary, potentially at a cost of £250,000. This is not accounted for in current budgets for the Service. In addition, should "rogue" planning applications on sites that are currently safeguarded, protected or within the Green Belt come forward and are refused by the Council (in line with the adopted Local Plan), the Council are likely to face significant costs of defending their decision(s) to refuse permission at appeal.

8.0 RISK ASSESSMENT

- 8.1 The primary risks associated with this report lie with the fourth option described above in that, were any of Options A to C selected, the Local Plan can resume progress toward a submission for Examination that, other than the usual risks that would apply to any Local Plan preparation and Examination, would generate no new risks. The fourth option, on the other hand, brings several risks for the

Council to consider, as outlined in paragraph 5.7 of this report, and these risks have resulted in a strong officer recommendation against pursuing this option.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

This report is only seeking an initial steer from Cabinet on strategic development options for a new Local Plan and so any direct impact on members of the public, employees, elected members and / or stakeholders cannot be fully explored until the selected option is drawn up fully as part of a new Local Plan. Therefore, no Equality Impact Assessment is required at the current time, but a full Equality Impact Assessment will be prepared for any new Local Plan which is subsequently drawn up based on the resolution made by Cabinet in response to this report.

Appendices

None