



AGENDA ITEM: 6(g)

CABINET: 18 JUNE 2013

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

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SUBJECT: WEST LANCASHIRE LOCAL PLAN 2012-2027

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval for the proposed Strategic and Land Allocation Modifications to the Local Plan and approval to publicly consult on all Main Modifications to the Local Plan as part of the Examination process.

2.0 RECOMMENDATIONS

2.1 That the proposed Modifications to the Local Plan on strategic and land allocation matters recommended by the Local Plan Inspector (provided at Appendices A and B to this report) be endorsed.

2.2 That a six-week public consultation on all the proposed Main Modifications to the Local Plan, as required by the Local Plan Inspector, be authorised.

2.3 That call-in is not appropriate for this item as this matter is one where urgent action is required in order to maintain progress of the Local Plan towards adoption in 2013.

3.0 BACKGROUND

3.1 Further to the report brought before Cabinet on 16 May 2013, and in response to the Local Plan Inspector's letter of 15 May 2013, officers have now prepared Modifications to the Local Plan to address the recommendations of the Inspector

in his letter on strategic and land allocation matters. These Modifications have been added to the strategic Modifications proposed immediately following the Examination hearings in March 2013 and all the strategic Main and Minor Modifications are provided in Appendix B.

- 3.2 If Cabinet are minded to endorse the strategic modifications, Cabinet are requested to authorise a six-week public consultation on the strategic Main Modifications, together with the development management Main Modifications endorsed by Cabinet on 16 May 2013, that the Inspector has required. This consultation is anticipated to take place from 27 June until 9 August 2013.

4.0 CURRENT POSITION

- 4.1 The Inspector's letter of 15 May 2013 raised a number of recommendations which required amendments to the Local Plan in relation to strategic and land allocation matters. These amendments arising from the letter are considered Main Modifications because they affect policy and / or the soundness of the Local Plan and so have been added to (or amend) the 14 Main Modifications already discussed with the Inspector related to strategic matters.

- 4.2 Of the 14 original strategic Main Modifications, seven were related to the updated situation regarding infrastructure for waste water treatment and surface water in the Borough, three have since been superseded by recommendations in the Inspector's letter, two relate to clarification of Policy RS2 on affordable housing, one is a minor word change in Policy EC1 and one has been amended as a result of the recommendations in the Inspector's letter.

- 4.3 The recommendations within the Inspector's letter focused on three key areas of amendment for the Local Plan:

- A slightly increased housing requirement over the Plan period, a re-phasing of the annual housing target and the consequential need for additional housing land to meet the increased housing requirement;
- A need to identify 5 ha of additional employment land supply in order to replace 5 ha of supply that the Inspector does not consider justified within the Simonswood industrial estate; and
- The deletion of Policy RS4 on Provision for Gypsy & Travellers and Travelling Showpeople due to concerns regarding its soundness and, instead, the preparation of a separate DPD specifically on this matter.

- 4.4 In addition, the Inspector's letter makes recommendations about formulating the Plan B for housing delivery into an actual policy, an amendment to the Parrs Lane Plan B site, a need to refer to affordable rent in Policy RS2, an amendment to the Rural Development Opportunity allocation at Alty's Brickworks, Hesketh Bank, and minor amendments to Policy EC4 Edge Hill University and the precise Green Belt boundary amendment around the new campus expansion.

- 4.5 The Late Information provided for the Cabinet meeting on 16 May 2013 sets out in more detail the implications of the Inspector's recommendations, but officers can now share with Cabinet the actual proposed Modifications arising as a result

of the Inspector's recommendations (see Appendix B). The key strategic and land allocation Modifications are as follows.

Modifications to the Housing Requirement and Housing Allocations

- 4.6 MM51-54 and MM62 all respond to the Inspector's recommendation to increase the housing requirement and the consequential need for additional housing allocations to meet this requirement. The overall housing requirement in Policy SP1 has been increased to 4,860 new dwellings (net) over the 15-year Plan period, with an annual target of 302 dwellings a year in the period 2012-2017 and 335 dwellings a year in the period 2017-2027, which is in line with the Inspector's recommendations.
- 4.7 This increased housing target represents a 210 dwelling increase from that in the Submitted Local Plan, but when the actual anticipated supply of housing land over the Plan period is considered together with the requirement for a rolling 5-year housing land supply (including 5% buffer), only sufficient land to deliver approximately 100 more dwellings is required over the Plan period, with 50 dwellings needing to be delivered by 2018. This therefore informed the need for an additional site(s) to be allocated for housing in Policy RS1.
- 4.8 An assessment of the various options for an additional housing site(s) was conducted (see Appendix C) and focused on the sites proposed for safeguarding in the Submitted Local Plan. Initial consideration was given to exploring other sites not previously proposed by the Council but that had been represented during the hearing sessions. However, such sites were in locations constrained by infrastructure restrictions.
- 4.9 An initial sieving exercise was conducted to appraise the general sustainability, deliverability and suitability of the safeguarded sites and this narrowed down the options to just four sites:
- Parr's Lane (east), Aughton;
 - Parr's Lane (west), Aughton;
 - Fine Jane's Farm, Halsall; and
 - New Cut Lane, Halsall.
- 4.10 This concurs with the Inspector's views at paragraph 12 of his letter.
- 4.11 At paragraphs 19 and 20 of his letter, the Inspector goes on to identify that the two Parr's Lane sites "*appear indistinguishable*" from one another and that considering them jointly "*would enable a co-ordinated approach to be taken to their masterplanning and development*", were they to come forward for development. With this in mind, in the assessment of options, the Parr's Lane sites were considered as one, with the consequence that if the Parr's Lane site were to be considered the most suitable option for release as the additional housing allocation, the whole of both sites would be released as an allocation.

- 4.12 However, ultimately, the assessment identified that the release of the two other shortlisted sites (Fine Jane's Farm and the New Cut Lane site) were the most suitable options for meeting the need for additional housing land, given the quantum of additional housing required and the fact that they are sustainable sites which contribute little to the openness of the Green Belt if they were to remain undeveloped.
- 4.13 The assessment concluded that the most appropriate approach would be to release the enlarged New Cut Lane site proposed by those representing the consortium of landowners at New Cut Lane and Bloor Homes, together with the Fine Jane's Farm site, which would enable a capacity of 210 additional dwellings. This conclusion was based on providing a degree of flexibility with least harm to the Green Belt and other environmental factors.
- 4.14 Ultimately, this flexibility may also be required given the location of these sites on the boundary with Sefton. This location raises a question as to whether the sites would meet the housing needs of West Lancashire or Sefton, a question that is not easily answered, even after some discussion at the Examination hearings. In the spirit of the Duty to Co-operate, Sefton Council have been consulted on the possibility of these sites coming forward as housing allocations and no formal response had been received at the time of writing this report, but Sefton Council made no objection to the sites being proposed as Plan B safeguarded sites in the Submitted Local Plan.
- 4.15 However, while it is not something that officers suggest the Council propose as a part of our Modifications, the Inspector may choose to allocate a portion of the housing supply from these sites to meet Sefton's housing requirements (particularly if Sefton Council advance such a case in response to the public consultation on the Main Modifications), and so releasing sufficient land for twice the required 100 additional dwellings provides the flexibility to still meet West Lancashire's housing requirements even if the Inspector ultimately decides a portion of the housing should count towards Sefton's housing requirement.
- 4.16 It should also be noted that MM62 includes an additional housing allocation at Guinea Hall Lane in Banks. This simply reflects the site which was previously safeguarded until 2027 but which recently secured planning permission for 115 dwellings. Given that this site is counting towards the housing land supply for the Local Plan it was no longer appropriate to allocate it for safeguarding, hence its allocation for housing.

Modifications to the Supply of Employment Land

- 4.17 MM66-67 address the Inspector's concern that there is a shortfall of 5 ha in the employment land supply by proposing the release of an extension to the Simonswood industrial estate (the extension being 6.79 ha in size and located adjacent to the current Fredericks Dairies site). This conclusion was drawn following an assessment of four options for locations for additional employment land (see Appendix C). The four locations reflected the four alternative / additional locations for employment land discussed at the Examination hearings.

- 4.18 Of the four locations assessed, two had most merit: expansion of Simonswood industrial estate and further expansion of the Burscough employment area. Ultimately, it was considered that the expansion of Simonswood option would be most appropriate given that the shortfall in employment land supply was caused by the Inspector finding that the 5 ha of supply identified *within* the Simonswood industrial estate was not justified due to questions over the land availability for the reconfiguration of the industrial estate (see paragraphs 29 and 30 of his letter).
- 4.19 In relation to impact, compared to the Submitted Local Plan, it is considered that this option has limited net impact because the Submitted Local Plan included 5 ha of supply within the industrial estate. This means that the impact of, for example, traffic caused by new employment development would be similar in the Modified Local Plan compared to the Submitted Local Plan. In fact the only net increase in impact would come through the increased land-take required in the Modified Local Plan. Given this land is not in the Green Belt and is directly adjacent to an existing industrial estate, even the increased land-take has minimal impact.
- 4.20 Like the additional housing allocations, this proposed extension of Simonswood industrial estate could also affect a neighbouring Borough, in this case Knowsley. In the spirit of the Duty to Co-operate, Knowsley Council have been consulted on the possibility of additional land coming forward for employment at Simonswood and Knowsley Council's response on this matter is provided at Appendix D. Knowsley Council do not consider that the allocation of an extension to Simonswood industrial estate would be the best way forward for the reasons set out in their letter and they encourage WLBC to consider other alternative locations instead. However, they do note that, were any land to be proposed for release adjacent to Simonswood industrial estate, the land adjacent to Fredericks Dairies would be the least harmful to Knowsley.
- 4.21 However, it is the view of WLBC's officers that, given the limited net impact of releasing land for a small extension to Simonswood industrial estate, when compared to the Submitted Local Plan, this Modification will not impact upon Knowsley (in particular the nearby residential area of Tower Hill) significantly more than the original proposal to provide 5 ha of employment land supply within the industrial estate in the Submitted Local Plan, which Knowsley Council did not object to, and Simonswood is the most appropriate and deliverable location for the additional 5 ha of employment land supply.

Modifications to Policy RS4, Provision for Travellers

- 4.22 MM65 outlines the proposed Modification that would see the deletion of Policy RS4 from the Local Plan and the commitment to, instead, prepare a separate Development Plan Document (DPD) on Provision of Travellers' Sites.

Other Modifications

4.23 Other Modifications of note include:

- MM10, MM70 and MM71, which amend Policy EC4, Edge Hill University, to remove reference to a masterplan and amend the new Green Belt boundary around the campus extension to strong boundaries as they exist today on the ground (or will do once the existing permission are implemented) – the release of Green Belt in this location will reduce from 10 ha to less than 9 ha);
- MM60-61, which amend Policy GN2, Safeguarded Land, to reflect the changes in safeguarded sites (including the inclusion of the whole of the Parr's Lane, Aughton site as a Plan B site) – it should be noted that this Modification to Parr's Lane does not significantly weaken the safeguarding of the site, it merely means that, if the Plan B is triggered, the whole of the Parr's Lane site can be considered for release if the Council considers it suitable to do so; and
- MM73-74, which create a new Policy RS6 to incorporate the trigger mechanism for the Plan B into actual policy and thus replace Chapter 10 of the Submitted Local Plan.

5.0 NEXT STEPS

- 5.1 Assuming that Cabinet endorse the strategic and land allocation Modifications and authorise a public consultation on all the Main Modifications, the consultation will take place for six weeks commencing on 27 June. The Council will be responsible for collating all responses to the consultation but will then pass them directly on to the Inspector for his consideration as the consultation is technically the Inspector's consultation because it is under the auspices of the Examination.
- 5.2 Once the Inspector has considered the consultation responses, he will draw his final conclusions regarding the soundness and legal compliance of the Local Plan and draft his Inspector's Report in due course. Once the Council are in receipt of the Inspector's Report, the recommended Modifications to the Local Plan can be incorporated into a final version of the Local Plan. This will then be taken to Council for a decision on whether to adopt the Local Plan or not. It is anticipated that this final version of the Local Plan will be taken to Council in October 2013.

6.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 6.1 Given the nature of the proposed Modifications to the Local Plan, a further Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA) have been undertaken to assess the impacts. These did not identify any significantly increased impacts on sustainability or International Sites of habitat importance compared to the Submitted Local Plan, but the reports are available on the Local Plan Examination webpage (www.westlancs.gov.uk/2027).
- 6.2 In relation to crime and disorder, there are no significant impacts. This report does have significant links with the Sustainable Community Strategy in that the

delivery of the Local Plan will also help progress the implementation of key aspects of the Sustainable Community Strategy.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report as budgetary provision has been made for the Examination of the Local Plan, including any potential in-examination public consultation. However, if the Inspector were to find the Local Plan “unsound”, which he must if we cannot propose adequate Modifications to address his recommendations, there would be very significant financial and resource implications as the preparation of the Local Plan would need to start over again.

8.0 RISK ASSESSMENT

- 8.1 The proposed Modifications to the Local Plan are necessary to reduce the risk associated with the Inspector finding the Local Plan unsound. Ultimately, the Modifications proposed have come from recommendations of the Inspector either at the Hearing sessions or in his subsequent letters (most significantly that of 15 May 2013). Therefore, if the Council were not to propose Modifications that address the Inspector’s concerns, he would either find the Local Plan unsound or propose his own Modifications which may not be as desirable to the Council as those proposed in Appendix B.
- 8.2 As such, there is a risk that, without the endorsement of these Modifications and the authority to consult, progress of the Local Plan will be slowed. Therefore, any delay in responding positively to the Inspector’s recommendations will delay the adoption of the Local Plan. Any delay in adopting the Local Plan has potential risks associated with having to determine planning applications against an out-of-date Development Plan, which limits the ability of the Council to respond to development proposals in the Borough and manage such development in line with the local context and local need, especially in relation to applications for housing development.
- 8.3 It is this concern that has also led to the recommendation in 2.3 above, as any call-in of the decisions associated with this report could prevent a speedy response to the Inspector and / or delay any public consultation on the Modifications, thereby ultimately delaying the adoption of the Local Plan. However, it should be noted that all Members will still be able to have their say in relation to the Modifications, as the modified Local Plan will still need to go before Council, once the Inspector has finalised his report, in order to approve the Local Plan for adoption.

- Sustainability Appraisal of the Modifications of the West Lancashire Local Plan 2012-2027
- Habitat Regulations Assessment of the Modifications of the West Lancashire Local Plan 2012-2027
- Equality Impact Assessment of the Modifications of the West Lancashire Local Plan 2012-2027

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report. An Equality Impact Assessment of the Local Plan itself is required under legislation and such an assessment has been prepared for the Modifications to the Local Plan and is available upon request.

Appendices

- A. Proposed strategic and land allocation Main Modifications to the Local Plan
- B. Proposed strategic and land allocation Minor Modifications to the Local Plan
- C. Options for Additional Housing and Employment Allocations Paper
- D. Letter from Knowsley Council (30 May 2013)
- E. Letter from Local Plan Inspector (15 May 2013)
- F. Equality Impact Assessment