



AGENDA ITEM: 10.

CABINET: 17 March 2015

PLANNING COMMITTEE: 19 March 2015

Report of:	Assistant Director Planning
Relevant Managing Director:	Managing Director (Transformation)
Relevant Portfolio Holder:	Councillor M Forshaw
Contact for further information:	Peter Richards (Extn.5046) (email: peter.richards@westlancs.gov.uk)

SUBJECT: SEFTON LOCAL PLAN – PUBLICATION STAGE

Wards affected: Borough-wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's authority to submit representations to the Sefton Local Plan (which will be considered in the Examination of the Local Plan) and to seek Cabinet's endorsement of a letter to Sefton Council in relation to the Duty to Co-operate.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the Representations attached at Appendix A be submitted to Sefton Council.
- 2.2 That the Duty to Co-operate letter attached at Appendix B be submitted to Sefton Council.
- 2.3 That the Assistant Director Planning, be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Representations and Duty to Co-operate letter agreed at recommendations 2.1 and 2.2, in the

light of agreed comments from Planning Committee, before the representations and letter are submitted.

- 2.4 That Call In is not appropriate for this item as the consultation closes on 27 March 2015.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 3.1 That the content of this report be considered and that agreed comments be referred to the Assistant Director Planning, in order that any necessary amendments can be made to the Representations and Duty to Co-operate letter, in consultation with the Portfolio Holder, before their submission to Sefton Council.

4.0 BACKGROUND & CURRENT POSITION

- 4.1 Sefton Council have been preparing their Local Plan for some time and have now reached the Publication stage. Sefton Council have published the Local Plan they would like to submit for Examination by a Planning Inspector and are inviting representations on the soundness and legal compliance of that Local Plan. Any representations received will be submitted with the Local Plan to be considered during the Examination. All documents regarding the Sefton Local Plan are available to view at www.sefton.gov.uk/localplan .
- 4.2 The Sefton Local Plan proposes to deliver 11,070 new dwellings and 84.5 ha of new employment land during the period 2012-2030, with over 7,300 of the new dwellings anticipated to be delivered on 46 housing allocations across the Borough, some of which are located adjacent, or close, to the boundary of West Lancashire.
- 4.3 Previously, the Council have submitted comments and responses in relation to previous consultations on the Sefton Local Plan and, while these have been considered and resulted in some changes, there are still some outstanding issues that it is recommended that the Council raise for consideration during the Examination of the Sefton Local Plan.
- 4.4 Sefton Council have also published a draft Duty to Co-operate Statement which they have invited comment on before it is refined and submitted with the Local Plan. It is important that the Council respond in relation to this matter to ensure that the Statement is accurate, from a West Lancashire perspective, and to demonstrate our own willingness to co-operate with Sefton.
- 4.5 Members were made aware of the Publication of Sefton's Local Plan on 5 February and invited to pass any comments on the Local Plan that they would like to be considered for inclusion in the Council's representations by 23 February. No comments were received from Members.

5.0 ISSUES OF CONCERNS & PROPOSED RESPONSE

- 5.1 Attached at Appendix A are three proposed representations addressing three issues it is recommended we comment on. The first is a representation of support for the housing and employment requirements in the Local Plan and the reference in the Local Plan to a commitment by Sefton to an early review of the Sefton Local Plan and, associated with this, the need to prepare a sub-regional review of housing and employment needs, which will inform the next iteration of Local Plans across the Liverpool City Region, including West Lancashire (Sefton Local Plan, page 26 at paragraphs 4.37 and 4.39 – 4.44).
- 5.2 In light of this reference to the need for an early review of Sefton's Local Plan, the second representation is an objection querying the soundness of the Local Plan in relation to whether two particular allocations to the north of Maghull are justified or not. Allocations MN2.28 and MN8.1 allocate land to the north of Maghull for housing and safeguarded land respectively (see Appendix C).
- 5.3 At the last stage of consultation on the Local Plan, the Council objected to Sefton's inclusion of these sites then as "Reserve Sites". Our objection stemmed from the fact that the release of these sites from the Green Belt, for development now or in the future, would significantly close the strategic Green Belt gap between Maghull and Aughton village / Holt Green. Sefton Council's own assessments of these sites acknowledge that the release of these sites would close that gap by 40% and reduce it only 1km. Therefore, the Council's objection to these sites as not being justified stands.
- 5.4 In addition, now that Sefton Council are committed to an early review of the Local Plan, it questions the need for safeguarded land in the proposed Local Plan anyway. The proposed Local Plan only allocates two safeguarded sites, both to the north or north-east of Maghull and which are able to deliver only approximately 1,000 dwellings between them (less than 2 years' worth of housing supply for Sefton). Therefore, it seems at odds with the commitment to an early review of the plan to consider safeguarding land when there is clearly a justification to review how future development needs in Sefton are to be addressed when more suitable sub-regional evidence has been prepared. As such, the allocation of safeguarded land is not justified.
- 5.5 The proposed representation at Appendix A therefore recommends that Policy MN8 and the two safeguarded sites are removed, and that the safeguarded site to the north-east of Maghull (MN8.2) is instead allocated for housing in place of MN2.28. In this way, the two sites to the north of Maghull which would significantly close the strategic gap between Maghull and Aughton village / Holt Green are removed from the Local Plan but the full housing requirement in the Sefton Local Plan can still be met.
- 5.6 Failing this, the representation seeks that MN8.2 becomes a housing allocation while MN2.28 becomes safeguarded land so that the two sites we have concerns

about are safeguarded and would not be developed until such time as a review of the Local Plan brought them forward as a housing allocation.

- 5.7 The third representation is neither an objection nor one of support, but simply flags concerns that the Council would like the Inspector to be sure will be sufficiently addressed by policy elsewhere in the Local Plan related to the traffic impacts and flood risks associated with all proposed allocations adjacent, or close, to the border with West Lancashire.
- 5.8 It is not recommended that the Council object to any of these sites, because there is no issue with the principle of developing these sites as long as measures are put in place to ensure that the traffic generated from them does not increase flow on the moss roads in the Western Parishes of West Lancashire, which are unsuitable for any increase in vehicle movements, but can be managed through proposed improvements on the eastern approach into Southport (A570 corridor). In addition, some of the allocations involve development in areas at risk of flooding, and so the Inspector would also need to be satisfied that the Local Plan will ensure appropriate measures can be enforced on development on these allocations to ensure the risk of flooding in West Lancashire is not increased.
- 5.9 With regard the Duty to Co-operate Statement, the proposed letter attached at Appendix B broadly supports the Statement and the fact that Sefton Council have co-operated with West Lancashire (and visa versa) in the preparation of their Local Plan. However, there are two matters it is recommended that the Council raises with Sefton Council with regard this statement.
- 5.10 The first is the lack of reference to the need to implement improvements on the eastern approach to Southport (the A570 corridor) to manage the impacts of new developments in the Southport area during the Local Plan period, as this is a strategic, cross-boundary issue of some importance for Sefton and West Lancashire. A reference should be made to this matter in the Statement.
- 5.11 The second is simply a point of clarification in relation to the issue of provision for Travellers on page 22 of the Statement. It states that "*All the participating authorities [in the Merseyside Traveller Study] have agreed that the identified need for each authority is suitable and achievable*". However, it is not necessarily true to say that West Lancashire's need is necessarily achievable at this time.
- 5.11 The Council are currently preparing a Travellers DPD but it is not yet clear whether the DPD will be able to identify sufficient deliverable sites to fully address West Lancashire's need. Indeed, the question has been asked of Sefton Council whether they would be able to accommodate any of West Lancashire's Traveller need, to which they recently replied that they could not, and so this dialogue should be referenced in the Statement, together with West Lancashire's potential predicament.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 The Sefton Local Plan has been subject to a Sustainability Appraisal, but the impacts on sustainability of the issues it is proposed the Council should make representation on could be significant if the concerns are not addressed, with impacts primarily being of an environmental nature and potentially economic and social if adequate access improvements are not made on the eastern approach to Southport (A570 corridor).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no financial and resource implications for the Council related to this decision unless the Council choose to attend the Examination hearings for the Sefton Local Plan, in which case the officer time involved will be funded through the Planning Service revenue budgets.

8.0 RISK ASSESSMENT

- 8.1 The risks to the Council regarding this decision relate to the risks that development sites allocated in the Sefton Local Plan are not delivered in full compliance to the Sefton Local Plan and national policy or that the Sefton Local Plan is not ultimately adopted, meaning that Sefton are unable to meet their objectively assessed development needs.
- 8.2 The first risk is mitigated by one of the proposed representations at Appendix A, which is asking the examining Inspector to be sure that the Sefton Local Plan, taken as a whole, will ensure that the site allocations on the boundary with West Lancashire are developed in a way so as to minimise any impact on land and infrastructure within West Lancashire and that, where impact is unavoidable, appropriate mitigation is required of the developers as part of any planning permission.
- 8.3 The second risk is one where the examining Inspector is ultimately unable to find the Sefton Local Plan sound or legally compliant, e.g. because the Inspector considers that Sefton need to have a higher housing and / or employment land requirement, resulting in a need for more housing land. This situation would leave a void of planning policy in Sefton, particularly related to the delivery of sufficient land for housing or employment uses. This could have implications for West Lancashire in that, if Sefton could not identify sufficient land, they may ask neighbouring authorities to meet some of their development requirements.
- 8.4 While West Lancashire would not necessarily have to agree to meet any of Sefton's requirements, the Duty to Co-operate would mean that the Council would have to consider this request and support its response with robust evidence. Any such request from Sefton would certainly have implications for West Lancashire when it comes to preparing the next Local Plan for West Lancashire.
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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

The Sefton Local Plan is a decision for Sefton Council and so the decision of West Lancashire Borough Council to make representation on this matter is unlikely to impact on those with protected characteristics under the Equality Act 2010 in West Lancashire. However, an EqlA has been prepared to inform Cabinet's decision and is provided at Appendix D.

Appendices

Appendix A – Proposed Representations from West Lancashire Borough Council on Publication version of the Sefton Local Plan

Appendix B – Proposed letter relating to the Duty to Co-operate from West Lancashire Borough Council to Sefton Council

Appendix C – Sefton Local Plan Policies Maps (colour copies available to Members on request or at www.sefton.gov.uk/localplan)

Appendix D – Equality Impact Assessment

Appendix E – Minute of Cabinet held on 17 March 2015 (Planning Committee only)