



AGENDA ITEM: 8(a)

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
3 February 2011**

Report of: Council Secretary and Solicitor

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**SUBJECT: CALL IN ITEM – LOCAL DEVELOPMENT FRAMEWORK (LDF) CORE
STRATEGY – STRATEGIC DEVELOPMENT OPTIONS**

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 106 of the meeting of Cabinet held on 18 January 2011.

2.0 RECOMMENDATIONS

2.1 That the Committee determines whether it wishes to ask for a different decision.

2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 5.1 below, it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

3.1 The report attached as an Appendix to this report was considered at a meeting of Cabinet on 18 January 2011.

3.2 The decision of Cabinet 18 January 2011 reads as follows:

**“106. LOCAL DEVELOPMENT FRAMEWORK (LDF) CORE STRATEGY -
STRATEGIC DEVELOPMENT OPTIONS**

Councillor Forshaw introduced the report of the Acting Executive Manager Planning the purpose of which was to detail progress on the Core Strategy DPD for the West Lancashire Local Development Framework (LDF), particularly in relation to the strategic development options for Green Belt release within the Core Strategy, and to

determine which of these options should be selected for inclusion in the Preferred Options public consultation document.

The Leader referred to a paper circulated which contained a summary of comments made by the LDF Working Group at a meeting held on Monday, 17 January 2011 and also a letter he had received personally from a local resident in respect of this item that he would copy to Cabinet after the meeting.

In reaching the decision below, Cabinet considered the comments and observations made at the LDF Working Group and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the comments and observations received from the Local Development Framework Working Group be noted.
 - B. That the two Options for strategic development be identified as Option B – a Burscough Strategic Site and Option C – the Dispersal of several sites around the edges of Burscough, Ormskirk and Banks (as detailed in paragraph 6 of the report and the Appendices), for inclusion in the Core Strategy Preferred Options public consultation document.

3.3 The following reason for call in was given in the requisition:

“The discarding of Option A from the Core Strategy preferred options is inappropriate at this stage, given:

- a) the lack of scrutiny to date of underlying issues within the report to Cabinet*
- b) the potential for the contents of Option A to be recommended by consultees during the formal consultation phase”*

3.4 The requisition also provided an alternative decision which was:

“That Resolution B be amended to read:

That all three Options for strategic development be identified for inclusion in the Core Strategy preferred options public consultation document.”

3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor N Furey
Councillor B Nolan
Councillor J Fillis
Councillor C Mawdsley
Councillor I Moran

4.0 COMMENTS OF THE ACTING EXECUTIVE MANAGER PLANNING

4.1 In the report to Cabinet three strategic development options were put forward for consideration, with no specific preference being stated by myself. All the options have positive and negative attributes which were fully set out in the report.

Further assessment will be needed on whatever options are taken forward – for example possible highway impacts are still being looked at by consultants.

- 4.2 It was recommended in my report to Cabinet that two options be taken forward for further consultation, either in the form of a 'Plan A' and a 'Plan B', or that two options be chosen without stating a preference. Cabinet decided on the latter course of action and chose Options B & C. It is intended that a full Preferred Options document be presented to Cabinet in March, with a view to consulting on this in May/June.
- 4.3 The Core Strategy will ultimately need to contain a main strategy and a Plan B option should any part of the wider Core Strategy fail to be delivered. In terms of the Preferred Options document and the consultation phase, it is feasible for it to contain three options. However, I did not recommend this course of action to Cabinet as I considered that this would make the document very complicated. For example, there would have to be three versions of the policies relating to the over-arching strategy, residential development and development of employment land.
- 4.4 During the consultation phase it is open to anyone making representations to put forward their views on any rejected options. This being the case, one way of dealing with the issue, if Executive Overview and Scrutiny Committee agree with the proposed alternative decision (and should Cabinet accept this view), would be to include a statement in the Preferred Options document setting out Option A, clearly stating that this option was **not** preferred by the Council, but also making it clear that people's views can still be given on this option. This could also be set out in any consultation material.
- 4.5 This would have the advantage of allowing those who feel strongly against this option to make their views known, so that they can be weighed in the balance with those who may wish to put such an option forward. The full range of views will then be brought back to Members to decide on the most appropriate direction for the Core Strategy. The representations will also be able to be considered by the Inspector at the Examination in Public so that he also has a rounded view of public opinion when ruling on the soundness of the plan.
- 4.6 It is my view that to include all three options in the document as equals, however, would simply be confusing, given that the document will contain much more than simply the strategic site issue and would overcomplicate the document.

5.0 CONCLUSION

- 5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Acting Executive Manager Planning, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:
 - a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or

b. refer the matter to Council. If the matter is referred to Council and Council does not object, then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

5.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

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

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Acting Executive Manager Planning.