



CABINET: 12 March 2019

Report of: Director of Development and Regeneration

Relevant Portfolio Holder: Councillor J Hodson

Contact for further information: Mr John Harrison (Extn. 5132)
(E-mail: john.harrison@westlancs.gov.uk)
Mr Peter Richards (Extn. 5046)
(E-mail: peter.richards@westlancs.gov.uk)

**SUBJECT: LOCAL PLAN REVIEW PREFERRED OPTIONS – INITIAL FEEDBACK
ON PUBLIC CONSULTATION**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide Cabinet with initial headline feedback on the number of comments received through the Local Plan Review Preferred Options consultation; to outline the options available to the Council to address its obligations under the Duty to Co-operate in relation to any unmet housing need arising from Sefton in the light of the received comments and the strategic implications the proposed change would have on the next version of the emerging Local Plan.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the initial feedback from the Preferred Options consultation regarding strategic development matters be noted.
- 2.2 That the ongoing conversations with infrastructure providers arising out of the Preferred Options consultation be noted.
- 2.3 That Option C in relation to how West Lancashire might fulfil its legal obligations under the Duty to Co-operate in respect of any unmet housing need in Sefton be endorsed.
- 2.4 That an assessment of Protected Land in the borough be incorporated into the Local Plan Review evidence to consider whether any Protected Land should be designated as Green Belt in the new Local Plan.

3.0 INITIAL FEEDBACK

3.1 The Local Plan Review Preferred Options public consultation ran for two months from 12 October - 13 December 2018 and involved several strands of public engagement:

- A dedicated set of Local Plan Review webpages on the Council's website, as well as a "citizenspace" consultation hub for the Preferred Options consultation where interested parties could view the proposals and submit comments
- A Wrap-around Advertisement on the Champion Newspaper as the consultation period started (with leaflets being sent to those residential properties where the Champion do not deliver their newspaper)
- Letters / Emails to all contacts on the Local Plan consultation database
- Nine consultation events in seven different venues across the Borough, where interested individuals could book a place on appointments, with appointments running from 10am to 9pm at each event
- Paper copies of the Preferred Options document and other key evidence available at Council customer service points and libraries, with all documentation available online on the Council's dedicated webpages

3.2 Following the close of the consultation, officers processed all the representations received, and all are now available to view on the Council's citizenspace consultation hub (<https://westlancs.citizenspace.com/>). In total 1,619 representations were received from residents, statutory consultees, landowners, developers and infrastructure providers, with approximately 1,400 of the representations being from residents of West Lancashire.

3.3 Each representation was able to comment on multiple parts of the Preferred Options document and so officers are able to identify how many of the 1,619 representations chose to comment on each section of the document. This is summarised below in relation to the policies on strategic development requirements and strategic sites, and to the site allocations in each part of the borough:

Policy / Area	No. Comments made
Policy SP2 - Strategic Development Requirements	251
Policy SP5 – Skelmersdale Town Centre	45
Policy SP6 – Yew Tree Farm, Burscough	40
Policy SP7 - Land to West / SW of Skelmersdale	211
Policy SP8 - South-east of Ormskirk and Aughton	172
Skelmersdale and SE Parishes Housing Allocations	259
Skelmersdale and SE Parishes Employment Allocations	62
Ormskirk and Aughton Housing Allocations	150
Ormskirk and Aughton Employment Allocations	29
Burscough Housing and Employment Allocations	54
Tarleton Housing and Employment Allocations	67
Banks Housing Allocations	21
Parbold and Newburgh Housing Allocations	161
Appley Bridge Housing Allocations	124
Halsall and Haskayne Housing Allocations	253
Southport Boundary Housing Allocations	27

- 3.4 While officers are still considering the wide range of comments made on each of the above, it is clear a number of genuine planning concerns have been raised through the consultation in relation to proposed site allocations across the borough and so, where appropriate, officers will be seeking to address these in the amendments made to policies for the Publication (or Pre-Submission) version of the new Local Plan, which it is hoped will be ready for Cabinet to consider in June (as per the timetable in the Local Development Scheme).
- 3.5 Infrastructure (and the impact new development would have on it) was a frequently raised concern across all areas of West Lancashire (although it was often different types of infrastructure in different areas). To this end, it should be pointed out that throughout the consultation period (and since), officers have continued the dialogue with infrastructure providers (e.g. Highways England, LCC Education, CCG, UU and National Grid) that has been ongoing throughout the Local Plan Review process. The publication of the Preferred Options has enabled these conversations to become more focused as officers work with the infrastructure providers to better understand the implications of the proposals in the Preferred Options for infrastructure in the borough and how any necessary

improvements to infrastructure might be made during the proposed Local Plan period to address any resulting shortcomings in infrastructure provision.

4.0 FEEDBACK FROM SEFTON COUNCIL

4.1 Cabinet should be aware of the representation of Sefton Council to the Local Plan Review Preferred Options consultation (attached at Appendix A for ease), and in particular their comments on their estimated unmet housing need from 2035, which would be as follows:

- 2035-2040 – 500 dwellings from Southport
- 2040-2050 – 1,000 dwellings from Southport
- 2040-2050 – 500 dwellings from Formby

4.2 Furthermore, ongoing conversations with Sefton Council planning officers have confirmed that, were West Lancashire to meet any of the above unmet housing need, they would expect it to be met as close to the Southport/Formby boundary as possible and that they would not see housing development in Skelmersdale and the South-Eastern Parishes or the Eastern Parishes to be meeting Southport and Formby's unmet needs.

4.3 The proposed housing requirement in the Local Plan Review Preferred Options incorporated an assumption that Sefton would have an unmet housing of 3,496 dwellings beyond 2030, and that this would be met through development in all parts of the borough except the Eastern Parishes. This aspect of the housing requirement, and its implications for the release of land for housing development in West Lancashire, was perhaps the most controversial aspect of the Preferred Options proposals, and generated a great deal of objection.

4.4 Sefton Council's response enables the proposed Local Plan housing requirement to be reduced by approximately 1,500 dwellings immediately, which would go some way to addressing the objections raised through the consultation, though would be unlikely to fully address those concerns. However, while some individuals may object to the idea of West Lancashire meeting some of Southport and Formby's anticipated unmet housing needs, this does not remove the requirement placed on West Lancashire Borough Council (and every local planning authority) by the National Planning Policy Framework (NPPF) which is key to demonstrating the legal requirement under the Duty to Co-operate.

4.5 NPPF paragraph 60, in discussing how a local planning authority should calculate its housing requirement when preparing a Local Plan, states:

In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

As such, under the NPPF and the Duty to Co-operate, the Council are obliged to take into account any anticipated unmet housing need that is likely to arise from a neighbouring authority. However, the NPPF does not specify how these needs should be taken into account, and indeed could not given that every such

instance of an unmet housing need across the country will be different and have its own, specific context.

- 4.6 With regard to the anticipated unmet housing need from Southport and Formby, the context is one where the anticipated unmet need is some way in the future (after 2035) and is related to only two settlements in the borough of Sefton. The fact that it is not anticipated to arise until 2035 means that there is an inherent uncertainty about the estimated unmet housing need but the fact that 2035 would fall within the timeframe of a typical Plan period starting in 2020 (or at the very least would fall immediately after that Plan period) means that this Council has to have regard to it.
- 4.7 Furthermore, the fact that three-quarters of the unmet housing need is arising from Southport (which is undoubtedly constrained and has very limited capacity to meet further housing needs beyond 2035), and that the western parts of West Lancashire have the closest housing market links to Southport (even compared to other parts of Sefton), means that this part of the unmet need would be best met in West Lancashire, and it could also be argued that the unmet housing need arising from Formby should also be met in West Lancashire (although Formby does not have as strong a connection with West Lancashire as Southport).
- 4.8 Given all of the above, there are three potential options for this Council with regard the anticipated unmet housing need from Southport and Formby as it moves forward with the Local Plan Review, all of which could be argued are an appropriate way forward and would enable the Council to meet the requirements of NPPF paragraph 60 and the Duty to Co-operate:
- Option A – incorporate all **2,000 dwellings** of unmet housing need from Southport and Formby (2035-2050) into the West Lancashire Local Plan housing requirement
 - Option B – incorporate only the **1,500 dwellings** of unmet housing need from Southport (2035-2050) into the West Lancashire Local Plan housing requirement
 - Option C – incorporate only the **500 dwellings** of unmet housing need from Southport (2035-2040) into the West Lancashire Local Plan housing requirement
- 4.9 Of those options, it is the recommendation of officers that Option C would be the most appropriate option to take forward in the Publication version. Option C would seek only to meet the 500 dwellings of unmet housing need anticipated to arise from Southport between 2035 and 2040. It is considered that this option is justifiable, and so would still fulfil the requirements of NPPF paragraph 60, because there is such uncertainty about what actual unmet housing need may arise from Sefton borough beyond 2040, but by committing to meet 500 dwellings of unmet housing need from Southport now, this Council is ensuring it is addressing the issue of unmet need based upon the best available evidence up to 2040, which is reasonable under the requirements of the NPPF and the Duty to Co-operate.

- 4.10 By 2040, Sefton Council would have reviewed its own Local Plan and have a more accurate picture of how much housing development Sefton can accommodate within their own borough and what the housing need will be beyond 2040, and so what any unmet housing needs Sefton borough may have. Alongside this, if this Council ultimately adopts a new Local Plan with a Plan period to 2050 (as proposed by the Preferred Options), it would be starting to prepare a brand new Local Plan around 2040, to consider what further development (and so allocations) may be needed beyond 2050, and also consider its position in respect of any further unmet housing need of Sefton identified at that moment in time.
- 4.11 Option C would also involve the least amount of land release in West Lancashire of the three options, which is clearly beneficial. Indeed, compared to the Preferred Options (which would have accommodated approx. 3,500 dwellings of Sefton's unmet housing need), Option C would only be accommodating 500 dwellings of Sefton's unmet housing need, i.e. a 3,000 dwelling reduction in the housing requirement within the borough and, as a result, a significant reduction in Green Belt release to accommodate that requirement.
- 4.12 This reduction will provide an opportunity to the Council to review the proposed site allocations and to respond to some of the concerns raised through the Preferred Options consultation. While further assessment and analysis needs to be undertaken before a recommendation can be made regarding how the proposed site allocations from the Preferred Options should be amended and reduced, it can be stated that a reduction in circa 3,000 dwellings will allow a reduction in scale of some allocated sites and the removal in total of others and would equate to a reduction in Green Belt release of 140-180 ha depending on how the site allocations are amended.
- 4.13 In addition, the Council could consider designating more land as Green Belt by reviewing the land in the borough currently designated as Protected Land to assess whether it would meet the tests of the NPPF for adding land to the Green Belt. The adopted Local Plan contains a total of 174 ha of land designated as Protected Land and while some of this clearly would not meet the tests for inclusion in Green Belt, even if 50% of it did, it would allow 87 ha to be added to the Green Belt.
- 4.14 The proposals in the Preferred Options would have involved the release of approximately 640 ha of Green Belt, which equated to 1.7% of the borough's Green Belt. Taking all of the above into account, under Option C, this would likely fall to less than 500 ha of Green Belt release which could be further off-set by additions to the Green Belt, potentially to the point where there would only be a net reduction of the borough's Green Belt of 1%, i.e. that 89.5% of West Lancashire would still be Green Belt (compared to 88.8% under the Preferred Options proposals).
- 4.15 A decrease in the housing requirement, and the resulting reduction in site allocations, will also mean that less agricultural land is developed upon under Option C. Approximately 65% of West Lancashire is broadly considered to be Grade 1 or Grade 2 agricultural land, and the Preferred Options proposals would have reduced this to approximately 63.5%. Under Option C, approximately 64% of the borough would still be Grade 1 and 2 agricultural land.

- 4.16 Alongside this consideration of Sefton's unmet housing need, if all other aspects of the proposed housing requirement in the Preferred Options were to stay broadly the same, the overall housing requirement for the new Local Plan would be less than 13,000 dwellings, and while this offers significant benefits in reducing Green Belt release and enabling the Council to address some of the concerns raised in relation to specific site allocations, it would still mean a significant number of new houses is being planned for in West Lancashire through the new Local Plan, and economic growth (including significant new provision of jobs) of the borough is being supported. This will enable the Council and its infrastructure-providing partners to have a better chance when bidding for Government and other funding for infrastructure projects (e.g. Skelmersdale Rail, strategic highways improvements, schools, GPs, utilities, etc.). Without such a critical mass of new housing development, it is less likely the Government would support additional infrastructure funding for such large-scale infrastructure improvements.
- 4.17 The subject matter of this report is central to setting a housing requirement for the new Local Plan, which in turn effects site allocation, Green Belt boundary setting and policy formulation. In order to be able to prepare a Publication version of the Local Plan by June and for progress to be made on the review of the Local Plan in accordance with the Council's Local Development Scheme (LDS), officers need the urgent consideration of this matter and the recommendation of officers as set out in paragraph 2.3 of this report.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 The decision being considered in this report is part of the wider preparation of a new Local Plan and the Local Plan will have very definite implications for sustainability (both positive and negative). With regard the three options considered in this report for the Sefton unmet housing need, at this high-level (non-site-specific) it is difficult to be precise about the relative sustainability merits of each option, but in moving from Option A through to C it is fair to say that while the environmental impacts of the options will generally decrease (due to reduced land release for development), the social and economic benefits will also decrease (as less housing would be built). However, the Sustainability Appraisal of the Publication Local Plan will consider these options in more detail in light of the specific amendments to site allocations, as the Publication version is prepared.
- 5.2 The proposal to identify what Protected Land could be designated as Green Belt instead may have a slight positive impact on sustainability in that it will more strictly control development on that land re-designated. This will only be slightly positive because Protected Land is already quite a restrictive designation but also because the re-designation of the land will not change how the land is currently being used, only what it might be used for if an applicant wanted to apply for development or change of use of the site.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no financial and resource implications for the Council related to the recommendations of this report.

7.0 RISK ASSESSMENT

- 7.1 The preparation of a Local Plan, in general, does carry some risks, be that related to the costs of abortive work if the Local Plan is ultimately found unsound or not legally compliant at the Examination stage or related to the image of the Council should any proposals within the Local Plan prove unpopular. In respect of the decision being considered in this report, the primary risk relates to whether the Publication version of the Local Plan which will incorporate whichever option Cabinet choose will ultimately pass the legal requirement and soundness tests at Examination in relation to the duty to co-operate and the issue of Sefton's unmet housing needs. As explained in the report, officers are content that all three options could be justified in light of the requirements of NPPF paragraph 60 and the Duty to Co-operate, but planning is a subjective profession and there would remain a risk that an Examining Inspector might disagree with this view.

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

A Local Plan does have a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required and is included at Appendix B.

Appendices

Appendix A – Preferred Options response from Sefton Council

Appendix B – Equality Impact Assessment