



AGENDA ITEM:

**EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE: 21 October 2021**

CABINET: 2 November 2021

Report of: Corporate Director Place and Community

Relevant Portfolio Holder: Councillor Gaynar Owen

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**SUBJECT: LOCAL PLAN REGULATION 18 (SCOPE, ISSUES & OPTIONS)
CONSULTATION**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek authorisation to publicly consult on the scope of a new Local Plan and on the West Lancashire Local Plan 2023-2040: Issues & Options material.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That the Committee consider the content of this report and its Appendices A – H and that the agreed comments of the Committee be passed to Cabinet for their consideration.

3.0 RECOMMENDATIONS TO CABINET

3.1 That regard be had to the agreed comments of the Executive Overview & Scrutiny Committee (21 October 2021; provided at Appendix I), the Sustainability Appraisal and Habitats Regulations Assessment of the Issues & Options material (provided at Appendices B and C respectively), and the Duty to Co-operate Statement (provided at Appendix D).

3.2 That the Local Plan 2023-2040 Issues & Options material (provided at Appendix A) be approved for public consultation and that comments on the scope of a new Local Plan also be sought as part of this public consultation.

4.0 BACKGROUND

- 4.1 Cabinet approved a new Local Development Scheme, which included a timetable for the preparation of a new West Lancashire Local Plan, in March 2020. (An updated Local Development Scheme was approved subsequently in September 2021). Since March 2020, officers have prepared or commissioned a number of documents and reports which form part of the evidence that will inform the preparation of the new Local Plan. In particular, they have prepared a set of Issues & Options consultation material (Appendix A), and its accompanying Sustainability Appraisal (Appendix B), and have commissioned a Habitats Regulations Assessment (Appendix C), all for public consultation.
- 4.2 In relation to the preparation of evidence, officers have been preparing the following evidence documents, all of which will be available alongside the Issues & Options Topic Papers for information and / or comment during the public consultation:
- West Lancashire Strategic Housing and Employment Land Availability Assessment 2020/21;
 - Sustainable Settlement Study 2021;
 - Thematic Evidence Papers.
- 4.3 Other evidence on further topics (including a housing and employment development needs assessment) is being prepared, or will be prepared in due course, but the above provides a good starting point and has provided key information to inform the Issues & Options Topic Papers.
- 4.4 It is vital that the Council demonstrates that it has co-operated with neighbouring local planning authorities and other key organisations in the preparation of a new Local Plan, in order to fulfil the 'Duty to Co-operate'. The Duty to Co-operate is a legal requirement of Local Plan preparation and is an ongoing process. If the Council is found not to have complied with this Duty, it can mean that the Local Plan could be rejected by a Local Plan Inspector at the first step in a Local Plan Examination, in which case the Council would have to start its Local Plan preparation again. As such, it is crucial that the Council provides evidence to show how it has fulfilled the Duty to Co-operate. Therefore, a Duty to Co-operate Statement will be written at each stage of Local Plan preparation to aid with this. The Duty to Co-operate Statement for this Issues & Options Stage is provided at Appendix D.

5.0 CURRENT POSITION

- 5.1 Having undertaken the work outlined above, and having taken on board feedback from the Local Plan Cabinet Working Group, a set of material has been finalised with a view to publicly consulting on the Scope, Issues & Options for a new Local Plan. This marks the first step in the preparation of the new Local Plan where the public are involved. To maximise the efficient use of Council resources and to save time in the Local Plan preparation process, it is proposed that there will be two simultaneous and linked consultations at this stage: one on the general scope of a new Local Plan and one on the Issues & Options material.

- 5.2 The consultation material comprises the following:
- The 'Scope' of the new Local Plan, i.e. what the Plan is intended to cover;
 - A 'portrait' of West Lancashire Borough at present, looking at the different settlements and areas, and themes such as the economy and environment;
 - The main planning-related issues affecting West Lancashire;
 - A Vision for West Lancashire at 2040, the end of the plan period;
 - A series of Objectives for the Local Plan, which are intended to help achieve the plan's Vision. These Objectives are accompanied by indicators, by which it should be possible to measure whether the Objectives are being achieved;
 - A set of proposed policy areas, outlining the suggested and alternative approaches for each policy.
- 5.3 Please note that the material at Appendix A is in Adobe PDF format. It is envisaged that paper copies of consultation material (for those people unable to access the internet) will be broadly similar in appearance to the material at Appendix A. But as highlighted in paragraph 5.7 below, the consultation is intended to be predominantly online, and the online consultation material, whilst containing the same wording as the material in Appendix A, is likely to be somewhat different in appearance, being prepared using the Council's recently-acquired consultation software, 'Bang the Table'.
- 5.4 It is important to note that at this stage of preparing the Local Plan, the Council is not choosing or discussing specific sites where development might be allocated. However, stakeholders will be able to make comments on a set of sites that have been put forward by landowners and/or their agents as possible future development sites. These sites were submitted to the Council following a 'Call for Sites' exercise in spring 2020, and make up the Council's Strategic Housing and Employment Land Availability Assessment ('SHELAA') 2020/21. If new sites were to be required for allocation as the Local Plan advances, the sites would be chosen from this 'pool of sites' (and / or from any additional sites submitted to the Council over coming months). The reason inviting feedback on the SHELAA sites at this stage is so that comments on the sites' suitability (or otherwise) for future development can be made without the immediate pressure and polarisation that occurs as soon as particular sites are proposed for allocation as development sites.
- 5.5 In terms of new Local Plan policies, the consultation material lists all the policies that are proposed to be included in the new Plan, along with a summary of the preferred approach for each policy, and a set of alternative approaches that could be taken. The exceptions are site allocation policies (housing sites / employment sites) as no sites are yet proposed for allocation, and housing and employment land requirement policies, as no figures are currently provided. Site allocations and land requirements policies are therefore omitted from this Scope, Issues & Options consultation.
- 5.6 The consultation will be open in the way that interested parties are invited to respond, but will also provide structure and direction through a series of questions placed throughout the consultation material, which invite comments on particular matters. There will be an option to respond to the Issues & Options

Consultation by essentially undertaking a survey answering these questions, but the consultation will allow more general comments to be submitted as well.

- 5.7 It is proposed that the consultation material will be predominantly online, with a number of separate items, rather than one very long document. This is to encourage as many people as possible to get involved in the consultation to shape their Borough's future. By having separate items and a user-friendly 'home page' linking to different topics and documents, it is hoped that people will find it easy to go quickly to the sections that interest them, and to make comments. For those unable to access or read online material, paper versions of the material can be made available upon request.
- 5.8 Similarly, responses will be strongly encouraged to be made online, although paper-based responses will be accepted from those unable to use the internet and / or access online content. This is consistent with Section 2.4.2 of the Council's Statement of Community Involvement.

6.0 NEXT STEPS

- 6.1 Should Cabinet approve the public consultation on the Scope of the Local Plan and on Issues & Options, the consultation is intended to take place over ten weeks from Thursday 18 November 2021 to Thursday 20 January 2022. This is longer than the 'usual' six week period for such consultations, to reflect the fact that the period spans Christmas and New Year.
- 6.2 As with previous Local Plan consultations, the core of consultation responses has to be submitted as written representations, either as a general comment (on the Scope or on the Issues & Options) or as a response to a survey / questionnaire. Respondents will be required to provide their name and postal or email address (responses cannot be anonymous), although individuals' addresses and any other contact details will be kept strictly confidential in line with Data Protection requirements.
- 6.3 To support this online consultation process, the Council will seek to disseminate information on the content of the Issues & Options consultation in a variety of ways, including:
- A press release, sent to local media;
 - An advertisement in the Champion Newspaper as the consultation period starts, with leaflets sent to addresses in the Borough that do not receive the Champion newspaper;
 - Announcements and information on the Council's website;
 - Letters / emails to all contacts on the Local Plan consultation database (which includes all statutory consultees, Parish Councils, and other major stakeholders), and to those who submitted sites in the 2020 Call for Sites exercise;
 - A briefing for All Council Members;
 - A briefing for Parish Councils;

- Contact with local education providers, from primary schools to Edge Hill University;
- Social media feeds via the Council's Facebook, Twitter and Instagram accounts.

6.4 The Strategic Planning team plan to engage with stakeholders during the consultation period in a variety of ways, including:

- The placing of material on deposit in suitable public venues, for example libraries;
- Unstaffed exhibitions;
- A dedicated set of Local Plan webpages on the Council's website to make the information about the Issues & Options easily accessible, and to make it simple to respond to the consultation;
- Public events (most likely online, in the light of, Covid-19, and depending on technical matters), where attendees will be able to engage in discussion with Council officers on the Issues & Options and related material;
- A developers' forum.
- Contact with local businesses.

6.5 Following the close of the consultation, officers will collate the written responses received and consider the issues and suggestions raised. It is intended that a further round of public consultation will take place in autumn 2022 specifically on housing and employment land requirements, and on proposed site allocations. Following consideration of representations submitted to both these consultations, it is intended that a final draft Local Plan (known as the 'Publication Local Plan') will be consulted upon in autumn 2023, before being submitted to central government for Examination in early 2024. It is hoped that the new Local Plan can be adopted by the end of 2024.

7.0 SUSTAINABILITY IMPLICATIONS

7.1 Although the decision being considered in this report only relates to a public consultation exercise, it is part of the wider preparation of a new Local Plan and the Local Plan will have definite (and hopefully very positive) implications for sustainability. However, at this early stage in the preparation of the Local Plan, it is impossible to identify what the precise implications will be. The Sustainability Appraisal of the Issues & Options (see Appendix B) does provide an indication of the sustainability implications of the various options being considered.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 The new Local Plan is being produced by the Council's Strategic Planning, Regeneration & Implementation Team. However, a document as wide-ranging as a Local Plan will inevitably involve input from various parts of the Council (as well as external stakeholders and partners).

- 8.2 The costs associated with the public consultation exercise required for the Scoping, Issues & Options consultation will be covered by existing general revenue budgets and no additional costs are expected to be incurred at this stage.
- 8.3 The cost of producing the Local Plan in its entirety will be met from the Growth and Development Service's revenue budgets together with the previously agreed contribution from Council Reserves for the costs of additional evidence studies and the Examination of the Local Plan.

9.0 RISK ASSESSMENT

- 9.1 Given that the decision being considered only relates to whether the Council should publicly consult on the Scope and on Issues & Options for the new Local Plan, there is minimal risk to the Council related to this decision. However, the wider preparation of a Local Plan does carry some risks, either related to the costs of abortive work if the Local Plan is ultimately found unsound or not legally compliant, or related to the reputation of the Council should any proposals within the Local Plan prove unpopular.
- 9.2 However, the undertaking of public consultation such as the Scope, Issues & Options helps minimise these risks due to the fact that carrying out such consultation ensures legal requirements are being met and that a robust Local Plan is being prepared. It also ensures that all interested parties are being given an opportunity to make known their views to the Council, for the Council to consider in the preparation of the Local Plan. While the latter mitigation may not ultimately prevent those upset with particular proposals from expressing their dissatisfaction to the Council, the Council will be able to support the fact that they have given all interested parties a fair hearing and taken into account of representations made.

10.0 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 The new Local Plan is being prepared with health and wellbeing at its heart. There are strong links between health and planning, and a number of the proposed Plan policies relate directly to health. The Local Plan will be subject to health impact assessments as it passes through its various preparation stages. The Health Impact Assessment for the Issues & Options stage of the Local Plan is provided at Appendix F.

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

While the Issues & Options consultation documents themselves do not have any direct impact on members of the public, employees, elected members and / or stakeholders, it is part of a wider process to prepare a Local Plan which will have a direct impact. The preparation of the Local Plan is subject to an Equality Impact Assessment, provided at Appendix E.

In addition, the actual decision being made by Cabinet is whether to undertake a public consultation and so, again, there is an impact on the public and stakeholders. Therefore, an Equality Impact Assessment on the actual consultation is required; this is provided at Appendix H.

Appendices

Appendix A – Local Plan Issues & Options consultation material

Appendix B – Sustainability Appraisal of the Local Plan Issues & Options

Appendix C – Habitats Regulations Assessment of the Local Plan Issues & Options

Appendix D – Duty to Co-operate Statement

Appendix E – Equality Impact Assessment of Local Plan Preparation

Appendix F – Health Impact Assessment

Appendix G – Data Protection Impact Assessment

Appendix H – Equality Impact Assessment of Local Plan Scope, Issues & Options
Consultation

For Cabinet meeting only:

Appendix I – Agreed Comments of Executive Overview & Scrutiny Committee
(21 October 2021)