

MAYORAL RECOMMENDATION



CITY
PUBLIC

R/2

Cabinet Member: Councillor Malcolm Kennedy, Cabinet Member – Regeneration	Director: Nick Kavanagh, Director - Regeneration & Employment
Date of submission: 21 st June 2013	Subject: Preparation and adoption of the Local Plan and other statutory planning documents and the 2012 Strategic Housing Land Availability Assessment.
Report No./Background papers: EDR/46/13	Contact Officer: Mike Eccles, Development Plans Manager Tel: 233 5653
Executive Summary To seek approval from Cabinet to – <ul style="list-style-type: none">• approve public consultation on the Local Plan Initial consultation document as set out in Appendix 1 of this report• adopt and publish the updated Liverpool Statement of Community Involvement, as set out in Appendix 2 of this report, for use in preparing the Local Plan, subsequent local planning policy as necessary, and in the determination of planning applications• approve the publication of the 2012 SHLAA update (see Appendix 4); and• approve the publication of the 2012 Annual Monitoring Report (Appendix 5) Introduction At its meeting on 22 nd February Cabinet approved a new approach for the development of planning policy for Liverpool (R/22). Cabinet noted that in line with the previous government's requirements the City Council had been preparing a Core Strategy as the first part of its Local Plan and that this would then be supplemented with a separate Sites and Policies Plan. It was also recognised that through the National Planning Policy Framework the Government wants to see full Local Plan coverage in place as soon as possible and that the quickest way to achieve this in Liverpool will be to embed the Core Strategy, as so far developed, at the heart of a single document Local Plan for Liverpool.	

Cabinet was also informed that the next step will be to formally consult, under Regulation 18 of the 2012 Local Planning Regulations, upon the proposal to produce a single Local Plan Document comprising the strategic content from the Core Strategy together with detailed site allocations designations and development management policies. The proposal to produce a Local Plan is set out in the 'Initial' consultation document at Appendix 1.

The Statement of Community Involvement

When a local planning authority proposes to make a local Plan it is necessary to first carry out consultation under Regulation 18 of the development plan regulations (2012). In addition to inviting residents and those carrying on business in Liverpool, the regulations also require the City Council to notify those 'specific' and 'general' consultation bodies that it considers likely to have an interest in the Local Plan to make representations about what the Local Plan should contain.

Specific consultation bodies include national organisations that have responsibilities in the City or carry out operations such as the Environment Agency, Natural England, Water and Sewerage undertakers and Network Rail. It also includes all our neighbouring local authorities. General consultation bodies are more local in nature, including voluntary organisations and those bodies which represent the interests of –

- different racial, ethnic, national and religious groups;
- disabled persons in the authority's area; and
- persons carrying on business in the authority's area.

Local planning authorities are also required to carry out consultation in accordance with their adopted 'Statement of Community Involvement' (SCI). It is a requirement of the 2004 Planning and Compulsory Purchase Act that the City Council prepares a Statement of Community Involvement setting out how the local community will be involved in both the development of local planning policy and the planning application process.

A Statement of Community Involvement (SCI) was adopted by the City Council in 2007. It explains the process and requirements of the planning system and lets local people know how and when they can become involved. It also sets out the authority's policy on consulting on planning applications, as required in the Town & Country Planning (General Development Procedure) Order 1995, as amended.

There is now a need to adopt an updated SCI in light of the changes to the planning system through the Localism Act in 2011 and the National Planning Policy Framework in 2012 which have significantly altered the formal stages of plan-making and so outdated the current SCI. The revised SCI also takes into account changes in the City Council's own neighbourhood and district committee arrangements.

The revised SCI (Appendix 2), which it is recommended Cabinet approve for

adoption, sets out what is required by national legislation and enables flexibility within these statutory parameters. In 2008 revised statutory regulations removed both the requirement for local authorities to consult on a draft SCI prior to adoption or for it to be subject to formal examination by an independent inspector.

What will be in the Local Plan

The initial consultation document at Appendix 1 explains that the proposed Liverpool Local Plan will cover the whole of Liverpool and will –

- Identify housing, business and other development needs, and respond positively to wider growth opportunities in line with the Mayor's ambitions and the National Planning Policy Framework, by allocating sufficient land to meet these needs;
- Include clear policies on what will/will not be permitted and where guiding the decisions of Planning Committee on planning applications;
- Reflect a collective vision and set out strategic priorities for the area;
- Include strategic policies for:
 - homes, jobs, retail, leisure and commercial development
 - provision of 'grey' infrastructure such as roads and buildings
 - provision of health, security, community, cultural infrastructure, and
 - Climate change, natural and historic environment;
- Indicate broad locations for strategic development on a key diagram and land use designations on a proposals map;
- Set out opportunities for and allocate sites to promote development, and provide detail on form, scale, access and quantum;
- Identify areas where it may be necessary to limit freedom to change uses of buildings and explain why;
- Contain a clear strategy for enhancing the natural, built and historic environment; and
- Contain clear policies that will guide how the presumption in favour of sustainable development should be applied locally.

The initial consultation document provides further details about how the plan will be produced, how the Core Strategy will be integrated with the new policies to be produced and how the plan will be informed by a number of appraisals (SA/SEA, HRA, EqlA and HIA), cooperation with our neighbouring local planning authorities (under the Localism Act 'Duty to Cooperate') and by an evidence base and the City's Annual Monitoring Report.

The responses to the consultation will be considered when the next draft of the plan is produced.

The Strategic Housing Land Availability Assessment

The National Planning Policy Framework places special emphasis on local planning authorities being able to 'boost significantly the supply of housing'.

In order to deliver on this the City Council is required to identify and assess its housing land supply and publish details of this. This has to be done by undertaking a Strategic Housing Land Availability Assessment (SHLAA) and by publishing an Annual Monitoring Report.

The production of a SHLAA is required by national planning guidance to identify land that could potentially be developed for housing over the long term (2012-2028). It is required to look at a wide range of sources of sites, including those not currently favoured by local policy, and to identify and assess any constraints to delivery. This enables a full evaluation of potential policy approaches to be carried out when new Local Plans are prepared.

Liverpool's SHLAA was originally produced in March 2010, setting out a 'snapshot' of the potential housing land supply position at 1 April 2008. The City has now completed the process of updating the SHLAA to a 1 April 2012 base-date. A draft SHLAA was published on Tuesday 19 March for consultation on the potential sites within it and the methodology applied. Consultation closed on Friday 19 April. The SHLAA does not make any allocations of sites for development as that can only be done through the Local Plan, upon which there will be several stages of consultation.

The SHLAA consultation resulted in responses for 103 draft SHLAA sites, together with general comments, and proposals for 15 new sites. In all, 88 respondents made comments on the draft. These responses together with an officer assessment are set out in Appendix 3. Arising from these, for the final 2012 SHLAA it is proposed to:

- Create 11 new sites
- Remove 23 sites from the SHLAA
- Change the SHLAA assessment for 15 sites (such as from listed for delivery in the first 5 years to the 2nd or 3rd five year tranche)
- Retaining 65 sites in the SHLAA on which comments were made including 27 on which objections were indicated as part of the consultation.

The identification of sites for delivery within five years is a particularly important part of a SHLAA. If the City is unable to demonstrate that it has a 5 year supply, any relevant policies it has for the supply of housing will not be considered up-to-date and development proposals will be assessed against the NPPF.

In addition to changes arising directly to SHLAA sites as a result of consultation responses received, a number of other changes are proposed, primarily to ensure that the sites in Liverpool's 5 year supply are as robust and defensible as possible should they be challenged. In all 39 sites have been removed from the 5 year list, which reduces supply by 527 dwellings.

These sites fall into two categories:

- Sites which came forward through the 2008 and 2010 Call for Sites

exercises for which no further clarification/confirmation has been received through the consultation process concerning their immediate availability

- Sites in the City Council’s ownership which are not currently part of the active disposal programme

On the basis of recent inspector decisions at appeal and the experiences of neighbouring Merseyside authorities, both of these categories represent potentially vulnerable parts of our 5 year supply. Retaining the sites would increase the risk that the rest of the 5 year supply would be perceived as lacking credibility. The loss in 5 year supply resulting from the removal of these sites is offset by the inclusion of nine new sites in the 5 year supply, containing 502 dwellings, arising from other consultation responses.

The table below summarises the impact of all changes on the supply, incorporating both the changes arising directly from consultation responses and from others.

Changes arising from SHLAA consultation

SHLAA change	No of sites
Sites added to SHLAA	11
Sites removed from SHLAA	24
Sites removed which were in 2008 SHLAA	24
Sites added to 5 year supply	9
Sites removed from 5 year supply	39
Sites removed from 5 year supply which were in 2008 SHLAA	37

As a result of all the above changes, incorporating both those arising directly from consultation responses and from others, the position in the final 2012 SHLAA, in terms of dwelling numbers, is as follows –

- An increase in the overall supply 2012-2028 of 190 dwellings, from 34,814 to 35,004
- A decrease in the 5 year supply of 25 dwellings, from 12,019 to 11,994

The broad messages in the final SHLAA as set out in Appendix 4 remain unchanged from those of the draft. The City Council can fulfil the minimum requirements of national planning guidance in that it has a 5 year supply plus an additional buffer of 5% “to ensure choice and competition in the market for land”.

The Annual Monitoring Report

Every local authority is required to prepare and publish a Monitoring Report to help it to identify the key issues that should be addressed by the Local Plan and to understand how circumstances are changing in line with objectives or against them. It also monitors progress in the production of the local development documents against the timetable in the LDS.

The Annual Monitoring Report (AMR) set out in Appendix 5 is the eighth for Liverpool and covers the period 1 April 2011 to 31 March 2012. It has been prepared in accordance with the requirements set out in Regulation 34 of the Town and Country (Local Planning) (England) Regulations 2012.

The majority of the AMR discusses trends in statistical information which relate to the eight Strategic Objectives set out in the Core Strategy and which will now be carried forward into the Local Plan. This evidence supports the general principle of continuing the strategic direction of the Core Strategy into the wider Local Plan.

There are however two areas where the AMR identifies changes for further examination. The first of these relates to the approval by Cabinet of the Mayoral recommendation to produce a single document Local Plan (R/22 February 22nd) and the consequential publication of a revised LDS. It is both unnecessary and unhelpful to report on the progress of the Core Strategy and other development plan documents at April 2012, as these will no longer be produced as separate planning policy documents. Subsequent AMRs will therefore report on the progress of the Local Plan.

The second area concerns the City Council's housing delivery trajectory. Following the conclusion of the SHLAA it has been necessary to revise the level of completions required from 2013/14 onwards to achieve Liverpool's housing requirement during the Local Plan period. This is because any shortfalls in reaching annual targets represent a "backlog" which needs to be made up in later plan years. In 2011/12 Liverpool experienced a shortfall of 558 dwellings against its target of 1500.

Whilst the City Council is currently able to conclude that it has the required 5 year housing sites supply currently available it will need to ensure that this continues to be the case. To resolve this situation the City Council may need to find additional sites that can be developed.

It is also known that the Regional Spatial Strategy for North West England will be revoked in the near future. As a result the City Council will have to calculate its own housing requirement, in cooperation with its neighbouring districts. It is by no means certain how this would impact on Liverpool's housing requirement or the number of sites needed to meet that requirement and it will be a key role of the AMR to report on this in future editions.

The Appendices for this recommendation are available online and may be accessed via the following weblink.

<http://councillors.liverpool.gov.uk/ieListDocuments.aspx?CId=1201&MId=13496&Ver=4>

Mayoral Recommendation:

That –

- (i) the Local Plan consultation document as set out in Appendix 1 to the report submitted be approved for public consultation purposes under regulation 18 of the Town and Country Planning (Local planning) (England) Regulations 2012;
- (ii) the Statement of Community Involvement set out at Appendix 2 to the report submitted be adopted to replace that previously adopted in 2007;
- (iii) approval be granted for the publication of the final version of the 2012 SHLAA update set out at Appendix 4 to the report submitted taking account of the representations received as set out in Appendix 3 to the report submitted, subject to the approval of Regeneration Select Committee at its meeting on July 25th
- (iv) approval be granted for the publication of the Annual Monitoring Report as set out at Appendix 5 to the report submitted;
- (v) delegated authority be granted to the Divisional Manager Planning, in consultation with the Cabinet Member for Regeneration, to –
 - a) make any necessary consequential amendments to timetable information set out in the Local development Scheme arising from the current or future Annual Monitoring Reports;
 - b) the preparation of consultation arrangements, questionnaires and publicity material; and
 - c) make any necessary minor amendments or factual corrections to the documents approved at recommendations (i) – (iv) prior to publication.

Mayor's Priorities

The Local Plan will have a major role to play in delivering the Mayor's priorities by giving effect to the National Planning Policy Framework at the local Liverpool level. In particular:

Make the City Cleaner, greener and healthier

The Liverpool Local Plan will take account of and support local strategies to improve health, social and cultural wellbeing for all, and enable the delivery of sufficient community and cultural facilities and services to meet local needs. It will enable the active management of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. The Local Plan will also contribute to conserving and enhancing the natural environment and reducing pollution. The allocations of land for development will prioritise land of lesser environmental value, and it will also encourage more effective use of land by

reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

12 New Schools

The Liverpool Local Plan will take account of and support local strategies to improve health, social and cultural wellbeing for all, and enable the delivery of sufficient community facilities and services to meet local needs including the appropriate level of provision of schools across all age ranges.

Create 20,000 new jobs,

The Liverpool Local Plan will proactively drive and support sustainable economic development to deliver the homes, business and industrial units, thriving local places and infrastructure that the City needs. It will identify and then meet the business and other development needs of the City, and respond positively to wider opportunities for growth. Based on evidence It will set out a clear strategy for allocating sufficient land which is suitable for development taking account of the needs of business communities. The strategy identified so far and already approved by the City Council is aimed at delivering some 300 hectares of land for general industrial and commercial (Use Class B) employment uses.

Make Liverpool business and enterprise friendly,

The Liverpool Local Plan will proactively drive and support sustainable economic development to deliver new business opportunities and the infrastructure that the City needs for growth. It will identify and then meet the business and other development needs of the City, and respond positively to wider opportunities for growth. Based on evidence It will set out a clear strategy for allocating sufficient land which is suitable for development taking account of the needs of business communities. The strategy identified so far and already approved by the City Council is aimed at delivering some 300 hectares of land for general industrial and commercial (Use Class B) employment uses. It also supports economic development throughout the Mayoral Development Zones in particular.

Attract Investment

The Liverpool Local Plan proactively supports sustainable economic development. It will identify and meet business and other development needs and respond positively to wider opportunities for growth. It will set out a clear strategy for allocating sufficient land which is suitable for development taking account of the needs of business communities. The strategy identified so far and already approved by the City Council is aimed at delivering some 300 hectares of land for general industrial and commercial (Use Class B) employment uses. It also supports economic development throughout the Mayoral Development Zones in particular.

5000 New Homes

The Liverpool Local Plan will proactively drive and support sustainable economic development to deliver the homes, thriving local places and infrastructure that the City needs. It will identify and then meet the housing, needs of the City, and respond positively to wider opportunities for growth. It

will set out a clear strategy for allocating sufficient land which is suitable for development taking account of the needs of residential communities. The strategy identified so far and already approved by the City Council is aimed at delivering a level of new housing provision exceeding the Mayoral target and an increasing amount in the period up to and beyond 2028.

Corporate Aim(s):

- Enhancing the City's infrastructure
- Encouraging job creation and growth
- Promoting new 'green' industries

Key Decision:

Yes.

28 Day Notice:

Yes.

Implementation effective from:

28 June 2013.

Timescale for action:

July 2013 – January 2016

Reason(s) for Recommendation:

To meet the requirements of regulation 18 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local planning) (England) Regulations 2012.

Alternative options considered:

There are no reasonable alternative options to carrying out this stage of consultation as it would not be lawful to prepare a Local Plan without doing so.

The only alternative would be to not prepare a Local Plan at all. However this would mean that the City Council would progressively lose any control over the future development of the City.

Consultation including consultation with Ward Councillors and outcome:

This is the first stage of consultation on the new single document Local plan. All local Councillors will be included in this.

Financial implications (Efficiency Savings):

The preparation of the plan to date has been funded from within existing resources and contributions from Housing and Planning Delivery grants. A corporate reserve of £230,000 has also been created to contribute towards future costs of completing the plan.

At this point in time the anticipated costs to completion are estimated at £380,000. The Director of Regeneration will therefore need to monitor the costs and make appropriate provision in future year's budgets and or reserves.

Legal implications:

The Planning and Compulsory Purchase Act 2004 requires that the City Council prepares a Local Plan and the Town and Country Planning (Local planning) (England) Regulations 2012 require that consultation under Regulation 18 take place.

The Act also requires adoption of a Statement of Community Involvement and production of the Annual Monitoring Report.

Risk Management:

The key risk associated with the Local Plan is not having one in place to guide development and growth in Liverpool. The primary risk associated with this stage of consultation is of ensuring that as wide arrange of stakeholders as possible is aware of the new Local Plan and has the opportunity to make a representation. The City Council will carry out consultation in accordance with its adopted Statement of community Involvement.

Equality implications/Equality Impact Assessment:

The Local Plan has the potential to impact on a wide range of equality groups and interests. Therefore consultation will be undertaken to enable those who consider they may be adversely affected by the Local Plan to make representations continuously and at specific times throughout the plan-making process.

Climate Change Strategic Framework and Climate Change Adaptation Framework:

A key principle of the Local Plan is to the presumption in favour of sustainable development as required by the National Planning Policy Framework.

Budget and Policy Framework:

The Local Plan when adopted will form part of the City Councils policy framework.

The Appendices for this recommendation, as listed below, are available online and may be accessed via the following weblink.

<http://councillors.liverpool.gov.uk/ieListDocuments.aspx?CId=1201&MId=13496&Ver=4>

Papers copies of the appendices are available on request and copies will be available at the meeting.

Report Appendices –

Appendix 1 – Local Plan Proposal Consultation Document

Appendix 2 – Statement of Community Involvement

Appendix 3 – Schedule of responses to the Strategic Housing Land Availability Assessment

Appendix 4 – Final Strategic Housing Land Availability Assessment 2012 Update

Appendix 5 – Annual Monitoring Report.