

Wirral Local Plan – Main Modifications Response Form

3. Data Protection Notice

X	Please tick this box to confirm that you understand that your name and your response will be published, that your full name and details will be passed to the Planning Inspectors, and that you have read and understood the Council's privacy notice.
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Please note that all comments will be held by Wirral Council and made available in accordance with our privacy notice, which can be viewed at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/forward-planning-privacy-notice> or obtained from one of the addresses below.

Please read all the information related to this consultation on the Council's webpage at <https://www.wirral.gov.uk/new-local-plan> or which has been placed in public libraries, and the Wirral Local Plan Modifications Response Form Background Note before you make your representations.

4. Completed Responses

Please submit your completed Response Form/s **to arrive at one of the addresses below no later than 5pm on Friday 8 November 2024.**

- by email to: localplan@wirral.gov.uk, clearly marked as 'Wirral Local Plan – Consultation on Main Modifications'
or
- by post to: Wirral Local Plan - Main Modifications, Wirral Council, PO Box 290, Wallasey CH27 9FQ

Please note that comments received after this deadline will not be accepted.

Please use a separate Response Form for each modification that you wish comment on.

If you require any further information, please contact the Council's Forward Planning Team by e-mail at localplan@wirral.gov.uk or by telephone on 0151 691 8235.

Wirral Local Plan – Main Modifications Response Form

Part B

1. **To which Modification does your representation relate?** (please insert as appropriate)

Main Modification Reference number: MM 10

Additional Modification Reference number: AM 39

2. **If your comment is on a Main Modification, do you consider that the Main Modification is:**

Legally Compliant – No

Sound – No

3. **Please explain why you consider a Main Modification does not assist in achieving legal compliance or soundness or provide any other comments on it in the box below. Please be as precise as possible.**

Wirral Local Plan – Main Modifications Response Form

The main alteration is the additional allowance for new SCB housing on 'infill sites'. On the face of it, this appears to be a positively written policy supporting new CSB dwellings in the Green Belt in line with the requirements of paragraph 154(e) of the NPPF. However, this is not clarified at any point in the policy or supporting text. The updated Local Plan does not contain a definition as to what constitutes 'infill development'. Notably, the term infill is not only used in this policy, but also elsewhere in the Local Plan referring to infill within built up areas. This will no doubt have a differing meaning to 'infill' than that in Policy WS3.5, otherwise policy WS3.5 would be entirely redundant as CSB dwellings are policy compliant in the built area/ within a settlement boundary.

The term 'infill' with regard to this policy is assumed to mean 'limited infilling in villages' one of the exceptions to inappropriate development in the Green Belt however, without a definition, the policy will not be effective in meeting its aims of delivering CSB housing in the rural area. Leaving the policy as is will inevitably lead to dispute between applicants and the LPA and will most likely increase the number of planning appeals relating to CSB housing delaying the delivery of much needed CSB plots. A definition of infill relating to this policy would provide clarification for both the LPA and applicants. The definition will need to go beyond that in the outdated UDP policy GB6 and GB7 which states:

Within the villages listed in Proposal GB7, new development will be permitted on infill sites, defined as development filling a small gap within the defined built-up envelope of the village, subject to the proposal complying with Policy HS4.

These infill villages are:

- Barnston Village (outside the Conservation Area)
- Eastham Village (outside the Conservation Area)
- Thornton Hough
- Raby Village
- Storeton Village

Following a review of these villages and their settlement boundaries, we have found little (if any) opportunities for infill development. Further, if new infill was confined to the same settlement boundaries as defined in the UDP then this would not act as an updated policy position which is an exception to CSB dwellings, instead it would be a policy that is consistent for all dwellings and does not preference CSB housing in the rural area which is the point of this alteration as outlined in AM39.

In summary, the proposed definition for infill housing will have to go much further than that in the UDP. Without more flexibility, the Council will not fulfil their requirements under the Self-Build and Custom Housebuilding Act 2015 which in effect, requires a sufficient number of permission for CSB dwellings in response to the number of people on the register. The register figure equates to 346 as of 2022 (2022 Annual Monitoring Report) with almost 25% of these requiring a location in the rural area. Furthermore, we fail to see where the CSB permissions will be achieved for Heswall, Hoylake, West Kirby and Mid Wirral (almost 75% of the whole register) without applying a flexibility to development outside the settlement boundary. Notably, there is no available publication of the register or numbers registered on Wirral website. It is therefore highly likely that the number of registrations has increased since 2022.

In any case, the policy as proposed does not provide any justification as to how it will be able to meet the requirements of 'the Act' throughout the Local Plan period and therefore the policy will not be effective and is not 'sound' in its current form.

Wirral Local Plan – Main Modifications Response Form

4. Please set out in the box below the changes you consider necessary to make the Main Modification legally compliant and sound.

Wirral Local Plan – Main Modifications Response Form

It is our recommendation that the definition of infill applies the following principles:

- Filling of a gap in a built up frontage or infilling of a gap in built village area
- Be located within a sustainable location e.g. approx. 500m from a key or local service centre or within a village to be listed in the Local Plan (excluding settlement boundaries)
- Retains no cap on number of CSB units within the defined 'gap'

Through applying these principles, the LPA is more than likely to be able to deliver enough CSB permissions to satisfy the requirements of 'the Act'. This would also be in line with the recommendations of AM39 which has removed the reference to rural CSB requirements not being met due to the Green Belt. On the contrary, the proposed update will provide a sufficient number of opportunities to deliver CSB housing whilst still according with the NPPF requirements relating to Green Belt. The broader definition would encompass more land and opportunities to respond to any increase in demand for CSB units throughout the Local Plan period. The delivery of CSB plots on large housing schemes does not deliver the type of CSB plots required in the Wirral. This will no doubt be picked up in other submissions from the housebuilding consortium but the reference to CSB plots within large developments should be omitted and it should instead be delivered on small, sustainable sites within sustainable areas on the edge of towns or within villages.

As a separate point the LPA should be required to publicise how they are permitting suitable CSB plots through the planning system noting the recommendations in PPG paragraph 38:

The legislation does not specify how suitable permissions must be recorded. However, the following are examples of methods a relevant authority may wish to consider to determine if an application, permission or development is for self-build or custom housebuilding:

- *Whether developers have identified that self-build or custom build plots will be included as part of their development and it is clear that the initial owner of the homes will have primary input into its final design and layout;*
- *Whether a planning application references self-build or custom build and it is clear that the initial owner of the homes will have primary input into its final design and layout; and*
- *Whether a Community Infrastructure Levy or Section 106 exemption has been granted for a particular development.*

A relevant authority must be satisfied that development permissions being counted meet the legislative requirements.

Assessing the policy in its current form against the 4 tests of soundness we consider that it is:

- **Not positively prepared** – If the definition of infill is implemented as was in the UDP, then there will be little if any opportunity for new CSB dwellings in the rural area where demand is highest. The current definition would also not give preference to CSB dwellings over traditional housing developments. It will likely mean that the policy would not deliver a sufficient number of CSB planning approvals to satisfy the requirements of the 'Act'. Applying a flexible infill policy would still be compliant with the NPPF as infill in villages acts as an exception to inappropriate Green Belt development.
- **Not Justified** – There is no evidence of any alternatives that have been considered when preparing this policy. There is also no supporting evidence of how the policy in its current form would deliver a suitable amount of permissions over the plan period especially as CSB dwellings continue to grow in popularity.
- **Not Effective** – As outlined, the CSB policy does not provide preference to new CSB development over traditional housing development. The policy is therefore not effective in delivering its aims. A policy that is more flexible to CSB applications will deliver a greater number of CSB plots over the plan period and ensure that Wirral Borough Council accord with the requirements of the CSB Act.
- **Not Consistent with National Policy** – Policy does not currently comply with the requirements of paragraph 70 of the NPPF which incentivises CSB dwellings on small sites. Without a detailed definition of the term 'infill' the Local Plan will not achieve this.

Wirral Local Plan – Main Modifications Response Form

5. Do you have any comments on the Sustainability Appraisal or to the Habitats Regulations Assessment in respect of this particular Main Modification? Please provide them in the box below.

Please state the document to which you refer, with the relevant paragraph, page and table number. Please be as concise as possible.

N/A

Wirral Local Plan – Main Modifications Response Form

6. Do you have any comments on a Proposed Change to the Policies Map? Please provide them in the box below.

Please state the proposed change to which you refer (in the format 'PMxx'). Please state as concisely as possible how you think the Policies Map should be changed. Please include or attach a map showing your proposed change, if you are able to do so.

N/A

Wirral Local Plan – Main Modifications Response Form

Part C

Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below.

This has been covered in the response relating to MM10.

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Thank you for completing this form.

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