

Wirral Local Plan – Main Modifications Response Form

Part A

1. Personal details

(if an agent is appointed, please complete only the title, name and organisation in the boxes below but complete the full contact details of the agent in section 2 below)

Title	
First name	
Last name	
Organisation (where relevant)	Hoylake Community Planning Forum (Hoylake Vision)
Address	
Postcode	
Telephone number	
Email address	
Objective ID number (if known)	1323700

2. Agent's details (if applicable)

Title	
First name	
Last name	
Job title (where relevant)	
Organisation (where relevant)	
Who are you representing?	
Address	
Postcode	
Telephone number	
Email address	
Objective ID number (if known)	

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3. Data Protection Notice

√	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.

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Part B

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

Main Modification Reference number: MM [10]

Policies Map Reference number: PM []

Additional Modification Reference number: AM []

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.**

The wording of Policy WS3 with regard to housing density does not reflect the discussion during the hearing session on Tuesday, 10th October 2023 with regard to Matter 7 (Strategic Environmental Policies) in respect of Q8 - Is the Local Plan based on robust evidence related to heritage, and does it set out an appropriate and positive strategy for the conservation and enjoyment of the historic environment? This discussion covered in detail the problem of the higher density zones conflicting with the evidence arising from the re-appraisal of two conservation areas – King’s Gap and Meols Drive – which are proposing to extend the boundaries to encompass new areas where the special character of the area is based on a much lower density than the minima within the proposed policy. The Inspector thought there should be a reference to the potential boundary changes to conservation areas and the suggested mechanism was a **simple reference in the policy to the higher density zones not applying within any designated conservation area. This would mean that the minimum densities don’t apply in the circumstances where conservation areas were designated after the Plan has been adopted.**

The Council did not object to this suggestion from the Inspector and our assumption was that this would be covered in the wording of the modifications. The Inspector specified that this change was in relation to the soundness of the Plan, given the submitted Plan was not based a robust understanding of the built heritage assets across the Borough (as the current appraisals are very out-of-date).

The relevant parts of the transcript are set out below, for convenience.

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5.30.28 Tom Hutchinson (TH)

The main issue that we have, really, as regards Hoylake (which is the Neighbourhood Planning Area that I represent), and there is an update for you, sir, on the emerging work on the conservation areas.

5.30.42 Inspector (I)

Yes, yes, thank you, yes.

5.30.45 TH

“..the relationship to the conservation areas is that the boundaries of the transit area density zone on the policies map (Policy WS3.2 is for a minimum of 50 dwellings per hectare) which comes right to the edge of the existing conservation areas. Now our position is that those conservation areas don't provide the robust evidence that this Plan requires. You've asked the question – is there robust evidence? – and we believe that heritage is unique in this whole plan production in that all the other topic areas have up-to-date work to underpin the policies. For some reason, heritage doesn't and the conservation area (appraisals) being about 20 years since their designation; never been reviewed. It's very clear if you go just beyond the boundaries of those conservation areas that there are high quality Victorian and Edwardian houses, often with Arts & Crafts detailing, which aren't protected at all. They are not even locally listed because there isn't an effective local list on Wirral, despite receiving a year's funding for that. We feel there is a real danger to heritage assets which the plan – as submitted – did not adequately protect. So, where we are now is that there is work that has emerged from the appointed consultants, and they are clearly recommending the extension of the conservation areas and we do expect those to be implemented quite quickly...so all that's really needed is that the Policies Map reflects the new evidence. The only possible contention perhaps with the Council is that...I understand their position is that if that evidence is available for the mods (perhaps in terms of the new conservation areas being designated – or the new boundaries being legally fixed) then that can be taken into account. My argument would be: the evidence is already clear that the Plan is based on the wrong information and there is no reasons why the modifications can't incorporate the clear advice from the heritage consultants on the new boundaries and that should inform the density policy boundaries.”

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5.34.00 I

Thank you, some exceptionally clear points if I may say so, so I'm just picking out the key points before I turn to the Council. So, paragraph 190 of the NPPF – we have the positive strategy for the conservation of the historic environment...and then this point on any emerging work in terms of conservation area appraisals, in terms of what's being recommended. That would be fantastic if I could get a view from the Council.

5.36.15 Karen Moore (KM)

...as far as dealing with up-to-date conservation area boundaries as a principle, clearly as soon as they are designated we can include them. So, if we were in an unfortunate position where they were re-designated just after mods had gone through we would be able to take legal advice about whether we could just change the Policies Map itself or make sure that there was information on the Policies Map which made clear that these boundaries have been updated. The density policy boundaries is a different matter and certainly our initial response to that is that we wouldn't expect the density policy boundaries to change...if you are extending the boundaries they wouldn't be any different to the existing conservation areas on the Policies Map and there is a clause within Policy WS3.2 that allows for the character of the site and so on, irrespective of the suggested minimum densities, that the characteristics suggest they wouldn't be appropriate, that would be called in to play.

5.43.15 TH

The conservation areas are quite significantly wrong at the moment. There are several streets that should be in the conservation area that contain really fine buildings and that are under threat from the density policy. They are under threat because the density policy is saying minimum 50 dwellings per hectare, which means demolition and replacement with apartment blocks in practice. So... you are not going to be changing the density policy boundaries? Because when I am reading the housing density study, I'm reading the final recommendations (H5.5, Paragraph 2.33): "The density study has deliberately excluded conservation areas". Because they recognised that the densities were much lower in the conservation areas and the sensitivity of those designated assets. So, my view would be - if I was the Council - I would be very concerned about wanting to get the right boundaries to make sure that the heritage assets are protected and to not have a higher density policies in areas that would be harmed by it. I would be expecting the Council to now be taking account of the new evidence and saying yes, we will roll back the housing density policy areas to where the new conservation areas will presumably be designated. And I don't see why they would resist that.

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5.44.58 I

Now just in terms of this new evidence, you mentioned that that has been commissioned – these are conservation area appraisals are they? And those presumably, because it's the Council responsible under the legislation for designating conservation areas, those are things that have been commissioned by the Council? ..do we know any precise timings of that...because this is about King's Gap and Meols Drive – those are the two we are talking about in particular, notwithstanding the broader points about density, those are the two that are going through a conservation area appraisal review at the moment? Ok do we know timing for that because obviously if we are thinking about the Local Plan time period and the documents online in 2024?

5.46.10 Rob Burns (RB)

Yes they needed to be completed before the end of this financial year.

5.46.28 I

Ok, any other comments? I need to have a think because it seems like there is emerging work that the Council has commissioned and two of those area are going to come out probably before the Plan is adopted (if we are thinking adoption is going to be some time in early 2024)...Two of those are going to come out and then there is a rolling programme of reviewing the others. **So I think somehow there needs to be reference to the fact that the boundaries might change or else there will be evidence that comes out at a late stage in the examination when we haven't had the hearings and we haven't had the opportunity to discuss it, so presumably there needs to be some reflection of that, somehow?**

5.47.20 KM

Ok so first of all I said something that was probably a bit misleading or confusing and that related to me not having it clear in my head precisely how the conservation areas appear on the Policies Map and how the density areas appear. So, as soon as the conservation areas are designated then the density area policies won't apply. If the work is done quickly and we were to take it through on the Policies Map as it stands, as a modification to the Policies Map, because the conservation areas are designated then we can. If we can't because there's fear of delaying the Local Plan, **we certainly can refer to boundaries changing and ongoing review and refer to the process being in train** and the Development Management colleagues can also take account of the fact that this is imminent as a material consideration. And I think that's the most sensible thing we can offer at the moment, if that makes sense.

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5.48.42 TH

Could I just suggest..I know for a fact the work is almost done and they've reached their conclusions and it's only a matter of days before that can be issued. And I've been in meetings with the Council officers where we are all aware of what's coming. And all I would say is that even before the hearings session close that it is clear there are certain streets that shouldn't be in the density zone and even if you haven't got round to legally designating the conservation areas, what we are discussing here is the soundness of the Plan and whether you as a Council has taken sufficient account of robust evidence and I don't think you have at this point. I think a precautionary approach is needed to take the boundaries back for the density areas because as I've said in previous representations, the density study didn't even study Hoylake. It didn't look at it, it just crudely decided to draw a circle around a railway station. So that's where we are; we have to kind of find a way to deal with that problem. I just think the obvious thing would be for you to commit for the Policies Map to redefining those boundaries.

5.50.17 I

Yes, **I may have a suggestion and I'm thinking about soundness** and yes, of course things change in the fullness of time, so I get that. But actually it seems to be it is about Policy WS3.2. "New residential development within the density zones below on the Policies Map should be provided at the following minimum densities". **Presumably it is clarifying that these minimum densities do not apply in conservation areas or any update to conservation areas? And then that means that as conservation areas come through in the fullness of time, they get knocked out of Policy WS3.2.** And then with reference to I think it is paragraph that I mentioned, there is provision for stuff within the setting of conservation areas to be taken account of however they are drawn, to be taken account of. Which you might want to reflect on in terms of a policy or you might not. I think that's probably....yeah?

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5.51.30 KM

That's helpful advice, we already reference in WDB.1. Development proposals that have the potential to impact on a heritage asset or its setting must be accompanied by proportionate evidence set out in a heritage impact assessment. Which we would expect if you were in this interim period. We would expect to pick up the issue of concern through that part of the policy. And look to you, sir, really in terms of the specific requests in relation to draft conservation area boundaries because they are draft at the moment.

5.52.18 I

I'm probably not going to resolve the disagreement, but from what I have it, and obviously we are not looking at the Policies Map as that is not a development plan document, although the policies have to be accurately represented on it, what we are examining is the Plan. **To my mind, it all comes down to the density policy that is disapplied if you like. I'm not sure that's currently clear enough in relation to conservation areas and to any subsequent alterations to those.**

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

Please say why each change you consider necessary will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

There should be a new sentence within the housing density section of Policy WS3 which states that the policy does not apply within conservation areas. This would ensure the Plan is justified by an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence as well as consistent with national policy.

This change is necessary because the Plan was submitted based on a housing density study that did not properly consider the adverse impacts of the proposed policies on the non-designated built heritage of Hoylake that sits outside the conservation areas and where the conservation area appraisals were at least twenty years out of date and in the process of being replaced by new appraisals that will extend their boundaries to cover the non-designated heritage assets at risk from redevelopment pressure. The change would deal with the required lack of robust evidence on heritage highlighted by the hearing session on Matter 7 (Strategic Environmental Policies). It would be consistent with the intentions of the housing density study which states that conservation areas are to be excluded from the housing density areas. It is necessary because the Policies Map as submitted would fix the density policy areas in the part of the Borough where extensions to existing conservation areas are likely to occur, given the emerging work for King's Gap and Meols Drive, the rolling programme of appraisals the Council is committed to and where current good practice is to bring in detrimental buildings to control their redevelopment and replacement.

Paragraph 195 of the NPPF states that heritage assets include sites and buildings of local historic value and Paragraph 196 states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk. So, the proposed change would ensure the Plan is consistent with national planning policy in terms of the new Local Plan not having the unintended consequence of encouraging the demolition of swathes unlisted historic buildings that are likely to be given conservation area status during the life of the Plan. The only other alternative to making the Plan sound in relation to this issue would be to roll back the density area boundaries for King's Gap and Meols Drive to where the conservation areas are likely to be designated, but that would be less comprehensive. The most practical suggestion is that made by the Inspector: to simply disapply the policy within conservation areas.

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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.

No.

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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.

No.

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Part C

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

Please state the additional modification to which you refer (in the format 'AMxx') and provide your comments as concisely as possible

No.

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OR

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