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<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	6 April 2017
	Council		20 April 2017
<b>Subject:</b>	Adoption of the Sefton Local Plan	<b>Wards Affected:</b>	(All Wards);
<b>Report of:</b>	Head of Regeneration and Housing		
<b>Is this a Key Decision?</b>	Yes	<b>Is it included in the Forward Plan?</b>	Yes
<b>Exempt/Confidential</b>	No		

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### **Purpose/Summary**

The Inspector's Report on the Examination of the Sefton Local Plan has been received by the Council and published on the website, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Having received the report, which indicates that the Local Plan has been found to be 'sound' the Council is now able to adopt the Local Plan. This will now become the Development Plan for Sefton, which will enable the policies in it to be given full weight when determining planning applications. It will replace the Unitary Development Plan (UDP).

The Inspector's report indicates that, as submitted, the Local Plan had a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out in the report. However, with the Main Modifications recommended by the Inspector to the Plan (see [www.sefton.gov.uk/localplan](http://www.sefton.gov.uk/localplan)) the Sefton Local Plan now satisfies the requirements of Section 20(5) of the 2004 Planning & Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness set out in the National Planning Policy Framework.

### **Recommendation(s)**

#### **Cabinet:**

1. That Cabinet delegates to the Chief Planning Officer in conjunction with the Cabinet Member - Planning and Building Control the approval of additional minor modifications to the Local Plan consequential to the Main Modifications recommended by the Inspector, and any other minor editorial changes that do not amend the substance of the Plan; and
2. That Cabinet recommends to Council the following:

- (a) The adoption of the Sefton Local Plan, including the Main Modifications set out in the Appendix to the Inspector’s report (as attached to this report) and any consequential changes to the Local Plan and the Policies Map and any minor changes as set out in this report or as agreed (1) above, as part of the statutory Development Plan for Sefton; and
- (b) Notes that the decision to adopt the Sefton Local Plan will be subject to a statutory legal challenge period of 6 weeks from the date of adoption.

**Council:**

That Council:

- 1. Adopts the Sefton Local Plan, including any additional modifications agreed by the Cabinet at 2(a) above, and
- 2. Notes that the decision to adopt the Sefton Local Plan will be subject to a statutory legal challenge period of 6 weeks from the date of adoption.

**How does the decision contribute to the Council’s Corporate Objectives?**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity	x		
3	Environmental Sustainability	x		
4	Health and Well-Being	x		
5	Children and Young People	x		
6	Creating Safe Communities	x		
7	Creating Inclusive Communities	<b>x</b>		
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

**Reasons for the Recommendation:**

When the Council adopts the Local Plan it will be given full weight when planning applications are determined, and will enable the jobs, homes and supporting infrastructure that Sefton needs can be delivered.

**Alternative Options Considered and Rejected:**

The Council could choose not to adopt the Local Plan. However, this could mean that we will lose control over where development takes place and that the infrastructure required to support development is not provided.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

All costs associated with the adoption of the Local Plan are covered by the Planning Services budget. If the Council decides not to adopt the Local Plan, this could result in considerable financial and resource implications for the Council, both in relation to the cost of defending decisions to refuse planning permission at appeal that result from the Council not having an up to date Local Plan, and in relation to having to refresh and update the evidence base to support the preparation of a new Local Plan.

An adopted Local Plan is also a pre-requisite of implementing the Community Infrastructure Levy (CIL) and this would have an additional financial cost resulting from a decision not to adopt the Local Plan.

**(B) Capital Costs**

None.

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Financial</b> N/A	
<b>Legal</b> Adoption of the Local Plan as proposed in the report, will ensure that future planning decisions and appeals can be robustly defended.	
<b>Human Resources</b> N/A	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact of the Proposals on Service Delivery:**

The adoption of the Local Plan, and the replacement of the Unitary Development Plan will streamline the planning decision-making process.

### **What consultations have taken place on the proposals and when?**

The Head of Corporate Resources (FD4592/17) has been consulted and notes the report indicates no direct financial implications at this stage by adopting the Local Plan. and the Head of Regulation and Compliance (LD.3875/17) have been consulted and any comments have been incorporated into the report.

### **Implementation Date for the Decision**

Immediately following the Council meeting.

### **Contact Officer:**

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### **Appendices:**

1. Report to Sefton Council on the Examination into the Sefton Local Plan, 14 March 2017
2. Appendix to above report – Main Modifications
3. List of minor changes to be included in the adopted Sefton Local Plan

### **Background Papers:**

None

## **1. Introduction/Background**

- 1.1 The Sefton Local Plan was submitted for examination in July 2015. Since then hearings were initially held in November 2015 – January 2016, and in November 2016 following the publication of Modifications to the Local Plan in June 2016.
- 1.2 The Plan represents an important tool for implementing the wider aims and objectives of the Council and its partners as it will support:
- The delivery of 11,520 new homes, including affordable housing and housing for older people, which will meet its objectively assessed needs to 2030;
  - The delivery of 3 strategic employment sites and a number of other employment areas to provide jobs on 62 hectares within Sefton;
  - Ensure that Sefton's Green Belt will be protected until a future review of the Local Plan indicates that further Green Belt release is justified;
  - The regeneration of Sefton's town, district and local centres and a number of other locations in Bootle and Netherton;
  - The provision of infrastructure necessary to support development;
  - Good design in new development;
  - Policies that support the well-being of the population, whether through the provision and enhancement of open space, and routes for cycling and walking, and
  - Policies that protect and enhance the Borough's natural and heritage assets.
- 1.3 The Inspector's report is not legally binding on the Council and it does not have to accept all his recommendations. However, any policy not modified in line with his recommendations would be extremely vulnerable at appeal. Indeed, were the Local Plan to be adopted without these Main Modifications, the Council would also be extremely vulnerable to legal challenge via Judicial Review and the Council would have little or no defence to such a challenge on that basis.
- 1.4 A schedule of minor modifications to the Local Plan, prepared by the Council is attached to this report. They mainly correct minor errors and update non-policy sections of the Local Plan and are consistent with the Main Modifications recommended by the Inspector.

## **2. Next steps**

- 2.1 Should Council decide to adopt the Local Plan, the adoption will be effective from the date the decision is made (i.e. 20<sup>th</sup> April 2017). From that date the Sefton Local Plan will immediately form part of the Development Plan, replacing the Sefton Unitary Development Plan. It will become the main document against which planning applications will be assessed, supported by Supplementary Planning Documents, Master Plans and Development Briefs which set out how specific sites should be developed or how policies will be implemented in order to comply with the Local Plan.
- 2.2 In accordance with Government regulations on the adoption of the Local Plan, all participants in the Local Plan process will be notified of the adoption as soon as is reasonably practicable. The adopted Local Plan, together with the accompanying Policies Maps, Sustainability Report and Adoption Statement and the Inspector's report, will be made available at the Council offices in accordance with

Government Regulations and the Council's Statement of Community Involvement. A press release and press notice will also be published to allow a wider audience to be aware of the Local Plan's adoption.

- 2.3 Given the cost of printing the adopted Local Plan and policies map, and the move toward providing documents on the web, printed copies of the Local Plan will not be made readily available, and a charge will be imposed on members of the public and other organisations requesting a copy.
- 2.4 Following adoption of the Local Plan, there is a 6 week Judicial Review period when people can challenge either that the document is not within the appropriate power, or that a procedural requirements has not been complied with. Whilst the Council and the inspector have done everything possible to ensure that this risk is very low, it remains a risk.
- 2.5 If a challenge is successful, either the whole plan or the relevant policy within it, generally or as it affects the property of the person who made the challenge, could be struck out and could not be afforded any weight in the decision-making process.

### **3. Conclusion**

- 3.1 The preparation of the Sefton Local Plan has been completed. The examination of the Plan has been concluded and the Inspector's report has been received. The Sefton Local Plan is therefore recommended for adoption by the Council in accordance with the Inspector's recommendations.