

Report of	Meeting	Date
Director of Director of Director Partnerships, Planning and Policy (Introduced by Executive Member for LDF and Planning)	Executive Cabinet	18 October 2012

## **WEST LANCASHIRE LOCAL PLAN (PUBLICATION) AND DRAFT STATEMENT OF COMPLIANCE WITH THE DUTY TO COOPERATE**

### **PURPOSE OF REPORT**

1. To advise members and seek approval to support the West Lancashire Local Plan and draft Statement of Compliance with the Duty to Cooperate which provides robust evidence as to how West Lancashire Borough Council has successfully cooperated and worked with neighbouring authorities and other organisations in the preparation of their Local Plan in relation to issues with potential cross – boundary impacts, and
2. To seek Executive Member approval to respond on the Council’s behalf to future consultations to Local Plans and compliance with the Duty to Cooperate from neighbouring local authorities.

### **RECOMMENDATION(S)**

3. To support the West Lancashire Local Plan and Draft Statement of Compliance with the Duty to Cooperate and seek a delegation to the Executive Member for LDF and Planning to respond on the Council’s behalf to future consultations to Local Plans and compliance with the Duty to Cooperate from neighbouring local authorities where the response is to support the proposed Local Plan. Where the proposed response to any such consultation is to oppose the draft Local Plan, this will be brought back to Executive Cabinet for consideration.

### **EXECUTIVE SUMMARY OF REPORT**

4. The Duty to Cooperate is a requirement of planning regulations and will need to be prepared to catalogue the evidence of the wide range of collaborative work with neighbouring authorities and other bodies that officers have undertaken in preparing their Local Plan. West Lancashire Borough Council has prepared a draft Statement of Compliance with the Duty to Cooperate to demonstrate a high level of co-operation with other authorities including Chorley Council and public bodies in the preparation of their West Lancashire Local Plan. There are a number of strategic cross boundary issues such as green belt land release to cover the development needs of West Lancashire, the provision of land for housing and employment requirements, net out- commuting and the provision for travellers. However, Chorley Council has not considered any strategic issues impact on the Chorley Borough area and has made no representations to the WLLP during its different stages of consultation and has no fundamental objection to the overall soundness of this plan or expressed any concerns regarding the level of co-operation engaged with by West Lancashire Borough Council. Chorley Council wishes to support the WLLP and its draft Statement of Compliance with Duty to Cooperate. Executive Member

approval is also sought to respond on the Council's behalf to future consultations to Local Plans and compliance with the Duty to Cooperate from neighbouring local authorities.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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<b>Key Decision?</b> Please bold as appropriate	Yes	No
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	<b>4, Significant impact in environmental, social or physical terms in two or more wards</b>

### REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To accord with planning legislation on the soundness of a Local Plan and the Duty to Cooperate.

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- None.

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support	x	Education and Jobs	x
Being Healthy	x	Pride in Quality Homes and Clean Neighbourhoods	x
Safe Respectful Communities	x	Quality Community Services and Spaces	x
Vibrant Local Economy	x	Thriving Town Centre, Local Attractions and Villages	x
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			x

### BACKGROUND ON DUTY TO COOPERATE

- The Localism Act and the Framework (NPPF) creates a duty on local planning authorities, county councils and other "prescribed" bodies to cooperate with each other to address strategic matters relevant to their areas in the preparation of a development plan document. The duty requires on going constructive and active engagement on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure or matters that would fall under the remit of a county council.
- Paragraph 181 of the NPPF (March 2012), states that "*Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination*". Paragraph 181 also provides examples of how evidence of co-operation may be demonstrated, such as jointly prepared strategies or planning policies, joint committees with neighbouring

authorities to make decisions or memorandums of understanding to agree how authorities and bodies will co-operate with each other as they prepare planning policy or strategy.

10. The Framework also provides further guidance on the Duty, focusing on “*planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156*”. (S178). The Framework is clear that local planning authorities (LPAs) and other public bodies should work collaboratively on these strategic priorities and reflect this in Local Plans. These strategic priorities are:
  - the homes and jobs needed in the area;
  - the provision of retail, leisure and other commercial development;
  - the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - the provision of health, security, community and cultural infrastructure and other local facilities; and
  - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
11. Information on the Duty to Cooperate will accompany a Local Plan and this will set out the evidence as to how a Council has co-operated with neighbouring authorities and the “prescribed” bodies in the preparation of the development plan in relation to issues with potential cross-boundary impacts. The Framework (paragraph 182) states “The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound.

## **WEST LANCASHIRE LOCAL PLAN – DUTY TO COOPERATE STATEMENT OF COMPLIANCE (Draft)**

12. The Publication version of the West Lancashire Local Plan (WLLP) was on deposit for representations between 9<sup>th</sup> August and 5<sup>th</sup> October 2012. It is one of the first published Local Plans under the National Planning Policy Framework and Localism Act, combining the Core Strategy and Site Allocations Development Plan Document in one document. West Lancashire Borough Council prepared a Draft Statement of Compliance with the Duty to Cooperate which was also subject to public consultation. The Submission version of the WLLP including the Statement of Compliance with the Duty to Cooperate will be submitted to the Secretary of State on the 31 October 2012.
13. The draft Statement of Compliance sets out where the WLLP may, potentially, have an impact on neighbouring authorities. The Statement raises a number of key cross-boundary strategic issues and includes more detailed discussion not only to demonstrate the legal compliance aspect of the Duty to Co-operate, but the soundness aspects of the Duty as well.
14. Paragraph 179 of the NPPF states local planning authorities should “*consider producing joint planning policies on strategic matters and informal strategies*”. West Lancashire Borough Council and Sefton Council did consider this approach but it was felt that no strategic issue was so significant as to warrant a joint strategy or planning policy given that each authority, at that time, intended to meet its own needs within their borough.
15. The significant cross-boundary strategic issues are:
  - Green Belt and Safeguarded Land**
    - The WLLP identifies a shortage of brownfield development sites, and in response to the need for development, proposes the release of three areas of Green Belt land; two areas adjoining Ormskirk and one area adjoining Burcough; released for housing, access and new community infrastructure, employment; and university buildings and infrastructure. Of the total 135 hectares of Green Belt release some will be safeguarded for development if required in the plan period (under what the WLLP calls “Plan B”) or after 2027. In relation to the location of any Green Belt release, it was considered that it would be unsustainable

and inappropriate to locate a significant amount of development in the Green Belt on the edge of any of the Borough's villages, therefore leaving only the Key Service Centres as reasonable locations for this release.

### **Meeting Housing Need**

- The Local Plan sets out how West Lancashire's own objectively-assessed housing needs will be met within West Lancashire, but does not provide any opportunity for the housing need of any neighbouring authority to be met within West Lancashire. West Lancashire Council at their Core Strategy Options stage (September 2009), consulted on five strategic options, including one where neighbouring authorities would help meet a proportion of West Lancashire's housing needs. However, this option was not taken any further because each neighbouring authority including Chorley Council responded to this consultation stating that they could not help meet any of West Lancashire's housing needs.
- In relation to the potential for West Lancashire to help meet the housing needs of a neighbouring authority(ies), paragraph 182 of the NPPF describes how a plan that is positively prepared is one that also meets "*the unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development*". West Lancashire Council have responded to meet any neighbouring authority's housing need, it could only be accommodated by the release of more Green Belt land and there is no reasonable justification that West Lancashire should do so, or that in doing so would be enabling sustainable development.
- The WLLP sets a housing requirement for 4,650 dwellings over the plan period, making a total annual requirement of 310 dwellings and allocates land for exactly the same number of dwellings as required. The Northern Parishes area (including Tarleton, Hesketh Bank, Banks, Mere Brow and Rufford) and Eastern Parishes area (Wrightington, Parbold) adjoins the Chorley Borough boundary. Within the rural area of the northern parishes 400 dwellings are proposed and for the eastern parishes rural area, 100 dwellings are proposed.

### **Employment Land Delivery.**

- West Lancashire has co-operated with neighbouring authorities including Chorley Council in defining their 75 hectare employment land target and on proposals to release 10 ha of Green Belt in West Lancashire to meet employment land needs and 10 hectares for new university buildings at the Edge Hill University, Ormskirk. The WLLP does not require any neighbouring authorities to deliver West Lancashire's employment requirement. No neighbouring authority has approached West Lancashire to meet any unmet requirement.

### **Net Out-Commuting**

- The WLLP does not propose to make West Lancashire net self-sufficient in relation to provision of employment opportunities and so West Lancashire will continue to rely on neighbouring authorities and the larger regional cities in the North West including Preston for a large proportion of its employment opportunities

### **Provision for Travellers**

- West Lancashire received no objections from neighbouring authorities in relation to their traveller sites policy or to the potential use of Green Belt to meet these needs. The WLLP proposes to provide 21 permanent pitches for Gypsies and Travellers on up to 3 sites; 14 transit pitches for Gypsies and Travellers on 1 site; 7 permanent plots for Travelling Showpeople on 1 site. The WLLP proposes to locate permanent Gypsy and Traveller pitches close to the M58 corridor and within, or close to, Scarisbrick and to locate Transit pitches close to the M58 corridor. Plots for Travelling Showpeople shall be located within the Burscough area or close to the M58 corridor. Sites within the Green Belt in these broad locations will be considered where applicants can demonstrate that there are no other suitable sites within the locality and within settlement areas, using the requirements of West Lancashire's sequential test policy. West Lancashire can meet its own needs for

Travellers sites, but not to meet the needs of any neighbouring authority if that is required.

**Other matters.** These include;

- West Lancashire’s on going reliance on neighbouring authorities for certain services (e.g. retail and leisure) and infrastructure (e.g. transport). However, proposals in the Local Plan, such as those for Skelmersdale Town Centre and increased opportunities for employment within the Borough, will reduce this reliance on neighbouring authorities.
- The Ribble Estuary and Wetlands Regional Park is supported by the WLLP and no objections have been received to its inclusion and there is no impact on neighbouring authorities.

16. West Lancashire Borough Council has demonstrated a high level of co-operation with other authorities including Chorley Council and public bodies in the preparation of their WLLP. Chorley Council has made no representations to the WLLP during its different stages of preparation and consultation and has no fundamental objection to the overall soundness of the WLLP or expressed any concerns regarding the level of co-operation engaged with by West Lancashire Borough Council. Chorley Council wishes to support the WLLP and its draft Statement of Compliance with the Duty to Cooperate.

**OTHER LOCAL PLANS FROM NEIGHBOURING AUTHORITIES**

17. Executive Member approval is also sought to respond on the Council’s behalf to future consultations to Local Plans and compliance with the Duty to Cooperate from neighbouring local authorities.

**CONCLUSION**

18. West Lancashire Borough Council has demonstrated a high level of co-operation with other authorities including Chorley Council and public bodies in the preparation of their WLLP. In particular, it has participated in a number of joint projects with other authorities on key evidence base documents and has worked closely with key infrastructure providers to ensure that the WLLP will deliver what infrastructure is needed to address constraints. Chorley Council has made no representations to the WLLP during its different stages of consultation and has no fundamental objection to the overall soundness of this plan or expressed any concerns regarding the level of co-operation engaged with by the WLBC. Chorley Council wishes to support the WLLP and its draft Statement of Compliance with the Duty to Cooperate.

**IMPLICATIONS OF REPORT**

19. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

20. There are no comments.

## COMMENTS OF THE MONITORING OFFICER

21. The recommendation is appropriate to allow for a proper response to the West Lancashire BC consultation exercise, and the delegation enable an efficient and timely response to be provided to any other consulting Councils, where the consultation response is to support any draft plan.

LESLEY ANN FENTON  
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
West Lancashire Local Plan Publication 2012 – 2027 and	August 2012	<a href="http://www.westlancs.gov.uk/pdf/Final%20LP%20Publication%20-%20RGB_opti.pdf">http://www.westlancs.gov.uk/pdf/Final%20LP%20Publication%20-%20RGB_opti.pdf</a>	West Lancs Council Website
Draft Statement of Compliance with Duty to Cooperate	August 2012	<a href="http://www.westlancs.gov.uk/pdf/Duty%20to%20Co-operate%20Statement%20of%20Compliance%20-%20draft%20Final%20060812.pdf">http://www.westlancs.gov.uk/pdf/Duty%20to%20Co-operate%20Statement%20of%20Compliance%20-%20draft%20Final%20060812.pdf</a>	West Lancs Council Website

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