



CABINET & FULL COUNCIL

CITYWIDE
PUBLIC
SDH/11

Cabinet Member:

Cabinet Member for Strategic Development & Housing

Director:

Director of Regeneration & Economy

Report Title:

Adoption of the Liverpool Local Plan (SDH/11)

Date:

Cabinet – 7 January 2022

Combined Meeting of Select Committees – 13 January 2022

Full Council – 26 January 2022

Report No:

EDR/88/21

Decision Type

Cabinet Key Decision

1.0 Executive Summary

- 1.1. The planning inspector's report (**Appendix 2**) on the Liverpool Local Plan 2013 -2033 was received on 20th October 2021. It has been published on the council website, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The inspector concluded that with the recommended main modifications set out in Appendices 1 and 2 to the report that the Liverpool Local Plan satisfies the requirements referred to in Section

20(5)(a) of the 2004 Planning and Compulsory Purchase Act and is 'sound'. The examination process has now concluded, and it is now for Liverpool City Council to determine whether to adopt the Local Plan.

- 1.2. The adoption of a Local Plan is governed by s.23 of the Planning and Compulsory Purchase Act 2004 and regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.3. As the examination process is complete, adoption is the final stage of putting a Local Plan in place. This requires confirmation by a meeting of the Full Council [Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000].
- 1.4. This report, therefore, asks cabinet to recommend to full council that the Liverpool Local Plan as set out in **Appendix 1 and 1a to 1d**, and as amended by the main modifications as set out in the inspectors report (**Appendix 2, 2a and 2b**), be adopted as the statutory development plan for the city. This includes the Liverpool Local Plan Policies Map as modified by the changes set out in **Appendix 4 and 4a** to this report. Adopting the Local Plan will enable the policies in it to be given full weight when determining planning applications. It will replace the Liverpool Unitary Development Plan, 2002.

2.0 Information:

- 2.1 All local planning authorities are required to produce a local plan and to keep it under review at least every five years. In January 2018 the Liverpool Local Plan went through its final stage of statutory consultation and following cabinet approval it was submitted to the Secretary of State in May 2018, who appointed an independent inspector to carry out an examination of the "soundness" of the submitted Local Plan. The examination public hearings took place between the 13 and 23 October 2020.
- 2.2 Following the hearings, the council, in accordance with usual practice, prepared schedules of the proposed main modifications for the inspector's

consideration; and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them.

- 2.3 On 25th June 2021 (EDR/33/21) cabinet approved consultation on the main modifications. Public consultation took place over a six-week period in July and August 2021. All representations received were sent to the inspector, and the City Council specifically requested that the inspector recommend any main modifications necessary to enable the Local Plan to be adopted.
- 2.4 The inspector's report on the examination of the Liverpool Local Plan was received on 20 October 2021 and the City Council, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, published it. The report concludes that the Liverpool Local Plan provides an appropriate basis for the planning of the City provided that a number of main modifications are made to it. The examination process has now concluded, and it is now for the City Council to determine whether to adopt the Local Plan.
- 2.5 The inspector's report is not legally binding on the council, but the City Council may not adopt an unsound plan and the inspector concluded that the Liverpool Local Plan would be found 'unsound' without the main modifications.

The Inspector's Report

- 2.6 The inspector's report (**Appendix 2, 2a and 2b**) contains the inspector's assessment of the Liverpool Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate, whether the plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) 2012 (paragraph 182) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
- 2.7 The main modifications to the Local Plan, which have been agreed by the inspector and which are recommended by this report can be summarised as follows:

- ✓ A number of main modifications are necessary to enable a conclusion of no likely significant effect at the plan-making level on the qualifying features of internationally important sites (Natura 2000 sites), including the clarification that mitigation would be required on all residential proposals of 10 or more dwellings/units in relation to measures to deal with the likely significant adverse effects from recreational disturbance on qualifying features of nearby marine and estuarine environments;
- ✓ Incorporating an interim approach for Liverpool for strategically securing mitigation in relation to recreational disturbance and residential development in advance of any wider City Region mechanism;
- ✓ A number of main modifications to ensure that the plan's approach to measuring a deliverable housing land supply is effective and consistent with national policy, including a housing trajectory, a realistic small sites windfall allowance and factoring in housing delivery on allocated mixed-use sites.
- ✓ The inclusion of a key diagram and a monitoring framework.
- ✓ A development management policy for the Green Belt.
- ✓ A revised policy to effectively deal with proposals for tall buildings in Liverpool including the identification of key views sensitive to tall building proposals.
- ✓ Various amendments to site allocations, including reclassifying land at garston docks and spekeland road sidings from residential to mixed use and reallocating land at pumpfields and St Anne Street East from primarily industrial areas to mixed use.

- ✓ A number of other main modifications to individual policies to ensure that the plan is positively prepared, justified, effective and consistent with national policy

2.8 There are a number of main modifications which will generate changes to the submitted Policies Map, which have been identified in the inspectors report. A number of factual amendments are also required. A schedule of the modifications that are recommended to be made to the Policies Map are set out in **Appendix 4 and 4a** to this report. In addition, several minor modifications have been identified that are required and recommended to address factual matters and presentational matters. The inspector previously confirmed that none of these present matters related to the 'soundness' of the Local Plan. These are set out in **Appendix 3** to this report.

Options

2.9 The choices available to the council at this stage are restricted to the binary options of adopting the Local Plan (with the main modifications and consequential Policies Map changes) or not adopting the Local Plan. The council is not entitled - as a matter of law - to make further main modifications to the Local Plan. There is also no middle ground option of adopting parts of the Plan.

2.10 The inspector's report must be given strong consideration in the adoption decision. The merits of the Local Plan's policies, designations and site allocations are all matters that have been considered at depth through the examination in public. The content of the Local Plan and its soundness is the remit of the inspector at this stage, not the council.

2.11 The adoption of the Local Plan will bring a number of benefits. It will:

- ✓ Ensure that Liverpool has a positive and up to date statutory planning policy framework to guide and manage the sustainable growth and regeneration of the City;
- ✓ Provide greater certainty to all interested parties, including local communities and businesses, about where new development will take place;

- ✓ Give the City Council greater control over the location and quality of development; and
- ✓ Ensure that the City has a number of new and significantly important policy approaches in place in respect of Houses in Multiple Occupation (HMOs), affordable housing, tall buildings, climate change matters, accessible homes and space standards.
- ✓ It will provide a basis for the development of a suite of supplementary planning documents that will set out more detailed policy and standards on various matters which could including climate change, residential design, trees and landscaping, HMOs and other design matters. These documents cannot be produced without an adopted Local Plan in place.

2.12 Not adopting the Local Plan would increase the risk of poorly planned development taking place and an increased risk of successful planning appeals for developments not in accordance with the Unitary Development Plan. In addition, the City Council would risk reputational damage with the Government, as the City Council would not be able to put a 'new' Local Plan in place by the Government's deadline of December 2023. There is also a risk that the Secretary for State could intervene in the adoption of the Local Plan.

City Plan and Mayor Triple Lock

2.13 Adopting the Local Plan will make a significant contribution to the City Plan, specifically:

- ✓ **A healthier, happier, fairer Liverpool for all** – the Local Plan includes policies that seek to improve health and well-being including through protecting and enhancing open space, managing hot food take-aways, ensuring inclusive access and through high quality design of buildings and spaces.
- ✓ **People are educated to succeed throughout life** – The Local Plan includes policy in respect of ensuring access to community facilities including for education.
- ✓ **Safe and thriving neighbourhoods** – The Local Plan seeks to ensure sustainable, attractive and safe residential neighbourhoods by including policies to ensure housing needs are met, that communities have

access to shops and services, quality open spaces, and that design is of high quality.

- ✓ **A strong and inclusive economy** – Policies in the Local Plan ensure the provision of land to meet the need for new jobs growth, and that new employment opportunities are sustainably accessible. A key objective is to increase the City’s economic performance by ensuring sustainable economic growth across all business sectors and areas with strong growth potential, for the benefit of all the city’s communities.
- ✓ **A low carbon, connected and accessible city** – policies ensure sustainable accessibility, the provision of electric vehicle charging points and enhancement of green infrastructure to promote active travel, as well as policies for renewable and low carbon energy and solar panels.
- ✓ **The most exciting city in the UK** – the Local Plan includes specific city centre policies to promote and protect its uniqueness and character e.g. Baltic Triangle and Ten Streets, and as the primary location for significant cultural and tourist attractions.

2.14 The Local Plan will also contribute to the delivery of the Mayoral Triple Lock Tests

Mayoral Triple Lock Tests	Local Plan Priorities
<p>Social Value</p>	<p>✓ Create residential neighbourhoods that meet housing needs - which contributes to social and economic regeneration, and improving the design quality and diversity of the City’s housing offer to support the creation of vibrant, mixed, healthy and sustainable communities including accessible dwellings.</p>

Mayoral Triple Lock Tests	Local Plan Priorities
	<ul style="list-style-type: none"> ✓ Vital and viable centres - ensure a sustainable spatial distribution of vital and vibrant district and local centres with a diverse range of quality shops, services, community, health and education facilities, which are highly accessible and meet the everyday needs of local communities.
<p>Environmental</p>	<ul style="list-style-type: none"> ✓ High quality green infrastructure - To protect and enhance Liverpool's green infrastructure to ensure more attractive and cleaner residential neighbourhoods; sustain and promote biodiversity; mitigate against and adapt to climate change including contributing to flood risk management; and to provide greater opportunities for sport and recreation, walking and cycling and growing food locally to encourage better health and mental and physical wellbeing. ✓ Use resources efficiently - To ensure that all new development limits or mitigates adverse environmental impact and is adaptive and resilient to climate change impacts; and ensures the sustainable growth of the City.

Mayoral Triple Lock Tests	Local Plan Priorities
	<ul style="list-style-type: none"> ✓ Maximising sustainable accessibility To ensure maximum accessibility for all to employment, shops, services, education and training, by supporting and improving the City's transport infrastructure, particularly sustainable modes, and ensuring all new development encourages active travel ✓ Attractive and safe city with a strong local identity - To ensure all new development achieves high quality and inclusive design to ensure an attractive, distinctive, healthy and sustainable City ✓ A high quality historic environment - To protect and enhance the City's unique historic and architectural environment
<p>Equality and Inclusion</p>	<ul style="list-style-type: none"> ✓ Maximising social inclusion and equal opportunities - Major developments should make a measurable contribution to the promotion of social inclusion and equal opportunities including physical access for all in the communities in and around the area where the development is taking place.

Mayoral Triple Lock Tests	Local Plan Priorities
	✓ Strengthen the city's economy- To increase the City's economic performance by ensuring sustainable economic growth across all business sectors and areas with strong growth potential, for the benefit of the whole City to ensure economic disparities are reduced

Conclusions

- 2.15 The preparation of the Liverpool Local Plan has been completed. The examination of the Local Plan has been concluded and the inspector's report has been received and, with the recommended modifications, found the Local Plan is 'sound'. The Liverpool Local Plan, as modified, is therefore recommended for adoption by the council in accordance with the inspector's recommendations.
- 2.16 A decision to adopt will enable the Local Plan to carry full weight in the determination of planning applications. It will provide a framework for development in the City and allow the council to move on to a review of the Local Plan.
- 2.17 If council approve the adoption of the Liverpool Local Plan, there will then be a 6-week judicial review period when people can legally challenge its adoption in respect of process and procedure, but not content. Whilst the council and the inspector have done everything possible to ensure that this risk is very low, it remains a risk.

Next Steps

- 2.18 The planning service is committed to securing excellence in sustainable and quality place-making. Adopting the Local Plan will be a significant and positive step that will facilitate and ensure a strengthened decision-making process.
- 2.19 The service has already received recognition with the Baltic Triangle Strategic Regeneration Framework being awarded the North West RTPI Planning Excellence Award for Plan Making in Practice. In presenting this award it was recognised that the document '....was being used in a development management capacity to achieve better quality planning permission....that really elevated this document'.
- 2.20 Following adoption of the Local the team will focus on the preparation of more detailed planning policy documents, in the form of supplementary planning document and implementation notes. These can only be produced with an adopted local plan that sets the high-level vision and key policy framework. Supplementary planning documents can set more detailed standards and requirements and will ensure that the council's and local planning authority's aspirations in respect of ensuring the delivering of quality sustainable development that delivers community, environmental and social value benefits is delivered. The local planning authority will be engaging with local communities, businesses, stakeholders and Members in respect of the preparation of these documents.
- 2.21 Over the coming 12 to 18 months the service intends to bring a number of policy frameworks to Cabinet including in respect of public realm, tall buildings, HMOs and climate change/ sustainable design.
- 2.22 In addition, the planning service will be pro-actively engaging with key stakeholders, landowners and developers to facilitate an understanding of the new policy requirements in the Local Plan, and to ensure developers deliver positive outcomes on the ground for Liverpool's communities.

3.0 Commissioner Review:

3.1 The Local Plan is not an area of inspection for the Commissioners. However, the Commissioner have been briefed on the process and timescales for taking the Local Plan through to adoption and she has given support to taking the Local Plan through the process to adoption.

4.0 Recommendation:

It be recommended to Full Council that -

- (i) approval be granted for the adoption of the Liverpool Local Plan, as set out in **Appendix 1 and 1a to 1d** to the report submitted as modified by the Main Modifications set out in the Inspector's report (**Appendix 2, 2a and 2b**), consequential changes to the Local Plan and the Policies Map set out in the Inspectors Report (**Appendix 2. 2a and 2b**), the schedule of minor modifications (**Appendix 3**) and the schedule of Policies Map changes (**Appendix 4 and 4a**);
- (ii) it be noted that the decision to adopt the Liverpool Local Plan will be subject to a statutory legal challenge period of 6 weeks from the date of adoption; and
- (iii) delegated authority be granted to the Interim Chief Planning Officer (Head of Planning), in consultation with the Cabinet Member for Development and Economy, to make any necessary further minor modifications, including to the Policies Map, prior to Council's consideration of the Liverpool Local Plan that do not constitute matters of soundness.

5.0 Financial Implications:

5.1 There are no financial implications arising from this decision. Work required in respect of making the adopted Local Plan available will be undertaken by planning officers within the City Council.

6.0 Legal and Governance Implications:

- 6.1 The adoption of a Local Plan is governed by s.23 of the Planning and Compulsory Purchase Act 2004 and regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2 As the examination process is complete, adoption is the final stage of putting a Local Plan in place. This requires confirmation by a meeting of the Full Council [Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000].
- 6.3 If Full Council approve the adoption of the Liverpool Local Plan, there would then be a 6-week Judicial Review period when people can legally challenge its adoption in respect of process and procedure.
- 6.4 On adopting a Local Plan, the local planning authority has to make a copy of the Plan, an adoption statement and the Sustainability Appraisal publicly available as soon as reasonably practical in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

7.0 Risk and Mitigation

- 7.1 Production of a Local Plan is a statutory requirement. If no planning framework is in place, the government's default presumption in favour of sustainable development (as set out in the National Planning Policy Framework) will apply to all relevant planning applications, and the City would thus not have specific local planning policies in place to guide and manage development and the quality of that development.
- 7.2 The risks of taking a decision to adopt the Local Plan are low. The Plan as modified has been found sound by the Inspector. It should be noted that, whilst the risk is low, there is a six week window for an aggrieved party to challenge the decision to adopt the Local Plan on the grounds that the document is not

within the appropriate power or that a procedural requirement has not been complied with. Should this occur, officers will brief Members as appropriate.

- 7.3 The key risk of not adopting the Local Plan is that the City would not have an up-to-date statutory development plan in place to guide development and growth in Liverpool. Not adopting the Local Plan would increase the risk of poorly planned development taking place and an increased risk of successful planning appeals.
- 7.4 In addition, the City Council would risk reputational damage with Government, as the City Council would not be able to put a 'new' Local Plan in place by the Government's deadline of December 2023. There is also a risk that the Secretary for State could intervene in the adoption of the Local Plan.

8.0 Environment and Climate Change Implications:

- 8.1 The Liverpool Local Plan aligns with national policy which includes a presumption in favour of sustainable development and makes it clear that the planning system should support the transition to a low carbon future and requires a proactive approach to climate change adaptation. The Local Plan thus includes policies to address climate change and sustainability matters.
- 8.2 Specifically, Strategic Policy 'STP2 Sustainable Growth Principles' sets the overarching framework for delivering sustainable development in the City and includes multiple objectives that development proposals should achieve including:
- ✓ Protect/enhance green infrastructure
 - ✓ Contribute to net gain in biodiversity
 - ✓ Be accessible by sustainable transport – provide for EV charging
 - ✓ Reduce water and energy use, carbon emissions, zero carbon
 - ✓ Be well adapted to climate change
 - ✓ Assist in flood risk and Improve flood-risk management
 - ✓ Improve air quality

8.3 All policies in the Local Plan have also been subject to a Sustainability Appraisal.

9.0 Social and Corporate Parenting Implications (as applicable):

9.1 The primary aim of the Local Plan is to deliver the sustainable development and growth of the City. It will ensure the creation of sustainable, diverse, healthy, safe and vibrant residential communities and business areas across the City.

10.0 Community and Public Health Benefit (as applicable):

10.1 The Local Plan will ensure the delivery of sustainable development and growth in Liverpool, including sustainable and healthy communities. There are a number of policies of that will have particular benefits for public health.

10.2 Policy STP2 'Sustainable Growth Principles' supports development which would deliver a number of key social, economic and environmental outcomes including:

- ✓ Create or contribute to the creation, improvement or maintenance of healthy, safe, sociable and inclusive mixed and balanced communities and places.
- ✓ Improve public access to open space and sports facilities, including good quality, secure and stimulating play space, informal recreation provision and accessible natural open space which encourages greater participation in physical activity.
- ✓ Minimise adverse impacts on, and include measures to improve, air quality within the City.
- ✓ Facilitate and promote walking and cycling to increase people's activity rates.

10.3 In addition Policy SP4 'Food and Drink Uses and Hot Food Take-aways' manages the concentration of hot food takeaways in the City's district and local centres, and the opening hours of such premises within 400m of a secondary school. The explanation text specifically references health

concerns in the City. The policy was written to form part of a holistic strategy of reducing health inequalities in the City, particularly surrounding obesity –‘a whole systems approach’

- 10.4 Policy UD2 ‘ Development Form and Layout’ policy requires development proposals to demonstrate that the layout and form of the proposal will promote physical activity, and Policy R1 ‘ Pollution’ requires development proposals to avoid and mitigate air, water and soil pollution

- 10.5 Furthermore, the transport policies seeks to ensure sustainable access to new development, whilst the policies for the protection and enhancement of green infrastructure will contribute to achieving positive health outcomes. High quality green infrastructure contributes to improving physical and mental health by providing space for people to enjoy, dwell/ relax in and exercise in.

- 10.6 The Local Plan process also included an assessment of the Local Plan policies against health indicators, as part of the Sustainability Appraisal process including the following indicator: ‘To improve health and reduce health inequalities (including mental health)’. Every policy was scored against this criterion plus others covering open space, pollution, social deprivation and quality housing provision

11.0 Consultation including consultation with Ward Councillors and Outcome:

- 11.1 The statutory process associated with the development and approval of the Local Plan required that consultation be undertaken throughout the process, which the City Council has complied with in full. At each stage of the development of the Local Plan ward councillors have been formally consulted.

- 11.2 Cabinet received a briefing on the Inspectors Report and next steps in respect of the adoption of the Local Plan on 8 November 2021.

12.0 Reason(s) and Alternate Options Considered:

12.1 The options are set out in paragraphs 2.9 to 2.12 above.

13.0 Public Sector Equality Duty, Equality Implications and Details of Consultation with Service Users:

- 13.1 The Local Plan is supported by a detailed equality impact assessment, which has previously been published during the consultation stages relating to the development of the Local Plan and was updated to take account of the proposed main modifications. This has considered the impacts of the Local Plan on those with protected characteristics. The analysis identifies generally positive or neutral effects arising from the Plan's policies and proposals.
- 13.2 The inspector's report states, '*The Equalities Impact Assessment shows that the Plan would have either a positive or neutral impact on the protected characteristic of race in relation to these matters. I consider that the plan's policies would be effective in regard to these areas identified and would not require further specificity.*'
- 13.3 The Local Plan includes specific policies concerning gypsies and travellers, specialist accommodation for the elderly, safe, inclusive and accessible environments and improved access to employment opportunities that should directly benefit those with protected characteristics.
- 13.4 By including policies which seek to improve the built environment and public realm, including ensuring inclusive access for all, the Local Plan will make a positive contribution to the quality of life and independence of people with protected characteristics including disabled people and carers, both as residents and as visitors to the city.
- 13.5 The Local Plan will also assist the Council in meeting its obligations under the Equality Act 2010, which places a duty on service providers to make reasonable adjustments in order to avoid disabled people being placed at a substantial disadvantage to non-disabled people. The Act is anticipatory which means that service providers must plan ahead to address any barriers

which impede disabled people. It will also contribute to meeting the City Council's obligations under the Public Sector Equality Duty and the City's Equality Objectives.

14.0 Key Decision and Notice Requirements (including urgency):

Key Decision – Yes

28 Days' Notice & Forward Plan – Yes

Urgency – N/A

15.0 Implementation Date:

26 January 2022 onwards

16.0 Contact:

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17.0 Background Reports:

Cabinet - 25 June 2021 – Liverpool Local Plan Main Modifications

Consultation (DE/1) -

<https://councillors.liverpool.gov.uk/documents/s258570/Liverpool%20Local%20Plan%20Main%20Modifications%20Consultation%20DE1.pdf>

18.0 Supporting Documents:

Appendix 1 – Liverpool Local Plan (as modified)

Appendix 1a – Appendix 2 to the Local Plan - Development Management Criteria for Industrial/Business, Office and Various Types of Development Sites.

Appendix 1b – Appendix 3 to the Local Plan – Identified Key Views Sensitive to Tall Buildings and Broad Context Heights

Appendix 1c – Annex 1 to the Local Plan - Local Plan Monitoring Framework

Appendix 1d – Annex 2 to the Local Plan - Recreation Pressure Information and Guidance Note – Liverpool City Council Interim Approach

Appendix 2 – Inspectors Report

Appendix 2a – Appendix 1 to the Inspectors Report

Appendix 2b - Appendix 2 to the Inspectors Report

Appendix 3 – Schedule of Minor Modifications

Appendix 4 – Schedule of Policies Map Modifications

Appendix 4a – Schedule of Policies Map Modifications – Maps