

PEEL LAND & PROPERTY (PORTS) LTD

EAST FLOAT

PLANNING POLICY POSITION STATEMENT

16 JULY 2010

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1. Introduction

- 1.1 On 6 July 2010 the Government revoked all Regional Strategies including the North West Plan (the adopted Regional Spatial Strategy for the North West).
- 1.2 The Government issued guidance to Chief Planning Officers in a letter from Steve Quartermain of CLG on how to respond to the revocation of RSS in considering planning applications and developing local planning policies.
- 1.3 The East Float Outline Planning Application, submitted in December 2009 by Turley Associates on behalf of Peel Land & Property (Ports) Ltd, is a large scale project to which a number of RSS policies formerly applied. The Application is in its latter stages of consideration by Wirral Council prior to an anticipated Planning Committee on 3 August.
- 1.4 Wirral Council and Peel therefore agree it is necessary to consider the implications of the revocation of RSS on the Application. This is set out below, structured as follows:
 - Section 2 considers the localism and collaborative planning agenda of the new Government and how this relates to the Application;
 - Section 3 sets out the implications of the revocation of RSS under policy topic headings; and
 - Section 4 sets out the position in relation to the development plan and material considerations.

2. Localism

A new agenda

- 2.1 The decision to immediately revoke RSS reflects the Government's wider strategy for localism, whereby communities at the local level, and the local authorities who directly represent them, will have a much greater say over the planning of their area. The purpose of revoking RSS is to allow local authorities the freedom to decide what is best for their own areas, without 'top-down' targets and policy requirements.
- 2.2 However, it is also clear that the Government is committed to meeting the housing delivery challenge, and will introduce strong incentives to that effect. A number of recent Government announcements have reinforced the commitment to tackling the national housing shortfall and affordability of housing.
- 2.3 Wirral Waters represents an exceptional opportunity to allow a locally shaped and supported initiative to tackle major local challenges. It provides a blueprint for an unprecedented level of private sector investment in housing and economic growth in an area of major need.

East Float: a response to local aspirations and priorities

- 2.4 East Float, and the Wirral Waters project generally, has been the subject of 4 years ongoing consultation with the local community and Wirral Council. It is clear that the project has the clear support of:
 - The local community, as evidenced through numerous public meetings, exhibitions, questionnaires etc;
 - Wirral Council (both cross-party political and across departments) together with the support of Local MPs; and
 - Local and regional partners, particularly those involved in the Atlantic Gateway Framework, who have endorsed Wirral Waters as a priority project.
- 2.5 The reasons for this support stem directly from the major social, economic and environmental challenges facing the area. Wirral Waters represents a transformational opportunity to arrest the ongoing cycle of decline in inner Wirral, and solve some of these challenges through major private investment, which will bring major regeneration benefits and create sustainable communities and

economic growth for the future. Through our numerous consultations with the local community it is evident that the people of Wirral recognise the importance of the project for the area and are anxious to see it proceed.

- 2.6 The project is very much embedded in the local community's aspirations and has been developed in response to identified local objectives and priorities. Indeed without the community's support, the project would not have progressed to where it now is.
- 2.7 It has been evident from the initial concept for Wirral Waters that it needed to "think big", a message which is consistent across Peel and Wirral Council's approach. The proposals are therefore major in scale and ambition. The scale of the challenge requires an ambitious response. The need for new investment on an unprecedented scale, to create a sustainable local economy, is a shared ambition with the local community.
- 2.8 The range of places and typologies to be created at East Float seeks to build upon and enhance the good things that Wirral has, whilst attracting new economies and communities (for example at SkyCity). The Strategic Regeneration Framework (SRF) approach taken by Peel has ensured that the proposals are 'of the place' and respond to the particular needs of the local area.
- 2.9 The recent publication of the Birkenhead and Wirral Waters Integrated Regeneration Study (IRS) follows 4 years of partnership working, looking at how the project can integrate with and deliver benefits to the surrounding area, including Birkenhead town centre and a number of adjoining employment and housing neighbourhoods. This will further ensure that the proposals are not an 'island' but that the benefits are spread and shared.
- 2.10 The planning mechanisms that are in the process of being agreed for the East Float application will ensure the delivery of a wide range of measures that will benefit the local area.
- 2.11 The comprehensive nature of the SRF and IRS, together with a range of other policy documents, provides a strong and comprehensive local evidence base for Wirral Waters.

Open Source Planning

- 2.12 In considering the wider implications of Government's proposed changes to the planning system, regard has been had to the Conservative Party's Green Paper "Open Source Planning" (OSP) of February 2010 which set out the Party's main

proposed changes to the system. Evidently the loss of RSS is an early part of the implementation of OSP but there are other policy considerations worth highlighting at this stage in terms of how they relate to East Float.

House building / Council tax matching incentive

- 2.13 The Government has confirmed its intention to introduce new financial incentives to encourage housebuilding. The housing element at East Float is substantial and will have a major bearing on the Council's future funding.
- 2.14 Based upon the working trajectory, and assuming today's Council Tax value with a midpoint between Bands C and D, we estimate that the housing element of East Float will generate the following money for Wirral Council:
- Circa £12m by 2017
 - Circa £23m by 2020
 - Circa £46m by 2026
 - Potentially over £100m over the lifetime of the development
- 2.15 The figures exclude actual Council tax receipts from new residential occupiers. The incentives are based on a £1,350 annual Council Tax payment, this being the approximate midpoint between Bands C and D (based on 2010 figures). Evidently over the longer term, if the incentives are continued, the amounts will be substantially greater.

Planning Obligations

- 2.16 As set out within the East Float Development Specification and Regeneration & Planning Supplementary Statement, the approach to date to planning obligations for East Float has been a response to the particular circumstances of the site. It is a mixed approach including directly funded infrastructure and tariffs for public realm/green infrastructure and sustainable transport.
- 2.17 OSP proposes a "single unified local tariff" which will be required above direct infrastructure required to make development acceptable. It is anticipated that further details relating to the new approach will be consulted upon in the coming months.
- 2.18 It has been recognised that the broader policy context is evolving in this respect and it is agreed between the applicant and the Council that the section 106

agreement will provide for the 'retro-fitting' of future adopted tariffs. As such, the East Float application has built into it a mechanism which provides for future policy requirements in this area.

Collaborative planning and design

2.19 OSP outlines the need for collaboration with local communities in the planning and design process, to ensure that major projects are developed in line with community aspirations.

2.20 Although the precise design collaboration processes referred to (Enquiry by Design and Charettes) have not been used, the process of public engagement has been tailored to the project and the community, and has resulted in strong community support for the project. Consultation processes have included:

- Four public exhibitions
- Numerous public meetings and workshops with local community and education groups
- Website consultation

2.21 The influence of the local community over the proposals is evident. From initial ideas through to the present day, the Council and the community has provided clear messages to Peel about what is needed. First and foremost there is a need to attract new investment and employment to Wirral Waters, and the high quality housing to accompany it. The market positioning of the project and its tall buildings therefore seeks to put the project on an international platform.

2.22 However Peel has also listened to and embedded more local needs within the project, such as for example:

- Vittoria Studios – which will aim to provide flexible work space for local business
- Marina View – which will provide for civic, community and educational occupiers
- The Point, SkyCity Park and City Boulevard – a major cultural/leisure destination and major new pieces of public civic infrastructure, open and accessible to all
- A range of commitments to deliver design quality, community infrastructure, public realm, sustainable transport and affordable housing

2.23 The approach to engaging the community is set out within Guiding Principles 2: Consultation & Engagement, and within Appendix 2 of the Planning Statement. It is also intended to produce a further statement setting out how the community has been engaged in the project prior to Planning Committee, which will also incorporate consultation during the Application stage.

Retail development

2.24 OSP commits to 'undoing' policies which could lead to out-of-town retail development. As demonstrated by the Retail, Leisure & Office Statement (December 2009) and its Addendum (June 2010), the retail element of the proposals is ancillary to the predominant housing and commercial uses.

2.25 PPS4 requirements by way of impact and sequential assessment have been provided as part of the Application. The relevant policy tests are met and it has been demonstrated that the proposals are location/site specific and will not result in any significant adverse impacts, yet will bring wider regeneration/growth benefits which will underpin the future vitality and viability of local centres.

2.26 As such it is concluded that the Government's intended changes to retail policy will not have any implications for the East Float proposals.

3. Implications of RSS revocation

- 3.1 The revocation of RSS raises a number of questions and issues which should be considered by the Council in determining the East Float Application.

Spatial Priorities and Hierarchy

- 3.2 The loss of former RSS Policy RDF1 (as also reflected in Policies LCR1 and LCR2) removes the 'regional hierarchy' from adopted development plan policy. However, the evidence on which RSS was based (including the Liverpool City Region Development Programme) clearly recognised the potential opportunity of Wirral Waters to bring major economic regeneration to the inner core. Other more recent City Region work has bolstered this work. Hence it is considered that Wirral Waters has the strategic support of the City Region partners.
- 3.3 Furthermore, it remains important under PPS4 to ensure that town and city centres are the focus for major commercial development and that development in 'edge of centre' or 'out of centre' locations does not undermine the vitality and viability of centres.
- 3.4 The application has been the subject of a comprehensive assessment against the policies of PPS4. This relates to all of the proposed main town centre uses. The relevant sequential and impact testing has been undertaken alongside information justifying the quantum of development proposed. This is contained in a series of documents, namely the:
- Regeneration & Planning Supplementary Statement
 - Retail, Leisure & Office Statement Addendum
 - Economic Impact Assessment
 - Office Market Positioning Report
- 3.5 The main focus of this work is in two areas:
- Assessing the potential impacts of the quantum of office floorspace upon Liverpool city centre and Birkenhead town centre;
 - Assessing the potential impacts of the comparison and convenience retail floorspace upon Birkenhead town centre and other local centres.
- 3.6 The findings of this work are that the proposals will bring transformational regeneration to an area of need in a sustainable location, through major private

sector investment which will create new employment and housing, whilst tackling deep rooted social, economic and environmental challenges. The proposals are highly compliant with the Government's objectives for sustainable economic growth and the specific policies of the PPS which seek to protect town and city centres.

- 3.7 It is important to note that the retail elements of the project are minor and ancillary in relation to the dominant housing and office uses.
- 3.8 The office element can be considered 'edge of centre' under PPS4. The Birkenhead and Wirral Waters IRS, recently adopted by the Council, integrates East Float with Birkenhead town centre. The SRF provides further detail to this and the East Float application proposes public realm and transport links to ensure the proposals complement the regeneration of the town centre (and other employment/housing neighbourhoods). Thus although not yet contained within an adopted development plan document, the IRS and SRF effectively plan for the growth of Birkenhead, triggered by East Float as a new business and living neighbourhood.
- 3.9 The loss of RSS removes within statutory policy the previously accepted regional prioritisation and hierarchy of (1) Liverpool city centre (2) the inner areas of Liverpool/Wirral/Sefton, and (3) the outer areas of the City Region.
- 3.10 The East Float site was formerly within priority (2) as part of the inner/HMRI area alongside Birkenhead. As explained, the Birkenhead and Wirral Waters IRS establish a local policy framework for the complementary delivery of the two, as evidenced by the findings of the retail and office assessments for the town centre.
- 3.11 In terms of the priority (1) Liverpool city centre, although the revocation of RSS clearly removes the statutory policy basis for protecting the city centre, there clearly remains within PPS4 an important policy requirement to ensure that the proposals do not result in any significant adverse impacts on the city centre. The assessment work undertaken for the application, combined with the proposed control mechanisms, will ensure that the PPS4 tests can be met in this respect. This will allow inner Wirral to regenerate and play its part in the growth of the wider City Region, whilst also allowing the city centre to continue to regenerate and grow.

Housing requirement

- 3.12 In terms of housing numbers, it is evident that it is now Wirral Council's responsibility to decide upon an appropriate local housing requirement. It has been the case since the initial launch of Wirral Waters that Wirral Council wanted to see a mixed housing and commercial development at East Float. This reflects the need

to retain and attract economically active people and re-populate an area which has suffered major losses of population over recent decades. This support was embedded in the Mersey Heartlands Growth Point partnership between Wirral Council, Liverpool City Council and Peel.

- 3.13 It is our understanding that despite the ability to reconsider housing provision, there is no intention on the part of the Council to limit or constrain the ability to deliver significant amounts of housing at East Float, notwithstanding the potential delivery rates of up to 500-600pa as set out in the working trajectory. This would be consistent with the priority to be given to regeneration and growing the inner core of the urban area, with East Float as the principal catalyst.
- 3.14 Provided that Wirral Council does not intend to introduce any form of cap on the rate of housing delivery within the inner part of the Borough, the matter of housing numbers is therefore not considered to be a fundamental concern for East Float.
- 3.15 Our understanding is that the Council is considering its options in the light of RSS revocation, including whether to revert to the 250pa figure as contained in Draft RSS, or maintain the 500pa figure which was agreed through RSS. Given the anticipated build rate of Wirral Waters, which the 500pa figure was a response to, and given that this level of growth is consistent with the level of growth identified by the Strategic Housing Market Assessment, it would seem more appropriate to us that in supporting Wirral Waters the Council should retain a figure more akin to the anticipated build rate (i.e. the 500pa figure or similar). It is also important to ensure that there is sufficient housing development in other locations (principally elsewhere within inner Wirral) to ensure a greater range of housing needs and types can be provided for. Although East Float seeks to introduce a range of housing, its waterfront location means that development in other locations, including HMRI neighbourhoods, is likely to be required to ensure an appropriate balance. Furthermore, as demonstrated in section 2 above, there are potentially major financial consequences to the Council in reducing its housing requirement.
- 3.16 We do however recognise that the Council may have concerns over the potential implications of under-delivery, particularly in respect of the threat to Green Belt. Additionally, the East Float trajectory rate of housing cannot absolutely be guaranteed and therefore a degree of flexibility would seem appropriate. As such, if the Council does seek to reduce or manage more flexibly its requirement, provided the rate of delivery at Wirral Waters is not constrained or undermined by how this is operated/managed in practice, Peel does not oppose such a strategy.
- 3.17 The question of whether the Growth Point uplift to 600pa for the next few years should be linked to the availability of funding to aid the delivery of that housing. Our

view is that provided the funding remains available (albeit reduced) and targeted at projects which deliver new housing, then the Growth Point uplift should remain.

Regional Policies on the Natural Environment

3.18 The 6 July letter provides guidance in relation to regional policies on the natural environment. The Wirral Waters proposals form an important strand of sub-regional approaches to green infrastructure, including:

- The Mersey Waterfront Regional Park;
- The 'Adapting the Landscape' initiative across the Atlantic Gateway area.

Regional Policies on Flooding and Coastal Change

3.19 The 6 July letter provides guidance in relation to regional policies on flooding and coastal change. The proposals have been the subject of consultation with the Environment Agency and full consideration through a Flood Risk Assessment. It is recognised that the location of the site close to the tidal estuary presents future challenges due to climate change impacts. However, these impacts are capable of being mitigated and managed through the detailed design process.

Regional Policies on Renewable and Low Carbon Energy

3.20 The 6 July letter provides guidance in relation to regional policies on renewable and low carbon energy. The East Float Application provides commitments to energy targets and demonstrates through a worked example how such targets could be met. The aim is to create an exemplar sustainable development that will utilise its location, scale, design and the expertise of Peel in energy and transport to maximise the opportunities presented.

3.21 A mechanism is in the process of being formulated which effectively ties the permission to the latest national and local targets as they evolve, thus ensuring the project will deliver any future targets set locally, in addition to the Government's national targets.

Regional Policies on Transport

3.22 The 6 July letter provides guidance in relation to regional policies on transport. The Transport Working Group, which includes Wirral Council, Merseytravel, the Highways Agency, Liverpool City Council and Peel, has been operating for over 3

years in establishing a strategy and approach to ensuring sustainable transport delivery for the project. This has involved significant cross-boundary working. The loss of RSS is not considered to pose any significant transport issues.

3.23 Additionally, Policy RT6 of RSS, which previously required the safeguarding of port land, has gone with the RSS revocation and there is nothing in its place. The Government's national policy on ports does not have the same weight of requirement in terms of protecting land for port use. However, in any event, it was considered that there had not been a major conflict with RT6 as set out within the Planning Statement.

4. Development Plan and Material Considerations

- 4.1 In light of the revocation of RSS and the policy considerations set out in sections 2 and 3 above, it is important to re-appraise the position in respect of Section 38(6) of the Act which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Wirral Unitary Development Plan

- 4.2 The adopted development plan now consists of the Wirral UDP only. It has been Peel's consistent position that the proposals are consistent with the saved policies of the Wirral UDP. The analysis is set out within the Planning Statement and the Regeneration & Planning Supplementary Statement. This position does not change.
- 4.3 As the development is therefore deemed to be in accordance with provisions of the development plan, the questions of whether the application needs to be considered as a departure and/or referred to the Secretary of State needs to be considered.

Other Material Policy Considerations

- 4.4 The proposals are consistent with and supported by a range of national and local policy documents.

National Policy

- 4.5 A range non-statutory national planning policies are relevant to the application, including PPS1, PPS3, PPS4, PPS5 and others. These policies have been fully assessed in the relevant documentation. It is considered that the removal of RSS does not fundamentally change the alignment of the project with any national planning policy.

Local Policy

- 4.6 It is clear from the Government's letter of 6 July that local evidence, and evidence which was used to inform RSS, can be used as material considerations. A range of other local and sub-regional non-statutory policy documents also apply and provide a supportive policy context for the proposals, including the:

- Birkenhead & Wirral Waters Integrated Regeneration Study;

- Atlantic Gateway Framework;
 - Liverpool City Region Development Programme (and associated research/evidence)
 - Wirral Investment and Enterprise Strategies; and
 - Mersey Heartlands Growth Point Programme of Development;
 - NewHeartlands HMRI Prospectus and associated Strategy for Inner Wirral.
- 4.7 Other local policy documents as assessed in the supporting documentation also provide a policy fit for the Application proposals.
- 4.8 It is considered that the revocation of RSS does not create a policy 'vacuum', as the proposals are aligned with the development plan and a wide range of robust and comprehensive non-statutory policy documents (locally and nationally).

Strategic Regeneration Framework

- 4.9 These are complemented by the comprehensive, strategic approach taken by the applicant to developing the evidence base for the project. This is via the Wirral Waters Strategic Regeneration Framework and its component parts, which including:
- The Wirral Waters Baseline Study, approved by Wirral Council's Cabinet in July 2008;
 - The Wirral Waters Vision Statement, submitted alongside the East Float Application; and
 - The Wirral Waters Guiding Principles (1-16) documents, submitted alongside the East Float application.
- 4.10 This material, alongside the specific studies and reports of the East Float Application, is all of material relevance to the Council's consideration of the Application. It is considered that the IRS and the SRF should have particular weight in the decision making process. They have both been prepared locally in response to the Wirral Waters opportunity, and together represent robust and comprehensive evidence for the project which demonstrate how national and local objectives can be met through the proposals.

Local Development Framework

- 4.11 It is understood that Wirral Council will seek to proceed with its Core Strategy having reflected on the revocation of RSS. As the East Float (and wider Wirral Waters) proposals represent the Council's preferred policy direction for the Core Strategy, it is envisaged that ultimately this will provide an up to date local adopted statutory development plan context for the project.
- 4.12 It is unfortunate that major delays awaiting an up to date RSS have hindered the Council's ability to put an up to date adopted development plan policy documents in place at the point of determining the East Float Application.
- 4.13 However it is not considered necessary to await further policy development due to the alignment of the proposals with development plan policy, the IRS and other policy considerations, together with the strong case presented via the SRF.

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