

Representations to Wirral Local Plan 2021 to 2037, Submission Draft.

Pump Lane, Greasby.

On behalf of Russell Homes.

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1. Introduction

- 1.1. Pegasus Group are instructed by Russell Homes to make site-specific representation to the Wirral Local Plan 2021-2037, Submission Draft which has been published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. These site-specific representations are made in the context of the land being promoted by Russell Homes at **Pump Lane, Greasby** (the Site) for a residential allocation.



Figure 1: The Site

- 1.2. **Figure 1: The Site** shows a reduced red line area to reflect the extent of the central and eastern parcels which are proposed as an ecological enhancement area and the extent of the development zone. The central and eastern parcel and development zone are shown on **Figure 2: Zones** on page 14 of these representations.
- 1.3. The extensive site-specific studies that have been undertaken on behalf of Russell Homes also encompass the northern parcel which extends up to Saughall Massie Road but is out with the Site. The northern parcel is also shown on **Figure 2: Zones**.

Summary of Representations for the Consortium

- 1.4. These representations should be read in conjunction with the representations by Lichfields on strategic matters, which have been submitted on behalf of a Consortium of developers and housebuilders including Russell Homes.
- 1.5. Those representations include several documents which are appended (**Appendix 1**) including:
 - Summary of Key Issues
 - Soundness Representations
 - Technical Paper 1: Housing Requirement
 - Technical Paper 2: Housing Mix
 - Technical Paper 3: Affordable Housing Need and Delivery
 - Technical Paper 4: An Assessment of Housing Land Supply
 - Technical Paper 5: A Critique of the Viability Evidence (Prepared by Roger Hannah)
- 1.6. Those representations identify the following key issues with the Submission Draft Plan:
 - **Key Issue 1:** The housing requirement is insufficient to meet housing needs – as a minimum, the housing requirement should be uplifted by 54 dwellings per annum (dpa) to account for demolitions and 324 dpa to align with economic growth
 - **Key Issue 2:** The affordable housing requirement of 374 dpa has been suppressed by a methodology change rather than a reduced need – to address the backlog in full over the first five years of the plan and based on other realistic adjustments, affordable housing need is 1,430 dpa
 - **Key Issue 3:** Affordable housing needs will not be met by the Council's claimed supply
 - **Key Issue 4:** The housing mix policy in the plan does not align with the Council's evidence base – analysis shows that only 37% of the market supply will comprise 3 or more-bedroom properties which is significantly less than the 65% recommendation of the SHMA Update
 - **Key Issue 5:** The Council's claimed housing supply is artificially inflated by 'broad areas for growth' that are not underpinned by robust evidence
 - **Key Issue 6:** A significant proportion of the housing supply identified by the Council is not deliverable or developable – analysis shows a deficit of at least 6,363 homes when compared with the Council's housing requirement
 - **Key Issue 7:** The Council's housing supply is inflated by a disproportionate number of allowances

- **Key Issue 8:** The evidence base fails to demonstrate a mechanism for delivering family homes on the supply of sites identified by the Council
- **Key Issue 9:** The viability of the Council's claimed supply is being significantly overstated by flawed viability evidence
- **Key Issue 10:** The Submission Draft Plan fails to provide a mechanism for delivering essential infrastructure

Summary of Site-Specific Representations

- 1.7. These site-specific representations are made in the context of the land being promoted by Russell Homes at **Pump Lane, Greasby** (the Site) for a residential allocation.
- 1.8. These representations identify the following legal issues with the Submission Draft Plan:
 - **Legal Issue 1:** The Site clearly constitutes a reasonable alternative which should have been considered through the Habitat Regulations Assessment process
 - **Legal Issue 2:** The Site clearly constitutes a reasonable alternative which should have been considered through the Sustainability Appraisal process
- 1.9. These representations identify the following soundness issues with the Submission Draft Plan:
 - **Soundness Issue 1:** The Council have not provided any evidence to justify the small-scale incremental development envisioned within the towns and villages of the west of Wirral and thus have not justified that they will remain "stable and thrive" over the plan period or that the Vision is sound
 - **Soundness Issue 2:** The Council have not provided any evidence to justify the limited housing growth planned in the Mid-Wirral Settlement Area, and thus that the Development and Regeneration Strategy is sound – as such, the claim that exceptional circumstances do not exist to alter the Green Belt boundaries is not justified
 - **Soundness Issue 3:** The Council have not provided any evidence to justify the spatial distribution of homes and the limited number of homes directed to the Mid-Wirral Settlement Area, and thus that the spatial distribution of homes is sound – as such, the claim that exceptional circumstances do not exist to alter the Green Belt boundaries is not justified
 - **Soundness Issue 4:** The Council have not provided evidence on how the Green and Blue Infrastructure Strategy will be effective
 - **Soundness Issue 5:** The Council have provided insufficient evidence on how the Ecological Networks will be effective
 - **Soundness Issue 6:** The Council have not included a mechanism to ensure that the monitoring and review of the Plan will be effective

- **Soundness Issue 7:** The Council have not provided any evidence that the homes planned in the Mid-Wirral Settlement Areas will meet the objectively assessed needs of this area over the plan period, and thus have not justified that the housing supply in this area is sound

- 1.10. If the Submission Draft Plan is to be found sound, then it is considered that further evidence is required. If this evidence is not forthcoming and / or if any subsequent evidence fails to address the issues identified in these representations, it is difficult to see how these parts of the Plan would be found sound.
- 1.11. Should the Submission Draft Plan be found unsound, or should main modification be required to address the soundness issues then consideration should be given to the allocation of this Site for residential development.
- 1.12. Russell Homes have put a considerable amount of time into thinking about the context of the Site, its surroundings and how best to deliver a high-quality place, which serves to not only deliver housing, but also provide land for a new primary school, a care home for the elderly and high-quality open space for new residents and the neighbouring community to improve health and well-being, as well as preserving and enhancing wildlife (including wintering birds) with the introduction of a large ecological corridor buffer. Russell Homes has purposefully created a masterplan to rebut and positively respond to the tests set out in the Plan to ensure their Site can be allocated for housing development.
- 1.13. Given the weak contribution of the Site to the purposes of the Green Belt it was identified by the Council as a site requiring further investigation at the time of the Development Options Review in 2018, which Russell Homes fully endorsed and supported.
- 1.14. Russell Homes secured positive feedback from the Council on the masterplan when the Council were considering Green Belt release, indicating that Russell Homes' proposals and thoughtful masterplan, responded well to the Council's evidence base on matters of wetland birds and flood risk. Over the last two years, the Council has then taken a politically motivated non-Green Belt stance, and repeatedly not considered Russell Homes' representations. The Council has ignored conclusive primary data on flood risk and wintering birds to falsely discredit the Site by relying on crude and misinformed evidence, directly contradicting their previous position.
- 1.15. The issue is that to back-up the Council's non-Green Belt stance, they have relied on assessments by their consultants which have been demonstrated to be fundamentally flawed by the primary data provided by Russell Homes for their Site. Not only that, but the assessments undertaken by the Council's consultants fail to give any consideration to the mitigation proposed at the Site, such as the careful placement of the development zone, and the significant enhancements and improvements proposed at the Site in terms of ecological enhancements and public transport improvements.
- 1.16. Russell Homes' main frustration is the Council has continued to ignore primary data provided as part of previous representations, meaning the Council repeatedly presents false information that then has the potential to discount good Sites that go above and beyond to positively respond to constraints, to create tangible social and ecological benefits; and respond to local community and housing needs with local people at the centre of proposals. This undermines the plan-making process and highlights failings at the Council in properly reviewing and acting on robust evidence to inform the Plan.

- 1.17. We ask that should the Inspector require the Plan to release Green Belt for housing development, that the Council are required to first consult on their methodology for assessing flood risk, wintering birds etc. The Council should be required to request from the public, landowners and developers/house builders, primary information on each, and properly consider these to inform their own Council assessment, before then starting their assessment afresh.
- 1.18. This way, any conclusions will be based on primary information and not crude and highly questionable evidence, such as the Wetland Bird Survey (WeBS) data, which is categorically not fit for purpose, and led to wrong conclusions being made by the Council.
- 1.19. For instance, the Wirral Local Plan 2020–2035 Issues & Option Report appeared to exclude this Site for Green Belt release owing to it being within a much larger WeBS Core Count Area, drawings on surveys undertaken by the volunteers. This is despite Russell Homes presenting years' worth of bird surveys which finds that hardly any (a de-minimis quantum) qualifying birds utilise the enhancement area and development zone proposed within the Site.
- 1.20. The Wirral Local Plan 2020–2035 Issues & Option Report also appeared to exclude this Site for Green Belt release owing to Flood Zone 3 being present within the enhancement area of the Site. This is despite the Council's own Level 1 Strategic Flood Risk Assessment drawing no such conclusion, and despite the development zone within the Site being Flood Zone 1 as demonstrated in the Site Specific Flood Risk Assessment by Sutcliffe Engineers (March 2020).
- 1.21. Ultimately, the Council are now claiming that no Green Belt release is required within the Borough. However, should the Council be required to consider residential allocations through Green Belt release, they should go back to the drawing board and reconsider all Green Belt sites put forward based on the primary evidence provided, since the site-selection process is clearly flawed.

Summary of Previous Representations

- 1.22. These site-specific representations follow on from those submitted to the Wirral Local Plan 2020–2035 Issues & Option Report which was published for consultation in 2020 (**Appendix 2**). Those representations:
- Identified fundamental flaws with the evidence base documents underpinning the Issues & Option Report in relation to this Site, relating in a misdirection of the latest Submission Draft Plan
 - Raised serious concerns with the Council's preferred option at that time, which was to rely on the urban areas and urban intensification to address the shortfall in the identified housing land supply i.e. the option has been followed through in the Submission Draft Plan
 - Raised serious issues with the alternative options for Green Belt release identified at that time on the basis that the identified sites were not distributed proportionally throughout the Borough and the site-selection process was fundamentally flawed, excluding sites which should have been considered for Green Belt release, including this Site

1.23. These representations also follow on from the consultation response made to the Wirral Environmental Sensitivity Study 2021 and Wirral Blue and Green Infrastructure Strategy 2021, which were consulted upon in 2021 (**Appendix 3**). That consultation response made by Russell Homes:

- Identified fundamental issues with methodological approach of the Wirral Environmental Sensitivity Study 2021 and commented on the incorrect information relating to this Site – plans were also provided showing the correct designations and sensitivity for the Site
- Set out how the proposed development will protect, enhance, and mitigate the assets which are present within the Site, leading to betterment for ecology / wintering birds
- Set out how development at this Site could respond positively to the Wirral Blue and Green Infrastructure Strategy 2021 if it was included in the plan as a residential allocation, by delivering a significant new green/blue corridor on the edge of the Site

2. Pump Lane, Greasby

Introduction

- 2.1. This section of the representations provides a brief overview of the extensive site-specific studies for the Site that have been undertaken on behalf of Russell Homes including, in date order:
- **Phase 1 Desk Study by E3P (April 2018)**
 - **Agricultural Land Classification by Soil Environment Services Ltd (March 2020)**
 - **Heritage Briefing by Turley (March 2020)**
 - **Covering Letter by E3P (March 2020)**
 - **Site Specific Flood Risk Assessment by Sutcliffe Engineers (March 2020)**
 - **Ecological Representations Report by E3P (April 2020) including:**
 - **Wetland Bird Survey Report by REC (May 2018)**
 - **Wetland Bird Survey Report by TEP (March 2020)**
 - **Wetland Bird Survey Report by E3P (April 2020)**
 - **Wetland Bird Survey Updated Report by Collington Winter (March 2021)**
 - **Transport Representations Appraisal by Focus Transport Planning (April 2020)**
 - **Priority Habitat Technical Note by Collington Winter (March 2021)**
 - **Advice Note by Gately Legal (March 2021)**
- 2.2. This section of the representations also provides a brief overview of the promotional material for the Site that have been undertaken on behalf of Russell Homes including:
- **Development Statement by Russell Homes (March 2020)**
 - **Landscape and Ecological Strategy Plan by Pegasus Group (March 2020)**
- 2.3. All these documents have been submitted with the previous representations and / or consultation response (so are included at **Appendix 2** and **Appendix 3**). Despite urging the Council to engage in discussions about these site-specific studies and promotional material, the Council have not been willing to discuss their content or the merits of the Site as a residential allocation.
- 2.4. This section of the representations goes on to identify the zones within the Site, which include the northern parcel, central parcel and eastern parcel (which together form the enhancement areas) and the development zone. It also provides details of the proposed



development at the Site, including the extensive landscape and ecological strategy (see **Figure 3: Landscape and Ecological Strategy Plan** on page 15 of these representations).

Site-Specific Studies

Phase 1 Desk Study by E3P (April 2018) and Covering Letter by E3P (March 2020)

- 2.5. The Phase 1 Desk Study confirms that the Site has no significant sources of contamination and is entirely suitable for residential development. This was reconfirmed in the more recent Covering Letter.

Transport Representations Appraisal by Focus Transport Planning (April 2020)

- 2.6. The Transport Representations Appraisal considers cycling, bus and rail services. It demonstrates that the Site is in a highly sustainable and accessible location, with sustainable transport connections, which would be improved and enhanced by the proposed development.
- 2.7. Greasby Local Centre is located approximately only 700m from the centre of the Site and approximately 400m from the edge of the Site. Upton Village Local Centre is located to the east. There are also local shops at Saughall Massie to the north east. The 1.0 km walking catchments covers the entirety of Greasby Local Centre as well as other local facilities along Saughall Massie Road. The key local facilities that lie within an acceptable walking distance are Greasby Group Practice (GP surgery), pharmacies, Greasby Post Office, Sainsbury's Local supermarket, The Greasby Centre (community centre), Co-Op foodstore, veterinary surgery, Greasby Library, local shops and public houses.
- 2.8. Vehicular access to the Site would be taken directly from Pump Lane, with each access likely to be a priority controlled give-way T-junction. The junction arrangements would create a safe means of access with limited impact on local highway network capacity. One primary spine route would run through the Site, linking both access points. This spine route would connect with minor access spurs to serve the various housing parcels and would also serve as the key route for locating any re-routed or new bus services.
- 2.9. The Transport Representations Appraisal also confirms that the Site's development would be unlikely to give rise to any material effects upon the demonstrably safe existing operation of the local highway network in this area, nor would traffic increases be expected to give rise to any local junction capacity concerns.
- 2.10. Russell Homes proposes to provide a106 contributions towards new and diverted bus services, together with new bus stops. With improved permeability of footpaths/cycleways through the Site, connecting to the abutting residential areas, access to new bus services at the heart of the Site will improve accessibility to the wider existing residents too, a great advantage to this catchment.

Agricultural Land Classification by Soil Environment Services Ltd (March 2020)

- 2.11. The Agricultural Land Classification identifies that 90% of the Site is Grade 3b and therefore not the Best and Most Versatile land and 10% is non-agricultural land.

Heritage Briefing by Turley (March 2020)

- 2.12. The Heritage Briefing provides initial heritage advice on issues associated with the Site. The Site is located to the south of the Saughall Massie Conservation Area. A number of Grade II listed buildings are located within Saughall Massie Conservation Area including Saughall Massie Bridge, Ivy Cottage, Diamond Farmhouse and Attached Barn, The Elms, Poplar Farmhouse, and Outbuilding to the rear of Poplar Farmhouse.
- 2.13. It identifies that the development of the Site would be distanced to the south of Saughall Massie and a broad buffer of open agricultural land would separate the conservation area from the development zone, and that the development would not be visible from the majority of the village. The northern, central and eastern parcels are shown on **Figure 2: Zones** on page 14 of these representations.
- 2.14. It assesses relevant heritage assets and find that the proposed development of the Site has no significant heritage constraints and considers that future development could preserve those elements of setting which make a positive contribution to the significance of the identified assets.

Site Specific Flood Risk Assessment by Sutcliffe Engineers (March 2020)

- 2.15. The Site Specific Flood Risk Assessment confirms that the development zone within the Site is situated in Flood Zone 1 where residential development is entirely appropriate. The development zone is shown on **Figure 2: Zones** on page 14 of these representations.
- 2.16. SUDS will be provided on-site to attenuate surface water run-off prior to discharging to the watercourse to completely mitigate any impacts on the existing drainage network and flood risk elsewhere.
- 2.17. Where there is a narrow area of Flood Zone 2 and 3 along the watercourse, not only is this more than 75m away from the development zone but will be utilised and enhanced for ecology – turning a constraint into a positive opportunity. Accordingly, any assessment by the Council must stop discounting the Site simply because the Site boundary edge falls within a small area of Flood Zone, that has no bearing on the development in any way, other than ecological betterment and management. As such, the Council must take development proposals into account rather than crudely assessing a site simply based on its site boundary. Accordingly, the Site should be rated positively rather than negatively, given that the proposal respond to Policy WS 5.4 Ecological Networks and the proposed Nature Improvement Area Focus Areas – River Birket Corridor (NIA-4).

Ecological Representations Report by E3P (April 2020)

- 2.18. The Ecological Representations Report provides details of the ecological constraints and opportunities within the Site including:
- Indicative details of proposed enhancements within the Site for wildlife, and how the Site can achieve a net gain for biodiversity
 - Details of Wetland Bird Surveys undertaken on behalf of Russell Homes over a four year period between 2017 and 2020 including:
 - Wetland Bird Survey Report by REC (May 2018)

- Wetland Bird Survey Report by TEP (March 2020)
- Wetland Bird Survey Report by E3P (April 2020)
- Suitable mitigation measures at the Site to ensure no significant negative impact on ecology, including wetland birds
- Confirmation that the southern part of the Site, south of Greasby Brook, does not constitute functionally-linked habitat of the Dee Estuary Special Protection Area (SPA) and Ramsar.

Wetland Bird Survey Updated Report by Collington Winter (March 2021)

- 2.19. The Wetland Bird Survey Updated Report sets out that the extent of the land that wetland birds have been found to utilise is confined to the northern parcel within the Site. Very few numbers of wetland bird species were found to utilise the enhancement areas and the development zone. This report is informed by the Wetland Bird Surveys undertaken in November 2020, January 2021, and February 2021.

Priority Habitat Technical Note by Collington Winter (March 2021)

- 2.20. The Priority Habitat Technical Note confirms that the data set utilised to identify Priority Habitat within the Borough is out-of-date and that the extent of the coastal and floodplain grazing marsh within the Site is limited to the northern parcel.

Advice Note by Gately Legal (March 2021)

- 2.21. The Advice Note relates to the Habitat Regulation Assessment undertaken at the time of the Issues & Option Report. It confirms that the Council had no empirical, scientific, or evidential basis for the identification of the land which it was (and still is) treating as functionally-linked habitat. The approach in the Council's planning documentation to the Habitat Regulation Assessment was therefore legally flawed.
- 2.22. The Advice Note goes on to confirm that the evidence submitted at the time of the Issue & Options Report on behalf of Russell Homes demonstrates the extent of functionally-linked habitat within the Site and should form the basis for the Council's decision making.

Promotional Material

Development Statement by Russell Homes (March 2020)

- 2.23. The Development Statement has been produced to aid site selection/allocation as part of the plan process and should be read by both the Council and Local Plan Inspector.
- 2.24. Due consideration needs to be given to this Development Statement, as it is entirely conceivable that the Council will need to call upon sites currently within the Green Belt and allocate them for residential development if the plan is to be found sound.
- 2.25. The case for allocating this Site for residential development is clearly presented within the Development Statement, including the exceptional circumstances that exist to amend the Green Belt boundary. It also includes a statement on deliverability including the availability, suitability and achievability of the development at the Site.

Landscape and Ecological Strategy Plan by Pegasus Group (March 2020)

- 2.26. The Landscape and Ecological Strategy Plan shows that the ecological offer at the Site goes beyond appropriate mitigation to minimise impact on wintering birds.

Proposed Development

- 2.27. In total the Site is 35ha, but the development zone is limited to appropriately 20ha. The remainder of the Site is proposed to be retained and enhanced.
- 2.28. The wider Site can notionally be divided into four distinct parcels including:
- **Northern parcel** (outside the Site boundary) – includes land to the north of Greasby Brook which is agricultural land – the northern parcel is within the yellow line shown on **Figure 2: Zones**
 - **Central parcel** – to the south of Greasby Brook which will be enhanced with a 75m wide landscape and ecological buffer and to the south of Arrowe Brook which will be further enhanced with a buffer – the central parcel is within the red line boundary shown on **Figure 1: The Site** and **Figure 2: Zones**
 - **Eastern parcel** – to the east of Greasby Brook and Arrowe Brook which will be an enhanced recreational open space – the eastern parcel is within the red line boundary shown on **Figure 1: The Site** and **Figure 2: Zones**)
 - **Development zone** – which is the site of the proposed development – the development zone is within the red line boundary shown on **Figure 1: The Site** and blue line boundary shown on **Figure 2: Zones**
- 2.29. The proposals for each part of the Site have been informed by the site-specific studies.



Figure 2: The Site

Northern Parcel – Agricultural Land

- 2.30. The northern parcel is not included within red line boundary shown on **Figure 1: The Site** and **Figure 2: Zones**.
- 2.31. It includes agricultural fields which wetland birds, predominantly Curlew, have been found to utilise. In response, and to avoid impact on wetland birds, it is excluded from the red line boundary.

Central Parcel – Landscape and Ecological Buffer (enhancement area)

- 2.32. The central parcel is to be ecologically enhanced. It will incorporate a 75m wide landscape and ecological buffer between Greasby Brook and the development zone (housing to the south), to avoid disturbance to wetland birds and enhance the brook corridor.
- 2.33. The buffer will comprise substantial ecological enhancements including wildlife ponds and swales, which will act as Sustainable Urban Drainage Systems (SUDS), and wildflower and / or semi-improved grassland.



Figure 3: Landscape and Ecological Strategy Plan

- 2.34. The central parcel is within the red line boundary shown on **Figure 1: The Site** and **Figure 2: Zones**.
- 2.35. The existing PRow is proposed to be diverted to the north-east of the Site, with access restricted to land north of Greasby Brook, and gaps in the existing hedgerow replanted. This provides improved access to the Saughall Massie via an enhanced public recreational open space.
- 2.36. The existing hedgerow along Greasby Brook is proposed to be retained and augmented where appropriate.
- 2.37. A buffer will also be retained alongside Arrowe Brook which will include ecological enhancements including swales and wildflower planting.
- 2.38. **Eastern Parcel – Enhanced Recreational Open Space (enhancement area)**
- 2.39. The eastern parcel is within the red line boundary shown on **Figure 1: The Site** and **Figure 2: Zones**.
- 2.40. The eastern parcel is to be ecologically enhanced as a recreational open space. It is a partially wooded open space within the Council’s ownership. This land is currently accessible to the public albeit in an ad hoc and unformalised manner.

- 2.41. It is proposed that this part of the Site be enhanced for the benefit of local wildlife, whilst also offering opportunities for formal and informal recreation, walking and cycling.
- 2.42. The existing woodland is proposed to be retained and managed to promote local wildlife and to enhance personal safety. It will undergo phased thinning works in accordance with good arboricultural practice, to encourage native tree species and to establish a more diverse understorey. Footpaths are proposed to be formalised through the woodland to improve safety, as well as to discourage ad hoc access.
- 2.43. The PRoW is proposed to be diverted through this area, connected via a new footbridge, which will provide a link to the footway / cycleway along Saughall Massie Road and alleyways connecting to Woodpecker Close.
- 2.44. Other footpaths will be provided throughout this area to provide connectivity with the surrounding housing.
- 2.45. The existing pond is proposed to be retained and enhanced with managed vegetation to encourage access for potential pond dipping and other suitable activities.
- 2.46. **Development Zone – Proposed Development Site**
- 2.47. The development zone is within the red line boundary shown on **Figure 1: The Site** and the blue line boundary shown on **Figure 2: Zones**.
- 2.48. Given the ecology led approach to the proposals which seek to retain, protect, and enhance the opportunities for wildlife at the Site and provide a net gain for biodiversity, the development zone will be limited to approximately 20ha of the total site area of circa 35ha).
- 2.49. The development zone includes Grade 3b agricultural land and Greasby Equestrian Centre.
- 2.50. This land does not constitute functionally-linked habitat for wetland birds due to the very limited number of individuals recorded on site, the small field sizes, the presence of mature hedgerows across the site, and the presence of Greasby Equestrian Centre.
- 2.51. The development zone is proposed to include:
- Up to 555 homes (C3 Use Class) including family homes and elderly accommodation (such as bungalows, level access homes), indicatively made up of 1-, 2-, 3- and 4-bedroom homes to be in line with Policy WS 3.4 Housing Mix
 - Policy-compliant affordable homes in line with Policy WS 3.3 Affordable Housing Requirements
 - An older person care home accommodating 60 bed spaces (C2 Use Class), responding to the required need for care homes within the Borough as encouraged by Policy WS 3.6 Specialist Housing
 - Land for a new 1-form entry primary school and proportionate contributions toward construction of the primary school, within an area that is identified as having primary school demand that is over capacity as required by Policy WS 10.4 Facilities for Education, Health and Emergency Services



- Contributions for a new bus service and associated bus stop infrastructure in accordance with Policy WS 9.2 Accessibility and Sustainable Transport
- New and enhanced cycle and pedestrian routes, signage and landscape to improve permeability across the Site, to the benefit of existing and new residents in accordance with Policy WS 9.2 Accessibility and Sustainable Transport

- 2.52. The parcels within the development zone have been positioned to retain existing hedgerows and waterbodies, which will also act as SUDS.
- 2.53. A green corridor is proposed to run in a north-south direction through the development zone and incorporate the PRoW. The green corridor is proposed to retain the existing network of trees and hedgerows, as well as provide new areas of native trees, hedgerows and species rich wildflowers and grassland.
- 2.54. Off the green corridor is proposed to include a Neighbourhood Equipped Area for Play and Multi-Use Games Area and further opportunities for informal play using natural play features along its route.
- 2.55. Road crossing are proposed to be kept to a minimum, with traffic calming proposed to assist with crossing the green corridor.
- 2.56. Signage is also proposed as necessary to aid with orientation and legibility.

3. Comments on Evidence Base

Introduction

- 3.1. This section of the representations provides comments on evidence base documents which have informed the Council's approach in preparing the Submission Draft Plan, particularly where they are relevant to this Site.
- 3.2. Many of the evidence base documents are not new documents and have already been commented on at length in the previous representations and consultation response (**Appendix 1** and **Appendix 2**). An update and summary are provided in these representations in relation to:
- **GB1 – Wirral Green Belt Review 2019**
 - **H2 – Wirral Strategic Housing Land Availability Assessment 2019**
 - **ECC2.4 – Merseyside Environmental Advisory Service RAG Screening 2019 – Submitted Green Belt Sites**
 - **ECC16 – Wirral Environmental Sensitivity Study 2021**
 - **T9.1 – Transport & Accessibility Review for Sites for Further Investigation 2020**
 - **ECC1 – Wirral Agricultural Economy and Land Study 2019**
- 3.3. New evidence base documents have also been published alongside the Submission Draft Plan and this is the first opportunity to comment on them. Comments are also provided in these representations on:
- **BP2 – Site Selection Background Paper 2022**
 - **H7 – Wirral Strategic Housing Land Availability Assessment 2021**
 - **ECC21 – Wirral Level One Strategic Flood Risk Assessment July 2021**
 - **ECC5 – Wirral Landscape Sensitivity Assessment 2021**

Site Selection Background Paper 2022

- 3.4. This document sets out the steps that were undertaken during the site selection process.
- 3.5. Step 1A identified potential housing sites primarily through the Wirral Strategic Housing Land Availability Assessment 2019 (SHLAA 2019). The first stage of the SHLAA 2019 was 'site identification'. The land being promoted by Russell Homes was identified in the SHLAA 2019 and given the reference 3003.
- 3.6. The second stage of the SHLAA 2019 was 'site assessment'. The Site Selection Background Paper says that each site was assessed for 'suitability', 'availability and 'achievability' including whether the site was economically viable. This is, however, untrue. The SHLAA 2019 does not assess the suitability, availability, or achievability of SHLAA 3003 owing to it

being within the Green Belt. This approach is contrary to Planning Practice Guidance which clearly sets out that whilst the Green Belt is a constraint and should be noted in any assessment, this does not mean that such sites should not be assessed in terms of their suitability, availability, and achievability¹.

- 3.7. The Council should have assessed whether all sites in the Green Belt were suitable, available, and achievable in the SHLAA 2019, including SHLAA 3003. This is particularly important to highlight because the Issues & Options Report included Green Belt release as an option and the sites identified for release at that time were not informed by an assessment by the Council of their suitability, availability, or achievability.
- 3.8. It is also set out in the Site Selection Background Paper that the Council also then considered the potential land for release from the Green Belt for development using the following steps and assumptions:
- Excluding land in Flood Zone 3
 - Excluding land with statutory environmental designations
 - Including parcels identified as performing 'weakly' against Green Belt purposes
 - Prioritising 'weakly' performing parcels with a known developer or landowner interest (to ensure evidence of developability).
- 3.9. The representations to the Issues & Options Report raised serious issues this part of the site-selection process, which is considered to be fundamentally flawed, excluding sites which should have been considered for Green Belt release, including this Site.
- 3.10. Regarding the **first bullet point**, the fact that the Site includes very narrow area in Flood Zone 2 and 3 is not a reason to arbitrarily exclude it from further consideration. As has been demonstrated by Russell Homes, the Site can be developed to avoid this area as recognised in the Level 1 Strategic Flood Risk Assessment July 2021 (see comment below on this document). Furthermore, many Green Belt sites identified in the Issues & Options Report included small elements of Flood Zone 3 so the Council clearly do not consider this sufficient reason to exclude the release of land from the Green Belt. Importantly, the developable area is at least 75m from this zone and Russell Homes have utilised this area to create an enhanced and managed wildlife corridor.
- 3.11. Regarding the **second bullet point**, the Site does not include statutory environmental designations.
- 3.12. Regarding the **third bullet point**, the Site is within a weakly performing Green Belt parcel in the Wirral Green Belt Review 2019 and could therefore have been included.
- 3.13. Regarding the **last bullet point**, it should be noted that the site is being promoted by Russell Homes, who have put a considerable amount of time into thinking about the context of the Site, its surroundings, and is evidently developable.

¹ Paragraph: O10 Reference ID: 3-O10-20190722

- 3.14. The selection criteria also fail to consider whether sites can come forward early in the plan period and whether they are within sustainable and accessible location. These are crucial factors to consider when identifying land for Green Belt release.
- 3.15. Ultimately, the Council are now claiming that no Green Belt release is required within the Borough. However, should the Council be required to consider residential allocations through Green Belt release, they should go back to the drawing board and reconsider all Green Belt sites put forward based on the primary evidence provided, since the site-selection process is clearly flawed.

Wirral Green Belt Review 2019

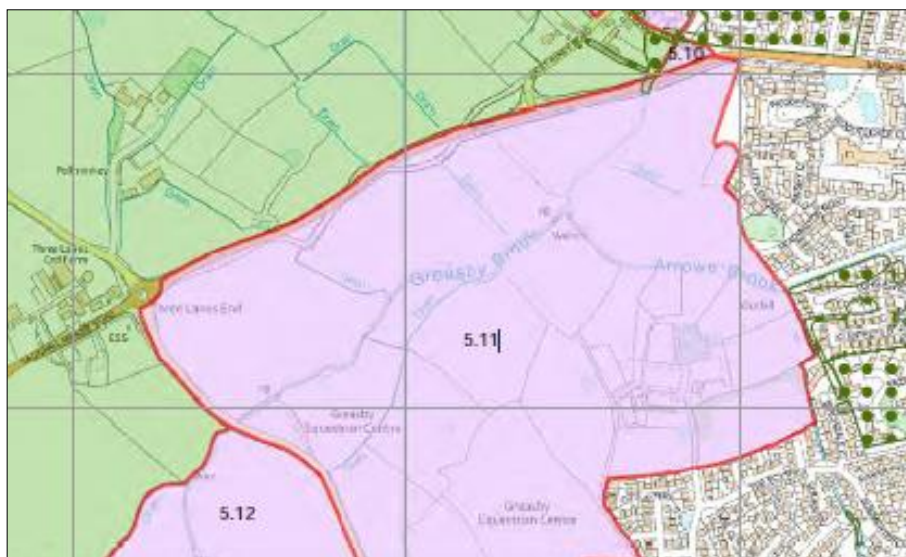
- 3.16. Full comments were made on the Wirral Green Belt Review 2019 in the representations to the Issues & Options Report and the main points can be summarised as follows.

Methodology

- 3.17. The Stage 2 Methodology sets out how individual parcels were considered in the assessment. In terms of purpose 5 (assisting urban regeneration), a moderate contribution has simply been applied to all parcels on the basis that Wirral functions as a single housing market area, so it is not possible to assess whether one parcel makes a greater or lesser contribution to encouraging the development of previously developed land.
- 3.18. However, in the case of Wirral, there are undoubtedly areas where urban regeneration remains a priority at the Regeneration Areas, and there are other locations where there is limited urban land available such as within the Mid Wirral Settlement Area. Had this been factored into the assessment, it would have provided a more accurate and complete assessment of the contribution of parcels to purpose 5.

Stage 2: Green Belt Parcel Assessment

- 3.19. The Stage 2: Green Belt Parcel Assessment defines and assesses 100 parcels. The Site has been assessed as parcel 5.11.



Extract from GB1.9 Appendix F2 – Green Belt Parcel Plans A

- 3.20. The Site is identified as a weak performing parcel, making no contribution to Green Belt purpose 1 (sprawl) and purpose 4 (preserving historic towns) and a weak contribution to purpose 2 (merging).
- 3.21. The Site was found to make a moderate contribution to purpose 3 (encroachment) although it actually only makes a weak contribution to this purpose since:
- It benefits from strong, defensible boundaries on all sides which leads to it being well contained in nature
 - Saughall Massie Road represents a very strong and durable boundary that would prevent encroachment and the merger of settlements
 - Alternatively, Greasby Brook and Arrowe Brook which are both located further south within the Site could be used to define the Green Belt boundary noting that land beyond and up to Saughall Massie Road will be retained as current agricultural land
 - The sense of being in the open countryside is very limited due to the presence of neighbouring urban built form and limited views of the wider countryside curtailed by screening from the dense hedges that break up the Site
 - Built form is already located on-site (equestrian centre) therefore elements of encroachment exist
 - The Site currently serves little function as countryside, has limited openness and its loss would not be unacceptable
- 3.22. The Site was also found to make a moderate contribution to purpose 5 (assisting urban regeneration) although it only makes a weak contribution to this purpose since the residential allocations in the Submission Draft Plan includes 12 small sites within this Settlement Area providing a total of 354 homes – this indicates that there is very limited opportunity for urban regeneration in this Settlement Area.
- 3.23. In all likelihood the Council will need to call upon sites currently within the Green Belt to ensure that the plan is sound, and priority should be given to this weakly performing Site, particularly when considering that it will be well-served by proposed public transport to meet future development needs (NPPF, para 142), secured by developer s106 contributions.
- 3.24. The fact that the Site also includes Greasby Equestrian Centre, and many associated buildings means that a large part of the Site can be regarded as being previously developed land. Indeed, a case could be made for the redevelopment of this part of the Site for residential dwellings and affordable homes (NPPF, para 149g).
- 3.25. Given the weak contribution of the Site to the purposes of the Green Belt it was identified by the Council as a site requiring further investigation at the time of the Development Options Review in 2018, which Russel Homes fully endorsed and supported. However, since then the Council's approach of relying on the urban areas and urban intensification to address the shortfall in the identified housing land supply, has resulted in the Council given this Site little consideration on its ability to deliver new homes which the Borough desperately needs.

Wirral Strategic Housing Land Availability Assessment 2019

- 3.26. The land being promoted by Russel Homes is included in the SHLAA 2019 (SHLAA 3003).
- 3.27. Full comments were made in the representations to the Issues & Options Report and the main points can be summarised as follows.
- 3.28. A fundamental omission in the SHLAA 2019 is that it does not assess the suitability, availability, or achievability of SHLAA 3003 owing to it being within the Green Belt. This approach is contrary to Planning Practice Guidance which clearly sets out that whilst the Green Belt is a constraint and should be noted in any assessment, this does not mean that such sites should not be assessed in terms of their suitability, availability, and achievability².
- 3.29. The Council should have given due consideration to all sites being promoted in the Green Belt including their suitability, availability, and achievability, including this Site. This is particularly pertinent given that the Issues & Options Report included Green Belt release as an option and the sites identified for release at that time must not have been informed by an assessment of their suitability, availability, or achievability.

Wirral Strategic Housing Land Availability Assessment 2021

- 3.30. The SHLAA 2021 supersedes the SHLAA 2019 and says that proposed sites that are located within the Green Belt have not been assessed for their residential capacity as development on these sites is restricted by national policy³.
- 3.31. The SHLAA 2021 does not therefore include the land that is being promoted at this Site, other than at Appendix 6 which simply lists those sites the Green Belt that are not subject to further assessment including SHLAA 3003.
- 3.32. Again, the Council should have considered whether sites in the Green Belt were suitable, available and achievable, including this Site since it is entirely conceivable that the Council will need to call upon sites that are currently within the Green Belt to ensure that the plan is sound.
- 3.33. Since the SHLAA 2021 cannot be relied upon (since it does not assess this Site), the Council and / or Local Plan Inspector will need to consider the Development Statement by Russell Homes which includes a statement on the availability, suitability and achievability of the development at the Site.

Wirral Agricultural Economy and Land Study 2019

- 3.34. The Wirral Agricultural Land Study 2019 considers the Pump Lane Site and identifies that it likely includes 12.2 ha of grassland which is Grade 3a and 3b.
- 3.35. On the basis that it does not draw any firm conclusions in relation to the Site consideration should be given to the Agricultural Land Classification by Soil Environment Services Ltd

² Paragraph: O10 Reference ID: 3-O10-20190722

³ Para 2.11, H7 – Strategic Housing Land Availability Assessment 2021

(March 2020) which identifies that 90% of the Site is Grade 3b and therefore not the Best and Most Versatile land and 10% is non-agricultural land.

Merseyside Environmental Advisory Service RAG Screening 2019 – Submitted Green Belt Sites

- 3.36. The MEAS RAG Screening 2019 considers SHLAA sites within the Green Belt (including this Site) in terms of archaeology, ecology, contaminated land, waste and minerals⁴.
- 3.37. Full comments were made in the representations to the Issues & Options Report and the fundamental issues with the MEAS RAG Screening 2019 are that:
- It utilises WeBS Core Count Areas as a proxy for habitat that is functionally-linked to European sites without any basis for doing so – WeBS Core Count Areas are not an empirical, scientific, or evidential basis on which to identify functionally-linked habitat
 - It erroneously concludes that the Site is of known importance for waterbirds associated with the Dee Estuary without drawing on the site-specific studies for this Site
 - It effectively screens out the Site based on factually incorrect assumptions and conclusions
- 3.38. The Council will likely need to call upon sites currently within the Green Belt to ensure that the plan is sound, and in this instance the results of the MEAS RAG Screening 2019 should not inform the selection of sites, unless these issues are rectified beforehand and the Council lies on available primary evidence from landowners and developers.
- 3.39. The Council should consider the findings of the following site-specific studies when selecting suitable Green Belt sites for residential allocations:
- Advice Note by Gately Legal (March 2021) – which confirms that the site-specific evidence provided by Russell Homes should form the basis for the Council's decision making
 - The Ecological Representations Report by E3P (April 2020) – which confirms that the southern part of the Site, south of Greasby Brook, does not constitute functionally-linked habitat of the Dee Estuary SPA and Ramsar
 - Wetland Bird Survey Updated Report by Collington Winter (March 2021) – which reiterates that very few numbers of wetland bird species were found to utilise the enhancement areas and the development zone
- 3.40. Furthermore, the Submission Draft Plan includes a protective policy for functionally-linked habitat (Policy WD3 Biodiversity and Geodiversity). Should the Council have any remaining concerns about this Site with regards to functionally-linked habitat they can rest assured

⁴ ECC2.2 – Submitted Green Belt Sites

that development at the Site would demonstrably comply with it at the time of making a planning application.

Wirral Environmental Sensitivity Study 2021

- 3.41. The ESS 2021 considers the environmental sensitivity of the land within the Borough.
- 3.42. Full comments were made in the consultation response to the ESS 2021 and the crucial issues with the ESS 2021 are that:
- It fails to recognise the brownfield land within the Site (Greasby Equestrian Centre)
 - It incorrectly gives sensitivity to the enhancement areas and development zone within the Site based on old Agricultural Land Classifications
 - It erroneously gives sensitivity to the enhancement area and development zone within the Site based on the extent of the WeBS Core Count Areas which is not an empirical, scientific, or evidential basis on which to identify functionally-linked habitat
 - It incorrectly gives sensitivity to the enhancement area and parts of development zone based on the Priority Habitat Inventory which is outdated and inaccurate
 - It incorrectly gives sensitivity to SSSI Risk Impact Zones
- 3.43. On the basis that the Council will likely need to call upon sites currently within the Green Belt to ensure that the plan is sound, the results of the ESS 2021 should not inform the selection of sites, unless these issues are rectified beforehand and the Council relies on available primary evidence from landowners and developers.
- 3.44. The Council should consider the findings of the following when selecting suitable Green Belt sites for residential allocations:
- Advice Note by Gately Legal (March 2021) – which confirms that the site-specific evidence provided by Russell Homes should form the basis for the Council's decision making
 - Agricultural Land Classification by Soil Environment Services Ltd (March 2020) – which confirms that the enhancement areas and development zone within the Site are Grade 3b land (thus non-BMV land) and non-agricultural land
 - The Ecological Representations Report by E3P (April 2020) – which confirms that the southern part of the Site, south of Greasby Brook, does not constitute functionally-linked habitat of the Dee Estuary SPA and Ramsar
 - Wetland Bird Survey Updated Report by Collington Winter (March 2021) – which reiterates that very few numbers of wetland bird species were found to utilise the enhancement areas and the development zone
 - Priority Habitat Technical Note by Collington Winter (March 2021) – which confirms that the extent of the Priority Habitat (coastal and floodplain grazing marsh) within the Site is limited to the northern parcel

Level 1 Strategic Flood Risk Assessment July 2021

- 3.45. The SFRA 2021 is an update to the SFRA which underpinned the Draft Local Plan. The SFRA 2021 considers SHLAA sites including this Site. Appendix B site Assessment Spreadsheet says that consideration should be given to the site layout and design. It also notes that flood risk should be manageable through careful consideration of site layout and design around the flood risk.
- 3.46. It is therefore relevant to consider that the Site Specific Flood Risk Assessment by Sutcliffe Engineers (March 2020) confirms that all development within the Site is situated in Flood Zone 1 where residential development is entirely appropriate. SUDS will be provided on-site to attenuate surface water run-off prior to discharging to the watercourse to completely mitigate any impacts on the existing drainage network and flood risk elsewhere

Wirral Landscape Sensitivity Assessment 2021

- 3.47. The LSA 2021 considers the landscape sensitivity of 53 specific areas of land identified for further investigation within the Green Belt including this Site. The LSA 2021 does not suggest that landscape sensitivity is a barrier to development at the Site and sets out a number of general guidelines for development. The table below shows how the proposed development at the Site responds to the general guidelines set out in the LSA 2021.

General Guidance	Response
Conserve and reinforce the network of native hedgerows and seek to create a stronger landscape structure to integrate development by increasing the presence of hedgerow trees and providing additional native woodland planting.	Development is positioned so that the network of native hedgerows is retained (see Figure 2 on page 14). Furthermore, new hedgerows are proposed where appropriate, to delineate the development parcels which will be of native species.
Restore hedgerow boundaries where these are fragmented and replace post and wire fencing with native hedgerow species.	Hedgerow boundaries will be restored where these are fragmented, with native hedgerow species.
Preserve the natural meandering character of Arrowse Brook and Greasby Brook, avoiding development that will change their course or introduce artificial banks.	The course of Arrowse Brook and Greasby Brook will not be altered, and in fact the development of the Site will preserve the setting of Greasby Brook with a generous landscape and ecological buffer of at least 75m wide.
Retain and manage the area of deciduous woodland within the area. Pursue opportunities to extend native woodland, new hedgerows and tree lines across undeveloped parts of the area as part of an integrated green infrastructure network connected to the surrounding landscape (consistent with the priorities of the River Birket Corridor Nature Improvement Area), as well as to protect visual amenity and to help integrate potential development into the landscape.	The deciduous woodland within the eastern part of the Site will be retained and managed. New hedgerows are also proposed across undeveloped parts of the Site to integrate the green network with the surrounding landscape.
Conserve the rural character and small to medium scale intact historic field pattern, particularly ancient fieldscapes	The fields within the northern part of the Site, closest to Saughall Massie and which contributed towards the

<p>in proximity to Saughall Massie where the area contributes towards the setting of the Conservation Area.</p>	<p>setting of the conservation area, will be left completely intact.</p>
<p>Conserve the mixture of vegetated and open field ponds which are characteristic features of the area.</p>	<p>All open field ponds within the Site will be retained and enhanced with suitable vegetation.</p>
<p>Ensure the function of the area as a perceived gap is maintained by providing a clear physical and visual separation between adjacent settlements.</p>	<p>The northern part of the Site, running along Saughall Massie Road, will be completely untouched and the extensive landscape and ecological buffer in the middle part of the Site retains the physical and visual separation between the proposed settlement edge and adjacent settlements.</p>
<p>Protect and enhance the public right of way connecting Saughall Massie to Bromsgrove Road (Greasby) and promote further opportunities to increase access and enjoyment of the landscape, particularly along the river corridors, in association with any new development.</p>	<p>The proposed development protects and enhances the PRoW connecting Saughall Massie to Bromsgrove Road (Greasby) and promotes further opportunities to increase access and enjoyment of the landscape.</p> <p>Access is prohibited to certain areas in the Site particularly in the northern part of the Site along close to Greasby Brook. This is in response to feedback from MEAS in relation to the use of these areas by wetland birds.</p> <p>New footpath/cycleway will be provided through a separate green corridor, providing a more direct routes to Saughall Massie, away from the ecological preservation area. This attractive route will be sensitively designed for the enjoyment of new and existing residents.</p>

Transport & Accessibility Review for Sites for Further Investigation 2020

- 3.48. The Transport & Accessibility Review 2020 considers 54 Green Belt parcels that have been identified for further investigation, including this Site. Full comments were made in the representations to the Issues & Options and the main points can be summarised as follows.
- 3.49. The Transport & Accessibility Review 2020 identifies that the Site can be delivered in the short-term during 0-5 years of the plan period, based on the limited highways works required to bring forward the Site. This assessment is fully supported by Russel LDP.
- 3.50. The Transport & Accessibility Review 2020 does not however recognise the excellent sustainability and accessibility credentials of the Site (existing and proposed), and nor does it acknowledge that the Site lies within acceptable walking and cycling catchments (both distance and time-based) of key local amenities and facilities, such as GP surgeries, schools, pharmacies and retail opportunities, and does not take account of the accessibility proposals that will form part of the proposed development of the Site.
- 3.51. On the basis that the Council will likely need to call upon sites currently within the Green Belt to ensure that the plan is sound, it is imperative that in addition to the Transport & Accessibility Review 2020 consideration is given to the Transport Representations Appraisal by Focus Transport Planning (April 2020) which confirms that the Site is highly



sustainable and accessible, with sustainable transport connections, which would be improved and enhanced by the proposed development.

- 3.52. The development of the Site will include contributions for a new bus services and associated bus stop infrastructure and new enhanced cycle and pedestrian routes, signage and landscape to improve permeability across the Site, to the benefit of local people (new and existing).
- 3.53. The Site will also be within easy practical reach of existing bus and rail services to the key local settlements of West Kirby and Liverpool, as well as local hospitals. These services ensure that the Site provides excellent opportunities to travel by sustainable transport modes to the major local leisure and employment centres, thereby meeting the key local and national sustainable transport planning policy objectives.

4. Legal Issues

Habitat Regulations Assessment

- 4.1. AECOM has been commissioned by the Council to undertake the Habitat Regulations Assessment (HRA). This has been recorded / reported as follows:
- Habitats Regulations Assessment of the Wirral Local Plan 2020–2035: Issues and Options Consultation Document (December 2019) (the first HRA report)
 - Habitats Regulations Assessment of the Wirral Local Plan 2021–2037 (February 2022) (the second HRA report)
- 4.2. The first HRA considered the selection of Green Belt sites identified at the time of Issues and Options Report and found that Curlew (a qualifying species of the Dee Estuary SPA and Ramsar) were present inland at winter and that the selection of Green Belt sites could involve the loss of functionally-linked habitat.
- 4.3. Conversely, at this Site very few numbers of Curlew have been found to utilise the enhancement areas and the development zone. The Council is referred to paragraph 3.1.9 and 3.1.10 of the Wetland Bird Survey Updated Report by Collington Winter (March 2021) (**Appendix 2**), which state:
- Curlews were identified during all four survey visits. The species were identified feeding within FP4 and FP1. The fields were subject to grazing with a low sword by horses at the time of surveys. The maximum count within these areas was recorded on visit one where 70+ curlew were observed foraging in the south eastern corner of FP4. On subsequent visits, far lower numbers of the species were observed.***
- Low numbers of curlew were recorded on field parcels to the south of Greasby Brook on the second survey visit only. Seven were located within the south of FP7 with three recorded adjacent to the equestrian centre within FP7. Curlew are a Qualifying Feature for the Dee Estuary SPA. However, it is deemed that the land to the south of Greasby Brook would not provide functionally linked habitat due to the very limited number of individuals recorded on site and the small field parcel size and presence of mature hedgerows across the site.***
- 4.4. Clearly, there is a significant disparity between the suitability of the habitat at the northern and southern parts of the Site for Curlew. Owing to the land to the south of Greasby Brook not constituting functionally-linked habitat, and owing to the fact that this is where the development zone is located, the Site plainly qualifies as a reasonable alternative to the selection of Green Belt sites considered at the time of the first HRA. The Council's failure to consider the Site as a reasonable alternative at that time has resulted in a process which does not pass the legal requirements⁵.
- 4.5. The second HRA considered the site allocations in the Submission Draft Plan. It identifies potential concerns about RES-SA5.3 (East of Typhoo, Reeds Lane, Leasowe) on the basis

⁵ Regulation 61 and 62, The Conservation of Habitats and Species Regulations 2017

that the amenity grassland within the allocation may be suitable for SPA and Ramsar birds particularly in conjunction with adjoining allocations that also comprise amenity grassland⁶.

- 4.6. This Site plainly qualifies as a reasonable alternative to that allocation since it is demonstrably unsuitable for SPA and Ramsar birds. The Council's failure to consider the Site as a reasonable alternative has, again, resulted in a process which does not pass the legal requirements⁷.

Sustainability Appraisal

- 4.7. AECOM has been commissioned by the Council to undertake the Sustainability Appraisal (SA). This has been recorded / reported as follows:
- Interim Sustainability Appraisal Report: Appraisal of Spatial Options (December 2019)
 - Sustainability Appraisal Report (February 2022)
 - Sustainability Appraisal Report (June 2022)
- 4.8. We take issue with the methodology of the SA in that it relies on the outcomes of the HRA process with regards to effects on functionally-linked habitat when considering the selection of Green Belt sites identified at the time of Issues and Options Report and the site allocations in the Submission Draft Plan.
- 4.9. The failure to test this Site as a reasonable alternative during the SA process has also resulted in a process which does not pass the legal requirements⁸.

⁶ Para 5.70, second HRA report

⁷ Regulation 61 and 62, The Conservation of Habitats and Species Regulations 2017

⁸ Regulation 12, The Environmental Assessment of Plans and Programmes Regulations 2004

5. Soundness Issues

Vision

5.1. The Vision says that:

The commuter towns and villages of the west of Wirral [will] remain stable having experienced small scale incremental development that has allowed them to continue to thrive within a landscape protected by Green Belt designation...

5.2. Rather than limit development within the towns and villages of the west of Wirral owing to them being constrained by Green Belt (as the Vision seeks to do), consideration should have first been given to a Vision which would truly allow these towns and villages to thrive.

5.3. The Vision also needs to be considered against a backdrop of the finding of the SHMA Update that the west of Wirral has the worst affordability and highest need for family homes in the whole of the Borough.

5.4. However, there is no evidence to suggest that the Council have considered whether the small-scale incremental development planned within the towns and villages in the west of the Borough will allow the towns and villages to remain stable and thrive over the plan period (see comments on **Delivering the Development and Regeneration Strategy, Policy WS 1.1 Homes**, and **Policy WP 5.1 Residential Sites** below).

Soundness Issue 1 – Vision

It has yet to be demonstrated that the small-scale incremental development currently envisioned within west of Wirral, and hence the Vision in the Submission Draft Plan has been prepared positively, in a way that is aspirational but deliverable⁹. As such the Vision has yet to be demonstrated to meet the tests of soundness.

If found to be unsound, further consideration would need to be given to how the towns and villages of the west of Wirral can thrive over the plan period. This could include, for example, going beyond the envisaged small-scale incremental development in a way which is aspirational but deliverable.

Development and Regeneration Strategy

5.5. For planning policy purposes, the Borough is divided into eight Settlement Areas. The Submission Draft Plan says that growth is planned within seven of the eight Settlement Areas with a particular focus on the Regeneration Areas¹⁰.

5.6. Firstly, it should be noted that there is no housing growth is planned whatsoever in the Rural Area Settlement Area since its boundary coincides with the Green Belt boundary. However, there is no evidence which suggests that the Council have considered the amount of

⁹ NPPF, Para 16b

¹⁰ Wirral Local Plan 2021-2037 Submission Draft, Para 3.3

housing growth needed in the Rural Area before concluding that exceptional circumstances do not exist to justify alterations to the Green Belt boundary. Indeed, if housing growth is required in the Rural Area to sustain the area over the plan period, this would be an exceptional circumstance to alter the Green Belt boundary.

- 5.7. Secondly, the Submission Draft Plan completely fails to make clear exactly how much housing growth is planned to take place across Borough. In the absence of this being made clear in the Development and Regeneration Strategy, it is shown in the table below for each Settlement Area.

Planned Housing Growth (excluding commitments and allowances)

Settlement Area	Existing Dwellings (no)	Dwellings Planned (no)	Housing Growth (%)
Wallasey – SA1	28,355	900	3.2
Birkenhead Commercial Core – SA2 and Suburban Birkenhead – SA3	43,225	7,949	18.4
Bebington, Bromborough and Eastham – SA4	25,154	2,079	8.3
Leasowe, Moreton, Upton, Greasby and Woodchurch (Mid-Wirral) – SA5	24,057	354	1.5
Hoylake and West Kirby – SA6	11,559	58	0.5
Irby, Thingwall, Pensby, Heswall and Gayton – SA7	12,815	34	0.3
Rural Area – SA8	3,106	0	0.0
Total	148,270	11,374	7.7

Existing Dwellings from H8 – Wirral SHMA Update Main Report, Table 2.2 (the Wirral SHMA Update Main Report combines figures for SA2 and SA3 thus masking the actual growth in these Settlement Areas individually)
 Dwellings Planned from SD1 – Wirral Local Plan 2021-2037 Submission Draft

- 5.8. This is not a sustainable pattern of housing growth. It relies on significant housing growth in areas which are incapable of providing the infrastructure needed to support it. It also fails to provide sufficient growth where it is needed to meet issues of worsening affordability.
- 5.9. The Development and Regeneration Strategy allows for significant housing growth in the Birkenhead Commercial Core and Suburban Birkenhead (**18.4%**), although most housing growth is within Birkenhead Commercial Core alone. This is reflective of the fact that this Settlement Area contains six of the eleven Regeneration Areas, which are intended to deliver a significant proportion of planned housing growth over the plan period and is largely the focus of the Birkenhead Regeneration Framework.
- 5.1. It is not contested that the Regeneration Areas are suitable location for some housing growth, but questions should be raised about whether the evidence base supporting the Submission Draft Plan has adequately demonstrated that:

- The existing and planned infrastructure can sustain so many homes over the plan period
- The delivery of the Regeneration Areas is viable and that affordable housing requirements will be met

- 5.2. The CIL and Viability Assessment (February 2022) identifies that the viability of development within some of these areas is unquestionably challenging. Brownfield sites in the low value areas and lower median value areas are clearly shown to not be viable, and that half of the typologies on brownfield sites in the upper median are also not viable. It also shows that brownfield flattened typologies are not viable. It is therefore a significant risk to rely so heavily on housing delivery in the Regeneration Areas.
- 5.3. In this regard, attention should be drawn to the representations by Lichfield on behalf of the Consortium which find that the Submission Draft Plan fails to provide a mechanism for delivering essential infrastructure and the viability of the Council's claimed housing supply is being significantly overstated particularly at the Regeneration Areas. These matters should be adequately addressed, or there is a very real risk that the Development and Regeneration Strategy will not meet the tests of soundness.
- 5.4. Given the erroneous position of the Development and Regeneration Strategy focussing solely on the delivery of homes on brownfield land there is very limited housing growth planned in the Settlement Areas west of the Borough since there is little urban land available in these Settlement Areas and they are constrained by Green Belt.
- 5.5. This includes the Mid-Wirral Settlement Area where there is limited housing growth planned (1.5%). There is no evidence to suggest that the Council have given any attention to the following issues in the Mid-Wirral Settlement Area when devising the Development and Regeneration Strategy and before concluding that exceptional circumstances do not exist to justify alterations to the Green Belt boundary:
- 9.2% of households are dissatisfied with the quality of their accommodation – second only to the Birkenhead Commercial Core / Suburban Birkenhead (SHMA Update, Table 2.8)
 - No household relocating here are under 30 years of age – the lowest proportion in the Borough (SHMA Update, Table 2.17)
 - It has a median gross household income of £22,100 (household survey data) – the same as the Birkenhead Commercial Core / Suburban Birkenhead and second only to Wallasey (SHMA Update, Table 2.19)
 - It requires a household income higher the median gross household income for all tenure of homes to be affordable (other than social rent), and in some instances requires a much higher income (SHMA Update, Table 3.9)
- 5.6. If this matter is not addressed, the Development and Regeneration Strategy may simply bed-in the issues in this Settlement Areas, and there is a very real possibility that those living in Mid-Wirral will continue to feel dissatisfied with their accommodation, and that the area will struggle to attract younger people who can afford to buy a home. It would also fail to allow the towns and villages of west of Wirral to thrive, as the Vision suggests they will.

Soundness Issue 2 – Delivering the Development and Regeneration Strategy

The Council have not provided any evidence to justify the very limited housing growth planned in the Mid-Wirral Settlement Area. As such, the Development and Regeneration Strategy has yet to be demonstrated to meet the tests of soundness.

If found to be unsound, further consideration would need to be given to housing growth needed within the Mid-Wirral Settlement Area, to ensure that it addresses the needs of this area over the plan period. If more housing growth is required, this would be an exceptional circumstance to amend the extent of the Settlement Area boundary to encompass land otherwise within the Green Belt.

Attention should be given to this Site which makes a weak contribution to the purpose of the Green Belt and is suitable, available, and achievable for housing development.

Policy WS 1.1 Homes

- 5.7. The policy (at part C) says that the net additional dwellings will be provided and distributed spatially across the Borough as shown on the Policies Map. The issue with the policy is that it does not clearly articulate the spatial distribution of homes within the Borough. This is the only policy in the plan which is intended to deal with spatial distribution and given that the Borough is spatially divided into the eight Settlement Areas for planning purposes, it is remiss to not show the number and proportion of homes directed to each Settlement Area.
- 5.8. In the absence of the spatial distribution being made clear in the Submission Draft Plan, a table has been provided below by showing the planned number and proportion of homes in each of the Settlement Areas. A detailed table is provided at **Appendix 4**.

Number and Proportion of Homes Over Plan Period

	Dwellings (no)	Dwellings (%)
Commitments	1,730	10.4
Wallasey – SA1	900	5.4
Birkenhead Commercial Core – SA2	7,811	47.1
Suburban Birkenhead – SA3	138	0.8
Bebington, Bromborough and Eastham – SA4	2,079	12.5
Leasowe, Moreton, Upton, Greasby and Woodchurch – SA5	354	2.1
Hoylake and West Kirby – SA6	58	0.3
Irby, Thingwall, Pensby, Heswall and Gayton – SA7	34	0.2

Rural Area – SA8	0	0.0
Allowances	3,490	21.0
TOTAL	16,594	100.0

Dwellings Planned from SD1 – Wirral Local Plan 2021–2037 Submission Draft

- 5.9. By far the largest number of homes are directed to the Birkenhead Commercial Core (**7,811 homes**). This is reflective of the fact that this Settlement Area contains six of the eleven Regeneration Areas, which are intended to deliver a significant proportion of the planned homes over the plan period and is largely the focus of the Birkenhead Regeneration Framework.
- 5.10. It is not contested that the Regeneration Areas are suitable location for some new homes, but questions should be raised about whether the evidence base supporting the Submission Draft Plan has adequately demonstrated that:
- This number of homes from this element of the housing supply is suitable, available, and achievable
 - The new homes envisaged within the Regeneration Areas will provide sufficient larger homes for families
- 5.11. In this regard, attention should be drawn to the representations by Lichfield on behalf of the Consortium which considers the delivery and viability of the Regeneration Areas and confirms that they will not provide the number of homes envisaged by a significant margin.
- 5.12. There is also a distinct possibility that the use of higher densities, as proposed in the Regeneration Areas, will have implications for the type, size and tenure of the homes provided and may mean that the Council is not always able to provide an appropriate housing mix across the Borough. This may mean that the homes delivered do not meet the housing needs of the local community or the market demand in the area, such as the need for larger family homes.
- 5.13. What is also clear from the table above, is that the spatial distribution of homes results in a significant number of towns and villages outside of the Regeneration Areas having no or very limited homes directed to them.
- 5.14. There are a limited number of homes planned in Mid-Wirral (**354 homes**) and it is seriously questionable whether this is appropriate considering the issues it faces. This number of homes (or lack of them) is due to the Council focusing all the planned homes within the existing urban area, there being limited urban land available in this Settlement Area on which to deliver new homes, and the Settlement Area being constrained by Green Belt.
- 5.15. The Green Belt surrounding this Settlement Area, does not justify the limited number of homes planned in this area over the plan period. Rather, consideration should have been given to the number of homes needed in the Settlement Area over the plan period to address the issues otherwise they may simply be exacerbated over the plan period. If this necessitates the need to extend the Settlement Boundary to encompass more sites which

could deliver new homes in Mid-Wirral, it would be an exceptional circumstance to alter the Green Belt boundary.

Soundness Issue 3 – Policy WS 1.1 Homes

The Council have not provided any evidence to justify the spatial distribution of homes and the limited number of homes directed to the Mid-Wirral Settlement Area and thus that the spatial distribution of homes is sound – the resulting claim that exceptional circumstances do not exist to alter the Green Belt boundaries has not been justified.

If found to be unsound, further consideration would need to be given to the planned number of homes in Mid-Wirral, to ensure that they address the needs of this area over the plan period. This would be an exceptional circumstance to amend the extent of the Settlement Area boundary to encompass land otherwise within the Green Belt.

Attention should be given to this Site which can deliver a substantial number of homes, including family homes and affordable homes for young people.

Figure 3.6 Green and Blue Infrastructure Strategy Priority Opportunities

- 5.16. Nature Improvement Areas with specific recommendations for habitat creation are shown on Figure 3.6 of the Submission Draft Plan. These are shown including the land at this Site.

Soundness Issue 4 – Figure 3.6 Green and Blue Infrastructure Strategy Priority Opportunities

The Council have provided insufficient evidence on how the Green and Blue Infrastructure Strategy will be effective insofar as the intended strategy for habitat creation on to the land within private ownership with the Nature Improvement Areas.

The Council should provide clarification on how habitat will be created on the land within private ownership with the Nature Improvement Areas, particularly if this land is not allocated for residential development which would provide the impetus to deliver improvements within the Nature Improvement Areas. If this evidence is not forthcoming, then it could only be concluded that the strategy for habitat creation within the Nature Improvement Areas is not justified.

Policy WS 5.4 Ecological Networks

- 5.17. This policy says (at part L1) that biodiversity net gain will be delivered appropriately in response to the site characteristics and location and that priority should be given to enhancing the quality, connectivity and resilience of habitat within, inter alia, the Nature Improvement Area Focus Areas shown on the Policies Map.
- 5.18. The Nature Improvement Area Focus Areas include the River Birket Corridor (NIA-4), which includes this Site.

Soundness Issue 5 – Policy WS 5.4 Ecological Networks

The Council have provided insufficient evidence on how the Ecological Networks will be effective insofar as the intended strategy to divert biodiversity net gain to the land within private ownership with the Nature Improvement Focus Areas.

The Council should provide clarification on how biodiversity net gain would be directed to the land within private ownership with the Nature Improvement Focus Areas, particularly if this land is not allocated for residential development which would provide the impetus to deliver biodiversity net gain. If this evidence is not forthcoming, then it could only be concluded that the strategy for biodiversity net gain within the Nature Improvement Focus Areas is not justified or cannot be delivered without development.

Policy WS 12 Monitoring and Review

- 5.19. This policy says that should results indicate that there is significant failure to meet the development trajectories or a change in circumstances that significantly impacts on changes in demand for land, the Council will review the Local Plan prior to the relevant five-year period for review.
- 5.20. The text beneath the policy says that Appendix 15 contains the monitoring framework.
- 5.21. Appendix 15 includes several monitoring indicators such as the number of homes and affordable homes completed by location, the five-year housing land supply position etc.
- 5.22. However, neither the policy nor Appendix 15 include a trigger mechanism which would prompt the Council to undertake a review of the Local Plan. For instance, whilst Appendix 15 suggests that housing completions would be monitored annually, there is no trigger for a review of the Local Plan, if for example, housing completions fall below a certain percentage of those predicated in the housing trajectory.
- 5.23. Furthermore, there is very little confidence that as things stands the plan will achieve its housing trajectory owing to the heavy reliance of delivering most of the planned new homes within the Regeneration Areas. In this regard, attention should be drawn to the representations by Lichfield on behalf of the Consortium which confirms that the Regeneration Areas will not provide the number of homes envisaged by a significant margin.
- 5.24. Allocating more greenfield sites for residential development, such as this Site, would give reassurance that the housing trajectory in the plan would stay on track and may alleviate the requirement to review the plan prior to the relevant five-year period. If not, it is highly likely that the Council will need to review the plan within the first five years of the plan period and identify more sites to deliver new homes.
- 5.25. There is also very little confidence that given the past-performance of the Council in preparing the Submission Draft Plan, that they would be able to review the plan in a timely manner if the need arises. As such, the Council should provide reassurance that they have the capacity and resourcing available to undertake a review as soon as it becomes apparent that they need to.

Soundness Issue 6 – Policy WS 12 Monitoring and Review

The Council have not included a mechanism to ensure that this policy will be effective.

The Council should include appropriate trigger mechanisms for the review of the Local Plan.

Policy WP 5.1 Residential Sites

5.26. This policy concerns the Mid-Wirral Settlement Area.

5.27. The policy identifies (at part A) that sites of 1– 9 units shown on the Policies Map and listed at Appendix 18 are expected to yield a total of 18 dwellings, in addition to existing commitments.

Allocated Sites of 1-9 Units

Site Reference	Site Name	Site Area (ha)	Capacity (dwellings)	At April 2021	End Delivery
RES-SA5.2	Former Moreton Municipal Building, Knutsford Road	0.17	8	Not started	24/25
RES-SA5.9	Former Arrowe Hill Primary School, Woodchurch	0.32	3	Not started	29/30
RES-SA5.11	25 Church Road, Upton	0.05	1	Under construction	23/24
RES-SA5.12	30 Salacre Crescent, Upton	0.02	1	Not started	23/24
RES-SA5.13	Pinetree Cottage, 50 Moreton Road, Upton	0.17	4	Under construction	24/25
RES-SA5.14	2 Hendon Walk, Greasby	0.02	1	Not started	24/25

SD1 – Wirral Local Plan 2021–2037 Submission Draft Appendix 18
At April 2021 and End Delivery from H7.8 – SHLAA 2021 Appendix 8

5.28. The first issue with this element of the housing supply is that it would not assist in addressing the need for:

- Affordable homes – None of the sites permitted or under construction include affordable homes and none of remaining sites would be required to contribute towards affordable housing since their capacity is below the threshold for which affordable housing contributions could be sought as set out in the NPPF (para 64) and Policy WS 3.3 Affordable Housing Requirements
- Self-build and custom-build homes – None of the sites under construction or permitted include self-build and custom-build homes and none of the remaining

sites will likely make any contribution towards self-build and custom-build housing since their capacity is below the threshold where such housing encouraged Policy WS 3.5 Self-Build and Custom Build Housing

- Specialist homes – None of the sites under construction or permitted include specialist homes and none of the remaining sites will likely make a contribution towards specialist homes given their small size, and even if they came forward for this purpose, they would not make any significant contribution to the need for such homes

5.29. The second issue with this element of the housing supply, is that it is predicated to be delivered by 2024/2025, other than at RES-SA5.9 – Former Arrowe Hill Primary School, Woodchurch which is currently used as storage by the Council¹¹. If all these sites deliver as expected this would mean there would be hardly any housing supply from this source from 2024/2025.

5.30. This policy goes on to identify (at part B) that the following sites of 10 units or more, shown on the Policies Map, are allocated for residential development.

Allocated Sites of 10+ Units

Site Reference	Site Name	Capacity (dwellings)	At April 2021	End Delivery	Viability Zone / Affordable
RES-SA5.1	Moreton Family Centre, Pasture Road	75	Not started	23/24	2 (10%)
RES-SA5.3	East of Typhoo, Reeds Lane, Leasowe	100	Not started	25/26	2 (10%)
RES-SA5.4	Former Foxfield School, Douglas Drive, Moreton	65	Not started	24/25	3 (20%)
RES-SA5.5	Former Stirrup PH, Arrowe Park Road, Woodchurch	45	Not started	24/25	2 (10%)
RES-SA5.7	Land at Knutsford Road, Moreton	36	Not started	25/26	2 (10%)
RES-SA5.8	Former Dodd's Builders Merchants, Bermuda Road, Moreton	14	Not started	23/24	3 (20%)

SD1 – Wirral Local Plan 2021–2037 Submission Draft
At April 2021 and End Delivery from H7.8 – SHLAA 2021 Appendix 8

5.31. The first issue with this element of the housing supply, is that it would not assist in addressing the need for:

¹¹ H7.2 SHLAA 2021 Appendix 2

- Affordable homes – Even if proposals came forward in accordance with the affordable housing requirements set out in Policy WS 3.3 Affordable Housing Requirements this only equates to 30 affordable homes at most over the entirety of the plan period
- Self-build and custom-build homes – Only two sites are above the threshold where such housing is encouraged in Policy WS 3.5 Self-Build and Custom Build Housing, so they will unlikely make a significant contribution to the types of homes

5.32. It is noted that two of these sites are intending to provide extra care housing including:

- RES-SA5.1 – Moreton Family Centre, Pasture Road – 75 extra care units
- RES-SA5.5 – Former Stirrup PH, Arrowe Park Road, Woodchurch – 45 affordable extra care units¹²

5.33. The second issue with this element of the housing supply, is that it is predicated to be delivered by 2025/2026. If the housing supply for this site is delivered as expected this would mean no housing supply from this source from 2025/2026. From then onwards, the Mid-Wirral Settlement Area would be reliant solely on allowances during the middle and latter end of the plan period.

Soundness Issue 7 – Policy WP 5.1 Residential Sites

The Council have not provided any evidence that this policy is positively prepared and that the homes planned in the Mid-Wirral Settlement Areas will meet the objectively assessed needs of this Settlement Area including affordable housing needs and the need for self-build and custom-build homes, over the plan period.

To address this issue, the Council should provide evidence on how the identified supply of homes in Mid-Wirral will address these needs over the plan period.

If unsound, more sites would be required in the housing supply to address housing needs, including affordable housing needs and the need for self-build and custom-build homes, which would be delivered during the middle and latter end of the plan period. Given that the supply of housing land in the urban area is already exhausted in the Submission Draft Plan, this is an exceptional circumstance to alter Green Belt boundaries in this area and identify sites which currently lie on the edge of the Settlement Area to boost the supply of homes, such as this Site.

¹² BP1 – Wirral Local Plan Housing Delivery Strategy 2022

6. Conclusions

- 6.1. These site-specific representations are made in the context of the land being promoted by Russell Homes as a residential allocation. Russell Homes have put a considerable amount of time into thinking about the context of the Site, its surroundings and how best to deliver a high-quality place, which serves to not only deliver housing, but also provide land for a new primary school, a care home for the elderly and high-quality open space for new residents, as well as supporting and encouraging wildlife over a very large and generous area.
- 6.2. Within the Submission Draft Plan, the Site is positioned within the Rural Area Settlement Area in the Green Belt, on the edge of the Mid-Wirral Settlement Area.
- 6.3. Ultimately, the Council are required to consider this Site as a reasonable alternative if the Submission Draft Plan is to pass the legal requirement:
- **Legal Issue 1:** The Site should be considered as reasonable alternative in the Habitat Regulations Assessment process
 - **Legal Issue 2:** The Site should be considered as reasonable alternative in the Sustainability Appraisal process
- 6.4. Ultimately, the Council are required to provide further evidence if the Submission Draft Plan is to be found sound, namely:
- **Soundness Issue 1:** Further consideration should be given to how the towns and villages of the west of Wirral can thrive over the plan period – this could include, for example, going beyond the envisaged small-scale incremental development in a way which is aspirational but deliverable to address the issues faced by these towns and villages over the plan period
 - **Soundness Issue 2:** Further consideration should need to be given to housing growth needed within the Mid-Wirral Settlement Area, to ensure that the Development and Regeneration Strategy is sound – if more housing growth is required, this would be an exceptional circumstance to amend the extent of the Settlement Area boundary to encompass land otherwise within the Green Belt
 - **Soundness Issue 4:** Further consideration should need to be given to the planned number of homes in Mid-Wirral, to ensure that they address the needs of this area over the plan period – if more homes are required, this would be an exceptional circumstance to amend the extent of the Settlement Area boundary to encompass land otherwise within the Green Belt
 - **Soundness Issue 5:** The Council should provide clarification on how biodiversity net gain would be directed to the land within private ownership with the Nature Improvement Focus Areas, particularly if this land is not allocated for residential development which would provide the impetus to deliver biodiversity net gain
 - **Soundness Issue 6:** The Council should include appropriate trigger mechanisms for the review of the Local Plan



- **Soundness Issue 7:** The Council should provide evidence on how the identified supply of homes in Mid-Wirral will address needs over the plan period

- 6.5. If this evidence is not forthcoming and / or if any subsequent evidence fails to address the issues identified in these representations, it is difficult to see how these parts of the plan have been demonstrated to meet the tests of soundness.
- 6.6. Attention should then be given to this Site which makes a weak contribution to the purpose of the Green Belt and is suitable, available, and achievable for housing development.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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