



Ministry of Housing,
Communities &
Local Government

Councillor Phil Davies
Leader, Wirral Council

Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities and
Local Government

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Dear Councillor Davies,

LOCAL PLAN INTERVENTION

Following Wirral Council's failure over many years to get a Local Plan in place, the former Secretary of State wrote to your Council, on 16 November 2017, to express his concerns. He offered an opportunity to explain any exceptional circumstances justifying the failure of your Council to produce a Local Plan and any measures you had taken or intended to take to accelerate plan publication. Following your letter of January 2018 outlining your exceptional circumstances, the former Secretary of State wrote again on 23 March 2018. He set out that he had considered your representations and the Government's Local Plan intervention policy criteria and had decided to continue with the intervention process by commissioning a team of experts led by Government's Chief Planner to provide advice on next steps.

I have carefully considered that advice on next steps and all the other matters above. I have also considered correspondence sent to my Department since January 2018, including correspondence from you and from your Corporate Director for Economic & Housing Growth, which reported some positive action but little tangible progress.

Section 27(1) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides:

"This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document."

In view of your continuing failure to get a Local Plan in place I am satisfied that the requirements in section 27(1) of the 2004 Act are met. Wirral Council (in its capacity as local planning authority):

- does not have an up-to-date Local Plan in place - the Council's last Local Plan was adopted in 2000 and covered a period up to 2001.
- has failed to meet Local Plan milestones in at least six Local Development Schemes since 2004.
- has failed to plan for and deliver the homes people need in Wirral.

Section 27(2) of the 2004 Act provides:

“The Secretary of State may—

- (a) prepare or revise (as the case may be) the document, or
- (b) give directions to the authority in relation to the preparation or revision of the document.”

Pursuant to the powers in section 27(2)(b) of the 2004 Act I have decided to make certain directions in relation to the preparation the Wirral Local Plan.

Within ten weeks of the date of this letter, I direct Wirral Council to:

- a. Designate a lead Councillor and lead official to be responsible for progressing preparation of the Local Plan.
- b. Publish an action plan setting out the actions that will be taken to get a Local Plan in place. The action plan should include how Wirral Council will ensure:
 - i. The allocation of sufficient land for housing for the whole of Wirral for the Local Plan period;
 - ii. Adequate and sustainable resourcing and skills to prepare a Local Plan are in place;
 - iii. Appropriate governance arrangements are in place to ensure timely Local Plan preparation and decision making;
 - iv. Compliance with relevant Local Plan legislation and national policy, in particular the Duty to Cooperate;
 - v. The Local Plan is underpinned by an appropriate and up to date technical evidence base.

The action plan must be verified by independent planning experts. A copy of the verification report must be sent to MHCLG.

I also direct Wirral Council to report monthly (from the date of this letter) to my officials on Local Plan preparation progress.

In making this decision I have considered the following Local Plan intervention policy criteria¹:

- **The least progress in plan-making has been made:** Out of 338 local planning authorities in England, Wirral are one of only 11 authorities who have not yet published a 2004 Act Local Plan² under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- **Policies in plans have not been kept up to date:** Wirral's last Local Plan was adopted in February 2000 and covered a period up to March 2001. Wirral has consistently failed to bring forward a Local Plan in accordance with its Local Development Scheme as legally required, having failed to meet Local Plan milestones in at least six Local Development Schemes since 2004.

¹ Local Plan intervention policy criteria were consulted on in 2016 and confirmed in the 2017 housing White Paper and the 16 November 2017 Written Statement in the House of Commons

² Wirral Local Plan publication timetabled for September/October 2019 (Wirral Local Development Scheme, March 2018)

- **There is higher housing pressure:** The former Secretary of State's letter of 23 March 2018 recognised that Wirral is not an area where there was higher housing pressure, based on average affordability ratios in England,³ when he decided to continue with the intervention process. However, Wirral Council's failure to plan for and deliver the homes people need is clear. The area has an annual housing need of 803 dwellings⁴, with a locally assessed annual need of 875–1235 dwellings⁵. Wirral have a five year housing land supply of 1.7–2.6 years⁶. Despite this criterion not being met, I consider that intervention is nevertheless appropriate for the reasons set out below.
- **Intervention would have the greatest impact in accelerating local plan production:** In light of Wirral's consistent failure to meet the milestones in its Local Development Scheme, the fact that the March 2018 Local Development Scheme timetable does not include carrying out a regulation 18 consultation⁷ and does not propose submission of the document to the Secretary of State for independent examination⁸, until at least January 2020, in my judgement taking over the preparation of the Local Plan offers the best prospect of the plan-making process being accelerated and of ensuring that an up-to-date Local Plan is put in place as soon as possible.
- **The wider planning context in each area in terms of the extent to which authorities are working co-operatively to put strategic plans in place:** Wirral Council are part of the Liverpool City Region Combined Authority, which is required to produce a Strategic Development Strategy. Although councils in the Combined Authority appear to be working collaboratively there is no certainty that this will provide Wirral full plan coverage for their area. There currently is no public timetable for the Strategic Development Strategy.
- **The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity:** at least two communities in Wirral are currently preparing neighbourhood plans: Leasfowe and Birkenhead North. Two further communities have neighbourhood plans in force: Devonshire Park and Hoylake. Communities can bring forward neighbourhood plans in the absence of an up-to-date Local Plan, but doing so can be more challenging for communities.

I have noted above that Wirral is not an area of higher housing pressure, and therefore this criterion for prioritising intervention is not met. However, notwithstanding this, I consider that it would be appropriate to intervene because Wirral Council's performance in respect of the other criteria is lamentable. For example Wirral's last Local Plan was adopted in February 2000, covering a period up to March 2001, with the authority reliant on saved policies from the 2000 Local Plan to determine local planning applications. In comparison with other authorities written to by the former Secretary of State in November 2017, Wirral have made the least progress. Of those authorities still to submit their Local Plan for examination, Wirral are timetabled to submit significantly later than the other authorities.

Having considered Wirral's performance against the intervention policy criteria, I am satisfied that intervention action is justified.

³ Ranked 266 least affordable of 324 English Districts (Housing Affordability Statistics, Office of National Statistics, 2017)

⁴ Wirral local housing need assessment: 803 dwellings per annum (Local Housing Need, Ministry for Communities & Local Government, 2017).

⁵ paragraph 1.8, p.9, Wirral SHMA and Housing Needs Study (Wirral Council, May 2016)

⁶ As set out in Annex 3, Wirral Annual Monitoring Report 2016-2017 (Wirral Council, 2017)

⁷ Under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁸ Under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012


Having considered all of the above, in my judgement, there is a compelling case for the Local Plan intervention action I have decided upon in Wirral, pursuant to powers in section 27(2)(b) of the 2004 Act. In my judgement, there is also compelling case to intervene to prepare the Wirral Local Plan pursuant to the powers in section 27(2)(a) of the 2004 Act. However, in recognition that the publication of the revised National Planning Policy Framework and related planning reforms will inform the preparation of your Local Plan, I have decided not to prepare the Wirral Local Plan at this time. I am offering you a final opportunity to demonstrate a clear path towards the delivery of your Local Plan. I will continue to closely monitor your Local Plan progress.

~~Should a significant delay occur against the milestones set out in your March 2018 Local Development Scheme, should you fail to comply with the directions in this letter without a good reason or should your draft Local Plan fail at examination I am minded to take over the preparation of the Wirral Local Plan.~~

Finally, in your letters of 7 September and 9 October 2018, you sought clarification on Government's standard method for assessing local housing need. I can confirm that a consultation on proposed amendments to the standard method was published on 26 October 2018.

You refer to figures calculated as being housing targets. I must be clear that the standard method for assessing local housing need does not produce a housing target. Authorities should make a realistic assessment of the number of homes their communities need as the starting point in the process. Once this has been established, planning to meet that need will require consideration of land availability, relevant constraints and whether the need is more appropriately met in neighbouring areas.

I appreciate the constructive way Wirral Council have engaged with my Department so far and I trust that you and your officers will continue to engage positively. My officials will be in touch over the next few days to discuss next steps.

Yours sincerely,


RT HON JAMES BROKENSHERE MP