

WIRRAL COUNCIL

SECTION 61G TOWN AND COUNTRY PLANNING ACT 1990

THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (REGULATION 7)

APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA FOR BIRKENHEAD AND TRANMERE

STATEMENT OF COUNCIL DECISIONS AND REASONS

Summary

This document sets out the reasons for the Council's decision to designate a neighbourhood area for Birkenhead and Tranmere that is smaller than the area originally applied for by the prospective Birkenhead and Tranmere Neighbourhood Planning Forum.

Background

1. The Council has received an application to designate a neighbourhood area for Birkenhead and Tranmere.
2. The application was submitted by the prospective Birkenhead and Tranmere Neighbourhood Planning Forum, alongside their application to be designated as the neighbourhood forum for the area.
3. The area applied for is shown on Plan 1 attached.
4. The area applied for included Birkenhead Town Centre and a large part of the surrounding commercial areas and parts of the surrounding residential areas as far south as Victoria Park and as far west as the Williamson Art Gallery and Birkenhead Park, including up to 1,800 non-residential commercial and business properties and up to 8,500 residential properties, with an estimated resident population of 12,900.
5. The two applications were published for public comment between 20 May and 3 July 2015.
6. The representations received are attached at Appendix 1.
7. The Council's Cabinet considered the applications on 27 July 2015, in the light of the requirements of the Town and Country Planning Act, national policy and guidance and the representations received and resolved to refuse the application as it was originally submitted and to designate a smaller, predominantly residential neighbourhood area, to the south and east of Borough Road.
8. The prospective Birkenhead and Tranmere Neighbourhood Planning Forum have been asked to confirm whether they are still willing to act as the neighbourhood forum for the smaller area and to confirm whether they can still comply with the relevant conditions of designation set out in the Town and Country Planning Act.

9. The application to designate the neighbourhood forum for the neighbourhood area now designated will be determined when this information has been provided.

Statement of Decision

10. Cabinet on 27 July 2015 (Minute 44) resolved:
- (i) to refuse the application to designate the neighbourhood area shown on Plan 1 attached; and
 - (ii) to formally designate the geographical area shown on Plan 2 attached.
11. The designated area shown on Plan 2 will now be known as the Birkenhead and Tranmere Neighbourhood Area.
12. As the area designated would be primarily residential in character, it has not been designated as a business area under Section 61H of the Act.

Statement of Reasons for the Decision to Refuse the Application

13. The reasons for refusing the application to designate the neighbourhood area shown on Plan 1 are set out below.
14. The Council is required to determine whether the area applied for is an appropriate area to be designated as a neighbourhood area.
15. The area applied for is large and diverse, including a number of different communities and communities of interest and the boundary applied for does not properly reflect the boundaries and character of these different communities.
16. National Planning Practice Guidance indicates that the catchment area for services such as shops and other facilities; whether an area forms all or part of a coherent estate either for businesses or residents; whether an area is wholly or predominantly a business area; and whether infrastructure or physical features define a natural boundary, for example a major road or railway line or waterway, are relevant considerations when deciding the boundaries of a neighbourhood area.
17. The neighbourhood area as submitted has been based on the Electoral Ward boundary for Birkenhead and Tranmere, with small additional areas around the Williamson Art Gallery and Museum in Oxtun Ward; and at Holborn Square, Holt Road and Sidney Road in Rock Ferry Ward but does not fully reflect the boundaries to many of the associated local communities.
18. The application, as submitted, would for example:
- include only parts of the larger residential communities to the west of Borough Road, which are more associated with the wider community in Oxtun;
 - include only parts of the residential community around the Williamson Art Gallery (in Oxtun Ward);

- include only parts of the communities that are within the immediate catchment of the Key Town Centre and the Traditional Suburban Centres at Grange Road West and Oxton Road; and would
 - exclude a large part of the community, to the south and east of Mersey Park (in Rock Ferry Ward), which may, following independent examination, need to be added as part of any future referendum.
19. No evidence has been submitted to establish whether the residents in these areas wish to be inside (or outside) the area applied for and the designation of the area applied for would prevent these communities from preparing plans as part of their more natural surrounding communities.
20. Of all these areas, the residential community to the south and east of the main transport route of Borough Road would appear to be the best defined, with Borough Road being a clear physical feature that defines a natural boundary.
21. The area applied for also takes in:
- the Key Town Centre of Birkenhead, identified as the main sub-regional shopping centre for the Borough;
 - the Traditional Suburban Centres at Grange Road West and at Oxton Road;
 - the Primarily Commercial Area around Hamilton Square, including Hamilton Square Conservation Area;
 - the Employment Development Site at Europa Boulevard;
 - the Primarily Industrial Areas and employment sites at Woodside; Hind Street, Priory Industrial Estate and Monks Ferry; and
 - parts of the Primarily Industrial Areas at Twelve Quays and Cleveland Street, including part of the nationally designated Mersey Waterfront Enterprise Zone, to the west of Tower Road.
22. The information provided in the application shows that the Forum does not yet have a representative from each of these many areas or communities.
23. The area applied for also includes areas of strategic importance to the Borough, which are subject to a far wider community of interest and which are subject to strategic policies in the Council's emerging Core Strategy Local Plan.
24. Wirral Waters; the Mersey Heartlands Enterprise Zone and its surrounding industrial and commercial hinterland; Birkenhead Town Centre including Hamilton Square and Woodside; and the industrial and commercial areas along the A41 Corridor in Tranmere, are identified as the primary focus for new jobs to support the economic revitalisation of the Borough.
25. Parts of these areas are subject to existing regeneration programmes, which have already been the subject of public involvement.

26. Maintaining a clear interface between the residential suburbs and the commercial areas is also identified as a strategic priority in the emerging Core Strategy Local Plan and the area applied for straddles the boundary between two of the Settlement Areas identified in the emerging Core Strategy, between the Commercial Core and Suburban Birkenhead.
27. While a neighbourhood area can include land allocated in a Local Plan as a strategic site, there is a difference between a strategic plan and a neighbourhood plan, which can only deal with non-strategic issues within a defined local area.
28. Strategic policies will be formulated in another setting, subject to a separate legal process, through the Council's Core Strategy Local Plan, with its own separate public consultation requirements.
29. As there are other mechanisms for appropriate public involvement in setting the strategic priorities in these areas, it could be misleading and frustrating to community expectations if areas that are clearly likely to be subject to wider strategic proposals, which could not be influenced by the content of any future neighbourhood plan, were included.
30. Whether an area forms all or part of a coherent estate either for businesses or residents or is wholly or predominantly a business area are relevant considerations when deciding the boundaries of a neighbourhood area.
31. The areas broadly to the north and south of Borough Road are clearly different in character, generating different interests and concerns. The northern area is predominantly a commercial and business area, which is clearly of strategic importance to the whole Borough. The southern area is predominantly residential in character, where planning issues are more local and less strategic. The delineation between these two broad areas is marked by clear physical features on the ground and is also reflected within the emerging Core Strategy Local Plan.
32. There is a mismatch between the boundaries to the area applied for and the wider sphere of influence of the predominantly commercial and business areas, which operate over a much wider catchment area, with a far wider community of interest. This means that designation of the area applied for is inappropriate; it also means that there is a risk that designating an area involving these strategic areas could lead an examiner to recommend that any local referendum should be extended to cover a larger part of the Borough, leading to additional costs, particularly at local referendum.
33. Objections have been received from business interests that are likely to be affected by the designation, including the Wirral Chamber of Commerce and the Steering Group of representatives of local businesses who are currently developing proposals for a statutory Business Improvement District for Birkenhead Town Centre and its associated commercial areas, including Hamilton Square and Woodside.
34. The objections seek the exclusion of the area to be covered by the proposed Business Improvement District; Birkenhead Town Centre; Hamilton Square; Wirral Waters and its associated partnership neighbourhoods; and the Mersey Waterfront Enterprise Zone.

35. The Council shares these concerns about the geographical extent of the area applied for and the effect of the inclusion of the predominantly business areas.
36. The Council can only designate one organisation or body as the neighbourhood forum for each neighbourhood area.
37. Designating the area applied for would mean that the final making of the neighbourhood plan, even within the predominantly commercial areas including the town centre, could only be determined by a referendum of local electors, without a separate referendum of local businesses. The only way to ensure an additional business referendum would be to designate the predominantly commercial areas in the northern part of the area, as a separate neighbourhood area and as a business area.
38. The proposals to establish a Business Improvement District are still emerging.
39. The Wirral Chamber of Commerce began the process of setting up a Business Improvement District for Birkenhead in March 2014. First stage consultation was completed in May 2015. The ballot of local businesses is planned to take place during November 2015, with a view to commencing Business Improvement District activities in accordance with an approved five-year business plan, from January 2016.
40. A recent national consultation indicates that the Government would like to make it possible for a Business Improvement District body (where one exists) to apply to be designated as a neighbourhood forum, subject to revised criteria including designation as a business area.
41. Given this wider context, a further reason for not designating the area applied for is that it would not be appropriate to do so until the position within the predominantly commercial and business areas becomes clearer.

Statement of Reasons for the Decision to Designate a Revised Neighbourhood Area

42. The reasons for formally designating the neighbourhood area shown on Plan 2 are set out below.
43. The Council must secure that some or all of the area applied for forms part of one or more areas designated (or to be designated) as neighbourhood areas.
44. For the reasons set out in the decision to refuse the application for the area applied for, only the area to the south and east of the main transport route of Borough Road is considered to be appropriate to be designated as a neighbourhood area.
45. Borough Road provides a more appropriate physical boundary for a neighbourhood area and the reduced area would better reflect the delineation of local communities and the character of the area.

46. The information provided in the application also shows that most of the initial members of the proposed Forum are from within the residential area to the south and east of Borough Road.
47. The Council has therefore concluded that:
1. the membership of the proposed forum, as currently constituted, seems better able to represent the area to the south and east of Borough Road;
 2. the predominantly residential area to the south and east of the main route of Borough Road appears to be a well-defined community of interest;
 3. the designation of the revised area would concentrate the activities of the Forum on a smaller, more manageable area;
 4. the designation of the revised area would enable activity and resources to be focused on the needs of the local community that can best be influenced by the content of a neighbourhood plan; and
 5. the designation of the revised area will not prevent additional neighbourhood forums from being designated, that may be more representative of each individual area, in areas that have not been included in the current designation.
48. The recommended boundary to the north of the area follows the line of the Settlement Area boundary identified in the emerging Core Strategy Local Plan.

ATTACHMENTS

Plan 1 – Proposed Neighbourhood Area (as applied for)
Plan 2 – Designated Neighbourhood Area for Birkenhead & Tranmere
Appendix 1 - Representations Received

BACKGROUND DOCUMENTS

The application documents submitted by the prospective Birkenhead and Tranmere Neighbourhood Forum can be viewed at: <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/neighbourhood-planning>

The Council's Cabinet Report can be viewed on the Council's website at <http://democracy.wirral.gov.uk/ieListDocuments.aspx?CId=121&MId=5361&Ver=4> (Minute 44 refers)

REFERENCE MATERIAL

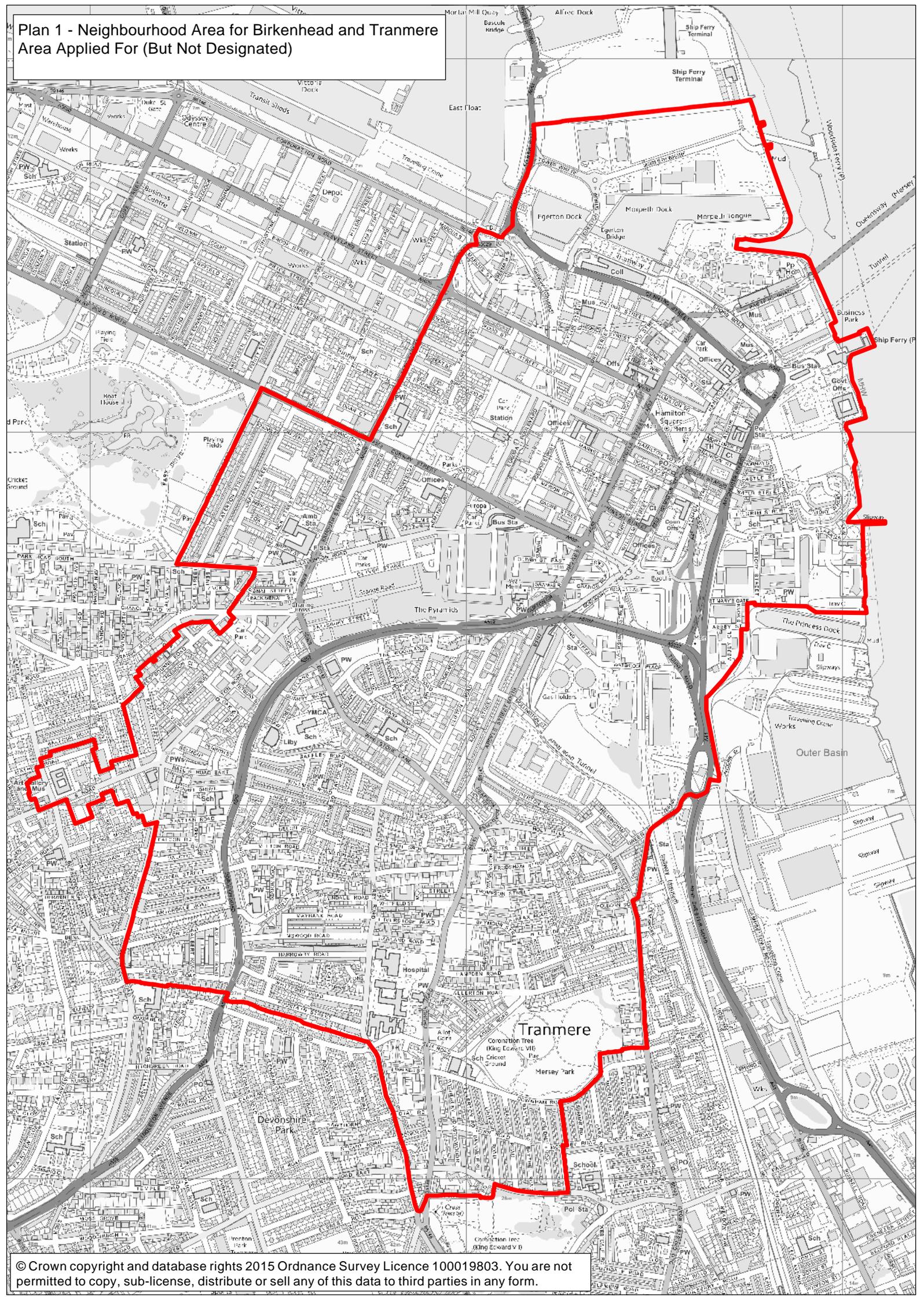
[Localism Act 2011](#) (Part 6, Chapter 3 and Schedules 9 to 12 refer)
[The Neighbourhood Planning \(General\) Regulations 2012 \(2012, No. 637\)](#), Regulations 5 to 10 refer
[The Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015 \(2015, No. 20\)](#), Regulation 2 refers
[National Planning Policy Framework \(CLG, March 2012\)](#), paragraphs 183 to 185 refer
[National Planning Practice Guidance](#) (CLG, [Neighbourhood Planning](#) pages refer)

Wirral Business Support – Birkenhead Business Improvement District Proposal ([Cabinet Report 10 April 2014, Minute 185](#)) (including a map of the proposed BID area)

Wirral Business Support – Birkenhead Business Improvement District Proposal ([Cabinet Report 20 July 2015, Minute 37](#))

Review of Business Improvement Districts – CLG Consultation (March 2015) <https://www.gov.uk/government/consultations/consultation-on-business-improvement-districts>

Plan 1 - Neighbourhood Area for Birkenhead and Tranmere Area Applied For (But Not Designated)



Plan 2 - Birkenhead and Tranmere Neighbourhood Area Designated 27 July 2015

