FORMBY PARISH COUNCIL
LITTLE ALTCAR PARISH COUNCIL

FORMBY & LITTLE ALTCAR NEIGHBOURHOOD DEVELOPMENT PLAN 2012-2030

RESPONSE TO CONSULTATION ON SUBMISSION PLAN (REGULATION 16)

CLIENT:
Grasscroft Home and Property Limited

DATE:
30 April 2019
This document has been prepared by Hourigan Connolly Limited trading as Hourigan Connolly.

No part of this document may be reproduced without the prior written approval of Hourigan Connolly.
# CONTENTS

<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. INTRODUCTION</td>
<td>2</td>
</tr>
<tr>
<td>2. LEGISLATIVE CONTEXT</td>
<td>5</td>
</tr>
<tr>
<td>3. SECTION 4 – NEIGHBOURHOOD PLAN POLICIES – POLICY GP1 – A SPATIAL PLAN FOR THE TOWN</td>
<td>6</td>
</tr>
<tr>
<td>4. SECTION 4 – NEIGHBOURHOOD PLAN POLICIES – HOUSING POLICIES</td>
<td>9</td>
</tr>
<tr>
<td>5. SECTION 4 – NEIGHBOURHOOD PLAN POLICIES – WORKING &amp; SHOPPING POLICIES</td>
<td>11</td>
</tr>
<tr>
<td>6. SECTION 4 – NEIGHBOURHOOD PLAN POLICIES – GETTING AROUND POLICIES</td>
<td>12</td>
</tr>
<tr>
<td>7. SECTION 4 – NEIGHBOURHOOD PLAN POLICIES – COMMUNITY ACTIONS</td>
<td>13</td>
</tr>
<tr>
<td>8. CONCLUSIONS</td>
<td>14</td>
</tr>
</tbody>
</table>

**Appendices**

- **Appendix 1**  Letter from [Redacted] to West Lancashire Borough Council dated 11 December 2018.
- **Appendix 2**  Vision Document.
- **Appendix 3**  Technical Appendix.
1. INTRODUCTION

BRIEF

1.1 Hourigan Connolly is instructed by Grasscroft Home and Property Limited (hereafter referred to as Grasscroft) to make the following representations in response to the Submission version of the Formby and Little Altcar Neighbourhood Development Plan (hereafter referred to simply as the Neighbourhood Plan).

1.2 Grasscroft have interests in land to the east of the Formby Bypass (A565) and to the south of Moss Side / Downholland Moss Lane, Formby which is hereafter referred to as "the site" (please see Figure 1.1. overleaf). Our client’s land interests have been the subject of representations in response to earlier consultation versions of the Neighbourhood Plan in December 2016. We have also made representations to Sefton Council and West Lancashire Borough Council in relation to our client’s site; although it should be noted that the site was not considered by the Inspector who examined the Sefton Local Plan which was subsequently adopted on 20 April 2017.

CONTEXT & SCOPE OF SUBMISSIONS & GENERAL OBSERVATIONS

1.1 It is a matter of national planning policy that Local Plans are reviewed at least every five years, sooner if evidence demonstrates changing circumstances. As stated in the Council’s Local Development Scheme (2018) it was expected that the review of the Sefton Local Plan would take place no later than early 2022. However more recently, Stuart Barnes (Head of Economic Growth & Housing, Sefton Council) has indicated in a letter dated 11 December 2018 to West Lancashire Borough Council (issued in response to the West Lancashire Local Plan Review Preferred Options Consultation) that the review of the Local Plan will begin post 2020, i.e. next year. This letter can be found in Appendix 1 for ease of reference.

1.2 The Neighbourhood Plan currently has a Plan period of 2012 – 2030 in line with the Plan period of the Sefton Local Plan. Whilst that Neighbourhood Plan period is in general conformity with Plan period of the Local Plan it fails to recognise the provisions of Criterion 5 of Policy MN1 – Housing and Employment Requirements of the Sefton Local Plan which is concerned with longer term employment and housing growth and which contains a mechanism for an early review of the Local Plan. Consequently, the Neighbourhood Plan fails to reflect the provisions of Paragraph 13 of the Framework with regard to supporting the delivery of strategic policies of the Sefton Local Plan.

---

1 See Paragraphs 31 to 33 of the Framework (February 2019).
2 See Paragraph 29 and Footnote 16 of the Framework with regard to general conformity requirements.
1.3 In light of the foregoing (and whilst it is acknowledged that it is a matter for the Parish Council’s as to the timing of its Submission version Neighbourhood Plan) the Parish Councils could well find themselves in a position whereby new strategic policies and allocations in a Local Plan Review supersede the provisions of the Neighbourhood Plan; assuming of course that it is subsequently made following a Referendum. In that respect, and in summary terms, the scope of these representations primarily seek greater flexibility in the Neighbourhood Plan in terms of responding to changing circumstances and supporting the strategic policies of the Sefton Local Plan.

VISION DOCUMENT & TECHNICAL APPENDIX

1.4 As set out previously our client’s site is well known to the Parish Councils and Sefton Council having first being drawn to their attention on 31 July 2017. Moreover, it is a matter of record that our clients have always been willing to work with Sefton Council and the Parish Councils to bring forward the site through the appropriate Development Plan process.

1.5 Grasscroft have previously produced a Vision Document which illustrates how the site could potentially deliver in the order of 180 new homes (including affordable homes), substantial areas of open space and wildlife habitat improvements. The previously produced Vision Document³ (which also included a Green Belt Assessment) (see Appendix 2) is supported by a Technical Appendix (see Appendix 3) covering range of technical matters.

1.6 Whilst the site is currently designated as Green Belt in the Sefton Local Plan, we advocate that the land does not perform any of the purposes for including it in the Green Belt as set out in Paragraph 134 of the revised Framework and is developable and further assessment is contained within the Vision document. Should the Green Belt boundaries change in the future as part of the Local Plan review, our client’s site is an ideal site for residential development.

³ It is acknowledged that the original Vision Document was produced in 2017 under the provisions of the 2012 Framework however it still provides very useful context to consider our client’s interests in Formby.
Figure 1.1 – Extract from Vision Document showing Grasscroft’s Land Interests Edged In Red (Note That The Site Is North Of The Strategic Employment Allocation MN2.49 With Defensible Boundaries On All Four Sides).
2. LEGISLATIVE CONTEXT

2.1 A draft Neighbourhood Plan must meet the ‘basic conditions’ set out at Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004. A draft order meets the basic conditions (and thus can proceed to the referendum stage without modification) if:

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

2.2 As currently drafted, the Neighbourhood Plan does not meet the basic conditions and should not proceed to a Referendum. For the reasons set out in this representation it is submitted that the proposals are not in general conformity with the strategic policies within the adopted Development Plan for the area, namely the Sefton Local Plan, nor do they have regard to guidance contained in national planning policy and guidance. As a consequence, the Neighbourhood Plan in its current form, cannot contribute towards the achievement of sustainable development and is not capable of being ‘made’.

2.3 The following Chapters set out our detailed representations and follow the structure of the Neighbourhood Plan for ease of reference.
3. NEIGHBOURHOOD PLAN POLICIES – POLICY GP1 – A SPATIAL PLAN FOR THE TOWN

GENERAL COMMENT


POLICY GP1

URBAN AREA & SETTLEMENT BOUNDARY

3.2 We OBJECT to Policy GP1 and Map 11.

3.3 The first bullet point of Policy GP1 notes that it is concerned with directing inter alia future economic development.

3.4 Policy GP1 designates a Formby and Little Altcar Urban Area within Map 11 (Page 44). This map uses the Formby Bypass (A565) as the eastern boundary to Urban Area. This is reaffirmed by the second bullet point in Policy GP1 which states that the Neighbourhood Plan designates a Settlement Boundary, as shown on Map 11, for the purpose of:

“containing the spread of the Town, by promoting infilling up to its settlement boundary, the A565 (Formby Bypass)”

3.5 The proposed Urban Area and Settlement Boundary does not include the existing Formby Industrial Estate and the adopted Strategic Employment Location MN2.49 on land to the north of the Formby Industrial Estate which is subject to Policy MN4 of the Sefton Local Plan (see Figure 3.1 below). Both of these areas lie to the east of the Formby by pass but the existing industrial estate is evidently urban in nature as will be the Strategic Employment Location once built. Not including these areas within the urban area in Map 11 of the Neighbourhood Plan fails to acknowledge existing and proposed development patterns identified in the adopted Sefton Local Plan (see Figure 3.1 below). Moreover, it is a curious approach given that Policy WS1 of the Neighbourhood Plan comprises a specific policy for dealing with the Strategic Employment Location. Indeed, Policy WS1 appears to seek to amend the provisions of strategic Policy MN4 of the Sefton Local Plan. However, having regard to the provisions of Policy WS1 it is evident that the Parish Council’s require this area to be linked to that part of Formby lying to the west of the A565. Indeed, the justification for the policy states that:
“It is essential that the town is economically successful, balanced and dynamic and is able to provide the range of employment and facilities for the community. It will come from targeted investment in new businesses together with a greater commitment to local manufacturing, professional and trading operations. There must be scope to provide for start-up and SME businesses”.

Figure 3.1 - Extract from the Adopted Local Plan Policies Map (Formby) (site shown edged in red, Strategic Employment Location shown purple (MN2.49)).

3.6 Consequently, the approach adopted in Policy GP1 and Map 11 of the Neighbourhood Plan fails to reflect the provisions of Paragraph 13 of the Framework with regard to supporting the delivery of strategic policies of the Sefton Local Plan.

3.7 Clearly it has been acknowledged through the adopted strategic policies of the Sefton Local Plan (see Policies MN1, MN4 and the Strategic Employment Location MN2.49) that there is not enough land lying to the east of Formby by-pass to meet the needs of the area over the Plan period⁴. Hence this is why land to the east of the bypass was allocated for employment development of strategic importance.

⁴ In passing it is noted that the Sefton Local Plan did not establish a Settlement Boundary for Formby although it is acknowledged that the designated Green Belt has been drawn tightly against existing built development and the adopted Strategic Employment Location MN2.49).
3.8 The proposed Urban Area and Settlement Boundary within the Neighbourhood Plan therefore fails to meet Basic Condition E in that it is not in general conformity with the strategic policies contained in the Development Plan for the area.

3.9 Moreover, the approach adopted fails to meet Basic Condition D in that it would not contribute towards sustainable development.

3.10 In order to satisfy our objection, the Urban Area and associated Settlement Boundary should be redrawn to include the Formby Industrial Estate and the adopted Strategic Employment Location as illustrated in the adopted Sefton Local Plan and the wording to Policy GP1 amended accordingly.

**Policy GP1**

**Criterion B**

3.11 We also **OBJECT** to Criterion B of Policy GP1 which states the following:

“the relative landscape value of land beyond the defined urban area, as extended to take into account where the adjoining landscape has been assessed as having a relative sensitivity to development.”

3.12 Given the points made above about the Urban Area and Settlement Boundary land lying to the south of Moss Side (comprising our client’s site and the land mentioned above) cannot reasonably be considered to be sensitive or even relatively sensitive and further analysis on this point is contained within the Vision Document at **Appendix 2** and Technical Appendix (**Appendix 3**).

3.13 A Landscape and Visual Impact Assessment has been undertaken by TPM Landscape and appears in the Technical Appendix of the Vision Document. The landscape impacts of developing Grasscroft’s site are assessed as minimal with no notable effects recorded and the character areas around Formby would be expected to retain their integrity and all of their features and characteristics.

3.14 With this in mind, the Neighbourhood Plan fails to meet Basic Condition E in that it is not in general conformity with the strategic policies contained in the Development Plan for the area and there is no evidence for inclusion of Criterion B within Policy GP1.

3.15 **In order to satisfy our objection Criterion B of Policy GP1 should be deleted.**
4. NEIGHBOURHOOD PLAN POLICIES – HOUSING POLICIES

POLICY H1

4.1 Policy H1 states that proposals for new housing must ensure that the new homes are well connected both within the site and with the wider town. Good connections may be achieved by providing:

“a) short, direct routes for pedestrians and cyclists connecting the new development to the rest of the town. This may include upgrading existing routes that connect to the development to make them attractive and safe for pedestrians and cyclists.”

4.2 We OBJECT to the word “short” in this policy wording as it is unnecessary. This goes beyond the requirements of Policy EQ3 Accessibility of the adopted Sefton Local Plan and nowhere in the Framework does it mention that connections need to be “short.”

4.3 Policy H1 therefore fails Basic Condition A in that it is not in accordance with national planning policy contained within the Framework and Basic Condition E in that it is not in general conformity with the strategic policies contained in the Development Plan for the area.

4.4 In order to satisfy our objection, the word “short” should be removed from Policy H1.

4.5 In terms of Grasscroft’s site a Transport Issues Note is contained within Appendix 7 of the Technical Appendix (see Appendix 3 of this submission). This demonstrates that the site is in a highly sustainable location with convenient access to shops and services by means other than the private motor vehicle. An existing pedestrian footway of around 1.5 metres in width is located to the north of the site on Moss Side, this pedestrian footway provides linkages to the nearby facilities in Formby. The nearest bus stops are located to the west of the site on Deansgate Lane and Watchyard Lane, approximately 400 metres from the site access which is within easy walking distance. Additionally, Criterion d Policy MN4 of the Sefton Local Plan provides for the Strategic Employment Location to the south of our client’s site to improve inter alia public transport.

POLICY H4

4.6 We OBJECT to Policy H4. This policy states that affordable housing should be provided on site and offers no flexibility if viability is an issue. Whilst viability is not an issue for our client’s site, there needs to be a viability clause as per Policy HC1 of the adopted Sefton Local Plan. In its current form Policy H4 fails to reflect Basic Condition E in that it is not in general conformity with the strategic policies contained in the Development Plan for the area.

4.7 In order to satisfy our Policy H4 should be reworded to allow for flexibility if a viability assessment confirms that affordable housing cannot be provided on site.
**POLICY H5**

4.8 We **OBJECT** to Policy H5.

4.9 Policy H5 seeks to ensure that 30% of new dwellings on developments of 15 or more dwellings are affordable. This is in line with Policy HC1 of the adopted Sefton Local Plan. However, as mentioned above, there needs to some flexibility for sites where viability is an issue.

4.10 In its current form Policy H4 fails to meet Condition E in that it is not in general conformity with the strategic policies contained in the Development Plan for the area.

4.11 **In order to satisfy our objection** Policy H5 should be reworded to allow for flexibility if a viability assessment confirms that 30% affordable housing cannot be achieved.

**POLICY H6**

4.12 We **OBJECT** to Policy H6.

4.13 Policy H6 requires schemes of more than 15 dwellings to adhere to a prescribed housing mix.

4.14 Paragraph 122 of the Framework states *inter alia*:

   “Planning policies and decisions should support development that makes efficient use of land, taking into account:

   a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

   b) local market conditions and viability."

4.15 Policy H6 is very prescriptive and restrictive subsequently allowing for no change in the market. Moreover, there appears to be no reliable evidence for the prescribed mix of housing sought by the policy with the justification simply referring to the needs of older people.

4.16 Not complying with Paragraph 122 of the Framework means that Policy H6 is not compliant with Basic Condition A.

4.17 **In order to satisfy our objection** Policy H6 should be removed from the Neighbourhood Plan.
5. NEIGHBOURHOOD PLAN POLICIES – WORKING & SHOPPING POLICIES

POLICY WS1

5.1 Our client supports reference to land to the north of Formby Industrial Estate within the Neighbourhood Plan but as established in Chapter 3 the Strategic Employment Location must be correctly identified and the Urban Area and Settlement Boundary modified accordingly.
6. NEIGHBOURHOOD PLAN POLICIES – GETTING AROUND POLICIES

POLICY GA1

6.1 We OBJECT to Policy GA1.

6.2 Policy GA1 states that the enhancement of existing, and provision of new, public rights of way, will be supported. Our client supports this and will enhance the existing Public Right of Way within their site as necessary to support future development proposals.

6.3 Within the justification of the policy, it states that good pedestrian and cycle connections are:

- Short and direct.
- Designed as pleasant places to be overlooked by adjacent building fronts.
- Safe crossing places.

6.4 Again, we object to the word “short” in this wording as it is unnecessary. A good pedestrian and cycle connection does not have to be “short”. This goes beyond the requirements of Policy EQ3 Accessibility of the adopted Sefton Local Plan. This fails Basic Condition E in that it is not in general conformity with the strategic policies contained in the Development Plan for the area.

6.5 In order to satisfy our objection, the word “short” should be removed from Policy GA1.
7. NEIGHBOURHOOD PLAN POLICIES – COMMUNITY ACTIONS

POLICY CLW1

7.1 This action states that Parish Council will seek developer contributions to improve/upgrade existing and pedestrian and cycle connections within Formby and Little Altcar and create new ones where needed. We generally SUPPORT this Policy subject to any requirement meeting the relevant tests of the Framework.

7.2 As discussed in the Vision Document, there is a public footpath crossing our client’s site as. The footpath would be incorporated into the development of the scheme and upgraded and diverted slightly if necessary.
8. CONCLUSIONS

8.1 Our reservations with the current drafting of the Neighbourhood Plan have shown that there is a need to refine the wording, or delete in their entirety, a number of the proposed policies.

8.2 Work is expected to begin to review the Sefton Local Plan post 2020. Therefore, the Neighbourhood Plan is required to remain flexible to respond to these changing circumstances. It is expected that there will be a need to identify additional, alternative land to accommodate residential development in Formby and a perfectly reasonable and deliverable site is proposed at land east of the Formby Bypass (A565) and south of Moss Side / Downholland Moss Lane.

8.3 Many of the policies in the Submission version of the Neighbourhood Plan fail Basic Condition A in that they are not in accordance with national planning policy contained within the Framework. Many fail Basic Condition D in that they seek to frustrate sustainable development. A number also fail Basic Condition E as they are not in general conformity with the strategic policies contained in the Development Plan for the area.

8.4 In conclusion, the Neighbourhood Plan should be revisited and redrafted now, before the document is submitted for Examination (Regulation 17).