Dear Sir/Madam,

Introduction

Adlington is a specialist brand developed by Gladman Retirement Living specialising in providing apartments with care (Use Class C2) for over 55s. The developments have extensive communal facilities, landscaped gardens, create 16-20 FTE jobs once operational and are pitched towards the middle-upper end of the market.

This letter provides Adlington’s representations to the submission version of the Formby & Little Altcar Neighbourhood Plan (the submission Neighbourhood Plan {SNP}) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. It seeks to highlight potential issues within the SNP as currently presented and its relationship with national and local planning policy.

Adlington has a land interest in Land off West Lane, Formby for a C2 Use apartment scheme for which an application is currently pending determination with the Local Planning Authority. The application is for the erection of a block of 65 Apartments with care for the elderly (C2) and 14 dwellinghouses (C3) with associated landscaping, access roads, car parking and services (DC/2018/02170). We submit that the site presents an excellent opportunity to create a sustainable, high quality residential development in a suitable and sustainable location. Indeed, the site is allocated in the adopted Local Plan for residential development.

Legal Requirements

Before a Neighbourhood Plan can proceed to referendum, it must be tested against a set of basic conditions defined in Paragraph 8(2) schedule 4b of the Town and Country Planning Act 1990 (as amended) by way of independent examination. The basic conditions that the SNP must meet are as follows:

(a) Having regard to national policies and advice contained in guidance issued by Secretary of State, 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.

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

National Planning Policy

In 2018, the Ministry of Housing, Communities & Local Government (MHCLG) introduced the first revision of the NPPF which has brought about fundamental changes to the planning system. It was superseded by a further updated Framework published on the 19th February 2019 which makes further changes to clarify the revised NPPF’s application, including for example updating paragraph 177 regarding the application of the presumption in favour where appropriate assessments are required on a habitats site and the definition of ‘deliverable’ at its Annex 2 for five-year housing supply calculations.

Paragraph 214 of the 2019 NPPF sets out the transitional arrangements for the implementation of revised national planning policy. Paragraph 214 confirms that development plan documents submitted on or after the 24th January 2019 will be examined against the latest version of the NPPF. Given that the Parish Council’s website indicates the SNP was submitted to Sefton Borough Council after 24th January 2019, the comments provided within this representation reflect the national policy requirements as defined by the 2019 version of the NPPF.

In relation to the preparation of Neighbourhood Plans, paragraph 13 of the NPPF states:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

Further guidance on how the Presumption interacts with Neighbourhood Plans is provided in paragraph 14 of the Revised Framework.

Paragraphs 59 and 61 of the NPPF set out the importance of significantly boosting the supply of homes and about meeting the needs of groups with specific housing requirements, including the elderly. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

The NPPF also sets out how neighbourhood planning gives communities the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development. However, neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies contained in higher order documents.
Relationship to the Local Plan

To be found in accordance with the Basic Conditions, Neighbourhood Plans should be prepared to conform to the strategic policy requirements set out within the adopted Development Plan. In the case of the SNP, the relevant development plan is currently provided by the adopted Sefton Local Plan (2017).

The SNP must ensure that policies are sufficiently flexible and align with the adopted Local Plan to avoid conflicts between the two development plan documents.

The adopted Local Plan identifies Formby as a ‘Primarily Residential Area’ where new housing development will be allowed in line with policy HC3. The land off West Lane is allocated for housing with an indicative capacity for 40 units, reference MN2.13. Policy SD2 in the adopted Local Plan states that one of the principles of the local plan is to help meet the needs of Sefton’s changing population for market and affordable housing, homes for families, the elderly and people with special housing needs. As such the SNP should therefore ensure that there are no policies that would unnecessarily restrict the ability of such housing schemes to come forward, conflicting with policy SD2.

Neighbourhood Plan Vision and Objectives

Noting reference in the SNP Vision to providing an increasing number of homes for older people, Adlington are concerned that this is not translated into the objectives of the plan and that the plan’s policies currently do not set out clear support for housing for the elderly.

Neighbourhood Plan Policies

H4 & H5 (Affordable Housing)

The policy requires that on schemes of more than 15 dwellings, 30% of the dwellings should be affordable homes provided on site. This broadly aligns with adopted policy HC1 in the Sefton Local Plan however fails to reflect the flexibility provided by Paragraph 62 of the Framework which allows for the provision to be off-site, or an appropriate financial contribution where this can be robustly justified. Adlington are concerned that this policy does not provide such flexibility and suggest that this policy is either modified or deleted. Paragraph 16(f) is clear that plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. This currently repeats the requirements of Sefton Local Plan policy HC1 however in a more restrictive nature.

H6 (starter homes and homes for the elderly)

Policy H6 is aimed at ensuring sufficient starter homes and homes suitable for the elderly are provided on residential housing schemes of more than 15 dwellings. The wording within the policy states that ‘schemes of 15 or more dwellings should provide starter homes and demonstrate provision of homes suitable for the elderly’. It is unclear what ‘demonstrate provision of homes suitable for the elderly’ means and the policy is unclear in this respect, conflicting with Planning Practice Guidance which states that policies should be clear and unambiguous, drafted with sufficient clarity that a decision maker can apply it consistently and with confidence.

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1 PPG Paragraph: 041 Reference ID: 41-041-20140306
As set out in Annex 2, the Framework now defines Starter Homes as a form of affordable provision that could be sought as part of the affordable housing mix on the scheme, on a case by case basis. There is no need for such a reference in this policy.

Adlington is encouraged to see support for the provision of homes suitable for elderly people, however we are concerned with how this is drafted through the policy. We would welcome a modification to the policy which sets out support for schemes that provide homes suitable for elderly people.

In addition, the policy requires that no less than 33% of the development be made up of 1- and 2-bedroom homes and that no more than 15% of the development should have 4 or more bedrooms. In contrast, adopted Sefton LP policy HC2 deals with general requirements for an appropriate mix of housing and uses a higher threshold (25 units) and different criteria i.e. a minimum of 25% of 1 or 2 bedroom properties and a minimum of 40% of dwellings must be 3 bedroom properties. These competing requirements will simply cause confusion.

It is not clear upon what basis the proposed housing mix has been derived, failing the proportionate and robust evidence test of PPG. The Local Plan housing mix is based upon the latest SHMA, with further flexibility built in as housing needs change over time.

It is not clear if the higher limit imposed by the SNP has been viability tested and this may impact on some schemes, especially in light of the limit on larger properties. The cap on larger properties is at odds with the adopted Local Plan which imposes no such limits and as such should be amended. Further, this policy currently fails to mention exemptions to this mix as set out in Local Plan Policy HC2.

**H7 (storey height)**

The policy seeks to ensure that any new development is appropriate in its context and that no harm should arise to local character or residential amenity. The stipulation that development should be a maximum of 2.5 storeys in height is unnecessary, overly prescriptive and is not supported by any assessment/evidence other than a reference on page 29 to state that the ‘community are against 3 storey dwellings’. The policy also applies a very high bar, that a development must cause ‘no harm to local character or residential amenity’, this is not in accordance with Local Plan Policy EQ2 (Design) or indeed the more nuanced approach of the Framework.

**H8 (parking)**

The policy provides no flexibility to cater for developments which may not have the same parking demands as normal residential housing, such as retirement apartments, where evidence shows that car ownership levels are lower and therefore fewer spaces are generally required. Wording should therefore be included to allow for the parking requirements of more specialised developments when supported by appropriate evidence.

**H10 (density)**

This policy seeks to secure a density of development which maintains the prevailing character. However, the policy is not clear about what constitutes a central site and how close to the Town Centre a site has to be to allow a higher density development to be considered. Policy ESD2 (Design) adequately deals with ensuring an appropriate density and high-quality design is achieved and this policy is not therefore necessary.
**CLW1 106 (developer contributions)**

Justification for this policy is that the Parish Council have concerns regarding the lack of sporting facilities in the Formby and Little Altcar areas, although the policy provides no definition of ‘community facilities’.

The legal tests for requesting CIL or Section 106 contributions are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and are that the payments should be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Any financial contributions requested in connection with new developments must satisfy these tests.

The policy suggests payments would be required on all residential schemes (even those for one or two dwellings) which is considered to be unreasonable.

**ESD7 (trees and landscape)**

The policy is inconsistent with policy EQ9 of the adopted Sefton Local Plan. Policy ESD7 seeks to amend the wording from part 7 of policy EQ9. Policy EQ9 states that development proposals must ‘not result in unacceptable loss of, or damage to, existing trees or woodlands or significant landscaping during or as a result of development. However, policy ESD7 requires that ‘new development should not result in the loss of trees or woodlands or significant landscaping during or as a result of development’. As such, not a single tree can be lost as a result of a development proposal, regardless of quality, reason or if enhancement is provided. This is effectively placing a restriction on tree coverage above that afforded to TPO trees for all trees in Formby. This is not appropriate, nor does it accord with the adopted local plan policy.

**Conclusions**

Adlington recognises the role of Neighbourhood Plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Adlington has sought to clarify the relation of the SNP as currently proposed with the requirements of the local and national policy and hope that the comments made within this representation have been found to be helpful and constructive.

In the event that the NP Examiner decides it necessary to hold a public examination, we formally request the opportunity to be included in the Hearing Sessions.

Should you wish to discuss any of the comments made any further please do not hesitate to contact us.

Kind regards

[Signature]
Senior Planner
Adlington