Dear Sir/Madam

Re: Formby Neighbourhood Plan – Regulation 16 consultation

This letter provides the response of Gladman Developments (hereafter referred to as “Gladman”) to the current consultation held by Sefton Metropolitan Borough Council (Sefton MBC) in response to the submission version of the Formby and Little Altcar Neighbourhood Plan (F&LANP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Through these representations, Gladman provides an analysis of the F&LANP and the policy decisions promoted within the submission draft plan. Comments made by Gladman through these representations are provided in consideration of the F&LANP’s suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended).

These representations will focus on the following matters:

- Legal compliance;
- National Planning Policy and Guidance; and
- Neighbourhood Plan policies

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the F&LANP must meet are as follows:

(a) Having regard to national policies and advice contained in guidance issued by the 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) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

National Planning Policy Framework and Planning Practice Guidance

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF/the Framework). The first revision since 2012, it implemented 85 reforms announced through the Housing White Paper. This version of the NPPF was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government’s approach for the Appropriate Assessment as set out in Paragraph 177 of the NPPF.

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 F&LANP was submitted for Examination on the 11th February 2019, the comments provided within this representation reflect the national policy requirements as set out in the NPPF2019.

The NPPF (2019) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirms the Government’s commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

“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.”

Paragraph 14 further states that:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;

c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and

d. The local planning authority’s housing delivery was at least 45% of that required over the previous three years.”

The NPPF (2019) also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed before the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan for and consider the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

Planning Practice Guidance

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with the local planning authority, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

Relationship to Local Plans

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The Development Plan that covers the Formby and Little Altcar Neighbourhood Plan area and the Development Plan which the F&LANP will be tested against is the Sefton Local Plan adopted by Full Council on 20th April 2017. The Sefton Local Plan sets out the Council’s strategic vision, objectives and policies to guide development over the plan period to 2030.
The Neighbourhood Plan must ensure that its policies are aligned with those contained in the adopted Sefton Local Plan and that it allows for flexibility, so the plan is able to respond positively to changes in circumstance which may arise over the plan period i.e. a review of the Local Plan. Indeed, the need for flexibility is required to ensure no conflicts occur between the neighbourhood plan and any subsequent local plan review as section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

“If to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).”

Formby and Little Altcar Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the F&LANP as currently proposed. Gladman consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

Policy GP1

The above policy sets out the spatial plan for the town. In doing so it seeks to implement a settlement boundary to direct future housing, economic and community related development in the Parish within this boundary.

Gladman question the rationale of implementing a settlement boundary given the extent of the existing Green Belt boundary which surrounds the town. Furthermore, we would question the approach to ‘protecting the Green Belt from inappropriate development, best most versatile agricultural land and the countryside around Formby and Altcar’. Whilst noting the importance of Green Belt, it is important that the Plan should contains flexibility so that it is able to respond positively to changes in circumstance and should not aim to retain the existing Green Belt boundary should the need for Green Belt release be required over the plan period. Indeed, the Council may need to review the adopted Local Plan in order to assist neighbouring authorities in the Liverpool City Region to meet their housing needs. Whilst this is a matter that should be dealt with at the strategic level, should the Council demonstrate that exceptional circumstances exist to release land from the Green Belt to meet its development needs then it is important that suitable flexibility is provided by Policy GP1 to ensure that the F&LANP will be supportive of any future decision of Sefton MBC to release land from the Green Belt. The inclusion of such support within the policy wording will help ensure that the F&LANP remains up-to-date over the course of the plan period without unnecessarily having to review the neighbourhood plan.

Policy H6

In principle, Gladman support the general thrust of this policy which seeks to ensure an appropriate mix of new housing types. However, it is currently unclear how the proposed housing mix, which requires development proposals to deliver a majority of 1-2 bed homes, has been derived as there is no robust and proportionate evidence to support this policy as required by the PPG.
In this regard, housing mix will inevitably change over a period of time and this policy should seek to secure a greater degree of flexibility going forward. Gladman suggest that this issue is discussed with the Council’s housing team to ensure that they align with the Council’s housing mix and tenure preferences as those contained in the recently adopted Local Plan. As local housing needs can change over time, there is also a risk that this policy will become outdated as new evidence of local need comes to light and the neighbourhood plan contain suitable measures (i.e. if up-to-date evidence is provided) so that it can respond positively to changes in circumstance which may arise over the plan period.

**Policy H8**

The above policy requires all new development proposals to incorporate off-road parking and dwellings with 2 bedrooms or above will be required to provide 2 off-road parking spaces. Whilst Gladman acknowledge the need to incorporate parking provision within development proposals it is unclear from the information provided why this policy requirement is being pursued as it is not supported by any evidence. This element of the policy is considered too prescriptive as it may not allow for the most appropriate layout of schemes. In any event, this matter will be considered through the determination of development proposals through the decision-making process on the advice of the Council’s highways team. Gladman recommend the deletion of Policy H8.

**Policy ESD5**

The above policy seeks to support the delivery of new housing development where it provides low energy consumption homes. Whilst flexibility is provided by the policy wording, the supporting text appears to be quite onerous as it states new properties must be built with the best materials so as to achieve maximum energy efficiency and that prior to approval developers must demonstrate to both Sefton MBC and the Parish Councils that they will incorporate maximum insulation, minimal heat loss, reduce carbon footprint and guarantee low running costs for all affordable housing.

Whilst the policy does not stipulate the energy standards in the policy wording, the Written Ministerial Statement (2015) makes clear that it is not appropriate for neighbourhood plans to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Accordingly, the supporting text which requires new dwellings to be built with the best materials so as to achieve maximum energy efficiency should be deleted.

Furthermore, the Parish Council is not the decision-making authority this role is solely the responsibility of Sefton MBC and as such reference to prior approval from the Parish Council should also be deleted.

**Policies FLD1 – FLD9**

Although Gladman recognise the importance of ensuring that new development proposals do not result in causing any increased flood risk, Gladman consider a number of the policies overlap/repeat each other and may be considered too onerous given the number of requirements placed within each of these policies. In any event, Gladman consider that this matter will be appropriately handled by the local planning authority based on the provisions of the adopted Local Plan
and the application of national planning policy. It is therefore recommended that these policies are deleted or at least condensed.

Conclusions

Gladman 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, Gladman has sought to clarify the relation of the F&LANP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

Gladman Developments Ltd.