Dear Sir or Madam,

FORMBY & LITTLE ALTCAR NEIGHBOURHOOD DEVELOPMENT PLAN

I am pleased to submit representations on behalf of our clients, Barratt Homes and David Wilson Homes (‘BDW’), in respect of the Formby and Little Altcar Neighbourhood Development Plan (FLANDP).

This follows the publication of a submission draft of the FLANDP by Formby and Little Altcar Parish Councils (‘the Parish Councils’) covering their respective parishes.

BDW has a substantial and ongoing interest at the land north of Liverpool Road, allocated for residential development in the adopted Sefton Local Plan (SLP) (allocation ref. MN2.17). Further details are provided below. BDW has engaged with the Parish Councils in respect of the proposed development and welcome the opportunity to provide comments on the FLANDP.

BACKGROUND

BDW’s interest comprises the majority of the land at Liverpool Road adjacent to the bypass, with Morris Homes (‘Morris’) having an interest in the remaining c. 20% (the westernmost field adjacent to the Sport Direct fitness centre). BDW and Morris worked collaboratively to prepare a masterplan for the development of the site as a whole (approved by Sefton Council in October 2017) and separately sought full planning permission for their respective sites in 2018. The BDW application (LPA ref. DC/2018/00658), which proposed the erection of 304 dwellings, was approved on 27th March 2019. It is expected that development will start in 2019; the first application for the discharge of some of the pre-commencement conditions has been submitted (LPA ref. DC/2019/00798).

The Morris application proposed 68 dwellings. The application was resolved to be approved at a meeting of the Planning Committee on 14th November 2018. A S106 agreement is to be completed and Morris is continuing to liaise with Sefton Council to complete it and enable the decision notice to be issued.
Both applications included ancillary works and vehicular access from Liverpool Road. The vehicular access lies on the boundary between the two sites and was subject to a separate permission (LPA ref. DC/2018/00258) granted on 4th May 2018.

Both applications include a mix of two, three and four bedroom dwellings, with 30% of the bedspaces provided on an affordable basis (with 80% of the affordable housing should be in social / affordable rented with the remaining 20% as intermediate housing). The Morris scheme includes a small number of two-bedroom apartments.

As the land at Liverpool Road is allocated in the SLP and planning permission has either been approved (as in the case of the BDW site) or resolved to be approved (in the case of the Morris site) no site-specific policies have been included in the FLANDP. However, BDW wish to make comments on other policies, largely those relating to housing and flooding.

STATUTORY AND NATIONAL PLANNING POLICY REQUIREMENTS FOR NEIGHBOURHOOD PLANS

Statutory Requirements
Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (‘the Act’) sets out statutory requirements for a NP that must be met before it can proceed to independent examination.

It imposes a statutory requirement that a NP can only be made if an independent examiner and the local planning authority concludes that the draft plan meets the “Basic Conditions”. These include, inter alia, the need to:

(i) Have regard to national policies and advice contained in guidance issued by the Secretary of State;

(ii) Contribute to the achievement of sustainable development;

An assessment of the draft FLANDP against the Basic Conditions is provided below followed by comments on individual policies.

National Planning Policy and Practice Guidance
Alongside this, the National Planning Policy Framework 2019 (‘Framework’) and the Planning Practice Guidance (PPG) provide policy and guidance on the preparation of Neighbourhood Plans.

The Framework sets out the policy content for the preparation of development plans, with paragraph 11 requiring that all plans are based upon, and reflect, the presumption in favour of sustainable development. They should plan positively to support local development, shaping and directing development in their area.

The Framework reiterates the statutory requirement that Neighbourhood Plans meet the ‘basic conditions’ and the statutory requirements set out above.

PPG emphasises the role of NPs in supporting the delivery of strategic policies contained within the Local Plan and in shaping and directing development outside of those strategic policies. They are required to take account of the latest and up-to-date evidence of housing need. NPs should be prepared positively, being aspiration but deliverable.
COMPLIANCE WITH THE BASIC CONDITIONS

1. Have regard to national policies and advice contained in guidance

The draft FLANDP is considered to be generally in accordance with national planning policies and guidance.

It seeks to encourage sustainable forms of development, and support the growth of the settlement through its Vision. This reflects the role of Formby, as set out in the SLP, as one of the main towns in the Borough where growth is to be located. This is reflected in FLANDP Policy GP1.

BDW fully support this aspect of the FLANDP and recognises that in this regard it is consistent with national policy and guidance, notably the imperative in the Framework to significantly boost housing supply and meet (housing) needs. It is noted, however that the FLANDP and background documents (including the Basic Conditions Statement) refer to the 2012 version of the Framework, rather than the current 2019 version. Having been submitted after 24th January 2019, it does not benefit from the transitional arrangements for neighbourhood plans set out at Paragraph 214 of the Framework 2018. This should be addressed.

There are several aspects of the plan which fail to satisfy the requirement to have regard to national planning policy and guidance. In particular:

• The approach to the provision of dwellings for older people (Policy H6) which does not follow national policy and guidance on technical standards (see below). It therefore fails to meet the Basic Conditions in this regard.

• The approach to flood risk (Policies FLD2, 3 6 and 9) which go beyond the requirements of national policy. Again, this is contrary to the Basic Conditions.

2. Contribute to the achievement of sustainable development

The definition of sustainable development in relation to plan-making, as set out in the Framework, constitutes the policies contained within it, taken as a whole. It comprises economic, social and environmental dimensions.

The conflicts between the FLANDP and the Framework, as set out above, prevents it from making a wholly positive contribution towards the achievement of sustainable development.

The FLANDP is therefore contrary to this Basic Condition as currently drafted.

INDIVIDUAL FLANDP POLICIES

General Policies

Policy GP1 directs housing and other forms of development towards the settlement boundary and recognises the role of the bypass in containing development. This is an appropriate spatial approach and reflects the strategy of the SLP. BDW is supportive of this policy.

However, it should be recognised that further growth of the settlement is likely in the future. This may be considered through a review of the SLP as required at least every five years under paragraph 33 of the

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1 This allowed developments plans submitted on or before 24th January 2019 to be examined under the Framework 2012.
Framework (which means a review by April 2022). The policy should therefore allow for the settlement boundary to be amended in the future to ensure consistency with the future SLP.

**Housing Policies**

The housing policies, inter alia, address matters such as housing mix, affordable housing, the height of dwellings and car parking.

BDW supports the broad principle of the provision of affordable housing and achieving an appropriate mix of dwellings to help support the creation of mixed, balanced and inclusive communities. Indeed, their respective schemes at Liverpool Road contribute to achieving this objective. However, any policies dealing with such matters must be sufficiently flexible to take account of changing market conditions over time, as instructed by paragraph 81d of the NPPF.

Comments on individual policies are set out below.

**Policy H3**

Policy H3 refers to the Formby Delivery Strategy, and the need for residential developments to have taken it into account. It is unclear what this document comprises. BDW therefore request further clarity and reserve the right to make further comment at such time as this is provided.

**Policy H6**

Reference is made to the inclusion of Starter Homes on schemes including 15 or more dwellings. The secondary legislation required to define Starter Homes and how plan-making and decision taking should take account of it has not yet been enacted. In the absence of this vital information, it is not possible to fully understand the potential effect on housebuilders and the inclusion of Starter Homes as part of developments. It is therefore premature to include a policy requiring the inclusion of starter homes within the FLANDP.

It is noted that the housing mix proposed differs from that set out in the SLP (Policy HC2) which requires at least 25% to be 1 and 2 bed properties and a minimum of 40% to be 3 bedroom properties.

There is limited justification put forward for this approach, though it is assumed that it is based on the results of the Residents’ Survey, reported in Appendix A of the FLANDP. However, there is no assessment of the existing housing stock or committed schemes in translating the results of the survey into policy. Neither is there an obvious correlation between the results of the survey and the policy. As an example 70% of respondents preferred 1 and 2 bed rooms, which the FLANDP translates to a minimum of 33%. The policy approach is therefore not justified at present.

The Justification / Supporting text retains the reference to ‘Lifetime Homes 16’ criteria being used to inform the design of development. A reference to meeting Lifetime Homes was removed from the SLP following the abolition of the standards. The approach that should be taken in respect of technical housing standards or requirements, including internal layout is prescribed in a Written Ministerial Statement (WMS) from the Secretary of State published on 25 March 2015. It makes clear that they should not be set at a local level and the necessary viability studies and evidence base to demonstrate need for such additional standards has been undertaken. No such assessment has been undertaken in respect of the FLANDP.

The policy should be amended to reflect these comments.
**Policy H7**
The policy seeks to restrict the height of development in Formby as a whole. It imposes an arbitrary limit of no greater than two and a half storeys. This approach is not supported by any evidenced justification, simply an assertion that buildings of a greater height will result in ‘harmful incursions’ into the landscape.

This is an overly prescriptive policy approach and does not recognise that there may be circumstances where development at greater than two and a half storeys in height is entirely appropriate. Where supported by appropriate design justification, such as a robust Design and Access Statement, greater heights may be justified. Indeed, the BDW and Morris developments both include some three-storey dwellings. This demonstrates the acceptability of greater height being acceptable. The policy should be reworded to reflect this.

**Policy H8**
This policy deals with the provision, design and layout of car parking. It requires dwellings with two bedrooms or more to provide two off-road car parking spaces. A more flexible approach should be taken, with recognition given to the sustainability of a particular site or location, particularly in the absence of justification or reasoning as to why the level of car parking proposed through the policy has been taken.

The Council’s adopted ‘Ensuring Choice of Travel’ Supplementary Planning Document (SPD) requires an average of 1.5 spaces per dwelling across a residential development. It acknowledges that these are guidelines and the Council may request less if opportunities allow. The policy should be revised to be a guideline which is consistent with the SPD and which reflects national policies to encourage reduced reliance on car-based journeys.

**Transport / Movement Policies**
Policy GA3 proposes that pedestrian and cycle routes ‘should share the same network as vehicular routes’ and avoid segregated routes. There may be valid reasons as to why segregated routes are appropriate. As such the policy should allow for a flexible approach to the design and layout (as the first paragraph in the policy appears to).

**Flooding Policies**

**Policies FLD2, 3 and 6**
BDW has very serious concerns in respect of these policies. FLD2 requires Flood Risk Assessments (FRAs) to demonstrate that there will be a ‘tangible, definite, measurable, improvement in flood risk’. FLD3 requires, inter alia:

- ‘identify existing problems,
- the causes of those problems,
- identify what needs to be done to cure those problems’

Similarly FLD6 encourages development to reduce the level of flood risk.

The requirement of the policies to improve (i.e. to decrease flood risk) is unnecessarily onerous. Instead, the policies should require applicants to demonstrate that their development will not increase the risk of flooding either on site of off-site and that development will not be subject to an unacceptable level of risk. This approach would be in accordance with paragraph 163 of the Framework.
The policies are unclear as to whether the reduction in flood risk relates to on-site or off-site issues. Whilst SLP policy EQ8 encourages developments to reduce the risk of flooding this is considered to be in relation to on-site issues but, in any event, is no longer consistent with the Framework (which only requires a reduction in flood risk where the exception test is applied, as set out at paragraph 160b).

Policy FLD9
This policy includes, at part 4, specific requirements for the floor levels of new developments relative to flood water levels. The floor levels specified are greater than those typically requested by the Environment Agency (minimum of 300mm above the 1 in 100 annual probability fluvial flood level or the 1 in 200 annual probability tidal flood level with an allowance for climate change). The FLANDP requires 600m in both instances which is not justified.

FLD Community Action 4
Whilst not a policy, the FLANDP proposes that developers should get an independent assessment of their design, network modelling and FRA (and potentially pay for an independent FRA for the Parish Council’s use). It is important to note that FRAs and drainage designs will be reviewed by the Council’s drainage officer and the Environment Agency and both will offer a formal consultation response in their role as statutory consultees on planning applications. This offers a robust level of scrutiny which ensures that comprehensive and robust consideration is given to these matters. There is no requirement or justification for an independent review (or for developers to fund a FRA for the Parish Council’s use).

Conclusions
These representations are submitted on behalf of BDW in respect of the Formby and Little Altcar Neighbourhood Development Plan (FLANDP). They have regard to the statutory requirements for Neighbourhood Plans as well as relevant national planning policy and guidance.

There is much to support within the FLANDP, notably its recognition of the need for housing development in the town if its needs are to be met.

BDW notes that there are a number of instances where the FLANDP does not accord with the statutory requirements for NPs as it does not meet the Basic Conditions. This is principally through non-conformity between both policy and guidance and with national policies / advice contained in guidance. There is an explicit requirement to do so, as one of the Basic Conditions for NPs, and it is implicit in contributing to the achievement of sustainable development – a further Basic Condition.

BDW welcomes the opportunity to comment on the FLANDP. However, the failure to meet the Basic Conditions is a fundamental issue that would prevent the FLANDP from proceeding to examination as currently drafted.

Should you wish to discuss any of the points raised in more detail please do not hesitate to contact me.

Yours sincerely

Associate Director
cc. Sefton Metropolitan Borough Council