

NOTE FROM INSPECTOR – NEW EXAMINATION HEARING

1. At the close of the last hearing session on 15 January 2016 I said that I hoped to be able to deal with the responses to the Main Modifications consultation without the need for further discussion. However, there has been a potentially significant change to the evidence provided on one important issue which necessitates a further hearing.
2. The issue is the selection of the employment site at Formby. In my "Initial Findings" of 22 February 2016 (document EX.102) I indicated that only one of the two employment sites proposed in the Plan was necessary and justified. Having read all the recent representations, this remains my view. I also decided that the site North of Formby Industrial Estate (MN2.48) should be allocated in preference to the site South of Formby Industrial Estate (MN2.49). One of the critical factors in this decision was the large amount of retail 'enabling' development proposed as part of the South of Formby Industrial Estate scheme; this was said to be necessary to subsidise the provision of new sports facilities and employment floorspace.
3. The evidence originally presented in support of the South of Formby Industrial Estate (document EX.23) included a 9 unit retail park totalling 11,800 sq m of retail floorspace. Following the concern I expressed about the large size of this enabling development, in February 2016 the site promoter submitted a revised appraisal (document EX.93) with the retail floorspace reduced to 7,430 sq m. This is still a large retail development (more than 40% of the size of Formby District Centre) and, in the absence of any assessment of the impact on Formby centre, it was a highly significant factor in my decision to allocate the North of Formby Industrial Estate in preference to the South of Formby Industrial Estate. This was the basis on which the Main Modifications consultation took place.
4. In its response to the Main Modifications consultation, the promoter of the South of Formby Industrial Estate has again revised the amount of retail floorspace considered necessary to subsidise the construction of the sports facilities and employment development. The new amount (2,787 sq m) is accompanied by an assessment of the impact of this much-reduced retail provision on Formby District Centre. Although I find it difficult to understand how it has been possible to reduce the scale of the enabling development by so much, the latest revision is a potentially significant change which I need to investigate.
5. I have considered whether this matter could be resolved by further written representations, but I believe that a hearing provides the best forum for testing the new evidence. The hearing will take place on **Tuesday 1st November 2016 (10.00am start) at Bootle Town Hall, Oriel Road, Bootle, L20 7AE**. One day should be sufficient, though Wednesday 2nd November is being held in reserve in case it is required.
6. The discussion at the hearing will focus primarily on the new retail and viability evidence for the South of Formby Industrial Estate submitted in

August 2016 by DPP Planning on behalf of Hugh McAuley/St Modwen.¹ There will be no discussion on the justification for one rather than two employment sites at Formby because the scale of the employment land need in Sefton has already been fully explored. I will not allow repetition of the site-specific technical evidence previously given for either site on matters including flood risk, ecology and transport, though it will be appropriate to draw on the findings of that evidence when summarising the constraints and benefits of each scheme as part of the discussion on the overall planning balance (item 4 on the attached Agenda).

7. Clearly, the decision on which site at Formby is preferred should take all relevant considerations into account. In my "Initial Findings" document I referred, amongst other matters, to landscape impact. To be consistent with the treatment of other allocations, another matter to be considered is agricultural land quality. There is evidence before the examination on both these matters, but as they were not specifically addressed at the previous hearing, I will allow a brief discussion at the new hearing. And in the interests of fairness it will be necessary to allow the promoter of the North of Formby Industrial Estate site (and other parties) to raise any new matters relevant to the consideration of that site.
 8. Turning to the submission of new documents, any new technical evidence should be restricted to the retail or viability issues. I would particularly welcome the comments of the Council on both the retail evidence and the updated development appraisal contained within the DPP representation; other parties may also wish to contribute. If examination participants wish to submit an additional statement that addresses more generally the choice of employment site at Formby (item 4 on the Agenda), the following "Inspector's Question" is intended to focus the discussion at the hearing:
Taking into account the constraints to, and benefits of, the two potential employment allocations at Formby, which site should be preferred and why?
 9. All new documents for the hearing should be submitted to the Programme Officer by **5pm on Friday 21st October 2016**. Only in very exceptional circumstances will I accept new documents after this deadline or at the hearing.
10. Any questions on this Note should be addressed to the Programme Officer.

Martin Pike

INSPECTOR
9 September 2016

¹ [DPP Planning - Representations by Hugh McAuley/St Modwen](#) (Rep No 446) on Proposed Modifications to Draft Sefton Local Plan, August 2016.