

INSPECTOR'S NOTE

Site MN2.16, Land at Liverpool Road, Formby

At the examination hearing on 9 December there was a discussion about whether there should be one or two accesses to the Liverpool Road site. The site is in two ownerships and Ms Rigby, representing Morris Homes, argued for a separate access to her client's land. The Council stated that a single access is preferable given the high volume of traffic on Liverpool Road and the presence of bus stops. I agreed with the Council, for a single access is clearly in the interests of good planning. As a potential means of resolving the issue, I suggested that the Plan include a requirement for a road connection within the site to be built up to the land ownership boundary without leaving a ransom strip.

I know from experience that a planning requirement to build a road up to the edge of an ownership boundary can succeed with the agreement of the relevant parties. I was under the firm impression that there was such agreement – my notes from the hearing record Mrs Ryan as saying "I have no instructions on the point, but have no objection in principle" and from Ms Rigby "Agree the solution suggested". Unfortunately, I was not aware of the letter dated 17 December 2015 from Mrs Ryan to Sefton Council, for this is not an examination document. And when the matter was discussed again on 15 January, the 'commercial considerations' issue raised in the 17 December letter was not explored. So when I reached my preliminary findings on this site, and when considering the draft Main Modifications to Appendix 1, I believed that the wording which required a road to be built up to the ownership boundary within site MN2.16 was acceptable to all parties.

The Main Modification representation from Turley's dated August 2016 makes clear that the originally agreed position no longer stands. Because I am now uncertain that the Plan (as proposed to be modified) is worded in such a way as to ensure the delivery of site MN2.16, the soundness of this allocation is in doubt. Regular participants at the examination will know of my concern that disputes or disagreements between developers can seriously threaten housing delivery – this was uppermost in my mind when seeking a suitable modification to the East of Maghull policy MN3. I am concerned that a similar situation has arisen at Formby.

I believe that, with goodwill and co-operation, a solution to this problem can be found. The main issue seems to relate to property rights and compensation, which I understand. In my view the best solution would be an adjustment to the relevant bullet point in Appendix 1 which removes the "ransom strip" element, thereby allowing for compensation to be paid. There may also be scope to relax the timing element to, say, 100 dwellings rather than 50. If a mutually acceptable adjustment to this bullet point cannot be agreed, then a more strategic and complex approach involving a masterplan may be necessary, perhaps similar to a simplified version of clauses 1A and 1B of policy MN3 (East of Maghull).

I am asking the Council and the relevant landowners/ developers to urgently liaise and reach an agreed solution which gives me sufficient confidence that the entire site will be delivered in timely fashion. To this end, I would like a Statement of Common Ground to be prepared, signed by all relevant parties, which describes in sufficient detail how the separate ownerships within the site will be progressed. This Statement should include any necessary further modifications to the MN2.16 provisions of Appendix 1. If it assists, I am happy to comment on the content of any draft Statement before the final version is submitted.

Martin Pike

INSPECTOR
23 August 2016