

FORMBY PARISH COUNCIL NEIGHBOURHOOD DEVELOPMENT PLAN 2014-2030 CONSULTATION STATEMENT February 2019

Neighbourhood Planning Regulations 2012. Section 15(2) of Part 5 of the Regulations

Introduction

In March 2013, Formby Parish Council submitted an application to Sefton Council to have Formby Parish designated as a Neighbourhood Plan area. Following public consultation on the proposed designation area by Sefton Council, Formby and Little Altcar Parish Councils determined to work jointly to prepare a Neighbourhood Plan for the whole of the Formby area.

Application to be the Designated Body

The application by Formby and Little Altcar Parish Councils' to be the designated body was approved by Sefton's Cabinet on 12th September 2013.

A Steering Group comprising of Parish Councillors from the 2 Parishes, was established in November 2013 with the initial aim to widen membership of the group to include a mix of local residents and representatives of business and community organisations. With this in mind, some early promotional and engagement activity was organised to raise awareness of the proposed Neighbourhood Plan and to attract further membership of the group. This included: | Press coverage in the local press | Launch of a new bespoke Parish Council website, incorporating a dedicated section for the neighbourhood plan. | Direct mailing to known local groups and individuals active in the community. | Invitations to a first, "launch" type Steering Group meeting in January 2014.

Initial Exhibition

A Public Exhibition was held by Formby and Little Altcar Parish Councils at the Gild Hall, Church Road, Formby on the 18 June 2014 from 3-8pm, and a Sefton Council planning officer joined with them to advertise the proposed development sites for Formby (as set out in the emerging Local Plan). The aim was to gauge the public's opinion on what they would like to see included in the Neighbourhood Plan by way of public engagement and an initial questionnaire. The general consensus from over 80 residents attending this event was a Neighbourhood Development Plan was a positive way forward for the community.

Initial Questionnaire

The Parish Council distributed questionnaires to the residents in June 2014. The 12 questions were based upon the five themes of environment, housing, economy, social and community issues and transport, as per the sample questionnaire drawn up by Locality.

The questionnaire was delivered to all homes in Formby during the week of 11 June 2014 along with a full page advert in the local press. Banners and posters were also displayed around the town. 441 responses were received.

The responses were analysed and presented to the Steering Group in November 2014. After this an outline draft plan was drawn up.

Following the Parish Council elections in May 2015, (the Steering Group membership was changed to reflect the change in Cllr appointments), the outline draft plan was reviewed and it was decided to engage further with the community.

Second stage Survey

A further short survey was undertaken using an on-line forum, in addition to distributing paper copies and from this, more detailed questionnaires were developed to inform the plan process.

Third Stage - Questionnaires for residents, young people and businesses

An on-line survey targeted at under 18s was presented to the 2 high schools, who fully engaged with the process: a total of 1,443 under 18s responded to the survey – results are included in the Plan.

A business survey was also conducted, although a number of national businesses did not respond, 43 local businesses took part in the survey and helped to provide valuable information.

Finally, a very detailed resident survey was undertaken which was available on-line and in print. This was advertised by a leaflet drop to all residents, press reports, and by Cllrs attending public areas (e.g. Formby Village Centre and Waitrose) and gatherings of organisations.

The detailed results of the surveys are included in the evidence base and available to view on the Formby Parish Council website. A summary of the surveys is included in the Final submission version of the Neighbourhood Plan (Appendix A page 68).

Neighbourhood Plan Web Pages

Dedicated Neighbourhood Planning pages were created on the Formby Parish Council website. These were regularly updated and provided access to relevant information relating to the emerging plan – including draft versions of the document – and provided a direct link for anyone to make comments. Copies of all reports and surveys were also made available and links were provided to access agendas and minutes of all meetings.

Plan Development

The Parish Council investigated the various sites put forward for development by visiting the sites, considering the topography, noise levels, character of the area, visual impact of the sites, assessing the environment and in particular the flood risk to existing residential areas and how the development might fit into the existing developed area. As the sites had been identified by the Local Plan process and been subject to a public inquiry, the Neighbourhood Plan has not identified particular sites but has taken a holistic approach to developing policies that will apply to all development sites. An important aspect of the Plan is the development boundary.

A Housing Needs Assessment and a population study was undertaken for the Steering Group, to inform the Plan process. They also took the responses from the questionnaires to inform the development of the policies and community actions and the first draft of the Plan was produced.

Regulation 14 Consultation

In October 2016, the Draft Neighbourhood Development Plan was collated and the first draft of the plan was agreed and printed. This was published on the Parish Council website, and copies were made available for loan through the Parish Council and the local Library. In addition, email copies (by post where no email address could be found) were forwarded to the statutory consultees and other interested bodies as listed in appendix 1.

A six-week consultation period was held between 31 October 2016 and 12 December 2016 and this was launched with a press notice from Formby Parish Council; full page adverts in the 2 local newspapers; notices on the notice boards, on the website, and displayed around the town; information on Facebook and Twitter sites; on Sefton Council's website and information leaflets delivered to households, using a local newspaper delivery facility

The Parish Council held 7 Public Exhibitions in the Gild Hall and Formby Library, for anyone to come and ask any questions about the Neighbourhood Development Plan so they could make informed responses and approximately 222 people attended over the period, though some did not want to sign in and may have been missed from the numbers:

Wednesday 2 November, 29 attended;
Thursday 10 November, 45 attended;
Wednesday 16 November, 8 attended;
Monday 21 November, 16 attended;
Thursday 24th November, 37 attended;
Wednesday 30 November, 45 attended;
Monday 5 December, 42 attended.

Consultation meetings were also held with Sefton Council, Taylor Wimpey Homes, Barratt Homes and David Wilson Homes, the developers for the North Employment site and with the Environment Agency.

Once the consultation period was complete the Parish Council analysed the responses and took advice from our planning consultant regarding how to deal with the comments. Response analysis for

- Sefton Council is included at appendix 2
- the developers at appendix 3
- other organisations responses are included at appendix 4
- and the residents' response analysis included at appendix 5.

Responses from other organisations were received from Merseytravel, with regard to encouraging the policies designed to promote walking and cycling; National Grid; United Utilities; Wildlife Trust for Lancashire, Manchester and North Merseyside; Canal and River Trust; and Sport England.
(see appendix 4).

In January 2017, Sefton Council produced a Screening Report and Screening Determination and concluded that a SEA would not be required for the Formby and Little Altcar NDP. (Appendix 6)

During the plan process and the public inquiry for Sefton Local Plan, Mr Pike, Inspector for the Local Plan, suggested that the choice (between 2 proposed sites) of employment allocation could be made in the Formby NDP. This prompted much discussion and further work, however, the Parish Councils decided to refer the decision back to the Inspector. The decision was ultimately made by Mr Pike to endorse the North Employment site MN-48. Information enclosed at appendix 7.

Conclusion

The Final, amended, Version, together with the supporting documents, was subsequently presented to Sefton Metropolitan Borough Council to begin the Submission Consultation and for presentation to an external examiner.

Public consultation and pro-active engagement with the community was central to the production of the Formby Neighbourhood Plan, from the start of the process through to the final Submission stage. (Examples of information leaflets, posters and photos taken during the consultation events is included at appendix 8).

Amendments made to the Neighbourhood Plan following the Regulation 14 Consultation

Below is a schedule relating to the important changes made to the Neighbourhood Plan, any other changes were largely grammatical or factual of minor importance.

A couple of points to note:

Section 1.

para 13 of the Revised NPPF makes it clear that outside of strategic considerations the NP has the right to shape current and future development.

The application of the presumption (in favour of development) 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. This is what the Neighbourhood Plan seeks to do.

The Neighbourhood Planning process had to take on board a number of significant developments that impacted upon the strategic objectives of the Sefton Local plan which in turn impacted upon Formby.

1. When the Sefton Local Plan was published in 2016 the inspector ordered a staggering 88 main modifications to the plan, many of which directly affected Formby. The Local Plan was not adopted until the 20th. April 2017. Many of these major modifications directly affected Formby.
2. Between the Inspector's report and the adoption of the plan a major review of the Local plan was ordered by the inspector. This was known as SHELMA and This was not completed until January 2017.
3. During 2017 and 2018 Sefton started a consultation on and produced a series new Supplementary Planning documents which affected important planning areas such as Open spaces, the environment and flooding all of which had to be addressed in the Neighbourhood Plan.
4. After a lengthy consultation the National Planning Framework was significantly revised by the government in July 2018.

Formby has to take into account the fact that it is surrounded by a number Sites of Scientific Interest, the Coastal SAC and RAMSAR area. Sefton also produced a Coastal Plan *after and separate from the Sefton Local Plan.*

List of Amendments

Section 1 and 2 provide background information only

Section 3

The Vision and Core Objectives remain the same

Amendment - 3.1.7 Environment, Sustainability and Design Quality – *This section was rewritten in response to Sefton council criticisms (see comments by D Robinson) that the original sustainability definition concentrated too much on the environment and flooding. This paragraph brings it into line with the three objectives of the revised NPPF (para 4 page 5)*

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

b) a social objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

c) an environmental objective – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

(N.B This section cross references to other sections and policies in the NP indicating how the plan seeks to address this matters)

Amendment - The list of Community Assets was reviewed following the consultation and a smaller list has now been included.

Section 4:

Amendment - 4.3.5 The Neighbourhood Plan supports/provides for a buffer over and above the Sefton housing allocation to provide for contingencies.....

This paragraph was altered to bring the NP up to date following the SHELMA consultation. It points out that the new SHELMA figure (after adjusting for affordability) for Sefton is considerably lower than the Local Plan figure. Therefore, there will be more than enough houses built over the lifetime of the plan and the foreseeable future.

See Para 11 of the revised NPPF

Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay;

See para 13 Revised NPPF

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.

Section 4 Policies

Policy Change	Respondent	Reason
GP1 remains the same		
H1 remains the same		
H2 amended	SMBC	As per recommendation (appendix 2)
H3 amended	SMBC	As per recommendation (appendix 2)
H4 the last sentence has been deleted	Developer Representations	As per appendix 3
H5 amended	SMBC	As per recommendation (appendix 2)
H6 amended	SMBC	As per recommendation (appendix 2)
Original H7 deleted H7 (Previous H8) amended	SMBC	As per recommendation (appendix 2)
H8 (Previous H9) no	As per advice from	See Appendix 2

change	Planning Consultant	
H9 (previous H10) amended to delete garage sizes	Response to developer representations	As per appendix 3
H10 new policy	Response to comments from members of the Civic Society	<p>This policy was introduced for the following reasons:</p> <ul style="list-style-type: none"> (i) The Sefton Local Plan does not deal with the issue and therefore is not compliant with the revised NPPF (ii) This is becoming an increasingly important issue in Formby (iii) The NP needs to be compliant with existing planning regulations <p>See para 122 revised NPPF page 36</p> <p>(NB questions of infrastructure and viability are strategic issues and are covered by Sefton policy IN1 and in a well-run council by a Community Infra-structure Levy. Policy H10 effectively reserves these planning aspects to Sefton by not insisting on arithmetic formulae. Also see para 13 of the revised NPPF above.</p>
Previous H11 deleted	As per advice from Planning Consultant	
WS1 no change		
WS2 no change		
WS3 amended	SMBC	As per recommendation

		(appendix 2)
WS4 amended	SMBC	As per recommendation (appendix 2)
Original WS5 deleted WS5 new policy		Not a Land use policy
WS6 amended	SMBC	As per recommendation (appendix 2)
WS7 deleted Surplus to requirement		
Original GA1 deleted	As per advice from Planning Consultant	
GA1 (original GA2) amended	As per Planning Consultant	recommendation appendix 2
GA2 (original GA3) amended	Planning Consultant	
GA3 (original GA4) amended	SMBC	as per recommendation (appendix 2)
Original CLW1 and CLW2 deleted		
CLW1 new policy		General statement of intent going forward (all current projects now self-funding)
ESD1 amended	Planning Consultant	As per recommendation appendix 2
ESD2 amended	Planning Consultant	Appendix 2 see p6/7
Local Green Space table and map amended	Planning Consultant & resident consultation and discussion	See Appendix 2 p11
ESD3 amended	Planning Consultant	See Appendix 2
Original ESD4, ESD5, ESD6, ESD7 and ESD8 deleted	Planning Consultant	Not a Land use policy or repetition of existing SMBC policy
ESD4 (previous ESD9) amended	Planning Consultant	See Appendix 2 p12 Many residents are expressed their opposition to fracking (How many?)
Original ESD10 deleted	Steering Committee	Removed to avoid unnecessary repetition of SMBC policies

ESD5 same as original ESD11		
New policy ESD6	Steering Committee	<p>This policy was introduced to reflect the concerns of raised by AECOM in the HRA May 2016 (Section 4.3 on <i>recreational Tramping</i>). This issue particularly effects Formby with a number of small developments close to the coast, this matter was further reviewed by the Steering Committee following the publication of the Coastal Plan and the plans of the National Trust.</p> <p>Where a development puts extra pressure on the coastal environment additional open space mitigation is required over and above that normally required of a large development. (The need for this extra space has now been confirmed see Brackenway and Morris homes (Liverpool Road). This has become increasingly urgent given recent episodes of coastal erosion.</p> <p>English Nature responded very late to Sefton's consultation on the Open spaces SPD Sefton produced a mitigation policy at the very end of the process. Currently there is only one site outside of Formby to which this situation applies (Ainsdale). Therefore, it is not a</p>

		strategic issue and falls within the remit of the NP.
New policy ESD7	Steering Committee Residents	<p>It has come to the attention of the Parish council that developers (Bellway) had done an enormous amount of damage to the trees and hedgerows along Altcar Lane. Moreover, they had failed to replace trees on their site as agreed.</p> <p>Sefton had not been enforcing existing planning policies through lack of funding and staff. This is not acceptable to the people of Formby.</p> <p>It was therefore felt that despite Sefton policies the NP should remind developers of their obligations.</p> <p>Many residents expressed an opinion that Formby's landscape has below the average number of trees therefore it is not surprising that we have an increasing surface water flooding problem.</p> <p>Some residents also pointed out the importance of trees in mitigating air pollution.</p>

Section 4.8 Flooding

This section has been rewritten to include Baseline Flood Risk Data for CDA 16 and CDA 17. A number of proposed developments require an element of “betterment” in terms of flood risk. Therefore, we need to include baseline data to test the effectiveness of SLP Policy EQ8 and NP policies FDL8 – FDL9

It became evident during the Local Plan enquiry and subsequent meetings between the Parish Council and developers, that many of the developers had very little understanding of the flood history of the area.

Many residents felt that the Neighbourhood Plan's flooding policies did not go far enough. There was a general feeling from respondents that SMBC are in denial over this issue.

Policy Change	Respondent	Reason
FLD1 retained	Steering Group	Strength of Resident's Opinion
FLD2 amended to incorporate original FLD3	Planning Consultant	
FLD3 (previously FLD4) amended	Planning Consultant	See Appendix 2 p16
FLD4 new policy		
Original FLD5, FLD6, FLD7 and FLD8 deleted	Planning Consultant & Consultation with the Environment Agency	Policy not consistent with planning regulations
FLD5 (previously FLD9) FLD6 (previously FLD10) FLD7 (previously FLD11) FLD8 (previously FLD12)	Steering Group	(See above)
New policy FLD9	Steering Group	Adapted from Sefton Local Plan policy EQ8

Original Section 5 Site Specific Requirements deleted following recommendation by Sefton to reduce the size of the Plan. It was considered by the Parish Councils that as the local Plan had now been "made" and the sites are allocated by that Plan, this section was no longer required as all the policies are generic to all development.

Appendix 1

Company

Historic England
Merseyside Police Architectural Liaison Officer
Ancient Monuments Society
Council For British Archaeology
Canal And Rivers Trust
Derby Ward - Councillor Michael O'Brien
Harington Ward - Councillor Simon Jamieson
Harington Ward - Councillor Denise Dutton
Harington Ward - Councillor Michael Pitt
Ravenmeols Ward - Councillor Bob McCann
Netherton And Orrell Ward - Councillor Ian Maher
Ravenmeols Ward - Councillor Maria Bennett
Ravenmeols Ward - Councillor Catie Page
Church Ward - Councillor Daren Veidman
Council For The Protection Of Rural England
Design Council (CABE)
Environment Agency
Bill Esterson (MP)
Community Fire Protection Department
Formby Civic Society
Formby Library
Gardens Trust
Hightown Parish Council
Highways England
Horse Blundell Parish Council
Little Altcar Parish Council
Local Plan Team
Merseyside Environmental Advisory Service
MerseyTravel
Ministry Of Defence
Natural England
National Grid UK Plc
Network Rail London North Western (North)
North West Tourist Board
Merseyside Police Architectural Liaison Officer
Scottish Power
Sefton Chamber Of Commerce & Industry
Society For The Protection Of Ancient Buildings
Sport England
United Utilities - External Planning Liaison
West Lancashire Borough Council Planning
Wildlife Trust For Lancs, Manc & North Mside
Lancashire County Council
Npower Renewables
Coal Authority
Great Altcar Parish Council
Downholland Parish Council
Homes and Communities Agency
NHS Southport and Formby CCG
National Federation of Gypsy liaison groups
Sefton Council for Voluntary Service South
Sefton Council for Voluntary Service North
UK Competitive Telecommunications Association
Mono Consultants
Mineral Products Association
Squadron Leader Edwards
Emery Planning
How Planning
Turley Planning
WYG
Lieutenant Colonel Black, Commandant
Mr Pike

Appendix 2

Formby Neighbourhood Plan

Response to Sefton MBC Consultation

**An Advisory Report
Regarding Representations Received
During the Public Consultation Period 31/10/16 to 12/12/16**

Nigel McGurk BSc(Hons) MCD MBA MRTPI

Formby Neighbourhood Plan – Response to Consultation (January 2017)

Contents

- 1) Introduction
- 2) Response to Sefton MBC Representations

1) Introduction

Public consultation is fundamental to neighbourhood planning. It is only through successful engagement and consultation that a neighbourhood plan can truly claim to provide a “*shared vision*” for the community, having regard to Paragraph 183 of the National Planning Policy Framework (the Framework).

The draft Formby Neighbourhood Plan (the draft Plan) has emerged through significant consultation, including some of the largest scale surveys ever undertaken for any neighbourhood plan, anywhere in the country. During October, November and December 2016, the draft Plan underwent a formal, Regulation 14 compliant, six-week consultation period.

A Neighbourhood Plan is not a District-wide Local Plan and Qualifying Bodies do not have access to the same resources as Local Planning Authorities. Consequently, there is no legislative requirement for a Neighbourhood Plan to publish a detailed response to every representation made during consultation – or to every point made within each representation.

Rather, it is a requirement that a Consultation Statement be submitted alongside a Neighbourhood Plan and in accordance with the neighbourhood planning *regulations*¹, this must set out who was consulted and how, together with the outcome of the consultation. A Consultation Statement will be submitted alongside the Formby Neighbourhood Plan.

This report to Formby Parish Council is intended to provide advice in respect of recommended changes to the draft plan further to consideration of representations made by Sefton MBC.

Sefton’s comments are welcomed. Many are helpful and provide for the improvement of the Neighbourhood Plan, ensuring that it meets the basic conditions.

It is noted that some of the comments received appear less related to neighbourhood planning than District-wide local planning and consequently, not all of Sefton’s recommendations are taken on board. This is understandable, as Sefton MBC has little, if any, experience of neighbourhood planning and has been focused on adopting its own Local Plan. It is also noted that some of the “suggested changes” do not comprise suggested changes at all, but simply set out some subjective views. This Report simply provides recommendations where appropriate, with regards the basic conditions.

Recommendations are set out in **bold text**

¹Neighbourhood Planning (General) Regulations 2012.

2) Sefton MBC Representation

"Strategic Comments"

One of the points made by Sefton MBC (Sefton) in the "Strategic Comments" introduction to its representation is that the draft Plan "needs to make clear where it is making proposals that are in addition to the Local Plan policies or incorporating the requirements of the Local Plan." This is not the case. If it were, it would result in the plan-making process becoming unnecessarily cumbersome. Simply, once made, a neighbourhood plan forms part of the development plan and will be used alongside other parts of the development plan to steer development and help determine planning applications.

There is no requirement for every Policy to include an explanation of "how the policy will be implemented and how and who will monitor it." It is noted that such information might be included where it is relevant to do so.

It is agreed that the Policies should be supported by appropriate explanatory text. It is also agreed that the draft Plan would benefit from being a shorter, more concise document. Indeed, taking into account the results of formal public consultation can provide the ideal vehicle to take on board relevant comments and revise the draft Plan, as appropriate.

Expanding the plan whilst making it more concise can comprise a tricky balancing act, but it is recommended that:

Short paragraphs of supporting text are added to the Policy section and opportunities are taken to reduce the length of the draft Plan. Repetition should be eliminated.

Policy Comments

Housing Policies

Policy H2:

It is agreed that Policy H2, as worded, is unclear and could result in inappropriate development. It is recommended that it is re-worded:

Small residential development (defined as schemes of up to and including 14 dwellings) on infill and redevelopment sites, must demonstrate the most effective use of land through high quality design that respects local character and residential amenity.

Policy H3

It is agreed that, as drafted, Policy H3 is neither clear nor workable. However, the Delivery Strategy is an important element of the Neighbourhood Plan and a Policy reference provides a clear signal to prospective developers.

It is therefore recommended that Policy H3 is re-worded:

Proposals for residential development should, where appropriate, demonstrate that they have taken the Formby Delivery Strategy into account.

Use of the words “*should, where appropriate*” provide for appropriate flexibility such that the Policy has regard to Paragraph 193 of the Framework.

Policy H5

Policy H5 is confusing. However national planning policy in respect of affordable housing is a moveable feast. In this regard, it is important that the Neighbourhood Plan is up to date and it does not need to look to out of date planning policies elsewhere. It is recommended that Policy H5 is re-worded as:

To address Formby’s affordable housing needs, 30% of new dwellings on all developments of 15 or more dwellings should be affordable. The provision of Starter Homes (as defined by the Government) in Formby is strongly supported.

Policy H6

It is agreed that the terms “*older people*,” “*small houses*” and “*features making them adaptable*” do not provide for sufficient clarity. To increase the concise nature of the draft Plan it is recommended that:

Policy H6 is merged with Policy H7 and that the new Policy H6 is re-worded as:

New housing developments should provide a mix of different housing types. Schemes of 15 or more dwellings should provide Starter Homes and demonstrate provision of homes suitable for elderly people. Major developments comprising dwellings of uniform type and size will not be supported. To meet the Neighbourhood Area’s need for smaller homes, as demonstrated through the plan-making process, new developments of 15 or more dwellings should be based around the following mix: a) 1 and 2 bed properties, no less than 33% of the total; b) 4 or more bed properties, no more than 15% of the total.

Policy H7

Taking the above into account, **delete Policy H7**

Policy H8

It is agreed that this Policy is repeated in Policy ESD6. It is recommended later in this Report that Policies ESD6 and ESD7 be deleted. Policy H8 can be re-drafted in a clearer manner. It is also agreed that it would be helpful to separate out the development height and the design quality elements of Policy H8, by creating a new stand-alone Design Policy. It is recommended that Policy H8 is re-worded as:

To prevent harmful incursions into Formby’s very flat, low-lying landscape, development above 2.5 storeys and/or the raising of the land surface significantly above its natural level will not be supported unless it can be demonstrated that such development is appropriate in its context and that no harm to local character or residential amenity will arise.

And that a new Policy ESD2 is created, as below:

Policy ESD2

To achieve high quality design, development should make a positive contribution to local character and proposals must demonstrate consideration of the following:

- a) **Scale, density, height, landscape, layout, materials, access, frontages, and residential amenity.**
- b) **Retaining or creating good quality boundary and gateway features.**
- c) **Safety of movement and circulation of walkers, cyclists, vehicles and people with limited mobility/disability, both within and to/from the site.**
- d) **The outlook towards, within and from the development.**
- e) **The delivery of high quality green infrastructure including accessible public open space.**

Policy H9

No evidence is provided in support of Sefton's assertion that off-road parking in Formby would not make efficient use of land or be unachievable. Formby is not located within a city and many people rely on cars, not on public transport. In any case, Formby provides no evidence to demonstrate that providing for car parking automatically discourages the use of public transport. People use cars. A total of 2.7 million cars were sold in 2016. Not providing space for them to be parked will obviously cause problems and the provision of appropriate car parking is not something that planners should hide away from. The Policy has emerged through the plan-making process and consultation. No change.

Policy H11

Take on board Sefton's earlier comments re: the design policy. Recommend:

Delete Policy H11 and add the following to Policy H8:

- f) **Encouraging pedestrian and cycle safety. Building fronts to overlook streets and other routes, and avoidance of blind spots**

Working and Shopping Policies

Policy WS3

Agree with Sefton's recommended inclusion of a reference to employment uses and recommend:

Change Policy WS3 "...to redevelop existing employment sites for employment uses will be supported, provided..."

Policy WS4

Agree with comments and recommend changing second part of Policy WS4 to:

Proposals that retain and enhance the vitality and viability of the following shopping parades will be supported, where they do not have an adverse impact upon the town centre or upon residential amenity: (*same list of centres*)

Plan to show each centre to be included in Neighbourhood Plan

Policy WS5

Agree with comments.

Delete Policy WS5

Policy WS6

Agree and recommend the Policy changes to:

New shop fronts should not detract from local character and must respect local heritage.

Getting Around Policies

Policies GA1 and GA2

The Framework is explicit in supporting the provision and enhancement of public rights of way (Paragraph 75, NPPF) and consequently, Policy GA2 should not be a “community action” as suggested.

However, Policy GA1 as set out is a community aspiration. As such, it would be appropriate for it to comprise a community action. It is recommended:

Change Policy GA1 to a Community Action

Policy GA2 to become Policy GA1

Policy GA3

Agree that the thresholds appear low and restricted to housing. Recommend changing Policy to:

Major commercial, employment and leisure proposals and residential schemes for more than 50 dwellings should be accompanied by an accessibility audit (MASA) and travel plan. All proposals for major development are encouraged to provide a travel statement.

Policy GA4

As worded, the Policy is confusing and does suggest that separate cycle or pedestrian routes are always inappropriate, which is not the case. Recommend that the Policy changes to:

“...Vehicular routes should be designed to be shared safely with pedestrians and cyclists. This may include provision of segregated routes alongside vehicular carriageways...”

Delete “Building fronts should...feel safe” which repeats an earlier Policy.

Community, Leisure and Wellbeing Policies

Policy CWL1

Whilst Sefton's suggested changes don't suggest any changes, it is considered that Policy CLW1 does not actually form a land use planning policy.

It is recommended that this Policy be replaced with a Community Action.

Policy CWL2

This Policy should be deleted and where appropriate, the sites identified should be designated in the Local Green Space Policy, later in the draft Plan.

Environment, Sustainability and Design Policies

Policy ESD1

Sefton's comments in respect of Local Green Space do not take into account the fact that neighbourhood plans reflect the views of the local community. The Policy has emerged through a robust consultation process and the sites to be protected comprise sites that are valued by, and demonstrably special to, the local community. The Table provided has regard to the appropriate test set out in the Framework.

The fact that Sefton would like to see a different approach and perhaps the kind of evidence base more familiar to District-wide planning does not change the fact that Policy ESD1 has regard to the Framework and meets the basic conditions.

Comments re: Policy ESD1 were made earlier in this report and it is recommended:

The LGS protected by the Policy should be updated to ensure that the open spaces previously referred to in Policy CWL2 (recommended for deletion) are designated (and that the reason why they are demonstrably special should be added to the Table).

Policy ESD2

The Policy is not implementable and should be deleted.

Policy ESD3

Whilst this Policy does not need to name sites, as suggested by Sefton, it is recommended that the Policy itself is made clearer:

The provision of allotments within the Neighbourhood Area will be supported, subject to proposals taking into account highway safety and residential amenity.

Policy ESD4

Agreed that this is a vague Policy and should be deleted

Policy ESD5

Agreed that this is a vague Policy and should be deleted

Policy ESD6

Policy recommended for deletion earlier in this Report

Policy ESD7

The content of this Policy has been combined with the new Policy ESD2 above.

Delete Policy ESD7

Policy ESD8

This is an unnecessary Policy, given the new Policy ESD2

Delete Policy ESD8

Policy ESD9

Agree with Sefton's comments in respect of geology, but not local character, which is self-explanatory. Change Policy by removing reference to geology, but retaining local character reference.

Not sure why Sefton raise a comment on "*banning fracking*" being against Government Policy as there is no suggestion of such a thing in Policy ESD9, which is a land use planning policy. A land use planning policy cannot ban fracking. However, it is entirely appropriate for a neighbourhood planning policy to set out a shared vision to ensure that local people get the right kind of development for their community.

Neighbourhood Plans should provide for the sustainable development that the community needs. There is no evidence that the community needs fracking; and through the plan-making process, the community has stated that it will not support fracking. This is set out in Policy ESD9, with specific regard to Paragraph 183 of the Framework. The Policy, as worded below, meets the basic conditions.

Change wording to:

Renewable energy in Formby, particularly...character, will be supported. Fracking will not be supported unless there is substantive evidence to demonstrate that it comprises sustainable development that the local community needs.

Policy ESD10

Delete Policy, which is not implementable

Flooding Policies

The Parish Council has considered much advice in relation to flooding policies and has evolved its own approach, taking much of the advice into account. Many of Sefton's comments reflect previous advice and it is recommended that, in order to meet the basic conditions, the Policies are revised as recommended below:

- **Delete Policy FLD1**
- **Retain Policy FLD3 in full**
- **Policy FLD4, change to: Where a Flood Risk Assessment (FRA) is required, it should incorporate the following: *(retain four bullet points)***
- **Delete Policy FLD5**
- **Change Policy FLD6 to: Development should not lead to a net increase in surface water run-off and should, where possible and practical, seek to slow down the speed of water discharging into the river Alt**
- **Delete Policy FLD7**
- **Policy FLD8 combined with FLD6, as above**
- **Delete Policy FLD13 (which repeats Policy FLD12)**

The above changes should result in a more succinct group of Policies, without reducing their intended impact.

General Matters

As discussed, and picked up by Sefton, the draft Plan cannot impose a requirement for a Design Brief to be submitted to the Parish Council. The reference to submitting a Design Brief to Formby Parish Council should be changed to something along the lines of:

Developers are strongly recommended to engage with Formby Parish Council and the provision of a Design Brief, agreed with the Parish Council will be welcomed and demonstrate that developers are genuinely interested in working with the local community, rather than simply adopting a tick-box approach to “community engagement.”

The Photos are fine and it is unclear what Formby’s point is in this regard.

Re: the Site Specific Requirements, these are not Policies and cannot carry the same weight. In this regard, it is recommended:

Change all references to “must” to “should”

January 2017

Appendix 3

Formby Neighbourhood Plan

Response to Landowner/Developer Representations

**An Advisory Report
Regarding Representations Received
During the Public Consultation Period 31/10/16 to 12/12/16**

Formby Neighbourhood Plan – Response to Consultation (January 2017)

Contents

1. Introduction
2. Response to Landowner/Developer Representations
 - Morris Homes
 - Grasscroft Homes and Property Limited
 - S Rostron Limited
 - Taylor Wimpey PLC
 - Barratt PLC

1) Introduction

Formby Parish Council, through the Neighbourhood Plan, aims to achieve a “*shared vision*” for the community, having regard to Paragraph 183 of the National Planning Policy Framework (the Framework).

With this aim in mind, the draft Formby Neighbourhood Plan (the draft Plan) has emerged through significant consultation, including some of the largest scale surveys ever undertaken for any neighbourhood plan, anywhere in the country.

During October, November and December 2016, the draft Plan underwent a formal, Regulation 14 compliant, six-week consultation period.

A Neighbourhood Plan is not a District-wide Local Plan and Qualifying Bodies do not have access to the same resources as Local Planning Authorities. Consequently, there is no legislative requirement for a Neighbourhood Plan to publish a detailed response to every representation made during consultation – or to every point made within each representation.

Rather, it is a requirement that a Consultation Statement be submitted alongside a Neighbourhood Plan and in accordance with the neighbourhood planning *regulations*¹, this must set out who was consulted and how, together with the outcome of the consultation. A Consultation Statement will be submitted alongside the Formby Neighbourhood Plan.

This report to Formby Parish Council is intended to provide advice in respect of recommended changes to the draft plan further to consideration of representations made by the agents of landowners/developers. It simply provides recommendations with specific regard to the requirement to meet the basic conditions.

Whilst the nature of some the representations appear little different to those that might be received for consultation on a District-wide Local Plan, this is an issue faced by Qualifying Bodies across the country, whereby there is an assumption that neighbourhood planning is somehow the same as District-wide local planning and that Parish Councils and Neighbourhood Forums have similar resources. It is not and they do not.

Recommendations are set out in **bold text**

¹Neighbourhood Planning (General) Regulations 2012.

2) Morris Homes

Query re: boundary for Site MN2.17 shown on Map 10, page 33. Check this accords with allocation on page 87.

Re: Policy H4, there is no need to refer to authority-wide evidence base as the development plan should be considered as a whole and the Neighbourhood Plan does not need to “*comply*” with emerging policy. However, the reference to removing the reference to the Delivery Strategy, which does not exist, is agreed with.

Policy H4, delete final sentence: “This should take into account the Formby...Delivery Strategy.” Supporting text to Policy H4 can recommend that developers take the Delivery Strategy into account once it is complete and available.

Policy H5 has been re-drafted further to Sefton MBC comments.

Policy H7 has been deleted.

Policy H8 has been re-drafted further to Sefton MBC comments.

Policy H9 is supported by evidence of Formby being different to the main urban areas of Sefton. People are more reliant on their cars for journeys. It has emerged through consultation that the community supports the provisions of Policy H9. In providing for off-road parking, Policy H9 has regard to national policy and is in general conformity with the strategic policies of the Local Plan. It is not the role of a neighbourhood plan to repeat existing policies, but to plan for the local community’s needs.

It is agreed that Policy H10a) is unduly prescriptive.

Policy H10 delete criterion a)

Policy GA3 has been re-drafted further to Sefton MBC comments.

Policy GA4 refers explicitly to “*quieter streets*” and not roads in general. There is no suggestion of placing a children’s play area on a road. The Policy has been re-drafted further to Sefton MBC comments.

Policies ESD2, ESD5, ESD6, ESD7 and ESD10 have all been deleted.

Policy FLD4 has been re-drafted further to Sefton MBC comments.

Policy FLD6 has been re-drafted further to Sefton MBC comments and the addition of “where possible” in respect of Policy FLD10 would detract from the clarity of the Policy’s requirements.

Policy FLD13 has been deleted.

Section 5 of the Neighbourhood Plan has been updated. This section sets out local aspirations and no changes are proposed. Morris Homes suggests that no Design Brief is necessary for MN2.16, but then goes on to present several pages of detailed comments in respect of the site. This demonstrates that a Design Brief that has emerged through genuine community engagement, as promoted by the Neighbourhood Plan, might be useful and helpful.

3) Grasscroft Homes and Property Limited

A representation has been received promoting a site for development.

The Neighbourhood Plan allocates sufficient land for housing and there is no need for it to allocate additional land. The site is in the Green Belt and is to the east of the ByPass. There is no requirement to release this large site in the Green Belt for housing. Not allocating the land proposed does not result in the Neighbourhood Plan failing to meet the basic conditions.

Grasscroft Homes and Property Limited states that *“The only impediment to the site being developed for housing is its current Green Belt designation.”* Given that the proposed use is inappropriate in the Green Belt, the impediment is a significant one.

Policy GP1 – the settlement boundary is robust and there is no substantive evidence to the contrary.

Policy H4 has been modified, see above.

Policy H7 has been deleted.

Policy H8 has been modified, see above.

Policy ESD10 has been deleted.

4) S Rostron Limited

This representation is *“wholly supportive of the policies included within the Draft Neighbourhood Development Plan.”*

Whilst the representation goes on to refer to *“soundness”* – which is not a test for the Neighbourhood Plan – it also provides evidence to support S Rostron Limited’s view that *“the allocation of land south of FIE for retail and other main town centre uses is not the appropriate strategy to pursue...”*

This is noted.

5) Taylor Wimpey PLC

There is no requirement for the Neighbourhood Plan to “align with national policy.” There is, rather, a legislative requirement to “have regard” to national policy. The two things are not the same.

Policy H3 has been re-drafted.

Policy H4 has been re-drafted, see above. Also, the development plan needs to be considered as a whole.

Policy H5 has been re-drafted.

Policy H6 has been merged with Policy H7 and a new Policy created.

Policy H8 has been re-drafted.

Policy H10 a) has been deleted, see above.

Policy MN2.12. Taylor Wimpey PLC “supports the allocation.” There are no policies in Section 5, so it is unclear why Taylor Wimpey refers to policies. Section 5 has been updated, see above.

Taylor Wimpey PLC states that “there are inconsistencies” with the draft Sefton Local Plan, but then only identifies a single inconsistency. In response to this:

Page 72, remove bullet point “to have only one access”

There are no bus services to the site. It is unclear why Taylor Wimpey PLC requires the reference to the absence of bus services to the site to be removed.

The site promoted by Taylor Wimpey PLC does not have planning permission. The fact that it is allocated in the draft Sefton Local Plan does not mean that all matters of design detail have been agreed. Section 5 of the Neighbourhood Plan provides guidance. Taylor Wimpey PLC considers that no Design Brief is necessary for MN2.12, but then goes on to set out that it disagrees with the views of the local community in respect of the site. This demonstrates that a Design Brief that has emerged through genuine community engagement, as promoted by the Neighbourhood Plan, might be useful and helpful.

Barratt PLC

Policy H6 has been re-drafted and merged with Policy H7

Whilst Barratt PLC suggests that Policy H7 be amended to reflect something that has not yet taken place, this is not possible.

Policy H8 has been re-drafted.

Policy H9 is justified through evidence of car dependence in Formby being different to that in the Sefton conurbation and through public support further to consultation.

Policies ESD2, ESD6 and ESD10 have been deleted.

Policy FLD3 has regard to national policy and reflects the fact that Formby has severe flooding problems. It comprises a Policy that has emerged through consultation and provides a shared vision, enabling local people to plan for themselves. The Policy provides for appropriate flexibility and meets the basic conditions.

Policy FLD4 has been re-drafted. The purpose of the Policy is clear and there is no need to add a reference to "*on-site*."

Policy FLD6 has been re-drafted.

Policy FLD9 is clear. It relates specifically to the ability of flood attenuation areas to alleviate flooding. The Policy meets the basic conditions.

As above, Section 5 has been revised. It is the view of the Parish Council that a Design Brief that has emerged through genuine community engagement, as promoted by the Neighbourhood Plan, would be useful and helpful. Barratt PLC considers that no Design Brief is necessary for the land it is promoting for development. However, this is a prominent gateway to Formby and the local community is keen to see that it is not spoilt by yet another uniform housing estate. A Design Brief can help provide for some local distinction and genuine, effective engagement.

Notwithstanding the revisions in response to Sefton MBC's comments, delete that part of the 8th bullet point on page 70 "...and must be completed...50th dwelling."

The suggestion for a single application can help to ensure the site comes forward in full and delivers housing.

Barratt PLC refers to providing 25% public open space, although it is not clear why.

There is no requirement for a HRA, delete c) on page 70

January 2017
