



The Planning Inspectorate

Report to Sefton Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO

SEFTON LOCAL PLAN

Document submitted for examination on 31 July 2015

Examination hearings held between 17 November – 11 December 2015, 12–15
January 2016 and 1-2 November 2016

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Abbreviations Used in this Report

AA	Appropriate Assessment
AQMA	Air Quality Management Area
BMV	Best and Most Versatile (agricultural land quality)
CA	Conservation Area
CCG	Clinical Commissioning Group
DCLG	Department for Communities and Local Government
dpa	dwellings per annum
EA	Environment Agency
ELPSU	Employment Land and Premises Study Update
EU	European Union
EVS	Economic Viability Study
FRA	Flood Risk Assessment
HMR	Housing Market Renewal
HRR	Household Representative Rate
IDP	Infrastructure Delivery Plan
LCR	Liverpool City Region
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LWS	Local Wildlife Site
MM	Main Modification
MoU	Memorandum of Understanding
MSA	Mineral Safeguarding Area
NLP	Nathaniel Lichfield & Partners
NPPF	National Planning Policy Framework
PHE	Public Health England
PHM	Pre Hearing Meeting
PPG	Planning Practice Guidance
PPS	Playing Pitch Strategy
PSA	Primary Shopping Area
OAN	Objectively Assessed Need
OBR	Office of Budget Responsibility
ONS	Office for National Statistics
RSNW	Regional Strategy for the North West
RSR	Retail Strategy Review
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SHELMA	Strategic Housing and Employment Land Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SLP	Sefton Local Plan
SNPP	Sub-National Population Projections
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
TA	Transport Assessment
UDP	Unitary Development Plan
UPC	Unattributable Population Change
WLBC	West Lancashire Borough Council
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Sefton Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications (MMs) are made to it. Sefton Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation during June-August 2016. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Slightly increasing the number of new homes required and slightly decreasing the amount of employment land required, both to reflect updated projections;
- Adding one new housing allocation at Formby and deleting one employment allocation at Formby;
- Clarifying the strategies for implementing key housing and employment allocations;
- Amending housing policies to increase provision for the elderly, to improve the adaptability of dwellings and to support custom or self-build homes;
- Adjusting the approach to town centres to better reflect national retail policy, including the enlargement of some town centres and designation of primary shopping areas;
- Clarifying the provision of open space alongside new homes, and ensuring that replacement facilities are provided when open spaces are developed;
- Enhancing measures for mitigating the flood risk associated with new development;
- Adjusting policies for protecting the natural and historic environment to better reflect national policy; and
- Strengthening the commitment to an immediate review of the Plan if the forthcoming sub-regional study identifies a need for more housing or employment land.

Introduction

1. This report contains my assessment of the Sefton Local Plan (SLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (NPPF) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is 'A Local Plan for Sefton, Submission July 2015' which is the same as the document published for consultation in January 2015.
3. When the Plan was submitted for examination a significant number of studies which make up the evidence base were not available. In a few instances this was unavoidable, in that work was on-going in response to recent changes in circumstance which were outside Sefton Council's control. In most cases, however, key parts of the evidence base were not complete upon submission. This inevitably caused some difficulty at examination and meant that the hearings took place over a longer period than usual to give representors additional time to respond to late studies.

Modifications

4. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any Main Modifications (MMs) necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
5. Following the main examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses and comments made at the November 2016 hearings in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.
6. Some of the Plan's proposals are repeated in different parts of the document. In most cases I have treated MMs to repeat proposals as consequential and have not separately identified them as MMs in the Appendix. In addition, the Council has proposed a large number of additional modifications which do not materially affect the policies of the Plan. In this report and the Appendix I focus on what I regard as the MMs necessary to make the Plan sound. All other modifications which are not specifically mentioned in the report or

Appendix are either consequential MMs or additional modifications, and can be made by the Council on adoption of the Plan.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the four plans identified as 'Local Plan Policy Map' for Bootle and Crosby, Formby, Sefton East Parishes and Southport as set out in document LP1.
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend Main Modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
9. These further changes to the policies map were published for consultation alongside the MMs in a 'Schedule of Proposed Modifications to the Policies Map of the Sefton Local Plan'. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the submission policies map and the further changes published alongside the MMs.

Consultation

10. Many residents feel that the process of consultation and engagement with local communities has been flawed. I appreciate that many residents do not have access to the Council's website, but the use of a wide range of other media, including an insert in the local newspaper delivered to all households, demonstrates that the Council was alive to this problem. I acknowledge that the representation forms are complex and technical, but the Council made clear that residents could respond in any format and most used email or written letter. As to the events at which the emerging Plan could be discussed, because large numbers of people turned up during the drop-in events used at Options stage, causing long delays, the Council's decision to use a booking system at Preferred Options stage was a sensible response to the earlier problem.
11. Overall it appears that the consultation process was extensive, thorough and designed to reach all sections of the community. The results of the process do not support the assertion that it was flawed. During the four main consultation stages prior to Submission, around 6,500 representations were made and more than 20 petitions were submitted with over 20,000 signatures. Such numbers seem to suggest a good level of community engagement. The legal test is whether the Council's Statement of Community Involvement has been complied with; I believe that its requirements have been exceeded.

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act. The duty requires local planning authorities to co-operate with other Councils and bodies to address strategic cross-boundary issues when preparing local plans.
13. It is apparent that Sefton Council has actively participated in the long-standing, constructive and on-going co-operation between the six Liverpool City Region (LCR) authorities and West Lancashire Borough Council (WLBC) in plan-making activities. In particular, Sefton led the preparation of a joint sub-regional study¹ which was published in May 2011, prior to revocation of the Regional Spatial Strategy for the North West. This study considered the potential for redistributing demand for housing to Liverpool and Wirral, where significant supply was expected to come forward, but found that further supply would be needed in Sefton and the other authorities. It concluded that each authority would have to meet the needs arising in its area.
14. Each authority was at a different stage of plan preparation when the duty to co-operate came into force. To avoid lengthy delays in completing the most advanced plans, it was decided not to prepare a joint LCR plan. However, there has been considerable co-operation in the preparation of joint evidence-base studies which underpin the authority-specific plans. As well as the housing and economic development study mentioned above, Sefton has participated in the common approach taken to topics including the Green Belt, gypsy and traveller needs, transport, employment land supply, renewable energy, minerals and ecology. Extensive co-operation has taken place with the specific bodies defined in Act and the 2012 Regulations. None of these bodies has expressed concern about compliance with the duty to co-operate.
15. I do not agree that there has been undue delay in addressing the employment land needs arising from the expansion of the Port of Liverpool. I deal with this issue in more detail later; insofar as it relates to the duty to co-operate, the scale of the need was not apparent until March 2014 and, as Sefton has been instrumental in raising the matter with the LCR authorities, it has certainly not failed in its obligations. Moreover, the commission of a Strategic Housing and Employment Land Market Assessment (SHELMA), which will include a study of port-related needs, and the recent Memorandum of Understanding among LCR authorities, aptly demonstrate the continuing process of collaborative working sought by the NPPF. Accordingly the requirements of S20(5)(c) are satisfied.
16. Nevertheless, the examination has identified tensions relating to Southport's development needs which may have cross-boundary implications going forward. As discussed later, the tightly drawn administrative boundary with WLBC has made it difficult to meet the town's housing and employment needs close to where they arise. WLBC advised Sefton that it was unable to accommodate any of Sefton's needs within its area and, importantly, the West Lancashire Local Plan was found sound after the duty to co-operate was introduced. So, while there has been compliance with the duty in the current round of plan preparation, there may be a need for more positive engagement on this cross-boundary issue in the future.

¹ Document HO.16 - Housing and Economic Development Evidence Base Overview Study.

Assessment of Soundness

Early Review of Plan

17. When submitting the Plan for examination, the Council indicated that an early review will be necessary for two reasons. Firstly, the imminent major expansion of the Port of Liverpool is expected to generate significant additional demand for employment land across Merseyside which is to be reviewed at sub-regional level. Secondly, the housing requirement in the Submission Plan was based on household projections from 2011, the most up-to-date available at the time it was prepared. In February 2015 new (2012-based) household projections were released which indicate significantly higher growth than previously. Furthermore, employment-led projections suggest an even higher level of household growth which could have implications at sub-regional level. The early review is intended to take account of the findings of the SHELMA study which will address housing and employment growth across the LCR.
18. In its Housing Technical Paper² the Council stated that to meet the economic-led housing requirement would require a re-write of the plan, setting back the process by a number of years. It cited a Written Ministerial Statement (WMS) of 21 July 2015 which stresses the Government's commitment to timely local plan production and indicates that an early review of a plan may be appropriate to ensure that it is not unnecessarily delayed by seeking to resolve matters which are not critical to its soundness or legal competence as a whole.
19. Because this matter could potentially have threatened the entire examination process, it was discussed at the Pre-Hearing Meeting (PHM) in September 2015. Many representors supported the early review process and no one present argued against it. Consequently, and mindful of the WMS and the Government's strong advocacy of adopted local plans as a means of addressing housing needs, I indicated at the PHM that the examination would proceed on the following basis. If I were to find that housing delivery did not meet the substantially increased objectively assessed housing need based on 2012 household projections, the fact that the increase in housing need arose very late in plan preparation, coupled with the commitment to an early review, would be sufficient for the Plan not to be found unsound. There has been no objection to this course of action since the PHM.
20. During the examination hearings many representors argued that an 'early' review process is not sufficiently urgent or precise to deal with any unmet needs arising from the SHELMA study. In response, the Council agreed to commit to an 'immediate' review or partial review following publication of the SHELMA study and to submit the review within two years of adoption of this Plan. This strengthened commitment is necessary for the Plan to be found sound; **MM6** incorporates it as a new part 5 to policy MN1 and **MM2** and **MM8** make similar changes to the text.
21. Shortly before this report was completed the Government published the Housing White Paper entitled "Fixing our broken housing market".³ The White Paper is a consultation document on a number of proposed policy changes to

² Document TP.1, July 2015.

³ Published by Department for Communities and Local Government on 7 February 2017 – Cm 9352.

the NPPF as well as to the regulatory framework for plan making. Whilst the proposals in the White Paper may have implications for matters discussed during the examination, they do not yet form part of Government policy and they might change following the consultation. Because the end of the examination was imminent, and in light of the Government's objective that plans should not be unnecessarily delayed, I decided (after consulting Sefton Council) that it was not necessary to seek comments on the implications of the White Paper for this Plan. Instead, it will be for the Council to respond to the forthcoming changes to the NPPF, and any regulatory changes, when undertaking the review of the Plan.

Main Issues

22. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

1 – VISION AND OBJECTIVES

Issue 1: Whether the Plan's vision and objectives provide a sound framework for the sustainable development of Sefton borough.

23. Sefton is a flat, low-lying coastal borough extending from Bootle in the south to the Victorian resort of Southport in the north. It is an area of considerable variety and contrasts, from areas of closely-spaced 19th century terraced housing around the Liverpool docks to leafy, low density 20th century suburbs, from long-established industrial and port-related activity to modern business and retail parks, and from internationally important nature conservation sites along the coast to high quality agricultural land in the centre and east of the borough. Almost half the population lives in settlements that abut and make up the northern extent of the Liverpool urban area (Aintree/Bootle/Netherton/Litherland/Crosby/Waterloo/Blundellsands), a third lives in Southport (including Birkdale and Ainsdale), while the remainder lives mainly in the free-standing dormitory towns of Maghull and Formby.
24. Rather than defining a simple, all-encompassing vision for Sefton, the Plan outlines the various ways in which the needs of Sefton's communities will have been met by 2030. These include increasing the range and affordability of housing, and making the most of the borough's assets – its coastal location, attractive environment and position within the LCR – to attract jobs and investment. The Plan seeks a more flexible approach to town and local centres to enable them to withstand changes in retailing, and improved infrastructure which provides better access to facilities, employment and services. At the same time the Plan aims to protect important nature sites, heritage assets and green infrastructure, and to promote the borough's tourism potential. All these objectives are consistent with the NPPF.
25. There are major constraints to development in Sefton. All of the borough outside the existing urban areas is part of the Merseyside Green Belt and most of the coastline comprises internationally important sites for nature conservation. Much of the flat, low-lying land behind the coast is of high

agricultural quality and many areas are susceptible to flooding. During preparation of the Plan, three different growth options were considered – urban containment (limiting development to within the built-up area - 270 homes a year), meeting identified needs (510 homes a year including some outside the urban area, plus new employment areas), and optimistic household growth (710 homes a year, the majority outside the urban area, and new employment areas as above).

26. In balancing the needs of its communities against the challenging constraints faced by Sefton, the Council decided that the middle 'meeting identified needs' option was the most sustainable. This was the most hotly contested topic of the examination. Many local residents oppose the proposed scale of housing development and the consequent loss of Green Belt land, arguing that there is much greater capacity within the urban areas than identified by the Council. On the other hand, many representatives of the development industry believe that the Council should be aiming for higher growth to provide the working age population necessary to support business expansion. My conclusion on this matter follows the detailed analysis later in this report.
27. Based on the Plan's vision and objectives, policy SD2 sets out the broad principles for sustainable development which underlie the Plan and against which development proposals will be assessed. One of these principles is to meet the need for homes, jobs and services as close as possible to where they arise. This is a highly sustainable approach to the distribution of new development, though in practice the expansion of settlements in proportion to their size has not always been possible due to the environmental constraints, the limited availability of land within the main urban areas and (particularly around Southport) the borough's restrictive administrative boundaries. Flooding is a major issue in Sefton but flood risk mitigation was not specifically identified in policy SD2; this is added by **MM5**, which is necessary to make the policy sound. The inclusion of the sentence that, where possible, development should include an element of betterment to reduce flood risk off site is appropriate and consistent with NPPF paragraph 100 (4th bullet point).
28. One of the requirements of NPPF paragraph 157 is that local plans should indicate broad locations for strategic development on a key diagram. The absence of a key diagram from the Submission Plan is rectified by **MM4**. Subject to these modifications, the Plan's vision and objectives and policies SD1 and SD2 provide a sound framework for the sustainable development of the borough.

2 – HOUSING

Issue 2a: Whether the assessment of housing need is robust having regard to the evidence base and the requirements of national policy.

29. Planning Practice Guidance (PPG) advises that the starting point for estimating household need is the household projections published by the Department for Communities and Local Government (DCLG). It states that these are trend based and may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. Other adjustments to the objectively assessed need (OAN) may be

necessary to reflect market signals and employment trends. In this section I consider firstly the demographic changes to Sefton's population and the consequences for household formation and dwelling need. I then address a range of market signals and conclude on the demographic-led OAN. Finally I consider whether further adjustments to the OAN are warranted in the light of employment-led forecasts and the need for affordable housing.

Demographic-led housing need – population projections

30. The long term decline in Sefton's population slowed during the 2000s and has stabilised since 2010 at just over 273,000 persons. The stemming of population decline is the result of a steady reduction in the loss of population due to natural change, coupled with a recent change from net out-migration to net in-migration. In addition, the 2011 Census revealed that Sefton's population had been under-recorded over the previous decade, in common with that of neighbouring Liverpool city.
31. Because migration flows vary significantly from year to year, gauging the size of Sefton's population in 2030 has been challenging. Estimates have fluctuated widely in recent years, from a decline of 5,000 persons under the 2008-based Sub National Population Projections (SNPP) to growth of about 10,600 under the 2010-based SNPP. At the main examination hearings the then latest available (2012-based) SNPP predicted population growth of about 5,000 persons by 2030; this increases to 5,900 under the 2014-based SNPP released in May 2016. I place greatest weight on these recent (and broadly similar) projections which derive from the 2012- and 2014-based SNPP.
32. Some representors contest the migration assumptions made in the 2012-based SNPP projections on the grounds that unattributable population change (UPC) is not taken into account. UPC is a discrepancy in population statistics arising between the 2001 and 2011 Censuses; whilst its cause is unknown, it is thought most likely to arise from miscounting of population at the Census (probably in 2001) and/or wrongly recorded migration. For Sefton, UPC is minus 2,100 persons over the 2001-2011 period, a not insignificant figure in the context of net population loss of about 8,900 persons over the decade. If (as is argued) UPC is treated primarily as a net migration loss, then both the 2012 base population and the forward projections are too high. By 2030, instead of a rise in Sefton's population of 5,000 persons, it is estimated that there would be a further decline of between 4,400 and 9,500 persons (depending on whether short- or long-term trends are projected forward).
33. The Office for National Statistics (ONS) excludes UPC from its projections because any adjustment would be difficult (given the unknown cause) and because it is not thought to introduce a bias that will continue in future projections. Nevertheless, it is necessary to look at local evidence to establish whether there are particular causes of UPC in Sefton. Such evidence is limited, but appears to suggest that UPC may in part be due to errors in enumerating the 15-19 year cohort at the 2001 Census. As to the migration component, the 2012-based SNPP projections are largely based on migration in the latter half of the decade. By this time ONS had improved its method of calculating migration and the UPC figures for Sefton were smaller than for earlier years. In these circumstances the evidence that UPC should be taken into account is not compelling.

Demographic-led housing need – household projections

34. In recent years there has been consistent evidence that Sefton fulfils the PPG definition of a self-contained housing market area, in that just over 70% of household moves (excluding long-distance moves) take place within Sefton. Thus, whilst recognising the complex interrelationship between, in particular, the southern part of Sefton and neighbouring Liverpool city, it is appropriate to focus on data provided for the borough.
35. The latest household projections available when the Plan was prepared were the DCLG 2011-based interim projections. These estimate annual growth of 399 households between 2011-2021; when an allowance is added for vacant dwellings and second homes, the OAN rises to 419 dwellings per annum (dpa). The Council's consultants, Nathaniel Lichfield & Partners (NLP), indicated in their December 2014 report⁴ that this should be adjusted upwards for two reasons – to take account of higher rates of household formation than assumed within the 2011-based projections, and to reflect the latest (2012-based) SNPP. These factors led NLP to suggest a demographic need of 562 dpa over the plan period. A further upward adjustment of 53 dpa (around 10%) was recommended to address market signals, notably past under-delivery of housing and high affordable housing need. The resultant 615 dpa is the OAN figure used as the housing requirement in the Submission Plan, equivalent to 11,070 dwellings over the 2012-2030 plan period.
36. The 2012-based DCLG household projections released in February 2015 are consistent with the 2012-based SNPP. They project household growth of 576 annually over the plan period, a substantial increase on the equivalent figure (399) from the 2011-based projections. In an updated report⁵ prepared at the time the Plan was submitted for examination, NLP indicate that this rises to 604 dpa with the allowance for vacant and second homes. The updated report considers that a small adjustment should be made to allow for higher rates of household formation than used in the DCLG forecasts, which increases the housing need to 627 dpa. As in its previous report, NLP recommends a 10% uplift to take account of market forces, giving an overall demographic-led OAN of 690 dpa, or 12,420 dwellings by 2030.
37. Many of these upward adjustments were examined at the hearings. Dealing firstly with household formation, NLP argues that the DCLG 2012-based household representative rates (HRRs) do not fully reflect the downward trend that was apparent before the recession. It considers that a partial (50%) catch-up to the HRRs used in the 2008-based DCLG projections is justified because household formation was suppressed during the recession by low mortgage availability, limited new house-building and so on. It also suggests that demand was suppressed over a longer period by the housing moratorium of the mid-2000s.
38. The evidence indicates that, for males, 2012-based HRRs for Sefton have largely caught up with 2008-based rates, though the rates for females remain slightly lower. Significant changes have occurred since the 2008-based HRRs were formulated - notably, the very easy availability of mortgages that

⁴ Document HO.2 – Review of the Objectively Assessed Need for Housing in Sefton, NLP.

⁵ Document HO.1 - Review of the Objectively Assessed Need for Housing, NLP, July 2015.

contributed to the financial crash of 2007/8 is unlikely to return, so reversion to the previous rate of decline in HRRs is doubtful. Given the relatively small difference between 2008-based and 2012-based HRRs, I share the view that previous HRRs are outdated and that the 2012-based HRRs are robust. Any long term suppression of demand is difficult to quantify and will have been partially addressed in the 2012-based HRRs; it will also be examined as part of the market signals analysis. On balance I do not believe that local factors warrant an upward adjustment, so the 2012-based HRRs should be used.

39. Turning to the vacancy rate, the NLP figure of 4.3% (plus an allowance of about 0.3% for second homes, giving 4.6% overall) is an average of the 2012/13 and 2013/14 figures and is held constant over the plan period. Some representors argue that this rate is too high and should be reduced on the basis that, as the economy improves, there is greater incentive to bring vacant dwellings back to the market. Reducing vacancies is a Council objective and, as a sensitivity test, NLP modelled a small, progressive reduction to 4.0% by 2030; this would reduce the overall dwelling need by about 575 dwellings or 32 per annum.
40. The national average vacancy rate is 3.1%, a level which is generally regarded as normal to facilitate "churn" within the housing market, so a rate of 4.3% is relatively high (though roughly the same as the Merseyside average). Vacancies in Sefton have been high over the past decade but were appreciably lower prior to 2004 (3.31% at the 2001 Census compared with 5.36% at the 2011 Census). The high rate coincided with a sizeable Housing Market Renewal (HMR) programme which was partly responsible for the increase as some dwellings were vacant for lengthy periods prior to demolition.⁶ The HMR programme is coming to an end and, coupled with improving economic conditions, it is reasonable to assume a slightly lower rate over the Plan period. On the other hand, it would be unwise to assume too fast a decline because most vacant dwellings are in private ownership and the Council currently has no funds to help bring them back into use. Thus whilst a reduction in vacancies to the Council's 4% target might be feasible, it would be safer to adopt a more cautious approach. On balance I consider that a slight reduction of 0.1% is realistic and achievable over the Plan period.⁷

Market signals adjustment

41. As advised by PPG, a range of market signals was investigated. Dealing firstly with those related to 'price', **land prices** are not an issue in Sefton – although the evidence is dated, the price of residential land is less than a third of the national average and is lower than in all neighbouring authorities. **House prices** are consistently above the Merseyside average and those of Liverpool, but lower than West Lancashire and appreciably below the national average. The rate of change over the last 15 years is broadly consistent with the Merseyside average and well below the national average.
42. Consistent data on **rents** is only available since 2011 so long term trends are not known. Rents in Sefton are above those of neighbouring areas and

⁶ The Council believes that HMR vacancies contribute about 0.2% to the current 4.3% vacancy rate.

⁷ The 0.3% reduction in vacancy rate modelled by NLP reduced the dwelling need from 604 dpa to 572 dpa; it is reasonable to assume that a 0.1% reduction would reduce the need to around 590-595 dpa.

Merseyside as a whole, but below the national average; they are unchanged since 2011, compared with a small drop across Merseyside but an increase nationally. The **affordability** ratio in Sefton (a comparison of lower quartile house prices with lower quartile earnings) is noticeably worse than the Merseyside average and has risen significantly since 1999, in line with the national trend. Nevertheless, the 69% increase in Sefton's affordability ratio over this period is below the national rise of 87%, and in the past 8 years the ratio has improved more in Sefton than nationally.

43. PPG advises that a worsening trend in any of the market signals will require upward adjustment to the housing numbers based solely on demographic projections. In assessing the 'price' indicators, the proportional increases in Sefton are below the national average, and in those cases for which longer trends are available, the situation in Sefton has not worsened in recent years compared to the rest of Merseyside. Whilst actual house prices are higher than Merseyside and, as a consequence, affordability is worse, this is primarily due to sizeable areas of Sefton having attractive dwelling stock which is in high demand. Overall these market signals show a relatively stable and consistent pattern of change between Sefton and neighbouring areas, with all indicators but affordability being well below the national average. Nevertheless the worsening affordability ratio in Sefton, particularly when compared with the rest of Merseyside, does justify an upward adjustment to the demographic housing number.
44. The second group of market signals identified in PPG relate to 'quantity'. **Overcrowding** in Sefton is low compared with national and regional rates and has declined since 2001. The number of concealed households grew slightly between 2001 and 2011, but the proportion is below the regional and national average and the rate of increase was noticeably slower. In terms of homelessness and households in temporary accommodation, Sefton has a much lower rate of households in need than both Merseyside and England, and has seen significant improvements in the rates in recent years.
45. The final market signal is the **rate of development**, which compares actual supply with planned supply. The situation in Sefton is complicated. From 2003-2008, as part of its regeneration and HMR strategy, the Council applied a housing restraint policy whereby development of more than 20% above the Unitary Development Plan (UDP) target of 350 dpa (ie 420 dpa) was restricted. This ceiling was reached over the period and, though no records were kept, a considerable amount of potential additional housing is thought to have been prevented by the restraint policy. In late 2008 the Regional Strategy for the North West (RSNW) increased the housing target to 500 dpa (net) and applied it retrospectively from 2003 onwards. Unsurprisingly, the historic restraint policy meant that the backdated target was not met and by 2012 (the Plan base date) a substantial backlog of 962 dwellings had accrued against the RSNW. This backlog is heavily influenced by 1,624 demolitions over the same period, mainly associated with the HMR initiative.
46. These two indicators of 'quantity' do not show a consistent pattern. New housing development was clearly constrained by policy during the mid-2000s, yet the indices of overcrowding (which would be expected to worsen with a restricted dwelling supply) are low and have mostly improved over the past decade. NLP surmises that the low levels of overcrowding might be linked to

the ageing population and lower levels of large families in Sefton. It is also conceivable that the housing restraint policy had a greater impact on the level of in-migration (constraining it to a lower level than might otherwise have occurred) than on the structure of existing households.

47. PPG advises that any market signals adjustment should be set at a reasonable level; the more significant the affordability constraints and other indicators of high demand, the larger the additional supply response should be. Sefton has mostly low 'price' constraints compared with the national average, and although it is above the Merseyside average on many measures, Merseyside is an area of generally low demand. Consequently, whilst an upward adjustment of the housing number is necessary to account for affordability and the restraint on delivery during the 2000s, the adjustment should be relatively modest.

Demographic-led housing need - conclusion

48. I have found that the HRRs used by DCLG in the 2012-based projections are suitable and do not justify an increase to the baseline forecast of 576 new households per annum. I consider that a small (0.1%) reduction in the vacancy rate is justified because the recent HMR demolitions programme is now complete; this lowers the dwelling need from 604 dpa to around 590-595 dpa. I also consider that a relatively modest increase is required to compensate for past under-delivery and to reflect a worsening affordability ratio. The OAN assessment is not an exact science and in my judgement a robust figure is approximately 640 dpa, which equates to 11,520 additional dwellings over the Plan period.
49. The reason why about 11,500 new dwellings are needed to cater for a population increase of around 5,000 persons is found in Sefton's unusual population structure. The Plan's end date of 2030 appears to coincide with a peak imbalance in Sefton's population structure as the current 'bulge' in population in the late-40s to mid-60s age groups reaches old age and is boosted further by out-migration of similar age groups from Liverpool. Because household size reduces significantly for the over-65s and under-occupation increases as single elderly people choose to remain as long as they can in their family homes, the dwelling requirement peaks. This is illustrated by the slower population growth and significantly reduced dwelling requirement after 2030: NLP predict a need for 444 dpa (including vacancies) in the period 2030-2035, compared with 604 dpa over the Plan period.
50. Towards the end of the examination DCLG released 2014-based household projections which forecast a slight decrease in household growth to 2030 compared with the 2012-based projections (667 fewer new households in 2030, representing a baseline annual growth of 539 households rather than 576 previously). There has been no detailed modelling of the 2014-based DCLG projections for Sefton, though NLP provided a note for the Council on the reasons for the reduction and its implications.⁸ The note estimates that, using the same criteria and assumptions as were adopted with the 2012-based DCLG projections, NLP's OAN would fall from 690 dpa to 645 dpa. Applying

⁸ Implications of 2014-based Sub-National Household Projections, NLP for Council, August 2016.

the same process to the assessment carried out in paragraph 48 above, the robust OAN would fall from approximately 640 dpa to around 600 dpa.⁹

51. PPG advises that whilst local housing needs assessments should be informed by the latest available information, this does not automatically mean that they become outdated every time new projections are issued. In light of this advice, and having regard to the late stage reached in the examination, most participants agreed with my view that the modest reduction in projected household growth does not warrant further changes to the Plan.

Employment-led housing projections

52. The employment-led scenarios prepared by NLP produce wide-ranging results. Based on past trends, in which the average decline in Sefton of 304 jobs per annum over the last 17 years would continue at the same rate, the dwelling requirement is 413 dpa. Using the Local Enterprise Partnership (LEP) baseline scenario, which forecasts a much slower decline in the resident labour force, the dwelling requirement rises to 581 dpa. Under the job stabilisation scenario, where the number of jobs is maintained at its present level, a higher level of in-migration is required to offset the loss of economically active residents due to the ageing population; in this case the dwelling requirement projected by NLP rises to 712 dpa. The LEP "policy on" forecast envisages growth of 900 (gross) jobs by 2030; in this instance the dwelling requirement increases to 777 dpa, based again on a high level of in-migration. The final scenario is based on blending two econometric forecasts to give an overall dwelling requirement of 1,286 dpa.
53. The scenario of continuing high job losses, which reflects the historic decline in Sefton's population, is not a sustainable trend to project into the future in light of demographic projections which show population growth to 2030. Arguably a more appropriate baseline is that derived from the LEP work, which looks at growth across the LCR rather than a single borough; for Sefton this produces a dwelling requirement which is similar to the unadjusted 2012-based DCLG household projections. However, the LEP study was a few years ago and since then economic forecasts have generally become more bullish as the country emerges from recession, though events in 2016 have cast a shadow over the scale and pace of the recovery.
54. The Council focused on the mid-2015 econometric forecasts,¹⁰ which vary widely as a result of significant sectoral differences. Overall jobs growth to 2030 ranges from 8,700 (Oxford Economics) through 11,200 (Experian) to 13,400 (Cambridge Econometrics). The latter includes 4,000 new jobs in public services which, in the current economic climate, is thought to be unlikely; this forecast is therefore regarded as anomalous. Rather than having to decide on the most likely jobs outcome on a sector-by-sector basis, the other two forecasts are 'blended' to give an average jobs growth over the Plan period of 10,100. This translates into the dwelling requirement of 1,286 dpa, a figure supported by many development-industry representatives.

⁹ The baseline 539 dpa would be supplemented by an allowance of about 16 dpa for vacancies (giving 555 dpa) and a 44 dpa uplift for market signals, giving a reduced OAN of around 600 dpa.

¹⁰ As set out in Document EM.1 - Employment Land and Premises Update, BE Group, August 2015.

55. Concerns about the econometric forecasts were raised at the hearings. Firstly, it was pointed out that the economic outlook has worsened appreciably since mid-2015, with the Chancellor warning in January 2016 of reductions in UK growth as a result of global factors such as the slowdown in China and heightened tensions in the Middle East. Some representors argue that the decision to leave the European Union (EU) will further depress the economy and (with a focus on controlling immigration) reduce population growth. However, the impacts on future growth in Sefton of the changed global outlook and the EU decision are uncertain.
56. A more pertinent factor is that econometric forecasts can be volatile, representing a snapshot at the time they are made. For example, the Cambridge Econometrics 2012 forecast for 2011-2031 predicted jobs growth of 3,400, compared with its 2015 forecast for 2012-2030 of 13,400 new jobs.¹¹ Thus it is questionable whether reliance solely on the 2015 projections is sound, particularly when they are much higher than previous projections. Because the 2015 projections are based on a period which includes rapid recovery from the recession, which is unlikely to be typical of the longer term, it is conceivable that they overstate the potential for growth.
57. Secondly, all the econometric forecasts indicate that most of the jobs growth is expected by 2015 (ie. to have occurred already), after which there is a gradual increase over the rest of the Plan period. It seems that there was a sharp drop in employment between 2010 and 2012¹² and an equally sharp rise during 2014-2015 which, in part, is believed to represent replacement for jobs lost during the recession. This recovery has taken place during a period of low dwelling completions and there was no evidence at the examination of a current shortage of resident labour. Instead, it seems more likely that the recent jobs growth has been facilitated mainly by the fall in unemployment rate (from 9.1% in 2013 to 5.3% in 2015), though changes in the pattern of commuting might also have played a part.
58. The econometric forecasts assume an unemployment rate from 2020 of 5.8%, the long term pre-recession average for Sefton. During the examination NLP ran sensitivity tests for the Council to establish the effect of changes to key variables which determine the size of the resident workforce.¹³ Although reducing the unemployment rate to as low as 4.0% by 2030 (as suggested by the BE Group) may appear optimistic, in practice this represents an average rate of 5.33% from 2015-2030¹⁴ which is broadly equivalent to projecting forward the present unemployment rate. Given the impact of current Government policy on welfare restrictions, I agree with NLP and the Council that this relatively modest reduction in the unemployment rate seems realistic. Increasing the proportion of the resident population in work reduces the dwelling need under the econometric forecasts from 1,286 to 1,179 dpa, while the job stabilisation scenario would require 615 dpa (reduced from 712 dpa).
59. Turning to the sensitivity testing of employment and economic activity rates, I accept that the substantial increase suggested by BE Group in the rates for ages 65-74 is unlikely. On the other hand, NLP's rates for females appear

¹¹ Figures taken from Documents EM.1 and EM.2.

¹² Business Register and Employment Survey data indicates a decrease of some 4,000 jobs.

¹³ Document HO.21 – NLP Technical Annex, Labour Supply Sensitivity Tests.

¹⁴ My calculation from the figures in Table 2.3 of HO.21.

slightly too low when compared with the Office of Budget Responsibility's (OBR) 2014 national forecasts.¹⁵ In my view a more robust approach would be to adjust the NLP economic activity rates for ages 65-74 to reflect the changes to national employment rates set out in the OBR report. Whilst NLP's male economic activity rates would be largely unchanged, adopting the OBR's changes would lead to an appreciable rise in female economic activity rates for ages 65-74.

60. The combined effect of reducing the unemployment rate and increasing economic activity rates in line with OBR forecasts for ages 65-74 has not been modelled. Nevertheless, it is highly likely that job stabilisation would be achieved by the demographic-led OAN of 640 dpa; it is possible that this level of new housing would also go a considerable way towards stabilising the resident labour force.¹⁶ On the other hand, these adjustments would fall far short of the number of dwellings required (likely to be well over 1,000 dpa) to meet the blended jobs growth derived from the econometric forecasts.
61. It is pertinent to reflect on the reason for the much higher dwelling need resulting from the econometric forecasts. As demonstrated previously, by 2030 the age-structure of Sefton's population will be heavily skewed towards the elderly, with a consequent reduction in the size of the labour force. To provide the much larger working-age resident population needed to fill the jobs growth predicted by the econometric forecasts, a substantially higher level of in-migration is required when compared with the demographic-led projections. Thus population growth above the demographic-led level is not required to meet the needs of local residents, but to provide in-migrating workers to facilitate a substantial level of business growth.
62. Compared to most LCR authorities, Sefton has a relatively small proportion of B-class jobs and many residents commute to the large employment hubs outside the borough, notably Liverpool city. This is not an inherently unsustainable pattern of economic activity – as was pointed out, the journey to work for many persons in southern Sefton who work in Liverpool is shorter than for those who travel from southern Sefton to Southport (or vice versa). The 10,100 new jobs forecast by the econometric projections would represent a huge increase, especially when compared with the job losses of the past (historic econometric forecasts show that Sefton lost 4,300 jobs between 1992-2012, a period which included both economic growth and recession). It is conceivable that the growth in logistics arising from Liverpool2 could trigger a major boost to employment, but this is not included in the forecasts. In these circumstances it is questionable whether the projected employment growth is realistic and achievable, and casts further doubt on the robustness of the econometric forecasts.
63. Taking all these factors into account, I do not find the employment-based arguments for increasing the demographic-led OAN to be compelling. I agree that job stabilisation is a desirable objective, but I do not accept that it should be at the bottom of the range of provision – indeed, it would represent a significant improvement for the local economy compared with recent trends. As indicated above, it is highly likely that the demographic-led OAN of 640 dpa

¹⁵ Table 4.1 of HO.21.

¹⁶ Based on my consideration of Tables 3.1 and 3.2 of HO.21.

would achieve this objective once adjustments for a lower unemployment rate and OBR-consistent economic activity rates are factored in.

64. I also consider that the high growth option of the econometric forecasts goes some way beyond the trend-based projections and is therefore an aspiration which would involve a policy intervention by the Council. I am mindful of the arguments about the (often fine) distinction between trend-based OAN and the point at which policy considerations kick in, as considered in a recent High Court judgement.¹⁷ But even if I am wrong in my assessment of the OAN, and/or it was determined that I should have increased the OAN in response to the econometric projections, there are two compelling reasons why a higher OAN should not be met in full in this Plan.
65. At the hearings the Council accepted that much of the in-migration necessary to support a high growth econometric scenario would come from neighbouring authorities and would impact upon their projected demographic change. This would require collaborative working under the duty to co-operate provisions of the NPPF; no such discussions have taken place. It would therefore be a matter for future consideration, presumably informed by the SHELMA sub-regional study, rather than a matter for this Plan.
66. The second reason is the unknown impact of higher growth on the Green Belt and other constraints to development such as flood risk, biodiversity and infrastructure capacity. As demonstrated later, almost half the demographic-led OAN of 640 dpa will require development on Green Belt land and it is likely that the loss of Green Belt would more than double if the OAN was to rise to around 1,180 dpa. There was no detailed evidence which explored the full consequences of a high growth option, so it is not possible to determine whether Sefton has the capacity to sustainably deliver a much larger housing need than that which was extensively tested at the examination.

Affordable housing need

67. PPG advises that an increase in a local plan's housing figures should be considered where it could help deliver the required number of affordable homes. The need for affordable housing is calculated in the Strategic Housing Market Assessment (SHMA)¹⁸ to be 7,815 dwellings over the plan period, or 434 dpa. Some 3,745 affordable homes are expected to be delivered by 2030 (averaging 208 dpa, including commitments and completions since 2012), about half of which would come from the policy HC1 requirement for large housing schemes to deliver 30% affordable housing in most locations. Although this would be a significant increase above the 127 dpa average affordable housing completions of the past 10 years, less than half of Sefton's total affordable housing need would be met. To address the full affordable housing need, the Council estimates that provision would have to rise to 1,447 dpa (26,000 over the Plan period) unless substantial extra funding from other sources could be secured, which is unlikely.
68. The SHMA indicates that around 10,600 Local Housing Allowance claimants are accommodated in the private rented sector in Sefton. It also points out that

¹⁷ Document MI.28 - Borough Council of Kings Lynn and West Norfolk v Secretary of State for Communities and Local Government, ELM Park Holdings Ltd [2015] EWHC 2464 (Admin).

¹⁸ Document HO.5 - 2014 Strategic Housing Market Assessment, November 2014, JG Consulting.

many households defined as in housing need may choose to spend more than the threshold 30% of their income on housing costs, or may not actively seek an affordable home. Because of the important role played by the private rented sector in meeting housing need, the SHMA finds no evidence of a significant shortfall in overall housing provision to meet local requirements over and above that shown by NLP's demographic modelling. It therefore states that no additional uplift is required to cater for the affordable housing need. At the hearings the Council confirmed that it endorses the conclusions of the SHMA. Some representors' statements argue that the total housing requirement should be increased to provide more affordable dwellings, though this argument was not pursued at the hearings.

69. Notwithstanding the Council's view of the role of the private rented sector in Sefton, private rented accommodation is unlikely to fully meet the needs of those assessed by the DCLG affordable housing methodology as unable to compete in the housing market. So, despite the evidence that many of these people will continue to occupy accommodation in this sector over the Plan period, it is necessary to consider the implications of increasing the housing provision to provide more affordable housing.
70. Similar arguments apply as to those previously elaborated when dealing with economic-led housing need. The consequences for neighbouring authorities and the unknown impact on various constraints mean that it is not appropriate to more than double the demographically-led OAN in order to fully meet the affordable housing need. For the same reasons I consider that it is not essential to provide more affordable homes than would be delivered under the demographic-led OAN. Any significant increase in the total number of dwellings for the specific reason of securing more affordable homes would be a policy choice for the Council and, given the implications for neighbouring authorities, would require discussions under the duty to co-operate.

Objectively assessed housing need – overall conclusion

71. The Submission Plan is based on an objectively assessed need for housing in the borough of 615 dpa over the plan period. For the reasons given above I conclude that, allowing for a slight reduction in the vacancy rate assumption and a modest increase to reflect market signals, a demographic-led OAN figure for the plan period is 640 dpa. I have found that the arguments for increasing the OAN to meet the employment-led housing projections or to provide more affordable homes are not compelling. Thus, having regard to the evidence base and the requirements of national policy, an objectively assessed need of 640 dpa is robust.

Issue 2b: Whether the housing land supply and its delivery is sufficiently robust to ensure the timely provision of the housing requirement.

Housing land availability – sites within the urban area

72. Figure 4.3 of the Submission Plan proposes the development of 11,793 additional homes over the Plan period and identifies their distribution across the main community areas. These dwellings would come from five sources – completions prior to 2014, sites with planning permission, other sites identified in the Strategic Housing Land Availability Assessment (SHLAA), unanticipated

windfall sites and site allocations. This figure was updated to 11,435 houses during the examination (**MM3**) following publication of the 2015 SHLAA and various adjustments to the dwelling yield from site allocations.

73. Many representors contend that the Council has failed to fully assess the potential of brownfield sites within the urban area and, as a result, has allocated too many greenfield sites in the Green Belt. However, the analysis of the schedule of National Land Use Database sites carried out by the Council during the examination demonstrates that the urban supply has been robustly assessed.¹⁹ There is no evidence that the methods used to identify urban sites in the SHLAA have not been thorough, nor that specific potential sites have been missed or wrongly excluded. On the other hand, there is no cogent basis for the argument that the past focus on urban land has led to a shortfall in its future supply. Given the historic nature of many of Sefton's settlements it is likely that the gradual process of urban renewal and regeneration will continue at the pace identified in the SHLAA and the Plan.
74. The approach to sites with planning permission (individual discussion with larger site owners and a 10% discount for smaller sites) is thorough and slightly more cautious than the advice in NPPF, which states (footnote 11) that such sites should be considered deliverable unless there is clear evidence that they will not be implemented. The identification of sites without planning permission appears rigorous, in that the gross yield from this source is a relatively small proportion of the urban supply, and the application of a 20% discount for non-delivery is appropriate. And the reduction in the past high level of demolitions is soundly based on evidence that funding for major renewal programmes is unlikely for the foreseeable future.
75. In recent years a substantial proportion of the housing supply has come from windfalls, comprising an average of 276 dwellings annually. In assessing the future supply from this source the Council has taken a very cautious approach, excluding large sites and dwellings created under permitted development rights from the potential supply and applying various discounts and filters to the past delivery from smaller sites. Windfalls are rightly excluded from the first two years' supply (as these sites already have planning permission), and in years 6-15 windfalls are restricted to Southport and Crosby because of limited historic windfalls in the other settlements. The resulting windfall yield of about 118 dpa in years 3-5 and 72 dpa in years 6-15 clearly meets the 'compelling evidence' test of NPPF paragraph 48. Indeed, because additional dwellings will almost certainly be developed from categories excluded from the windfall calculation, these figures are likely to be a significant underestimate.
76. Overall about 6,200 dwellings are expected to be built within the current urban area, representing 54% of the total dwelling requirement. The Council explored the possibility that at least some of the remaining requirement could be met outside Sefton under the NPPF duty to co-operate provisions, but all neighbouring authorities indicated that they are unable to assist because of similar pressures in meeting their own identified needs. This confirms the conclusion of the earlier LCR study which found that no authority was likely to be able to meet the overspill housing needs of its neighbours. And because of the extra pressures it would place on their own housing needs, neighbouring

¹⁹ Documents EX.8 (Schedule of Brownfield Sites) and EX.26 (Council's Analysis of Brownfield Sites).

Councils also opposed Sefton's 'urban containment' low growth option. Consequently, if the dwelling requirement is to be met, land for the residual housing need has to be found within Sefton outside the existing settlements.

Housing allocations outside the urban area

77. The case for Sefton meeting in full its demographic-led OAN is strong. It is a requirement of the NPPF (subject to consistency with other policies), and not to do so would place extra pressure on neighbouring Councils who are struggling to meet their own needs. It is true that restricting development to the urban supply would have the least environmental impact, but the failure to provide sufficient homes to meet the OAN would perpetuate the decline of recent years and deny Sefton the economic and social benefits that come from a growing population. In short, much of the Plan's vision for Sefton in 2030 and many of its objectives would not be achieved by urban containment alone.
78. As indicated above, the only realistic option is development outside the existing settlements, virtually all of which is Green Belt. When the Merseyside Green Belt was designated in 1983 it was tightly drawn around existing urban areas and was expected to have a life-span of about 15 years, so it should be no great surprise that over 30 years later the first major review in Sefton is necessary. Nevertheless, most of the representations submitted to the Plan oppose the loss of Green Belt land, many arguing that it is contrary to national policy.
79. In accordance with paragraph 14 of the NPPF, because land in the Green Belt is subject to specific policies of restriction, it is not sufficient to apply the usual 'planning balance' between meeting objectively assessed needs (as sought by paragraph 47) and the adverse impacts of doing so. Paragraph 79 states that the Government attaches great importance to Green Belts as a means of preventing urban sprawl. Paragraphs 83-85 of the NPPF indicate that Green Belt boundaries should only be altered in exceptional circumstances through a review of the Local Plan. Authorities are required to take account of the need to promote sustainable patterns of development by considering the consequences of channelling development towards existing urban areas, towards inset towns and villages, or towards locations beyond the Green Belt. Boundaries should be defined to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development, and should not include land which it is unnecessary to keep permanently open.
80. These requirements were addressed in the Council's Green Belt study. The bulk of the unmet dwelling requirement has been directed to the edges of the large urban areas and the inset towns of Maghull and Formby. Opportunities for growth in the few villages of the borough were investigated, but only Hightown was found suitable. Development beyond the Green Belt is not an option for Sefton, for the outer boundary is far outside the borough and homes in such distant locations would not meet Sefton's needs. Thus in broad terms the most sustainable pattern of growth has been achieved. In identifying specific development parcels, the study uses a systematic methodology that focuses first on the five purposes of the Green Belt and then considers other constraints to development. Although there are arguments about whether a particular parcel should or should not be included, which are considered later under the individual site analyses, this approach is fundamentally sound.

81. Some objectors argue that Ministerial statements, PPG revisions and an associated press release in October 2014 signal greater protection for the Green Belt than is given in the NPPF. The revised PPG stresses the importance that Government attaches to protecting the Green Belt. It states that the NPPF should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan. It indicates that, when considering how to meet the identified need, constraints such as Green Belt may restrain the ability of an authority to meet its housing need.
82. Whilst the revised PPG stresses the great importance of protecting the Green Belt, by using the word "may" it does not direct planning authorities to a particular outcome.²⁰ As indicated above, sustainability is at the forefront of the Council's approach and it has determined that Green Belt releases are a necessary component of the sustainable development of its area. Alternative strategies have been tested and found to be less sustainable. There is no compelling evidence that this strategy is unsound in principle. Nevertheless, it is necessary to carry out an analysis of the individual Green Belt allocations to determine whether the exceptional circumstances test of the NPPF is satisfied on a site-specific basis. This is addressed under issue 5, where I conclude that there are no constraints which would justify the Plan not seeking to meet in full the robust OAN figure. Because the robust OAN (11,520 dwellings or 640 dpa) is above the 11,070 dwellings (615 dpa) proposed in the Submission Plan, it is necessary to modify the housing requirement figure for the Plan to be sound. **MM6** adjusts policy MN1 while **MM1** and **MM7** revise the text.
83. As well as strong resistance to housing development on any Green Belt land and countryside, there are widespread concerns about the extra traffic that would be generated, the increased risk of flooding, the impact on existing services and infrastructure, the loss of good agricultural land and the loss of wildlife and biodiversity. All these points are valid and have been addressed by the Council; in many cases they have influenced both the choice of sites and the scale of development at a particular location. Consideration of their relevance to individual allocations occurs later under issue 5.

Phasing and five year housing land supply

84. The NPPF states that local planning authorities should have an identified five year supply of housing land, plus a buffer to ensure choice and competition, throughout the plan period. In Sefton the combined effect of limited capacity within the urban area and the Green Belt constraint mean that, until the Plan is adopted, the land supply is only about half that required. In 2018-19 the dwelling yield is expected to increase dramatically as the Green Belt allocations come on stream. Whether the peak of delivery around the turn of the decade will be as pronounced as predicted in the housing trajectory is perhaps questionable, for some housing developers may decide for technical or commercial reasons to regulate the supply of new dwellings. However, there is no reason to doubt that delivery from 2018-19 onwards will be substantially higher than in the first six years of the plan period.

²⁰ "...take account of any constraints such as Green Belt, which indicate that development should be restricted and which **may** restrain the ability of an authority to meet its need." (PPG: Housing and economic land availability assessment, paragraph 045 - my emphasis).

85. There was much debate about method used to calculate the five year supply. The Council accepts that it has persistently under-delivered against its target over recent years, so the higher 20% buffer is appropriate. The authority then devises a method of calculation which reflects the housing trajectory, thereby ensuring that it can meet its five year supply target. This is achieved in two ways. Firstly it proposes a staged or stepped delivery pattern (500 dpa in the first five years and 660 dpa thereafter, based on the Submission Plan total requirement of 11,070 dwellings). Secondly it apportions the shortfall that has accrued since 2012 over the entire plan period (the 'Liverpool' method) rather than over the first five years from 2015 (the 'Sedgefield' method).
86. PPG advises that, where possible, any past under-supply should be dealt with in the first five years; if this cannot be met, Councils should work with neighbouring authorities under the duty to co-operate. It has already been established that neighbouring Councils are unable to assist in Sefton's housing delivery, so the latter is not a realistic option. And though making up the shortfall as early as possible is clearly desirable, the consequences of building this into the first five years' supply have to be considered. The housing trajectory is based on information from the main house-builders and appears robust, so there is no real prospect of allocated sites coming forward sooner.
87. There are two main ways in which more houses might be delivered earlier. Either a greater number of smaller sites could be allocated, as these generally have shorter lead-in times, or the overall quantity of land for housing could be supplemented by some additional small sites. Given the robustness of the urban supply, any changes would have to be directed towards Green Belt releases. For the reasons explained later, I believe that the Council has chosen the best Green Belt sites, so substituting one or more large allocations with a greater number of smaller sites would be a sub-optimal solution that is likely to disturb the overall housing distribution and cause additional harm to the Green Belt. And supplementing the existing allocations with additional small sites would manifestly increase the loss of Green Belt land. Given the importance placed by Government on protecting the Green Belt, I do not consider that making up the shortfall more quickly justifies the additional harm to the Green Belt that would result from allocating different or additional sites. Furthermore, more than half the current shortfall is due to the large number of demolitions that have accompanied the HMR programme; as the Council submits, it would be harsh to penalise it for delivering urban regeneration.
88. In circumstances where the earlier delivery of housing would not be the most sustainable option, a housing trajectory which requires a stepped delivery pattern and which allows the shortfall to be made up over the Plan period is sound. Because the total dwelling requirement has increased to 11,520 dwellings, delivery over the period 2017-2030 rises from 660 dpa to 694 dpa; **MM6** and **MM7** make the necessary adjustments to policy MN1 and the text.
89. In its latest five year supply statement²¹ the Council calculates the five year requirement from 2015 to be 3,685 dwellings. Two adjustments are necessary, the first to take account of the increased dwelling requirement (up from 615 dpa to 640 dpa), the second to reflect current best practice by applying the 20% buffer to the sum of the five year requirement plus the

²¹ Document HO.25 – 5 Year Supply Statement, 2015 Update, December 2015.

under-supply. By my calculation the five year requirement from 2015 is 3,828 dwellings.²² This compares with a total delivery of 3,944 over the same period, which equates to 5.2 years supply.²³ Although the five year supply position is marginal from 2015, the Council has demonstrated a substantially improving picture from 2016 as successive years' contributions from Green Belt sites are included.²⁴ As the Plan will not be adopted until 2017, the requirement of NPPF paragraph 47 is satisfied.

90. Some representors argue that the housing delivery should be phased so that brownfield sites are prioritised for delivery before the Green Belt allocations are released. This is a laudable aim and, in practice, it has been the situation for the early years of the Plan period. However, it is clear from the analysis above that unless the Green Belt sites are delivered as soon as possible after Plan adoption, the Council will not be able to provide the five year supply required by national policy.
91. The total identified supply of 11,435 dwellings is a little below the modified requirement of 11,520 dwellings. The shortfall is marginal, however, and in my view is likely to be made up by a greater number of windfalls than the SHLAA has calculated. There may also be a small increase in capacity as a result of the relatively low density assumption used on larger sites where there is no known developer interest, for the general trend has been for dwelling numbers to rise slightly as sites are assessed in greater detail by house-builders. But even if this does not occur, the extra yield from windfalls should ensure that the target will be met. Furthermore, although the Plan no longer provides a contingency allowance of forecast provision above the requirement (as shown by **MM13**), it is highly pertinent that if the most recent, 2014-based household projections were to be used, there would be a sizeable over-provision (or contingency allowance) above the lower requirement of approximately 10,800 dwellings over the Plan period.
92. There are two further reasons why housing delivery should not exceed the dwelling requirement. The first is that flexibility is inherent in the commitment to an immediate review. If it is decided that Sefton should provide more than 11,520 dwellings when assessed against the sub-regional requirement, then the Council will review the Plan. The SHELMA study is being undertaken to a consistent methodology across the sub-region and is potentially a more robust indicator of need than individual authorities' assessments carried out at different times using different techniques. The SHELMA study should also facilitate a uniform assessment of the constraints and capacities that exist among the LCR authorities.
93. The second reason is that additional Green Belt allocations would be necessary. Although paragraph 14 of the NPPF states that, as well as meeting

²² Subtracting years 1-5 @ 500 dpa (ie 2,500) from the total requirement of 11,520 leaves 9,020 to be delivered over 13 years, or 693.8 dpa. The five year requirement from 2015 is 2 years @ 500 (1,000) + 3 years @ 693.8 (2,081) = 3,081. The under-supply from 2012 is unchanged at 109 in the first five years; this gives a total (3,081 + 109) = 3,190. Applying the 20% buffer of 638 gives a five year requirement total (3,190 + 638) = 3,828.

²³ The 3,944 dwelling delivery is taken from HO.21 and may be an under-estimate as it does not include the site at Shorrock's Hill, Formby which is likely to provide some dwellings in the first five years.

²⁴ See Document HO.26 (Rolling 5 Year Supply Position Statement), which predicts 6+ years supply from 2016 through to 2020.

objectively assessed needs, local plans should provide flexibility to adapt to rapid change, this is qualified by "unless..... specific policies (*such as Green Belt*) indicate development should be restricted". Given the Government's strong commitment to Green Belt protection, it seems to me that the 'exceptional circumstances' test becomes harder to pass once the Plan has allocated sufficient land to meet the OAN. Accordingly there is considerable merit in not allocating more housing land in this Plan than is essential.

Safeguarded land

94. To facilitate Green Belt boundaries which endure beyond the Plan period the NPPF indicates that, were necessary, areas of safeguarded land should be identified between the urban area and the Green Belt to meet longer term needs. The Submission Plan indicates that about 500 dwellings on the largest housing sites will remain to be built after 2030. The latest SHLAA increases this to 750 dwellings, as detailed in **MM23**. This relatively small number is unlikely to be sufficient for longer term needs. The Council therefore proposes two areas of safeguarded land which would be suitable for a further 1,000 dwellings beyond the Plan period. Policy MN8 rightly states that development of the safeguarded land would only be permitted following its allocation in a replacement local plan. The notion that the policy should be modified to enable safeguarded land to come forward within the Plan period if there is persistent under-delivery of housing does not accord with the NPPF.
95. Whether the identification of land for about 1,750 dwellings post 2030 is sufficient to meet longer term needs is uncertain. At the rates of delivery anticipated in this Plan, 1,750 dwellings would only last about 3-5 years even allowing for a continued large contribution from urban windfalls. On the other hand, the demographic projections indicate a significantly reduced dwelling requirement beyond 2030, so it is reasonable to assume that the post 2030 supply will last longer. On this basis, and subject to the adjustment to site areas in **MM22**, the scale of safeguarded land identified in policy MN8 is sound. I address the site-specific considerations under issue 5.

Housing land supply and delivery - conclusion

96. I have found that the urban housing land supply would provide just over half the number of dwellings needed over the Plan period, with the remainder coming from Green Belt sites. In light of my conclusion in issue 5 that there are no constraints which would preclude the full OAN being met, the housing land supply proposed in the modified Plan is robust. The stepped delivery pattern proposed in the Plan provides the required five year land supply and should ensure the timely provision of the housing requirement. It is important that delivery of the proposed 11,520 dwellings (640 dpa) is seen in context. With historic provision averaging 383 dpa (net) over the past 10 years and 416 dpa over 25 years, this scale of housing development would manifestly 'boost significantly the supply of housing', as sought by the NPPF.

Issue 2c: Whether the Plan makes sound provision for a range of housing in terms of mix, affordability and type.

Affordable housing

97. Representatives from the house-building industry have concerns about the viability of providing the proportions of affordable housing set out in policy HC1 (15% in Bootle and Netherton and 30% elsewhere on schemes of 15 dwellings or more). These proportions are based on an economic viability study (EVS) prepared on behalf of the Council,²⁵ the findings of which were broadly accepted by all parties and appear sound. Whilst it is true that certain greenfield housing sites are close to the margin of viability, which PPG cautions against, further examination reveals that the EVS has taken a relatively cautious approach. The generally accepted 20% profit figure (applied to gross development value) is based on all dwellings whereas many evaluations build in a lower profit margin for affordable homes, and the standard 5% contingency allowance applies to all construction costs rather than just building costs. Moreover, the Government's decision not to proceed at present with the proposed increase in on-site energy efficiency standards adds further to the robustness of the EVS.
98. The EVS indicates that viability is most challenging on brownfield sites, particularly in lower value areas such as Bootle where generic schemes are shown not to be viable if delivering 15% affordable housing. However, the one specific site in Bootle that was tested appears to be close to the margin of viability, and the policy rightly allows for a lower proportion if viability cannot be achieved. Given the large need for affordable homes across the borough, it is reasonable for the proportion to be set close to the margin in the least profitable area if the delivery of affordable housing is to be maximised. In all other areas I believe that a buffer to allow for changing markets, as sought by PPG, exists.
99. The use of bedspaces as the measure of affordable housing is, as the Council acknowledges, uncommon and can yield a slightly higher number of affordable homes than the same percentage based on dwellings. I consider, however, that this is a proportionate and flexible measure that can potentially meet the need for different sizes of affordable homes in a more fitting manner. There is nothing in the NPPF or PPG which states that dwellings must be the unit of measurement, and concerns about viability are unproven because the EVS assessment is based upon bedspaces. Although a calculation using bedspaces is more complex for the developer than one based on dwellings, there is no evidence of it having caused problems since it was first introduced by the Council about ten years ago.
100. Over the Plan period circumstances (including the proportional split between social rented/affordable rented and intermediate housing) may change. The NPPF seeks flexibility in affordable housing policies; this is addressed in a number of ways in **MM36**. The first relates to the definition and provision of affordable housing as expressed in national policy and reflects in particular the impending introduction of the Government's starter homes initiative. The second allows for changes in the local requirements for affordable housing

²⁵ Document MI.2 - Viability Assessment of the Local Plan, Keppie Massie, December 2014.

following a future SHMA update. Thirdly, to be consistent with the NPPF, the circumstances in which off-site provision of affordable housing may be acceptable are set out. These modifications to policy HC1 are necessary to ensure that the provision of affordable housing is sound.

101. Over the period of the examination, the Government's intention to limit the provision of affordable housing from small scale developments and residential conversions has been considered by the Courts. Although policy HC1 is not affected by the main limitation, which exempts schemes of 10 dwellings or fewer, it fails to include any allowance for the floorspace of vacant buildings. In November 2015 the Council acknowledged that if the vacant building credit was endorsed by the Courts, policy HC1 would have to be modified. In May 2016 the Court of Appeal upheld the Government's appeal and the vacant building credit was reinstated in PPG.²⁶ To reflect the current position, the Council proposes to add a new section to policy HC1 (part of **MM36**) and a new explanatory paragraph (**MM37**). I appreciate the criticism that this has the potential to undermine affordable housing delivery, but the modifications correctly interpret national guidance and are sound.

Housing size, type and mix

102. Policy HC2 of the Submission Plan requires at least 25% of market dwellings to have 1 and 2 bedrooms and at least 40% to have 3 bedrooms; it excludes developments which typically provide smaller properties such as flats and extra care/sheltered housing. In response to concerns from the house-building industry that this is overly prescriptive, the Council considered relaxing the policy to require 50% of dwellings to have 3 bedrooms or fewer. The original policy is based on the SHMA, which recommends seeking at least 30% 2-bed and 50% 3-bed market properties to meet the needs of an ageing population and declining average household size. There is no specific evidence to support the suggested relaxation.

103. I think the Council is right to be concerned at the possibility that some Green Belt sites might be developed solely with large houses, thereby failing to meet the growing need for smaller homes identified in the SHMA. At the hearings none of the industry representatives foresaw a difficulty in meeting the original policy target, which is not unduly restrictive and allows for exceptions to be made should there be site specific constraints or viability problems. Reflecting further, the Council decided to reinstate its original policy. This is a justified approach, derived from (though less restrictive than) the SHMA, and is sound.

104. Policy HC2 also requires at least 20% of dwellings on large sites to meet the Lifetime Homes Standard. This has been superseded by Part M4(2) 'accessible and adaptable dwellings' under the Building Regulations. The replacement provision is an Optional Technical Standard which can be applied by planning authorities through a local plan policy, subject to a need being demonstrated. Sefton already has a substantially higher proportion of elderly residents than the national or regional average and a higher proportion of households containing someone with a long term health problem or disability. Moreover, the numbers in these categories are projected to grow significantly over the Plan period. As to viability, the EVS includes provision for 20% of dwellings to

²⁶ Details set out in Document EX.119 – Inspector's Note, Policy HC1 and Vacant Building Credit.

be built to the Lifetime Homes Standard and a supplementary note²⁷ indicates that the cost of meeting Part M4(2) is similar to meeting the Standard. I am satisfied that, based on relevant factors set out in PPG, there is sufficient need to justify the inclusion of the accessible and adaptable dwellings standard in policy HC2. **MM38** incorporates the necessary modification to policy HC2 and **MM39** amends the text.

105. PPG highlights the critical need to provide housing for older people by means of general housing that is suitable for the elderly and specialist accommodation for those unable to live independently. A study commissioned by the Council²⁸ indicates that the majority of older people will either not move or will choose to move to smaller, more manageable dwellings where they can stay as long as possible, with support when necessary. The policy HC2 requirements for market dwellings (specific proportions of smaller properties and 20% built to the 'accessible and adaptable' optional standard) are an appropriate response to the need for general housing that is more suitable for older people. As to specialist accommodation, the Council is to prepare detailed guidance to aid the delivery of affordable and special needs housing, and crucially, policy HC1 allows up to 50% of the affordable housing requirement to be substituted by special needs housing. In addition, two of the housing allocations are required to make specific provision for older persons housing. This package of measures represents a suitably positive and proactive approach to meeting the housing needs of older people.
106. Following enactment of the Self-Build and Custom Housebuilding Act in March 2015, the Council commissioned a study to assess the potential demand for custom and self-build homes in Sefton.²⁹ The study found that there was very little knowledge and experience of custom and self-build in Sefton and no clear picture of the level of demand. The study recommended the creation and promotion of a register for those with an interest in custom and self-build homes and the identification of a small number of pilot schemes for delivery of these opportunities. Given the very early stage this process has reached and the uncertainty about the level of interest, the insertion into the Plan of a paragraph which describes the current position (**MM40**), coupled with a new section in policy HC2 which implements the recommendations of the study in terms of a register and pilot schemes (part of **MM38**), is a suitable response and necessary for the Plan to be sound.
107. The need for gypsy and traveller accommodation is identified in a recent sub-regional needs assessment,³⁰ which appears robust, and policy HC5 proposes to meet in full the small unmet need. The extensions to the established Council-run site at Formby would have minimal impact on the Green Belt or other constraints. The two small new sites are not well contained but, with suitable boundary treatment, the harm to the Green Belt and landscape would be modest and the loss of high quality agricultural land would be limited. Having regard to the identified need, the sustainability objectives of the Plan, the absence of overriding constraints and no evidence of better alternative

²⁷ Document MI.2a – Question 6.1 and 6.8 Clarifications, Keppie Massie, November 2015.

²⁸ Document HO.19 - Older Persons' Housing Strategy Research, Final Report, December 2014.

²⁹ Document HO.13 – Study to Assess the Potential for Self Build and Custom Build Homes in Sefton, September 2015.

³⁰ Document HO.12 – Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment, August 2014.

sites, these allocations satisfy the exceptional circumstances test of national policy. Given the low-lying nature of land in Sefton and the potential risk from flooding, it is necessary for policy HC5 to include specific reference to flood risk within the general requirement to provide a safe environment. **MM41** ensures that the Plan is sound in this respect.

108. Education sites are an important source of built sports facilities which are protected from loss under paragraph 74 of the NPPF unless certain criteria are met. It is therefore necessary to modify the provision of policy HC7, which facilitates alternative uses for former education (and care) institutions, to ensure that any such facilities are surplus to recreational requirements. **MM42** ensures that the Plan is sound in this respect.

3 – ECONOMIC DEVELOPMENT

Issue 3a: Whether the assessment of employment need is robust having regard to the evidence base and the requirements of national policy.

109. The 2012 employment land study³¹ on which the Submission Plan was based used four different models to calculate the employment land need. The baseline LCR employment change model took forecasts from Cambridge Econometrics to produce a very small land need of between 2-4ha. The labour supply forecast, based on ONS 2010 population projections, produced a land need of around 17ha. The LCR 'policy-on' forecast, which took into account the impact of various growth projects, resulted in a land need of about 36ha. Finally a projection of historic land take-up rates produced a need for 61.2ha of employment land to 2031. The Council decided not to use the economic forecasts on the basis that they represent the absolute minimum of land required and take no account of market churn or the need to maintain a choice of supply. The Submission Plan therefore used the historic land take-up model, supplemented with a 5 year buffer (16.1ha) and known losses to supply, to arrive at a total OAN of 84.5ha.
110. The same econometric forecasts as used in the housing analysis were used in the 2015 employment land update (ELPSU)³² provided at examination; these identified a land need ranging from 12.6ha to 35ha. The blended average figure of 23.5ha is less than half the recalculated historic land take-up figure of 54.7ha to 2030 (based on 3.04ha pa). In light of evidence that the use of econometric forecasts over the past 20 years would have considerably underestimated the actual take-up of employment land, the Council again decided to favour the historic trend methodology.
111. It is clear that current econometric forecasts have not proved to be effective indicators of either housing or employment need in Sefton. Indeed, had the econometric forecasts been relied on, the existing employment land supply would be more than sufficient to meet the identified need of 23.5ha (ie no Green Belt employment land releases would be necessary), whereas to meet the projected 1,180 dpa housing requirement, the need for Green Belt land would more than double. This variance is difficult to comprehend even allowing for the fact that the link between jobs growth and employment land

³¹ Document EM.2 - Employment Land and Premises Study, BE Group, November 2012.

³² Document EM.1 - Employment Land and Premises Update, BE Group, August 2015.

supply is much more elastic than it is between household growth and housing land supply.

112. The shortcomings of the econometric forecasts, and the fact that the Plan is not proposing a major change to Sefton's position in (or contribution to) the wider sub-region, justify the argument that employment growth should be based on a continuation of past trends. To the baseline need of 54.7ha the Council adds two elements - a 5 year buffer to provide a range and choice of sites, giving a total need of 69.9ha, and 16.63ha replacement provision for existing employment land lost to other uses. Based on the ELPSU the Council's total OAN rises to 86.5ha, a 58% increase on the 54.7ha baseline need.³³
113. Compared with the 2012 study on which the Submission Plan is based, the actual need plus buffer in the ELPSU has fallen by 7.4ha since 2012, yet the total land need is 2ha above the 2012-based figure. The buffer has been calculated on a consistent basis and I accept that an additional 5 years' supply is reasonable to provide flexibility and choice in the employment land market. Thus the higher total requirement in 2015 stems mainly from differences in the adjustments to the land take-up figure, particularly in losses of employment land to other uses. The 2012 study includes known losses only, whereas the ELPSU adds to the known losses a sizeable 8ha allowance for unknown future losses. Furthermore, the 6.0ha allowance for loss of the whole of the Phillips site in Southport does not reflect the fact that by 2012 the main factory building was becoming derelict and was not available, so most of the loss predated the Plan base date. Another difference is that the 2012 study includes a credit for the relatively high proportion of vacant stock; this does not appear in the 2015 assessment despite the vacancy rate still being materially above the 7.5% threshold used in the 2012 study.³⁴
114. It is highly pertinent that the historic take-up rate is calculated from gross annual figures of land developed for employment use. Employment land has always been lost to other uses, as the ELPSU attests, so included within the historic take-up rate is an element of employment land developed to replace those losses. To be consistent, it should be assumed that part of the 54.7ha baseline need includes some allowance for future losses to other uses, as does the buffer.
115. I note the Council's concern that that the rate of loss may increase in future years as a result of impending changes to Government planning policy. The most relevant matters are the presumption that brownfield land should be suitable for housing and, specifically, the use of unviable or underused employment land for starter homes.³⁵ In light of the robust assessment of available employment land in the ELPSU, there is unlikely to be much employment land in Sefton which could potentially be lost to starter homes, particularly as the allocations are generally net of any enabling development which may be required on viability grounds. Similarly, with brownfield land having been robustly assessed in the SHLAA, there is no evidence of a

³³ Document EX.42 clarifies the employment land need calculation.

³⁴ The EPLSU indicates a decline since 2012 in vacant industrial floorspace but an increase in vacant office floorspace; from paragraphs 4.77-4.79 I calculate the overall vacancy rate to be about 9.6%.

³⁵ Consultation on proposed changes to national planning policy, DCLG December 2015.

significant untapped supply of existing employment land which could be lost to housing under the emerging policy changes.

116. I acknowledge that the ELPSU classified some existing employment areas in Sefton as lower quality/poor locations. Nevertheless, the study recognises that the three lowest quality areas³⁶ provide budget quality premises sought by local businesses; consequently they make an important contribution to the mix of employment premises and are expected to remain in employment use. All employment areas have protection under policy ED3, which only allows other uses where, mainly, there is no reasonable prospect of the site being used for employment purposes at a reasonable market rate. Thus, to comply with policy, a proposal to remove employment land would generally have to demonstrate that there is no market demand for the employment use – in which case, replacement land is less likely to be required.
117. Taking all these factors into account, I consider that the 16.63ha allowance for losses of employment land to other uses is much too high. It is arguable whether any allowance at all should be made but, as in the 2012 study, there is justification for taking known losses into account. These amount to about 2.0ha (post 2012) for the Phillips site, 2.6ha for port expansion relocations and 3.1ha for the recent loss of most of the Switch car site, a total of 7.7ha. When added to the 69.9ha baseline need plus buffer, the total OAN rises to 77.6ha – almost 9ha below the ELPSU assessment and much closer to the figure that would have resulted from a consistent application of the 2012 study methodology.
118. It is also necessary to consider the consequences of a sizeable increase in employment land for the balance between jobs and resident workers. As stated earlier, Sefton's unusual population structure will result in a shortage of working-age residents by 2030 as the post-war population bulge peaks in old age. It is not appropriate for this Plan to facilitate a large increase in dwellings above the demographic need to cater for substantially higher in-migration of economically active households, again for reasons given earlier. So maximising the amount of employment land, and thereby the number of new jobs, could create a tension by widening the disparity between the size of the resident workforce and the supply of jobs.
119. The trend-based projections do not take account of the extra growth likely to be associated with the Port of Liverpool following the opening of Liverpool2.³⁷ Whilst the port operator finds it surprising that the wider implications of port expansion are not built into the Plan, the evidence indicates that the requirement for major off-port logistics sites has only recently emerged. The Mersey Ports Master Plan published in 2011³⁸ focuses on Mersey Ports land holdings and identifies a shortfall of about 42ha across all port sites, most of which are not in Sefton. It is clear that the specific areas of change identified in the Master Plan for the part of the port in Sefton are addressed in the SLP,

³⁶ Grade D sites - Birkdale Trading Estate, Acorn Way, Bootle and Hawthorne Road, Bootle.

³⁷ 'Liverpool2' is the new nationally significant deepwater container terminal within the Port of Liverpool at Seaforth. 'Superport' is the name given to a cluster of assets across the LCR including the Port of Liverpool and other nearby ports, John Lennon Airport, the Mersey Gateway project and intermodal freight terminals.

³⁸ Document EM.8 – Mersey Ports Master Plan Consultation Draft.

such as employment losses in the Regent Road/Derby Road area and the potential extension of Seaforth dock onto Seaforth nature reserve.

120. It appears that the need for major logistics sites across the sub-region was not crystallised until the LCR Superport Market Analysis was published by the LEP in March 2014.³⁹ This identifies an overall demand of 634ha (excluding port-based uses) for logistics and manufacturing across the sub-region. Although the total sub-regional supply amounts to 851ha, much of this is regarded as too small (below 5ha) or of poor quality. The study estimates that an additional 400ha of high quality land is needed across the LCR over the next 20 years to maximise the opportunity created by Liverpool Superport.
121. Given the scale of the anticipated growth and the need for large (often Green Belt) sites, I believe the Council is right to defer its response to a review of the Plan until the sub-regional SHELMA study has been completed. The Market Analysis is, in part, a promotional document aimed at developers and investors and takes an aspirational approach, like many LEP studies. It is appropriate that the sub-regional employment land requirement be separately assessed by a PPG compliant analysis such as the SHELMA. It is also appropriate that the findings of the SHELMA are considered by the constituent authorities and, having regard to constraints and other factors, a distribution of the employment land need is determined across the LCR in accordance with the duty to co-operate. Until this process has been carried out it is not known how much (if any) additional employment land Sefton should provide.
122. I appreciate that St Helens Council has considered an uplift of employment land in response to the potential of Superport, but it is in the early stages of plan preparation and, as it is leading the SHELMA study, it is well placed to take the findings on board. By strengthening the commitment to a review of the Plan, Sefton is also ready to respond quickly to the sub-regional study.
123. I conclude that an employment land OAN of about 78ha would achieve the optimum balance between the NPPF requirement that local plans should positively and proactively encourage sustainable economic growth and meet the development needs of business, and the adverse consequences of higher B-class employment growth and unnecessary loss of Green Belt land. I consider this to be a robust figure having regard to the evidence base and the requirements of national policy.

Issue 3b: Whether the employment land supply meets the employment needs of the borough in terms of quantity, quality and distribution.

124. The employment land supply within the urban area is concentrated in two main locations – Southport Business Park and the Dunnings Bridge Road corridor, Netherton. Together with a few small sites in South Sefton, the total urban land available at April 2015 is 47.1ha. When compared with the 2012 study, small sites totalling 11.6ha have been excluded on grounds that they are unlikely to come forward; this suggests that the existing supply is robust. 6.5ha of urban employment land was developed between 2012 and 2015; when added to the land available, the total urban supply over the Plan period rises to 53.6ha. This is broadly equivalent to the baseline need of 54.7ha.

³⁹ Document EM.6. The study considers sites within 1 hour drive time from the Port of Liverpool.

125. There are no other realistic opportunities for providing employment land within the urban area so, as with housing land, it is necessary to release land from the Green Belt if the robust OAN of 78ha is to be met. In principle, the justification for using Green Belt land is very similar to that elaborated in the housing section (paragraphs 77-82 above). 'Meeting identified needs' is the more sustainable of the two main employment options tested by the Council, for the lower 'urban containment' option would not provide a range and choice of sites or fully replace existing employment land lost to other uses. Under issue 5 I analyse individual Green Belt allocations to determine whether the exceptional circumstances test of the NPPF is satisfied. As with the housing land analysis, I conclude in issue 5 that there are no site-specific constraints which would justify the Plan not seeking to meet in full the robust OAN figure.
126. In terms of strategic issues, the main Green Belt employment allocation in the Submission Plan, a 20ha site that is part of a major mixed use proposal East of Maghull, is ideally situated once the planned improvements to the adjacent M58 motorway junction take place. This site has excellent access to the port of Liverpool and could prove attractive to logistics operations, albeit the presence of a gas pipeline may mean that large logistics uses could not be accommodated. It would also be suitable for a range of other B-class uses, including manufacturing and offices, and would complement the existing supply in South Sefton, which is the area of greatest market demand.
127. Two Green Belt allocations are proposed at Formby in the Submission Plan, North (8ha) and South (7ha) of the existing industrial estate. Consequently the total employment land supply in the Plan for the 2012-2030 period rises to 88.6ha. The Formby sites are expected to meet the demand for employment land in North Sefton, providing a stock of small office, industrial and warehouse units to complement the larger plots at Southport Business Park. However, these sites are quite a distance (11-12km) from central Southport and not ideally located to meet the town's needs. Sites for Class B2/B8 uses close to Blowick Industrial Estate in eastern Southport were initially investigated to complement the higher quality business park provision. These were discounted on grounds of poor accessibility and viability, though the viability study did indicate that a mixed use development at Crowland Street which includes a small amount of employment use would be viable.
128. The employment market in North Sefton is predominantly local, mainly serving Southport. Over many years the take-up of land in Southport has been much more sluggish than was anticipated in the UDP,⁴⁰ which points to a limited demand for employment space. I have already indicated that the total employment land requirement has been overestimated and, with 13ha of land available at Southport Business Park, I do not believe that an additional 15ha at Formby is necessary to meet North Sefton's needs. Arguably a small amount of industrial land as part of a mixed use development at Crowland Street might have been a better-located supplement to the business park, notwithstanding the constrained accessibility. On the other hand, there is a strong case for large-scale new housing in Southport, to which the wholly residential allocation at Crowland Street will make a major contribution.

⁴⁰ For example, the 11.9ha Southport Commerce Park allocation in the UDP was expected to be fully developed by 2017, but there has been very little take-up since the UDP was adopted.

129. The ELPSU acknowledges that the two sites at Formby would be competing to attract potential occupiers from the limited pool of companies wishing to invest in North Sefton. Nevertheless, bolstered by developer interest in each site, the study supports both allocations. In light of the overestimation of employment land in the Plan and given Formby's location away from the main urban areas which have the greatest need for new jobs, I consider that, in principle, only one of the two allocations at Formby is necessary, not both. Even with the deletion of one site, the revised employment land supply of 81.6ha in Figure 4.3 and policy MN1 (**MM3** and **MM6**) exceeds the robust OAN of 78ha and is almost 50% above the baseline need. This scale of provision amply satisfies the NPPF requirement that local plans should identify strategic sites to match the growth strategy and meet anticipated needs. I examine which of the Formby sites is preferred under issue 5c.
130. I do not accept the argument that two sites at Formby will be required to replace large areas of poor quality industrial accommodation that may be lost to other uses. As stated previously, even the lowest quality employment land is a valued resource which policy EC3 seeks to retain. There is no poor quality employment land in Formby and relatively little in the wider Southport area; moreover, as indicated above, Formby is not the ideal location for meeting Southport's employment land needs. And whilst poor quality employment land is more extensive in South Sefton, Formby would not be the preferred location should replacement land be required there. Thus had I concluded that it was essential to meet the ELPSU assessed need of 86.5ha, I would have asked the Council to investigate an alternative location for one of the Formby allocations, either closer to Southport (which might have required discussions with WLBC under the duty-to-co-operate) or closer to the main concentration of population in the south of the borough.
131. I conclude that the urban employment land supply is robust and is broadly equivalent to the baseline OAN. To provide the flexibility and choice of supply that is necessary to meet the robust OAN of 78ha, some loss of Green Belt is unavoidable. However, I consider that not all of the Plan's 35ha Green Belt employment allocations are justified. Given the location away from the main centres of population, only one of the two allocations proposed at Formby is required. Even with just one site at Formby, the employment land supply would exceed the robust OAN. Subject to the above modifications, which are necessary for the Plan to be sound, the employment land supply meets the needs of the borough in terms of quantity, quality and distribution.

Issue 3c: Whether the policies for existing employment areas, regeneration and tourism are justified and effective.

132. Policy ED1 establishes criteria for development in the port and maritime zone. Part 1 of the policy sets out a general approach to the majority of the port zone, while part 2 provides the specific tests under the Habitats Regulations for any development on the part of Seaforth Nature Reserve that lies within the port zone. The policy does not sufficiently distinguish between these two areas in terms of the respective nature conservation tests; **MM24** makes the necessary modification to ensure that the policy is effective.
133. The Submission Plan acknowledges the need for improved road and rail access to the Port of Liverpool to cater for the imminent increase in capacity arising

from Liverpool². Studies completed since the Plan was published have refined the options and **MM25** provides the up-to-date position for both road and rail connections and is necessary for the Plan to be justified. Similar modifications are included within the transport policy IN2 (**MM45**) and the associated text (**MM46**). Given the commitment to an immediate review of the Plan to address port-related logistics needs, a criteria based policy is not necessary.

134. In light of the relatively limited supply of employment land in Sefton and the difficulty in identifying suitable employment sites, policy ED3 rightly seeks to protect Primarily Industrial Areas (suitably renamed as Existing Employment Areas) for employment uses. During the examination the Council sought to strengthen policy ED3 on the grounds that the criteria governing other uses within employment areas were not sufficiently robust. After the initial rewrite was justifiably criticised as being too onerous, the Council adopted some of the criteria recommended in the ELPSU. Although the marketing of premises for 12 months is a stringent requirement, it is an approach adopted by some neighbouring authorities and, given the importance of retaining employment land, it is justified. The main alternative test, the existence of a significant community benefit that would outweigh the loss, is also appropriate. **MM30** addresses these matters and is necessary for the Plan to be sound.

135. Policy ED5 aims to support tourism development at Sefton's key tourist destinations but the Plan makes no provision for other, non-strategic tourism development. **MM32** rectifies this omission in an appropriate manner by focusing on sustainable tourism. Individual policies set out specific criteria for central Southport (ED7) and Southport seafront (ED8) in recognition of the significant development potential at these strategic tourism locations. Central Southport relies heavily on the quality of its historic environment, which merits specific mention in policy ED7; **MM33** makes the necessary additions. In response to recently published studies and other evidence, new policies are proposed for two other tourism locations where change is envisaged - Marine Park, Southport (**MM34**) and Aintree racecourse (**MM35**). All these modifications are necessary for the Plan to be justified and effective.

Issue 3d: Whether the approach to retail development and town centres is effective and consistent with national policy.

Town centre boundaries and Primary Shopping Areas

136. The Submission Plan's retail policies were formulated long before the latest Retail Strategy Review (RSR) was published in October 2015.⁴¹ An historic approach to town centres which focused almost exclusively on retail uses was originally proposed, but the findings of the RSR caused the Council to reconsider its retail strategy during the examination. The RSR recommended the introduction of complementary land uses (such as leisure, residential and community uses) to broaden the attractiveness of town centres in the face of significant changes to retailing. Following discussion at the hearings, sizeable enlargements were made to the defined town centres of Bootle and Southport and smaller changes to many district centres. At Waterloo the inclusion of most of the community and office facilities on Crosby Road North within the

⁴¹ Document EM.7 – Sefton Retail Strategy Review, WYG Planning.

enlarged district centre means that the Mixed Use area under policy ED4 is no longer necessary; **MM31** makes the appropriate deletion.

137. Paradoxically, in some locations the RSR recommends a tightening of town centre boundaries, including in Southport where it argues that Central 12 retail park should be outside the town centre. Although the distance between the Asda superstore and the edge of the retail core is over 400m, which exceeds the 'edge of centre' definition in the NPPF, survey evidence was produced to demonstrate that 45% of trips to Central 12 are linked with a trip to Southport town centre. The walk between the two areas is easy and though London Street is not a continuous retail frontage, there are scattered retail units. Thus Central 12 contributes to the town centre offer (as recognised by the emerging Southport Development Strategy) and performs a different function to other retail parks in Sefton. Moreover, Central 12 is included within the town centre in the UDP and there has been no material tightening of retail policy since the UDP was prepared. The Council accepts the case for retaining Central 12 within the town centre; I agree. There is also justification for the marginal extension of the town centre to include the London Street frontage, for it would encourage more town centre uses along the link to Central 12.
138. At Crosby the more limited expansion of the town centre does not fully meet the views of the local business group seeking to regenerate the centre. Notwithstanding the RSR's relatively upbeat view of Crosby as a vital and viable centre which has a good mix of services and facilities, the public realm is tired and the centre has slipped recently in the retail rankings. It is appropriate, therefore, that the Plan identifies the need for major investment in Crosby through policy ED9 and associated text. I believe that the focus for this investment should be the relatively compact main pedestrianized area plus immediately adjoining retail parades, rather than being dissipated over a wider area. Consequently I agree with the Council that the retail uses on Liverpool Road around Endbutt Lane are too far from the main retail core to function as part of the town centre.
139. Because many town centre boundaries have been extended to incorporate a range of other uses, the need to protect the retail core is heightened. The modified Plan adjusts the Primary Shopping Areas (PSAs) for most town and district centres and includes primary retail frontages (and some secondary frontages) within the PSAs. The Council has followed the NPPF definition by delineating the PSA as the area generally comprising the primary shopping frontages and those secondary frontages which are adjoining and closely related to the primary frontages.
140. For Southport, the PSA does not include Central 12 retail park. I accept that Central 12 is an area of concentrated retail activity, but it does not follow that all such areas should be part of the PSA – indeed, the term "Primary Shopping Area" (singular) implies the identification of a single main shopping core. Central 12 is separated from the nearest part of the retail core by a significant physical gap and is also different in character; in my view it is correctly omitted from the PSA. That said, I do not accept the Council's retail advisors' view that Central 12 is an out of centre location with regard to the sequential test. Its inclusion within Southport town centre but outside the PSA means that, despite the NPPF definition, Central 12 comes second in the hierarchy of policy ED2 and is preferable to edge of centre and out of centre locations.

141. The revised town centre boundaries are necessary to reflect the NPPF's promotion of positive town centre strategies which cater for a range of town centre uses, as set out in modified policy ED2 (**MM27**), and are sound. The modifications include the replacement of 'Primary Retail Areas' with 'Primary Shopping Areas' (**MM26**), the deletion of the addresses of properties within PSAs⁴² (**MM29**) and the identification of primary and secondary retail frontages; these are consistent with the NPPF and are sound.

Policy ED2

142. The extension of town centre boundaries to reflect a range of main town centre uses means that policy ED2 requires revision. In terms of the sequential test, it is right that the PSAs are identified as the first priority for retail uses. Most of Sefton's PSAs have a significant number of vacant units (in Southport the PSA has been extended to include key vacant sites) and, in accordance with the positive approach to town centres promoted in the NPPF, the opportunity should be taken to protect and enhance this retail core. **MM27** includes the addition to policy ED2 of PSAs as the most sequentially preferable location for retail uses.

143. For proposals in out of centre locations, the UDP policy that existing retail parks should be considered before other out of centre locations was not included in the Submission Plan. The Council acknowledged at the hearings that, in most instances, retail parks will be more sustainable locations than other out of centre locations because the agglomeration of retail uses has a critical mass which attracts many shoppers. Giving limited priority to retail parks therefore has the potential to consolidate the existing provision and avoid additional journeys (most likely by car) to new out of centre locations. I accept that the NPPF and PPG do not give any preference to retail parks, but nor do they oppose it – paragraph 23 of NPPF allows for policies for main town centre uses which cannot be accommodated in or adjacent to town centres. Given the large number of retail parks in Sefton and the substantial amount of trade they attract, I consider that there is sufficient local justification for continuing the UDP approach. This forms part of **MM27** and is sound.

144. Health checks indicate that Bootle and Maghull centres are showing signs of decline and most other centres are showing some signs of vulnerability. For this reason, policy ED2 proposes significantly lower thresholds for the impact test than the default 2,500 sq m stated in the NPPF. The thresholds are based on the average size of anchor units for the different types of centre, as derived from a detailed analysis.⁴³ For Bootle and Southport the threshold is set at 500 sq m, falling to 300 sq m for proposals in close proximity to district centres and 200 sq m close to local centres. I appreciate that these thresholds are quite low, but using the size of a typical anchor unit is an appropriate way of focusing on proposals which could, potentially, have a significant adverse impact, particularly on centres which are fragile.

145. The NPPF requires consideration of the impact on the centre as a whole, not on individual units within it, so I do not accept the argument that even smaller

⁴² The Submission Plan lists the addresses of properties within the PSAs in Figure 7.2; the substitution of this Figure by the geographic extent of PSAs on the policies maps makes it easier to interpret Policy ED2.

⁴³ Document EM.9 – Threshold Policy for Main Town Centre Uses – Impact Test; WYG Planning

thresholds should be used for the most vulnerable centres such as Bootle. I understand the point that the low threshold for local centres will require an impact assessment for proposals on nearby retail parks, even though the type of retail unit is likely to be very different and will therefore have very little impact (on the basis that 'like competes with like'). In this regard the addition of the statement that the impact assessment should be undertaken in a proportionate and locally appropriate way (part of **MM28**) is an important modification, for in circumstances where there is no reasonable prospect of a significant impact, fulfilling the policy requirement should not be onerous.

146. The final matter concerns the extent of controls over non-retail uses within the retail core. I believe the Council is right not to impose unnecessarily strict controls over non-retail uses in primary retail frontages in light of the NPPF's promotion of positive, competitive town centre environments. Moreover, under the current relaxations to the permitted development regime, stricter controls would have limited effect as they would not prevent many of the more likely losses of Class A1 retail use from occurring. I accept that the qualifications to part 4 of policy ED2 provide appropriate guidance to aid the interpretation of part 4, but this is as far as the strengthening of the policy should go. As to the concern about 70% of units within primary retail frontages being in Class A1 retail use, because this is an expectation rather than a requirement I anticipate that it will be applied flexibly, particularly as the leisure aspect of shopping trips continues to grow.

147. Based on the 2012 RSR, the Submission Plan suggests that sites should be found for about 4,000 sq m of new convenience goods floorspace, mainly in Southport. However, the 2015 RSR identifies no immediate capacity for new convenience floorspace in North Sefton and only limited capacity to 2030; greater capacity is identified for South Sefton.⁴⁴ For comparison goods floorspace there is no identified need to 2020 and some capacity, mainly in North Sefton, thereafter. **MM28** makes the necessary revisions to the Plan to reflect the findings of the 2015 RSR.

4 - ENVIRONMENT

Issue 4a: Whether the approaches to flood risk, open space, health and other environmental issues are robust, effective and consistent with national policy.

Flood risk

148. The Plan's explanatory text follows the broad principles of national policy on flood risk as set out in the NPPF and PPG, but some key elements - including the application in certain circumstances of the Sequential and Exceptions Tests - are omitted from policy EQ8. In light of the serious risk of flooding which exists in many parts of Sefton, and the understandable widespread concern that new development will exacerbate the extent and frequency of flood events, it is important that the policy expresses fully the basis on which flood risk will be assessed. Furthermore, the need for an integrated approach which takes into account the cumulative risk of flooding from all its various sources

⁴⁴ The 2015 RSR takes no account of the decision in December 2016 by the Secretary of State to permit a 10,942 sq m superstore at Meols Cop Retail Park, Southport (APP/M4320/V/15/3002637).

(the sea, fluvial/tidal watercourses, surface water, groundwater and foul drainage) was stressed at the examination, particularly as separate agencies have responsibility for different parts of the water system.

149. The modifications to policy EQ8 (**MM53**) and the text (**MM54**) address these matters. The policy also sets out the particular standards that development in Sefton should meet to give adequate protection from the different risks of fluvial, tidal and surface water flood events. In addition, a section on sustainable drainage systems (SuDS) is added to both the policy and text, setting out the design principles for SuDS and requiring arrangements for their long term maintenance and management. I have considered the arguments that land which regularly floods should in principle be excluded from development, and that specific buffers should apply around land at greatest risk of flooding, but such far-reaching restrictions would not be consistent with national policy. I believe that the Environment Agency's (EA) concern about basements is unfounded as the modified policy requires ground floor and basement levels to be the requisite height above flood levels. As modified, the approach to flood risk is robust and consistent with national policy.

Public open space

150. The Plan was prepared long before the Council's open space and playing pitch studies were completed in November 2015.⁴⁵ Policy EQ9 includes the rather vague requirement that proposals for 50 or more dwellings must provide appropriate high quality public open space, though the text explains that the standard required is 40 sq m per home. The open space study confirms that this quantum of provision remains appropriate, though it recommends changing the threshold from 50 to 150 dwellings unless the site is more than 2km from a main recreation area, when it reduces to 11 dwellings. Modified policy EQ9 is based on these criteria, so it is not an arbitrary requirement, and the modifications to the text suitably address the concerns about an 'excess' of provision if a new development occurs close to existing open space.

151. The quantitative and qualitative standards used in the open space study are mostly unchanged from previous assessments and show a broadly satisfactory level of provision overall; this ranges from above target in Southport to below target in the eastern parishes (though the main settlements in the east are around the target). I do not accept the criticism that the study is flawed because it lacks a detailed analysis of how open space contributes to local character, for the wider benefits of open space are suitably recognised (and are mentioned in the Plan). I understand the concern at the lowering of the accessibility standard, which was previously 1km rather than 2km, particularly as the change seems to be driven by 'financial realities' rather than the needs of communities. Nevertheless the funding of public open spaces cannot be ignored and in a borough where the existing provision is generally adequate, it makes sense to focus on the accessibility of main parks rather than smaller open spaces that are lower in the hierarchy.

152. Overall I believe that the open space study is sufficiently robust to underpin the approach to new provision in the Plan. This includes the addition to policy

⁴⁵ Documents OP.3: Open Space and Recreation Study, and OP.4: Sefton Playing Pitch Strategy and Action Plan (PPS).

EQ9 of the opportunity for enhancement to off-site open space if this is more appropriate than on-site provision. Accordingly the modifications to policy EQ9 (**MM55**) and the text (**MM56**) are effective and necessary for the Plan to be sound.

153. The open space study also recommends criteria for assessing whether open space is surplus to requirements, which include a rigorous approach to accessibility; this is an appropriate basis for determining whether the loss of open space can be accepted under policy NH5. The text accompanying policy NH5 is appropriately modified (**MM61**) to indicate that the recently published open space and playing pitch studies should be used to assess whether open spaces or sports facilities are surplus to requirements.

Food outlets and health

154. At the examination the Council proposed to modify policy EQ10 so that it better expressed the distinction between general controls over the location of food and drink uses on visual character and local amenity grounds, and the specific concern about the effect of hot food takeaways on healthy lifestyles. The criteria set out in the modified part 1 of the policy, which deals with all food and drink uses, attracted little objection. The modified part 2 of policy EQ10 seeks to restrict hot food takeaways from opening before 1700 hours within 400m of secondary schools and further education establishments. This is opposed by a major fast food operator on the grounds that there is no evidence of a causal link between childhood obesity and hot food takeaways. The Council relies mainly on a Public Health England (PHE) publication⁴⁶ which addresses the regulation of fast food outlets, and a similar policy approach adopted by several other local authorities.

155. I accept that there is no evidence showing a direct link between the location of hot food takeaways and the incidence of childhood obesity. Moreover, the Council's graph showing a moderate correlation between overweight children and concentrations of hot food takeaways is not evidence of causality. On the other hand, given the multiple causes of childhood obesity it is probably unrealistic to expect a direct link to be shown. In confirming that the strong link between socio-economic deprivation and poor health outcomes has an environmental dimension, the Marmot Review⁴⁷ found that access to healthy/unhealthy food options is just one of a range of environmental factors which contribute to health inequalities. Nevertheless, Marmot recommended that residents of deprived areas could benefit from policies which aim to improve the availability of healthier food options, especially when coupled with planning restrictions on the density of fast food outlets within deprived areas.

156. Rather than focus on areas of deprivation, PHE recommends regulating hot food takeaways within walking distance of schools. Because Sefton has higher than average levels of childhood obesity and reflects the national tendency for hot food takeaways to be concentrated in areas of high deprivation, I accept that there is sufficient justification for the proposed daytime restriction close

⁴⁶ Document MI.25: Obesity and the environment: regulating the growth of fast food outlets, PHE, March 2014.

⁴⁷ Appendices to Matter 7 representation from SSA Planning Ltd (Rep No 733): The Marmot Review: Fair Society, Healthy Lives (Appendix D) and The Marmot Review: Implications for Spatial Planning (Appendix E).

to secondary schools. It is reasonable to assume that by restricting the ease with which schoolchildren can access the energy-dense meals typically sold in hot food takeaways, the chances of them accessing healthier food options are likely to increase. I appreciate that policy EQ2 may only make a limited contribution to reducing childhood obesity, but this is such an important issue that the opportunity to secure even small health benefits should not be passed over. I also believe that these benefits outweigh any potential loss of catering and supply jobs. I consider that the modified policy EQ10 (**MM57**) and text (**MM58**) are consistent with the 'promoting healthy communities' objective of the NPPF and with the objectives of PPG, which supports a reduction in health inequalities by, amongst other means, promoting access to healthier food.

157. The overarching policy EQ1, which seeks to maximise the opportunities presented by development to reduce health inequalities in Sefton, includes a general provision regarding the location of food and drink outlets. **MM48** is necessary for soundness if, as sought by the Council, the policy is to encompass non-food and drink uses which have health impacts.

Other matters

158. The Submission Plan includes a succinct design policy (EQ2) which promotes, at a high level, established design principles. During the examination the Council felt that important matters were omitted and decided to reinstate, with some amendments, the more detailed UDP design policy. The explanatory text was also rewritten. There have been no objections to the replacement policy and the comments on the changes to the text do not raise soundness issues. In my view both the submission policy and the replacement policy are sound and the changes do not materially alter the Plan's approach to design. Whilst it would have been better for the Council to have included its preferred approach to design in the Submission Plan, the changes are additional rather than main modifications.
159. Policy EQ3 sets out principles designed to improve the accessibility of new development; these include a requirement to comply with the Council's parking standards. In March 2015 a WMS (to be read alongside paragraph 39 of the NPPF) stated that local parking standards should only be imposed where there is clear and compelling justification that it is necessary to manage the local road network. No such justification has been provided so, to avoid conflict with national policy, **MM49** makes the necessary modification by substituting the word 'comply' with the phrase 'have regard to' the parking standards.
160. Policy EQ5 includes the requirement that development should not result in a significant worsening of air pollution levels in an Air Quality Management Area (AQMA). It was pointed out at the hearings that because AQMAs are only declared in locations where air quality is already very poor, the 'significant worsening' test is unduly lax. **MM50** requires development not to hinder the achievement of AQMA objectives or the measures set out in an AQMA action plan, which is a more effective and positive test, while **MM51** provides greater clarity on how the test would be applied; both are necessary for the Plan to be sound.

161. The Plan charts the recent evolution of Government policy towards energy efficient and low carbon design, including the transfer of housing construction standards to the Building Regulations. Policy EQ7 requires major development to incorporate at least one of a range of measures to reduce greenhouse gas emissions. These measures include 'energy efficiency' and the text makes clear that the Council encourages rather than demands higher energy efficiency standards than are set out in the Building Regulations. Thus the policy does not conflict with the Deregulation Act 2015 or the NPPF and is an appropriate way of supporting energy efficient and low carbon design.
162. At the time the Plan was published the 'Allowable Solutions' carbon offsetting scheme was part of the national approach and is mentioned in the text. Following the Government's decision in July 2015 not to proceed with 'Allowable Solutions', **MM52** makes the necessary modification to ensure the Plan is up-to-date.

Issue 4b: Whether the policies for protecting Sefton's natural and heritage assets are proportionate, robust and consistent with national policy.

Natural assets

163. The Submission Plan includes a strategic policy (NH1) which set out a high level framework aimed at protecting all of Sefton's environmental assets. In response to representations the Council sought to add a lot of detail to the policy, including a list of specific heritage features that warrant protection. This had the effect of reducing the policy's strategic focus, making it unwieldy and difficult to comprehend. In light of the distinction made in the NPPF between policies for the natural and the historic environment, the Council decided at examination to restrict policy NH1 to a strategy for natural assets and to introduce a new strategic policy (NH9A) for heritage assets. This is a sensible approach.
164. To accord with national policy, it is necessary to add to modified policy NH1 a clause (**MM59**) which recognises that mitigation or, as a last resort, compensation may be acceptable in cases where the protection of natural assets from development cannot be achieved. The associated modifications to the text (**MM60**) include updated references to the consistent approach evolving across the LCR towards the identification and management of a sub-regional ecological network, and are necessary for the Plan to be effective. The presentational changes made to policy NH2, which deals with the different tests that apply depending on the importance of a particular site, habitat and/or species, have also been made to achieve broad consistency with LCR policies. However they do not alter the substance of the original policy, which accorded with the NPPF; consequently they are additional modifications. The same applies to the changes to policy NH3 and associated text relating to development in nature improvement areas.

Minerals

165. Sefton contains few mineral resources and because there are no active extraction sites or sites likely to become commercially viable during the Plan period, the Council did not identify Mineral Safeguarding Areas (MSAs).

However, British Geological Survey maps indicate the presence of potentially economic deposits of sub-alluvial sand and wind-blown silica sand across parts of the borough. Discussions with a minerals industry representative during the examination led to MSAs being defined on the policies map and modifications to policy NH8 (**MM62**) and the associated text (**MM63**). These measures should ensure that known reserves are not needlessly sterilised by non-mineral development and, where feasible, encourage prior extraction on development sites. They are necessary to bring the Plan into line with the NPPF. I share the Council's view that the absence of any current or likely future mineral extraction in Sefton justifies the use of size thresholds and the consequent inclusion of minor developments in the list of development types that do not require a Minerals Assessment in Figure 11.2A.

166. The modifications also expand upon the safeguarding that applies to transport and other infrastructure which supports the aggregates industry. I agree with the Council that it is not essential to include these safeguarded sites on the policies map, particularly as the authority does not have a comprehensive list of them. Many other policies with a spatial element are not identified on the policies map and other, more readily-updated mapping systems are a better source of this information. And given the extensive permitted development rights available to the Port of Liverpool, I accept that it is sensible to remove the specific reference to the Port from policy NH8, though it remains (with an appropriate explanation) in the modified text.
167. The suggestion that a policy should be added which would prevent proposals for hydraulic fracturing of shale (fracking) from being approved unless they are proven to be safe would not be consistent with the detailed policies of the NPPF. However, **MM62** includes a new part 5 to policy NH8 which states that, in determining shale gas applications, the Council will seek the highest levels of environmental, health and social protection consistent with national policy. This is an acceptable approach in a borough where there is currently no known interest in fracking and, as modified, policy NH8 is sound. In December 2015 the Government issued a new round of onshore oil and gas licences which extended the coverage in Sefton; the policies map has been updated to show the total area now covered by licences, as required by PPG.

Built heritage

168. The new strategic policy NH9A and associated text (**MM64**) provide a thorough overview of Sefton's heritage assets and the priorities for their protection and enhancement. To accord with the NPPF, these modifications add the necessary reference to the settings of heritage assets and the importance of features which contribute to their significance. Similar consequential amendments are made to other parts of the text. Policy NH9 sought to impose a blanket restriction on demolition or substantial harm to designated heritage assets, though the associated justification acknowledges that, consistent with the NPPF, there may be circumstances in which the public benefits of development outweigh the harm. Because the Plan's policies carry greater weight than the text, it is important that policy NH9 properly reflects national policy; **MM65** makes the necessary adjustment.
169. The subsequent policies set out the approach to specific categories of heritage asset. The listed buildings policy (NH10) was not wholly consistent with the

NPPF in that it did not refer to the significance of an asset or its setting, nor to the possibility that public benefits might outweigh the harm resulting from development; **MM66** rectifies these small but important omissions. Similar changes are made to policy NH11 in relation to conservation areas (**MM67**), policy NH12 concerning registered parks and gardens (**MM68**) and policy NH13 regarding archaeological assets (**MM69**). In relation to non-designated heritage assets, the need for a balanced judgement to be made between the scale of any harm and the significance of the asset, as set out in the NPPF, is added to the text by **MM70** and is sound. As modified, the Plan is robust and consistent with national policy.

5 - HOUSING AND EMPLOYMENT SITE ALLOCATIONS

Issue 5: Whether the selection of sites for housing and employment development, and the site allocation policies, are consistent with the Plan's vision and objectives and justified by the evidence

170. The Council's site selection methodology⁴⁸ describes the logical and iterative process by which development sites have been selected. It is informed by the Council's Sustainability Appraisal (SA) objectives and, for sites outside the urban area, the Green Belt Study. It assesses all the necessary matters including constraints to development, Green Belt purposes (where relevant), access to services, individual site benefits and delivery considerations. Constraints and Green Belt impacts are graded on a scale which recognises that the most significant or severe effects may not be capable of mitigation and can rule a site out of consideration. The methodology acknowledges, correctly, that balancing the many different considerations involves a professional planning judgement. Whilst in some instances my judgement on some individual site criteria differs from that of the Council, I consider that the methodology for site selection is consistent with the Plan's vision and objectives and is sound.

5a. Sites within the urban area

171. The principle of developing available land within the urban area was broadly supported and many of the urban sites allocated in policy MN2 attracted little opposition. The most commonly expressed objection is to the increase in traffic on already busy roads. I understand the concern; however the evidence indicates that the local road network is generally able to accommodate the traffic generated both by individual sites and by the cumulative level of development.⁴⁹ I also appreciate the concern about the increased pressure on existing schools, health facilities and other social infrastructure. Again the evidence suggests that current provision is broadly sufficient to meet the demand from urban sites; however, where deficiencies are identified, policy IN1 is designed to ensure that the necessary infrastructure is provided.

172. Specific concerns about the impact on neighbouring properties, the density of development and so on would be addressed at detailed design stage under other policies of the Plan. Nevertheless it is necessary to test the suitability of

⁴⁸ Document LP.5

⁴⁹ For example, Transport Topic Paper (Document TP.3) and Documents TR2, TR4, TR5 and TR6.

individual urban sites against certain policy considerations including flood risk, loss of open space, biodiversity and access.

Southport and Ainsdale

173. **Bartons Close – MN2.1** The projected new bypass for which this elongated site was historically reserved has not been supported by WLBC and Lancashire County Council for many years. With no realistic prospect of the highway being built, I agree that continued protection of the land is not justified. Residential development is the appropriate use, with access mainly from Fell View; I accept that the potential constraint caused by a narrow strip of land of unknown ownership at the end of Fell View could be overcome by indemnity insurance. Access to a small number of dwellings from Bartons Close may also be feasible if the difficult junction with Water Lane can safely accommodate additional traffic. Subject to the site boundary being drawn back from Three Pools Waterway to exclude land at risk from flooding, as shown on the policies map, the allocation is sound.
174. **Former Phillips factory, Balmoral Drive – MN2.3** This demolished factory site has potential for both employment and housing uses, though because it is located in a residential area, the preference of the Council and local residents is for housing. With industrial (B2) and distribution (B8) uses unlikely to be acceptable, and as there is limited demand for light industrial/office (B1) uses in Southport, I agree that housing is appropriate.
175. In common with most of the northern part of Southport, the site is within flood zone 3a, at risk from tidal flooding. However the town benefits from strong and well maintained coastal defences, so the risk is considered to be low. In light of the considerable need for new housing in Southport and the absence of alternative sites with a lower flood risk, the Strategic Flood Risk Assessment (SFRA) demonstrates that the Sequential Test is passed. For the same reasons, and having regard to a site specific evaluation which demonstrates that housing development would be safe and would not increase flood risk elsewhere, there is little doubt that the Exception Test would also be passed. The EA has confirmed that the tidal flood defences offer a 1 in 1000 year standard of protection and does not object to the proposal. There are no other significant constraints; accordingly this allocation is sound.
176. **Adjacent to Dobbies Garden Centre, Benthams Way – MN2.6** A Flood Risk Assessment (FRA) prepared during the examination indicates that, although the entire site is within flood zone 1, there is a serious risk of surface water flooding on a sizeable part of the site closest to the garden centre. As a result, the Council has reduced the size of the allocation from 8.7ha to 6.1ha and proposes that the area at risk of flooding would become open space. Mitigation to address the presence of water voles and other ecological constraints would be addressed at detailed design stage. Subject to the necessary modifications to policy MN2 (**MM9** and **MM10**), the associated text (**MM14**) and Appendix 1 (**MM71**), the allocation for housing and open space of this large area of overgrown grassland and scrub is sound.
177. **St John Stone School, Meadow Lane – MN2.9** Evidence such as the presence of football goalposts on the grass field at the rear of this vacant primary school suggests that part of the site was formerly used as a junior

sports pitch. Sport England objects to the loss of this facility unless it is demonstrated that the pitch is surplus to requirements or would be replaced by alternative provision elsewhere, as required by the NPPF and SLP policy NH5. In light of the shortfall in pitch provision identified in the Playing Pitch Strategy (PPS), the Council proposes to modify the housing allocation (**MM73**) to require financial assistance towards the compensatory provision of one or more artificial (3G) pitches at Meols Park or on adjacent land. The PPS strongly promotes the provision of artificial pitches, and whilst the equivalence of the alternative provision remains to be determined, in principle the modification accords with policy and is justified.

178. I appreciate the argument that former school sites should not be lost to housing unless there is a compelling case that they will not be required for education in the future, but there is no evidence of any such requirement. The Council confirms that any increase in demand for school places in Southport could be met at existing sites and that there is no foreseeable need to reopen closed schools.⁵⁰ As modified, the allocation is sound.
179. **Sandbrook Road – MN2.10** This former school site is now used for adult training. As a result of evidence that the open land at the rear of the site was never in formal sports use, Sport England has withdrawn its objection. Matters such as access and the risk of groundwater emergence would appropriately be dealt with at detailed design stage. Modifications in policy MN2 (**MM9**) to enlarge the site area and increase the number of dwellings to reflect a recent planning permission for housing on part of the site are necessary for the Plan to be justified. As modified, the allocation is sound.
180. **Southport Business Park – MN2.50** The Plan retains the UDP allocation for a sizeable business park in Southport, though the eastern boundary has been extended slightly to abut the adjacent housing development. Given the very slow rate of development (nothing since 2008) and the absence of alternative locations in Southport for uses such as car dealerships, healthcare and gymnasias, the loosening of the B1 restriction on part of the site is justified and the allocation is sound.

Formby

181. **West Lane – MN2.13** This partly brownfield site is reasonably accessible to public transport and services and has no significant constraints. Whilst it is upstream of Wham Dyke, which floods, it is a requirement of policy EQ8 that development should not increase flood risk beyond the site. There is no evidence that the additional traffic generated by this relatively small site, individually or in combination with the other urban sites in Formby, could not be accommodated on the local road network. The allocation is sound.
182. **Holy Trinity School, Lonsdale Road – MN2.14** There is no evidence that the open land of this former school site was formally used as a playing field. Although the need for school places will undoubtedly rise as a result of the scale of housing development in Formby (and Hightown), the Council believes that there is ample capacity on existing school sites to accommodate this growth; there are no compelling arguments to the contrary. Concerns about

⁵⁰ Document MI.6 – Letter from Sefton Council Schools Regulatory Services, August 2015.

car parking and drainage are matters for the detailed design stage. Planning permission has recently been granted for sheltered housing on half of the site, which is conveniently located adjacent to Formby district centre. As part of its response to the PPG which highlights the growing need for accommodation for the elderly, the Council proposes (**MM9** and **MM75**) to allocate the whole site for older persons housing. The site is ideal for this use and, to ensure consistency with the PPG, the allocation as modified is sound.

183. **Professional Development Centre, Park Road – MN2.15** This former school is now a well-used community centre and has been designated an Asset of Community Value under the Localism Act 2011. The Act and SLP policy HC6 require the loss of the community facility to be compensated elsewhere unless there is sufficient existing provision. In the absence of evidence about community facilities in Formby, and having regard also to the constraint arising from the large stand of trees on the site and the informal use of the open area for recreation, the capacity of this 1.6ha site has rightly been set very low (15 dwellings). Similar arguments as above apply to concerns about the future need for school places in Formby – the Council demonstrated at the hearings that reinstating the two-form entry at Redgate primary school would provide the anticipated capacity. A modification in Appendix 1 (**MM77**) highlights the obligations under the Localism Act; this is necessary for the Plan to be justified and, accordingly, the allocation is sound.

Netherton and Bootle

184. Since publication of the Submission Plan, three of the allocated sites have been granted planning permission for housing – **Aintree Curve site, Ridgewood Way (MN2.34), Klondyke phases 2 and 3 (MN2.42), and St Joan of Arc School, Rimrose Road (MN2.44)**. These sites, two of which are under construction, are clearly suitable for residential development; in each case modified policy MN2 (**MM9**) includes a slight increase in dwelling numbers to reflect the current position, ensuring that the Plan is effective.
185. **St Raymond's School playing field, Harrop's Croft (MN2.36), Daleacre School, Daleacre Drive (MN2.39) and St Mary's School playing fields, Waverley Street (MN2.45)** are all vacant school sites that are suitable for housing and where the main objection concerns the loss of former playing pitches in a borough with an overall shortfall. Although there is currently a surplus of youth and mini pitches in Netherton and Bootle, this spare capacity is likely to be taken up if, as anticipated, charges are introduced by neighbouring Councils for youth pitches which (unlike in Sefton) are currently free. Consistent with its approach to similar sites in Southport, the Council proposes to modify these allocations (**MM83, MM84** and **MM86**) by requiring financial payments towards the provision of at least one artificial (3G) pitch at Litherland Sports Park. This is necessary to ensure that the loss of former playing pitches is adequately mitigated, as required by the NPPF and policy NH5. At St Raymond's School, to ensure that the Plan is justified the capacity has been reduced in policy MN2 (**MM9**) as a result of recent evidence that part of the site is at risk from surface water flooding.
186. The capacity of **St Wilfrid's School, Orrell Road (MN2.41)** has been restricted to enable the main area of playing pitches to be retained, as clarified by the addition to Appendix 1 (**MM85**); this overcomes the objection from

Sport England and ensures compliance with policy. At **Bootle High School, Browns Lane (MN2.38)** the allocation excludes the large area of former pitches, while at **Rawson Road Primary School, Rawson Road (MN2.40)** Sport England has accepted that there was no previous sports pitch use on the site. There are no other significant constraints to housing development at these former school sites, so the allocations are sound.

187. Although the vacant plots which make up the **Z-Block Sites, Buckley Hill Lane (MN2.35)** are in an area of low demand and have been available for some years, the Council is involved in disposing some of the sites to a local housing association. There are no other constraints to housing development, so there is a reasonable prospect that all plots will be taken up during the Plan period. Recent evidence indicates a significant risk of surface water flooding at **Pendle Drive, Netherton (MN2.37)**; this has led to the Council reducing the site capacity from 52 to 29 dwellings in policy MN2 (**MM9**) which, I accept, is a suitably cautious approach and is necessary for the Plan to be effective. Some parts of the **Peoples Site, Linacre Lane (MN2.43)** also have a surface water flood risk, but there is sufficient space within this sizeable site to provide on-site mitigation. The contamination from former garage uses on part of the Peoples Site is believed by the Council not to be severe and, with no other significant constraints, the allocation of this accessible brownfield site for 110 dwellings is sound.
188. The strategic employment location at **Dunnings Bridge Road Corridor (MN2.47)** comprises vacant land on three large, strategically located sites which have been in industrial use for many years. There are highway capacity issues on Dunnings Bridge Road and contamination on some sites, and their deliverability was carefully assessed in the Dunnings Bridge Road Economic Investment Strategy.⁵¹ Although some B-class development may be viable without assistance, it appears that cross-subsidisation from other more profitable uses may be necessary to facilitate the full take-up of these sites; policy MN2 allows for small scale enabling development and is sound.
189. **Farriers Way (MN2.52), Lanstar Site, Hawthorne Road (MN2.53)** and **Linacre Bridge, Linacre Lane (MN2.54)** are smaller employment allocations on land that was previously in B-class uses. There are no major constraints to development and the proposed regeneration of these brownfield sites is sound.

5b. Green Belt/ countryside sites

190. I determined under issues 2 and 3 that, in principle, achieving the Plan's vision and objectives would require the release of some land from the Green Belt. The Council's Green Belt Study⁵² describes the objective and methodical process by which the development potential of all Green Belt land in Sefton was assessed. The study firstly considered how well land parcels performed against the purposes of including land in the Green Belt by assessing the degree of containment (as a measure of urban sprawl), the impact on gaps between settlements, the amount of land in countryside use, the impact on the setting of historic assets and the implications for urban regeneration. Many parcels were eliminated as a result of this stage, demonstrating that

⁵¹ Document EM.10, BE Group, October 2015.

⁵² Documents EN.1 (Green Belt Study), EN1a-h (Site Assessments) and EN.2 (Methodology).

Green Belt considerations had a critical role in the site selection process. The remaining land was then assessed against a range of development constraints and accessibility criteria, which led to further parcels being eliminated.

191. At the examination there was little criticism of this methodology, which in my view comprises a rational and robust basis for site selection. Some parties argue that different conclusions should have been reached on certain criteria for individual sites, but that is not surprising when a series of value judgements are being made and it does not invalidate the process. The purpose of the site-specific appraisals below is to establish whether the most sustainable sites have been selected having regard to suitability, accessibility and other factors; where relevant, I also consider whether the detailed policy criteria are sound. In the conclusion I return to the question of whether the exceptional circumstances test of Green Belt policy is met.
192. As previously indicated, the loss of Green Belt and countryside is vehemently opposed by many Sefton residents. Representors also argue that insufficient importance is placed on the sizeable areas of high quality agricultural land that would be lost to development. The Council's Agricultural Land Study⁵³ shows, from detailed testing, that the quality of agricultural land is slightly lower than that indicated in the large scale classification, though mostly it remains within the "best and most versatile" (BMV) category. As required by the NPPF, the Study examined the economic consequences of built development on 2.1% of Sefton's agricultural land and found that the loss of food production and economic output would be very small in the regional and national context.
193. It is not possible to avoid the loss of some high quality agricultural land if the Plan's strategy is to be delivered and, given the relatively limited impacts, I agree with the Council that BMV land should not be an overriding constraint to development. Nevertheless, the preference given in the NPPF to areas of poorer rather than higher quality agricultural land is a consideration in the site selection process.
194. There was substantial objection to the increase in traffic and congestion on local roads as a result of the development in the Green Belt, and to the added pressure on already stretched services such as health facilities and schools. Other frequently expressed concerns include the increased risk of flooding, the loss of wildlife and biodiversity, worsening air pollution and many other matters. These are legitimate and understandable concerns, for there is no doubt that the sizeable expansion proposed would have noticeable effects on local communities which should not be dismissed lightly. But local opposition is not in itself sufficient reason to reject a proposal; decisions should be taken in the light of all material considerations, including local needs and priorities, guided by relevant national policy. In planning for the future needs and prosperity of its communities, the Council has to strike a balance between many competing interests and difficult decisions have to be made.

Southport and Ainsdale

195. **Bankfield Lane, Southport – MN2.2** The land is part of the largest remaining area of open farmland between the eastern edge of Southport and

⁵³ Document EN.6 – Sefton Agricultural Land Study, ADAS, November 2012.

the administrative boundary with West Lancashire. The area proposed for housing abuts the settlement edge and is partially contained by built development on Blundells Lane and by Three Pools Waterway, which would be strong boundary features. Land to the south-east of the housing site is proposed for open space in association with the development, so there would be a significant encroachment into the countryside and a noticeable intrusion into the surrounding arable landscape. The boundary between the housing and open space crosses a cultivated field and follows no physical features, though there would be the opportunity to create a robust boundary at detailed design stage. The nearest settlement to the east is a considerable distance away, so there would be no loss of a gap. Overall the development would cause moderate harm to the Green Belt.

196. Most of the site is within flood zone 3a, at risk from tidal flooding. However, for the reasons explained above under the Phillips factory site, which is close by, the coastal defences provide a 1 in 1000 year standard of protection and the actual risk is very low. The submitted FRA demonstrates that, subject to suitable finished floor levels and on-site storage of surface water, the Sequential and Exception tests are passed. The site is part of an extensive local wildlife site valued for its grassland habitat, water voles and wintering birds. However, the housing site is predominantly arable farmland and the impact on biodiversity would be limited, particularly with mitigation provided on the adjacent open space. And though the site comprises high quality agricultural land, at grade 3a it is the lowest grade that qualifies as BMV land.
197. The site has relatively good accessibility to the shops, facilities and services in Churchtown. Many local people are concerned about the ability of local schools and health facilities to deal with the significant additional demands from this and other sites nearby, but there is no compelling evidence that they will not be able to cope. The Council demonstrated that there is spare capacity at some (albeit not all) local schools, and the Clinical Commissioning Groups (CCGs) have given a borough-wide assurance that they are planning to accommodate the growing demand for health services and facilities. And though I understand the fears about extra traffic on local roads, the Transport Assessment (TA) demonstrates that the road network has the capacity to accommodate the development with only limited increase in queues and delay.
198. Following detailed studies which address a number of potential constraints including access, biodiversity and surface water drainage, the Council has increased the site capacity from 220 to 300 dwellings (part of **MM9**). Overall the proposal would make an important contribution to meeting local housing needs sustainably and, in the absence of significant harm to the Green Belt and no overriding constraints to development, the modified allocation is sound.
199. **Moss Lane, Churchtown – MN2.4** Like the site above, Moss Lane lies between the urban area and the eastern administrative boundary. It is poorly related to the settlement because, apart from a corner that abuts dwellings on Moss Lane, it is separated from the urban area by a 9-hole golf course. It would therefore be a prominent and somewhat isolated extension to Southport and a substantial encroachment into the countryside around the town. However, there would be no appreciable impact on the very wide gap to the nearest settlement to the east. The existence of a small group of dwellings

immediately east of Three Pools Waterway does not result in conflict with the Green Belt purpose of preventing neighbouring towns from merging. These dwellings comprise sporadic development in the Green Belt; they fall far short of being a town and I agree with the Council that, as they do not constitute a settlement in the terms of its Green Belt study, coalescence would not occur.

200. Moss Lane and Three Pools Waterway represent enduring physical boundaries to further development and would provide a robust edge to the extended settlement. Although the golf course would no longer serve as a wide, attractively landscaped buffer to the existing urban edge, the requirement in new policy MN6A (**MM21**) to provide a tree screen along Moss Lane and a landscaped buffer alongside Three Pools Waterway should ensure a suitably soft edge to the urban area. Such waterways currently form an eastern boundary to much of Southport, often with houses backing onto them, so an urban extension which presents a landscaped buffer to the countryside would appear less harsh when seen from the surrounding rural landscape. Nevertheless, because of its scale and poor relationship with the existing urban area, the allocation would cause significant harm to the Green Belt.
201. Despite the removal of the golf course from the Green Belt, the Plan aims to protect it for its recreational value and importance as a Local Wildlife Site (LWS) under policy NH6; consequently I do not accept the argument that the loss of the golf course to development could not be resisted. The Moss Lane site is not of intrinsically high landscape quality, and while the loss of grade 2 and 3a agricultural land would be unfortunate, there is very little lower grade land available in Sefton. There is ample land on which to provide suitable mitigation for any wildlife interest found on the site. Subject to the provision of suitable landscaping and open space, as sought by **MM9, MM10, MM14** and part of **MM21**, the setting of nearby heritage assets would not be harmed.
202. Moss Lane would be widened to provide an access to the site suitable for a bus service. I am satisfied that this could be achieved within adopted highway land, which includes part of the grass strip in front of the golf club. The TA demonstrates that whilst there would be a small increase in peak-hour queuing at the Moss Lane/Mill Lane/Roe Lane/High Park Road roundabout, the junction would continue to operate within its operational capacity. There is no compelling evidence that Wyke Lane, a narrow rural road to the east, could not accommodate the additional flows anticipated. The area-wide studies⁵⁴ indicate that the cumulative traffic impact of all allocations in and around Churchtown would not result in lack of capacity or significant additional delays on the nearby road network. Although these developments would contribute to some increase in delays on the already congested roads in other parts of Southport, notably in the Kew/Meols Cop area, the impacts would be far short of 'severe' and thereby satisfy paragraph 32 of the NPPF.
203. The site has moderate accessibility to local shops and services. There are a number of shops about 800m away at the roundabout, while the nearest school, doctor's surgery and Churchtown local centre are a short distance further away. The requirement of new policy MN6A (**MM21**) to subsidise the extension of a bus service into the site is important to ensure reasonable accessibility by all transport modes; the five year subsidy period should be

⁵⁴ See particularly Documents TR.2 and TR.4

long enough to allow the extended service to become self-funding provided there is sufficient demand for it. As with the other sites near Churchtown, I find no reason to disagree with the relevant authorities' views that schools and health facilities can be expanded to cope with the increased demand.

204. About half the site is in flood zone 3a but, in common with the sites to the north, the risk is tidal and Southport's coastal defences provide a good standard of protection. The updated FRA demonstrates that, subject to raised floor levels and on-site surface water retention, the Sequential and Exception tests have been passed; consequently the EA does not object to the proposal. The FRA is based on the latest flood maps from the EA, as is the Council's borough-wide site screening report,⁵⁵ so I am satisfied that up-to-date data was used and that the two tests have been carried out correctly (bearing in mind that sites close to Southport are required if the town's housing needs are to be met sustainably). Despite some objectors' concerns about viability, I do not accept that the detailed assessment is flawed; it indicates that there is sufficient margin to be confident that the scheme can deliver the necessary infrastructure as well as 30% affordable housing.
205. Overall, most of the impacts of the proposed housing scheme at Moss Lane are similar or less than those of other allocations and can be suitably mitigated. However, the development would cause significant harm to the Green Belt on a site which is slightly less accessible to local goods and services than many others. On the other hand, there is a substantial need for new market and (particularly) affordable housing in Southport which the site would deliver. As indicated elsewhere, there are few other opportunities for meeting Southport's housing needs locally. On balance, therefore, the compelling need for new housing and compliance with the Plan's strategy of meeting that need as close as possible to where it arises outweigh the Green Belt harm and other constraints to development. Accordingly the modified allocation is sound.
206. **Crowland Street, Southport – MN2.5** This is another large parcel of land between Southport's urban edge and the administrative boundary. Although the site is partly contained by existing commercial/industrial estates and a railway line, it would nevertheless represent a noticeable encroachment into the countryside. There would be no impact on the wide gap to the nearest settlement to the east, though there would be some lessening of the much smaller gap to the loose-knit ribbon development along Southport Road and Pool Hey Lane to the south. The site would be bounded by Boundary Brook, a strong feature in this flat, open landscape, and the railway line; both are likely to be permanent and thereby satisfy the NPPF tests for boundary definition. Overall the development would cause moderate harm to the Green Belt.
207. The site is wholly within Flood Zone 1 (thereby passing the Sequential Test) and there is limited risk from surface water flooding. It is mainly in agricultural use, though as 90% is grade 3b there would be little loss of high quality (BMV) land. The limited impacts on the landscape and ecology can be suitably mitigated at the design stage. There is moderate accessibility to most key local facilities and services, though the nearest primary school and health centre are some distance away. The site abuts a wide range of industrial and commercial uses and the Council initially considered its potential for a mixed

⁵⁵ Document EN.32 – Local Plan Site Screening Report, JBA Consulting, October 2015.

industrial/residential development. However it was demonstrated that any sizeable amount of employment development would not be viable, so the Plan proposes a wholly residential scheme. Although the immediate environment is not ideal for residential use, there is ample land available to provide buffers to the existing industrial development.

208. The most significant constraint is highway access, for Crowland Street carries a lot of industrial and commercial traffic and access to the wider highway network would mostly be via the busy Norwood Road/Meols Cop Road. The Southport traffic study⁵⁶ indicates that there will be increased congestion and delays on the latter roads from the cumulative impacts of all the sites in eastern Southport. Funding is being sought, with LCR backing, for a major highways scheme along the eastern approaches to Southport which, it is reasonable to assume, would assist traffic across this area. But even without such improvements the increase in congestion would be relatively modest and the major Kew roundabout junction would continue to operate within capacity. The cumulative impacts would fall far short of 'severe', which is the test set out in the NPPF for preventing new development on transport grounds.
209. Despite its large size, the Crowland Street housing allocation does not have any major constraints. The harm to the Green Belt would be moderate, and whilst there would be an increase in traffic on the already congested roads in this part of Southport, it would not have a substantial impact. The other shortcomings are not significant and in most instances can be adequately mitigated. In these circumstances the provision of some 678 dwellings (30% of which would be affordable housing) in a town where the need is high and the opportunities for development are very limited justifies this allocation. As modified, the Plan is sound.
210. **Lynton Road, Southport – MN2.7** Development of this narrow strip of land between the dwellings on Lynton Road and the Liverpool-Southport railway line would have limited impact on the Green Belt. There would be a loss of openness which is common to all Green Belt sites, but encroachment into the countryside would be minimal and the railway line would be a strong physical boundary to prevent further sprawl. And as the site lies on the edge of the coastal dune belt, there would be no impact on the gaps between settlements.
211. The site is part of a linear LWS along the railway line which is designated, in part, for its sand lizard habitat and acts as a wildlife corridor which links breeding sites. The railway is part of the much larger Sefton Coast Site of Special Scientific Interest (SSSI). An extended phase 1 ecological survey found no sand lizards and low numbers of common lizards; it also found little open sandy habitat suitable for sand lizards. Most of the acid grassland habitat present when the LWS was designated has been replaced by invasive tree and scrub species and escaped garden plants including bramble, raspberry, rose and spiraea. The ecological evaluation concluded that subject to the retention of a buffer between the railway line and housing site where the habitats for which the LWS was designated could be recreated, the functionality of the site as a wildlife corridor would be retained. In addition, the loss of other habitats used as foraging areas by other protected species would not be significant.

⁵⁶ Document TR4 – Southport Local Model Forecasting Report, Atkins, May 2015.

212. From my visit to the site I do not doubt that the continued spread of invasive species across the LWS would, in time, further reduce the habitat suitable for sand and common lizards. In these circumstances, and as the relatively small size of the allocation would allow for an enhanced ecological buffer alongside the railway line, there is no biodiversity reason to oppose the proposal. There are no other significant constraints. Accessibility to a range of local facilities is good and the surface water flood risk can be mitigated within the site. Highway access would be taken on the outside of a bend where suitable visibility could be achieved, and although most traffic from the site would feed onto the nearby junction with Waterloo Road which has a poor accident record, a contribution to junction improvements would be sought. Overall, and having regard to the limited harm to the Green Belt, the allocation is justified and the Plan is sound.
213. **Ainsdale Hope School, Ainsdale – MN2.8** The former school buildings are a prominent feature of the south-eastern corner of the site and their replacement by housing would not significantly impact on the openness or purposes of the Green Belt. However, development of the adjacent areas of hardstanding and the former playing fields would represent a significant extension of the settlement into the countryside. Because Ainsdale is already connected to Birkdale there would be no narrowing of a gap between settlements, though an open break does exist along the railway line which would be reduced by the development. Further encroachment is unlikely because the site is bounded by the railway line and the Sefton Coast Special Area of Conservation, a European protected site. Overall there would be moderate harm to the Green Belt.
214. The proposal in the Submission Plan to develop the whole site for housing, including the former playing fields, resulted in a similar objection from Sport England to the loss of other school sites which included sports pitches (see MN2.9 above). Local community representatives also object, arguing that the expansion of local youth football teams in Ainsdale has been hindered by a lack of facilities since the school closed in 2007, despite the sports field being maintained. In response to the shortfall in pitch provision identified in its recent PPS study, the Council proposes the same solution as at the other school sites - financial assistance towards the compensatory provision of artificial (3G) pitches at Meols Park or on adjacent land. In principle such mitigation accords with the NPPF and is sound.
215. Evidence submitted by local wildlife interests indicates that the former sports pitches are being colonised by many plant species found on the adjacent coastal dunes. The eastern half of the playing field is neutral grassland which is acknowledged to be of little conservation interest, while species diversity increases significantly on the sandier soils towards the west. Although the Council's ecologist believes that the former pitches do not merit LWS status, the Council decided during the examination to limit housing development to the eastern half of the allocation site and to require ecological improvements to the western half. As a result, the site capacity was reduced from 243 to 120 dwellings and the area shown on the policies map was halved.
216. I acknowledge that there is a case for protecting the most species-rich western and north-western part of the site from development, both for its intrinsic botanical interest and to act as a buffer to the protected dunes

beyond. But on planning grounds I do not believe that it is necessary to prevent development on half the total site (thereby protecting about two-thirds of the former sports field). I also do not consider that the ecological evidence supports a simple straight line division across the middle of the site, for this is unlikely to correspond with the area of greatest botanical interest. In these circumstances the best approach is to revert to the original whole-site allocation on the policies map, but to add a requirement to provide an area of ecological improvement alongside the housing site.

217. Whilst I believe that there is potential for a considerable increase in site capacity, delivery of more than the stated 120 dwellings cannot be assured because the site is owned by Sefton Council. In due course it will be for the Council, as both landowner and local planning authority, to decide precisely where the boundary between housing site and nature reserve should be drawn. In reaching this conclusion I have taken into account the presence of sand lizards in the protected dunes close to the west of the site. I accept that the proposed dwellings would increase the risk of predation by domestic cats, though it has to be recognised that the sand lizard population exists despite being close to hundreds of houses in this part of Ainsdale which are already a potential source of cat predation. Arguably, therefore, mitigation involving translocation of the sand lizards to another part of the dunes might increase their prospects of long term survival.
218. There are few other constraints to the development of this site. Access to Ainsdale centre, the railway station and many other key services is good. The surface water flood risk and the presence of methane from underlying peat are often encountered in this area and can be readily mitigated. I note the concerns about traffic backing up along nearby roads when the railway crossing is closed, and the frequency with which this happens, but the highway authority considers the road network to be more than adequate for the 243 dwellings originally proposed and there is no evidence to the contrary; moreover, the Kenilworth Road bridge provides an alternative route. In these circumstances, and subject to **MM9**, **MM11** and **MM72** which include the necessary modifications to policy MN2 and Appendix 1 in respect of sports pitch and ecological mitigation, the need for new housing in this highly sustainable location justifies this allocation. Accordingly the Plan is sound.
219. **Moor Lane, Ainsdale – MN2.11** Development of this site would represent a small but noticeable extension of Ainsdale into the surrounding countryside and a slight lessening of the gap to Formby, though a sufficiently large gap would remain to dispel any sense of the settlements merging. The proposed boundary to the Green Belt would mostly be the hedgerow that defines the southern extent of the fields; this would not be as physically robust or recognisable as Moor Lane, though it is likely to be permanent because the golf course and listed building to the south should prevent further sprawl. There would be an opportunity to strengthen the Green Belt boundary with a suitable landscape scheme.
220. The land is not of high agricultural quality (grade 3b) and the site has little biodiversity value. The modest risk of surface water flooding can readily be mitigated within the site, and the sand/peat ground conditions do not pose a significant constraint. The site is reasonably accessible to most local services and facilities. I acknowledge that access to the site from the Formby by-pass

is not easy, but this is largely the result of the short phasing on the traffic lights. The TA that is required at application stage would assess the operation and capacity of the junction and, if necessary, improvements would be made as part of the development.

221. To the south-west of the site is the grade II listed Formby House Farm, an early 18th century white-rendered cottage which has been altered and extended, though the principal south elevation retains mostly original features. There is a courtyard to the south of the cottage and a garden to the north, both enclosed by established hedges, walls and solid gates. Glimpses of the rear of the cottage are obtained from parts of the allocation site, though such views are interrupted by the hedges, new outbuildings in the rear garden and a large new barn to the east. The core elements of the listed building's setting relate to the southern and western elevation and the courtyard; views of (and from) these elements would not be affected by the proposed development. There would be limited, angled views from the rear of the cottage towards the allocation site, though visually the impact on the setting of the listed building would be minimal.

222. It is unclear from the evidence whether there was an historic agricultural association between the farmland of the allocation site and Formby House Farm. I accept that the rural surroundings of the cottage are important in appreciating the significance of the heritage asset, and clearly a small part of that rural setting would be lost. But in the context of a building whose principal historic aspect to the south and west would be unaltered, and where the field directly to the north would also remain undeveloped, the harm to the significance of the listed building and its setting would be limited. Consequently I consider that the undefined dog-leg boundary to the allocation site, which is intended to provide a buffer to the listed building, is arbitrary and is set back further than is necessary. In my view the new barn and its hardstanding provide a stronger boundary to the allocation, though again this would benefit from suitable landscaping. Notwithstanding this slight extension to the site, it is important that the Plan states the need for the housing scheme to preserve the setting of Formby House Farm. This was not a specific requirement of the Submission Plan and is one of the necessary additions to Appendix 1 comprised in **MM74**.

223. Overall there are few constraints to the development south of Moor Lane and these can readily be mitigated. The main concern is the harm to the Green Belt which, proportionate to its size, is slightly greater than at some other Southport sites. However in the absence of any other harm, and having regard to the strong need for new market and affordable homes in Southport and the lack of alternative sites, I consider that the allocation is sound.

Formby

224. The availability of land for development in Formby is severely constrained by many factors, notably flood risk, nature conservation and the Green Belt. These are examined on a site-specific basis below. Because of these constraints, satisfying the Plan objective of meeting needs as close as possible to where they arise is challenging. Moreover, Formby has a very high need for affordable housing; this adds to the case for providing at least a proportionate share of the borough's housing requirement relative to its size. The total

amount of housing development allocated on sites in Formby is slightly less than a proportionate share of the overall need.

225. There is much local concern about the cumulative impacts of the housing and employment allocations on Formby. In terms of traffic growth, the cumulative effect of the larger sites in Formby has been modelled and shown to have a relatively limited impact on the highway network, especially when compared with the larger settlements. As at Southport, the main health and education authorities have confirmed that the increased pressure on local facilities will be addressed as development progresses. There is no compelling evidence that a lack of urban open space will place undue pressure on the coastal nature conservation sites, for current provision in Formby meets the borough standard and the Plan requires adequate on-site provision to be made on all but a few relatively small sites. Concerns about the cumulative impact of flooding are addressed within the individual site analyses below.

226. **Brackenway, Formby – MN2.12** Although the site is partially contained by existing development, it would represent a noticeable extension of the urban area into the countryside. It would also diminish the gap between Formby and Ainsdale at its narrowest point, but a sizeable gap would remain. The use of land to the north for drainage and ecological mitigation as part of the development suggests that further northwards sprawl and narrowing of the gap is unlikely. The nature of the Green Belt boundaries (a drainage ditch and the Formby bypass) would be largely unchanged. Overall there would be moderate harm to the Green Belt.

227. The eastern half of the site is in Flood Zones 2 and 3a and is subject to fluvial flooding; it is also affected by surface water flooding. Flood water from the site also contributes to flooding on Hawksworth Drive. Policy MN6 of the Submission Plan requires a flood risk mitigation scheme which addresses these matters, but serious questions were raised about the feasibility of such a scheme. Further technical work was carried out during the examination which set out the detailed measures to be undertaken. These include raising ground levels in the part of the site to be developed, creating a wetland area in the south and east and a flood storage area on land to the north, raising the height of peripheral bunds to minimise the risk of overtopping, and installing non-return valves. The argument that this would acceptably manage the on-site flood risk and reduce flood risk off the site is now accepted by the EA.

228. I understand the scepticism of local residents at the solution proposed. I acknowledge that further modelling is required, particularly in respect of the off-site surface water flood risk away from Hawksworth Drive, and I note the claim about flood water in the wider network having nowhere to go because of high water levels in the receiving main rivers. However, the flood risk studies appear thorough and have been independently appraised, and the Council is confident that any slight discrepancies in the data are not critical. Importantly, opportunities exist to increase flood storage both within the site and within the nearby surface water network, which provides some resilience should further work identify a need for greater capacity. Overall, the technical evidence points to an appreciable reduction in off-site flood risk. On this basis I am satisfied that the mitigation scheme would deliver the requirements of policy MN6 and that the proposal complies with paragraph 102 of the NPPF.

229. The site is part of a LWS, though intensive grazing by horses has led to the grasslands currently having little ecological (or landscape) value and many ditches are drying out or contaminated. The Council believes that the proposed improvement of grassland and wetland habitats on the remaining 7.9ha of the LWS would enhance its ecological value, despite the substantial loss of area. I accept that achieving and sustaining this ecological benefit, particularly with a large residential population adjacent, would require careful design and long-term management of the enhanced LWS. This is a requirement of policy MN6, however, and funding would be provided as part of the development; the LWS enhancement should also include suitable protection for the adjacent Freshfield Dune Heath LWS. Subject to clarification in policy MN6 (**MM19**) that the enhanced habitats are to be outside the housing allocation, biodiversity is appropriately addressed.
230. The main access to the site would be from a new junction on the Formby bypass, so the development would not significantly increase traffic in the northern part of Formby. I appreciate the concern about local traffic using the new link to the bypass as a through route, but without a connection between the site and the existing local roads within Formby, many new residents would be unable to travel directly to local facilities and the site's sustainability would be severely compromised. With the Council's traffic forecasts for Formby⁵⁷ indicating that the limited traffic growth in this part of the settlement would not cause delays and would be well within the capacity of existing highways and junctions, the requirement of modified policy MM6 for a secondary means of access via Paradise Lane (**MM19**) is justified. This connection would ensure that the site has moderate accessibility to local shops and services. The associated revision to the text (**MM20**) appropriately requires the route through the site to be designed to discourage through traffic.
231. Overall there are no significant constraints to the development of this site. The moderate harm to the Green Belt is no worse than that at many other sites, the landscape impact would be limited and the loss of a large area with LWS designation would be adequately mitigated by substantial ecological enhancement to the part that remains. A solution has been found to the serious flood risk which, because of the need for new housing in Formby and the lack of alternative sites with a lower risk, satisfies the Sequential and Exception tests of national policy. The allocation would result in sustainable development which is consistent with the Plan's objectives, and is sound.
232. **Liverpool Road – MN2.16** Development of this crescent-shaped parcel of land would be a noticeable encroachment into the countryside setting of Formby on the south-eastern approach to the town. It would also slightly impact upon the relatively wide gap to Hightown, though it would not reduce the gap at its narrowest point. The land abuts a weak settlement boundary which comprises residential estate roads and gardens; this would be replaced by strong physical features of the A565 Formby bypass and B5425 Liverpool Road. For this reason the site appears as a logical extension to Formby and the overall harm to the Green Belt would be minor to moderate. Moreover, the flat, featureless fields are of limited landscape quality.

⁵⁷ Document TR5 – Formby Development Site Forecasting Report, Atkins, October 2015

233. The low-lying site is in Flood Zone 1, so the risk of tidal/fluviial flooding is low, but significant surface water flooding frequently occurs. This would be mitigated by localised raising of land levels within the housing areas. Compensatory lowering of the land would provide the necessary replacement flood storage capacity in the undeveloped south-eastern part of the site. The Council proposes a lower than average site capacity to allow for substantial areas of flood risk mitigation within the site. Local residents are concerned that the development would restrict the flow of surface water across the site from adjacent housing areas, thereby increasing the flood risk to their homes. However, the FRA covering most of the site indicates no worsening of the off-site flood risk; this study has been accepted by all relevant authorities including the EA. In addition, as sought by the NPPF, a modification to Appendix 1 (**MM78**) requires opportunities to reduce flood risk elsewhere to be identified and implemented as part of the development.
234. Appendix 1 of the Plan stipulates that, to preserve the setting of the 18th century grade II Lovelady's Farmhouse and adjacent buildings, the far west of the site should be left open. The Council's heritage assessment⁵⁸ indicates that the elements of setting which contribute most to the significance and cultural value of the farm are the interplay of the three buildings around a courtyard and their functional relationship with the agricultural land to the south and west. The study also acknowledges that these critical elements of setting would not be affected by the development. Subject to retention of the high hedge along the Liverpool Road frontage, the study indicates that the allocation would not materially affect the ability to understand or experience the heritage assets, though it would increase suburban development within their rural setting. The heritage appraisal from a potential developer argues that there is the capacity for change because Lovelady's Farm has historically been part of Little Altcar village rather than having an exclusively rural setting, though it also acknowledges the importance of the roadside hedge in mitigating the adverse impact of housing on the setting of the heritage assets.
235. Provided the Liverpool Road hedge is retained, I do not believe that the 'minor' effect on the setting of the listed buildings justifies the requirement to leave the west of the site open. Whilst a final judgement cannot be made until the scale and form of the proposed dwellings are known, it is likely that any harm to the significance of the listed buildings would be slight and would be outweighed by the benefit of maximising the delivery of new homes in Formby, given the difficulty in identifying suitable land. In reaching this conclusion I have also taken into account the recent approval by the Council of a small group of new dwellings appreciably closer to the listed buildings. Accordingly, **MM78** retains the need to preserve the setting of the listed buildings but deletes the clause about leaving the west of the site open.
236. Appendix 1 also requires a single site access from a busy stretch of Liverpool Road that experiences significant traffic queues at peak hours. To address this, the Liverpool Road approach to the bypass roundabout would be widened to allow two lanes to turn right. This would markedly improve roundabout capacity and reduce peak hour queues; it would also significantly benefit other Formby allocations which distribute traffic onto Liverpool Road. The site access would include a right turn ghost island on Liverpool Road to alleviate

⁵⁸ Documents EN.28 and EN 28a-i – Review of Heritage Assessments, AOC, October 2015

any obstruction to traffic heading into Formby. In these circumstances, and having regard to the Council's Formby-wide traffic modelling of the main development sites which does not show significant stress at nearby junctions, I consider that the traffic impact of the allocation can be adequately mitigated.

237. The site is in two ownerships and the intended developer of the smaller western field objects to the requirement for a single point of access. Two alternative locations for a second access point are proposed. The western options are difficult in highway design terms, being on the inside of a 90 degree bend in Liverpool Road and directly opposite the access to Lovelady's Farm. As well as not being good highway design, these options would harm the rural setting of Lovelady's Farm by increasing the extent of highway works close to the farm complex and, more importantly, by removing part of the tall hedge that would otherwise screen the new houses from the listed buildings.

238. The eastern location would not materially affect the heritage assets but would result in two junctions with right turn ghost islands in close proximity along a busy stretch of classified road. It would also be close to an existing bus stop and may affect the provision of a bus stop on the south side of the road. The Council accepts that it may be feasible to design two accesses which satisfy technical highway standards, but submits that the additional complexity and increased hazards of such an arrangement justify the requirement for a single access. I agree, and I share the Council's view that road junctions have an inherently higher risk of accidents than the links between them. Consequently, without a compelling justification, I consider that a second access would not satisfy the 'safe and suitable' test of NPPF paragraph 32, nor qualify as good design that will 'function well and add to the overall quality of the area' (NPPF paragraph 58).

239. I acknowledge that the single access requirement could delay the early development of the smaller western field and result in a gap in built form between the urban edge and new residential properties. There is no evidence that development of this field is not viable or deliverable without a separate access, however, and as the potential developers of both land parcels have indicated a willingness to work together, any such delay is likely to be temporary. Pedestrian connectivity to the rest of Formby could be achieved by utilising the existing public footpath which leads directly to local facilities and bus stops, though I accept there may be a short-term absence of cycle connectivity. I also acknowledge the urgent need to build new houses in Formby, but as national house-builders are lined up to deliver most of the allocations, it is likely that some dwellings will come on stream quite soon. In my judgement these arguments do not outweigh the long term benefits of a less complex and potentially safer single access.

240. The evidence demonstrates that a safe and suitable single access to the whole site could be provided from either land ownership parcel, so the additional clause in Appendix 1 about the access being east of the drainage ditch is no longer necessary. And while it is essential that a road link is provided across the ownership boundary, I accept that this is best achieved by the requirement for a master plan to be prepared and approved by the Council before any application is submitted. **MM78** makes the necessary adjustments to Appendix 1. I do not accept that these requirements go beyond the level of

detail necessary in a local plan, for they seem to me to be an appropriate means of overcoming a possible constraint to delivery of the entire allocation.

241. There are no significant constraints to development of this site, which is well-located in relation to local services and facilities. About 30% of the site is BMV agricultural land, so there would be a relatively small loss of high quality land. Subject to the detailed modifications above, and having regard to the benefit of providing much needed housing in a settlement where suitable land is hard to find, the development would be sustainable and consistent with the Plan's objectives. Accordingly the allocation is sound.
242. **Altcar Lane – MN2.17** This small elongated allocation would extend the existing frontage development along the southern side of Altcar Lane. There would be limited encroachment into the countryside and no appreciable narrowing of the gap to Hightown. On the other hand, Altcar Lane and its vegetation form a strong Green Belt boundary which would be replaced by an insubstantial field boundary, though this could be reinforced as part of the development. Thus the harm to the Green Belt would be minor.
243. There are no significant constraints to this development. The site is highly accessible to local services and there is adequate separation from the sewage works to the west. The eastern end is close to Lovelady's Farm listed buildings and the land is part of the farm group's contextual rural setting, but a continuation of the frontage development (with the site squared off to match the existing plot depth on Altcar Lane, as proposed by the Council) would cause only limited harm to the significance of the heritage assets. Overall, having regard to the limited impacts of this scheme, the allocation is sound.
244. **Power House phase 2, Hoggs Hill Lane – MN2.18** The redevelopment for housing of the former power station on the southern edge of Formby has led the Council to redefine the Green Belt boundary, moving it south to the River Alt. The river is a clearly a strong physical boundary and it is logical to follow its curve around the Power House site to the sewage works. As a result, additional open land to the east of the new houses is also removed from the Green Belt. Most of this land is not available for development, being allotments and/or part of the flood plain. The allocation comprises a narrow strip along Hoggs Hill Lane which is in Flood Zone 1. Because new flood mapping has reduced the area in Flood Zone 1, the boundary has been amended and the capacity in policy MN2 lowered to 12 dwellings (**MM9**).
245. The site lies mostly between the urban area and the Power House development, so the small number of additional houses would have minimal impact on the openness and purposes of the Green Belt. Access would be from the new road and the site is reasonably close to local services. There are no other constraints to development; accordingly the allocation is sound.
246. **Andrews Close – MN2.19** The site is well contained by the existing urban area such that the proposed housing development would not materially narrow the gap to Hightown. It would, however, encroach into the countryside surrounding Formby. The Plan requires the land to the south of the housing site to become a new public open space; this would address the limited supply of urban open space west of the railway and help to reduce recreational pressure on the coast. As this land would also be removed from the Green

Belt, there is the opportunity to strengthen the new Green Belt boundary with landscaping. Overall the development would cause minor harm to the Green Belt and would have limited impact on the local landscape.

247. The boundary to the housing allocation coincides with the land in Flood Zone 1, whereas the open space lies within Flood Zones 2 and 3. The low risk of surface water flooding would be mitigated by attenuation ponds within the open space. I note the issue of foul sewage flooding in the locality but this would be addressed by United Utilities, who are aware of the problem and do not object to the allocation. The Council indicates that United Utilities intends to firm up its next Asset Management Plan to cater for the level of development proposed in Formby once the Plan is adopted. On this basis there is no compelling evidence that the site cannot be drained satisfactorily.
248. Access to the site would be along an extended Andrews Lane through a narrow gap between two existing houses. There is evidence that this can be provided to current highway standards and that the junctions with Barton Heys Road and Andrews Close would operate safely. The new road would remove a short stretch of the well-used footpath and cycleway to the south, but a connection to this route would be reinstated and is a requirement of Appendix 1. A TA demonstrates that the development would have a limited impact on the local road network, with all junctions – including the railway crossing – continuing to operate well within their capacity. The Council considers that an acceptable access can be achieved; I agree.
249. There are no other significant constraints to the development. The new road would be close to the flank elevations of both adjacent houses, but this is not an uncommon arrangement and should not cause an unacceptable loss of residential amenity. There would be minimal impact on the setting of Raven Meols Farmhouse, a grade II listed building to the west of the site, whose significance lies mainly in its survival as a late post-medieval farm building and its relationship with the farmland to the south. The development would have good accessibility to most local services and facilities, and the limited ecological interest could be mitigated within the open space. Given the limited harm to the Green Belt and the contribution made to meeting Formby's housing need locally, the development would be consistent with the Plan's objectives and sustainable. Accordingly the allocation is sound.
250. The land at **Shorrock's Hill – MN2.14A** was not initially considered as an allocation because of ecological constraints and because its availability as a housing site arose very late in the preparation of the Plan. Almost half the site comprises a hotel/nightclub, leisure facilities (including paintballing), stables (recently destroyed by fire) and hardstanding,⁵⁹ so it is a partly brownfield site within the Green Belt and the Council has informally accepted the principle of limited redevelopment. There would be a loss of openness as a result of the greater mass of buildings but relatively little urban sprawl, a small loss of countryside and, given the coastal location, no effect on the merging of settlements. Although the western boundary would not follow any recognisable feature, it abuts a woodland LWS which should prevent further encroachment. Overall the harm to the Green Belt would be minor.

⁵⁹ The premises closed in 2016 but the uses could be reinstated without needing planning permission.

251. The area around Lifeboat Road has suffered disturbance from the nightclub and leisure activities and is subject to indiscriminate visitor parking during the summer months when the coastal car park is full. The site promoter argues that the cessation of unneighbourly activities as a result of new housing (which would meet an identified need), coupled with the provision of a visitor car park, toilet block and other public facilities, would represent a mutually beneficial development. Initially it was suggested that 60 dwellings and a 200 space car park could be provided, though following a habitat survey and a Tree Preservation Order intended to protect the trees on the site, this has been reduced to 34 dwellings and a 100 space car park.
252. Much of the strong opposition to this allocation focuses on the impact on the ecological value of the site and the surrounding area. The Council's ecologist believes that the high level ecological study is robust, notwithstanding the need for further surveys, and is confident that the ecological impacts of the reduced scale of development can be suitably mitigated. The western boundary has been redrawn to exclude the adjacent woodland LWS from the site and the modified Plan requires the woodland to be managed and made accessible to the public (including a new bridleway) so that it can act as a buffer to the more highly protected coast. The protection now afforded to the trees would allow Red Squirrels to continue their aerial passage from the woodland into the residential areas for supplementary feeding, and other wildlife corridors could be maintained. The important European protected sites are a suitable distance to the west beyond the caravan park. Overall I am satisfied that, in principle, a scheme which respects the ecological value of the site and locality, and complies with policies NH2 and EQ9, can be achieved.
253. I acknowledge that the allocation would extend Formby into the coastal zone previously demarcated by St Luke's Church Road, but the extension would be limited and onto previously developed land; there is no obvious reason why the road should be the westward limit to development if all adverse impacts can be mitigated. The site is located on the edge of an area of coastal erosion but the Council is satisfied that there would be no detriment to the objectives of the Coastal Change Management Area and policy NH4. Moreover, removal of the nightclub/leisure activities and the new car park would help alleviate some of the existing problems in the locality. The argument that the toilet block would be better located on the beach car park appears to have merit but its feasibility is not known; if it subsequently proved to be both preferable and deliverable the Council would no doubt be flexible in implementing the Appendix 1 requirements in these particular circumstances.
254. There are no other significant constraints to the development of this site. There is minimal risk of flooding and accessibility to most local services and facilities is acceptable. Despite local concerns, the available evidence suggests that the local highway network has capacity to accommodate the traffic generated by the development. The viability evidence indicates that the scheme is viable and, importantly, would include broadly policy-compliant provision of affordable housing. Taking into account the minor harm to the Green Belt, the brownfield nature of the site and the public benefits that are proposed, I conclude that the allocation is justified and that the revised modifications to policy MN2 (**MM9**) and to Appendix 1 (**MM76**) are sound.

Hightown, Crosby and Thornton

255. Elmcroft Lane and Sandy Lane, Hightown – MN2.20 and 2.21

Development of the larger Elmcroft Lane site would be a prominent extension of Hightown into the surrounding countryside. The railway line and copse which make up much of the current Green Belt boundary are strong features; the proposed south-western boundary would not follow any significant feature, though it would be strengthened with landscaping to improve the edge to the urban area. Sandy Lane and the sports ground which partially define both sites are established features which would also be supplemented with landscaping. There would be a slight narrowing of the wide gap to Crosby, though there would be no sense of the settlements merging (a smaller gap exists on the other side of the railway line). Overall there would be moderate harm to the Green Belt and to the landscape setting of the settlement.

256. The concerns about access are understandable, for the developments would more than double the number of houses on the eastern side of the railway and substantially increase traffic along Elmcroft Lane. However, the TA demonstrates that these roads are lightly trafficked at present and would continue to operate well within their capacity. Elmcroft Lane is sufficiently wide to cater for the increased flows and fears about its ability to withstand construction traffic could be addressed at the design stage. Localised junction improvements and road widening, particularly along Sandy Lane, could be carried out within highway limits. The traffic using Sandy Lane at weekends to reach the sports pitches does not coincide with the peak weekday residential flows, and the Council is not aware of a highway capacity problem. Indeed, the widening of a stretch of Sandy Lane to achieve access to the smaller site may assist slightly. And though Hightown can only be reached along twisty country lanes, there is no evidence that these rural roads are congested or have a poor accident record.

257. There is reasonable accessibility from both sites to the village facilities, including a regular train service. I accept that the range of shops and facilities is very limited and that there is no school, but that is not uncommon with smaller settlements and the Council believes that adequate provision is available in nearby towns. All other constraints including ecology, heritage and ground conditions are capable of mitigation. Although Hightown would be taking a slightly above-average proportion of the borough's housing need in relation to its size, the limited availability of land in some other locations means that an exactly proportionate split is not possible. There are no preferable alternative sites within Hightown and no other settlement is better placed to meet the local housing (including affordable housing) needs of the village. In these circumstances, and notwithstanding the moderate harm to the Green Belt and landscape, the allocations are sound.

258. Hall Road West, Crosby – MN2.22 This small, cleared former railway depot on the northern edge of Crosby is well contained by buildings and its development for housing would have minimal impact on the purposes of the Green Belt. There are no significant constraints and all minor issues can be suitably mitigated. Although the site is some distance from Crosby centre and other facilities, it abuts an extensive area of suburban housing and is highly accessible by public transport. Clearly the allocation is sound.

259. **Southport Old Road and Holgate, Thornton – MN2.23 and 2.24** Prior to the recent completion of the A5758 Broom's Cross Road, development around Holgate and Southport Road provided a relatively strong northern edge to Thornton. Broom's Cross Road is now a much stronger boundary feature and should prevent any further sprawl northwards. Housing development on the land between the established and new roads would be a noticeable encroachment into the countryside. It would also marginally narrow the small gap to Lunt village, though the new road represents a major barrier to coalescence. Because there is an obvious logic to redrawing the Green Belt boundary along the A5758, the harm to the Green Belt from these allocations would be minor to moderate. The impact on the landscape would be similar.
260. Access to both sites is proposed from a single signalised junction on the new section of the A565 that runs south from the Broom's Cross Road roundabout. There is significant peak-time congestion on the Moor Lane section of the A565 south towards Crosby, though this will be addressed as part of traffic management improvements to the A565 corridor identified in policy IN2 and the IDP. These improvements will take into account the changed junction priorities and reduced traffic flows on some local roads resulting from the opening of Broom's Cross Road. In light of the evidence that over 85% of journeys to work from the Thornton area are towards Liverpool and the motorway network, and that access to local schools does not involve travelling through Crosby, I accept the Council's view that the impact of these sites on the congested section of the A565 is likely to be modest. Nevertheless it is right that the developments should make a financial contribution towards the A565 route management improvements, as sought by **MM79** and **MM80** to Appendix 1.
261. Most other constraints are not significant and can be addressed as part of the development. The exception is the loss of BMV agricultural land (grades 2 and 3a), but this applies to almost all sites in the Thornton/ Crosby area. Despite concerns about flooding, the sites are in fluvial Flood Zone 1 and at little risk from surface water flooding. There is good accessibility from both sites to most local services and facilities. Overall the constraints to and impacts of these proposals do not outweigh the benefits, which include meeting the substantial need for new homes locally. The allocations would be sustainable development which is consistent with the Plan's objectives, and are sound.
262. **Lydiate Lane and Runnell's Lane, Thornton – MN 2.25 and 2.26**
Development of both sites would be a prominent extension into the countryside east of Thornton and would significantly reduce the already narrow gap to Netherton. Although Brooms Cross Road would form a strong northern boundary, the eastern boundary would either cross an open field (Lydiate Lane) or be a poorly defined field boundary (Runnell's Lane). The Council indicates that the gap to Netherton would be a similar width to the existing gap formed by the Rimrose Valley Country Park. It argues that further sprawl and potential coalescence would be avoided by creation of a wide landscape strip along the eastern boundary which would become a robust edge to Thornton. These points are accepted; nonetheless the harm to the Green Belt would be moderate to significant.
263. A combined access to both sites would be taken from Lydiate Lane, which has seen a dramatic reduction in traffic flow since the opening of Broom's Cross

Road. The effect on the local road network would be broadly similar to the other two Thornton sites, though more opportunities would exist for dispersal of traffic to the east and south. Consequently the impact on the congested stretch of the A565 Moor Lane is likely to be small. Accessibility to local services and facilities would be relatively good.

264. The developments would have a moderate impact on the landscape. The sites are shown as BMV agricultural land (mostly grade 2) in the borough-wide study, though the owner of Runnell's Lane states that trespass and vandalism led to his land being permanently taken out of production over 20 years ago. In practice, therefore, the loss of BMV land carries slightly less weight than it otherwise might. All other constraints, including the impact on the setting of the grade II listed Tanhouse Farm, can be satisfactorily mitigated.
265. Overall, the main concern with these sites is the moderate to significant harm to the Green Belt. The evidence indicates that other potential sites around Crosby and Thornton, particularly those on the north-western fringe, have greater constraints (ecology and heritage in addition to Green Belt), so I am satisfied that there are no alternative sites close to these settlements that would cause less harm. This factor, coupled with the very limited harm to all but the Green Belt issue, has to be set against the Plan's objective of meeting the substantial housing needs as close as possible to where they arise. In my judgement these allocations would provide sustainable development and are sound.

Maghull and Lydiate

266. **Turnbridge Road, Maghull – MN2.27** This small site is highly contained by built development (albeit many dwellings lie on the other side of the Leeds-Liverpool canal) and would not appreciably encroach into the countryside around Maghull. Nor would it affect any gap – I agree with the Council that Lydiate and Maghull have already merged. The western boundary is well-vegetated and would form a robust edge to the more open countryside beyond. This is a logical infill site which would cause minimal harm to the Green Belt and have limited effect on the local landscape.
267. Turnbridge Road is a standard residential street that is capable of accommodating the increase in traffic associated with the development; construction traffic could also be appropriately controlled. Direct vehicular access to most of Maghull would be across the narrow swing bridge over the canal on Green Lane; I accept that the limited additional traffic would not significantly increase existing flows at this pinch-point in the highway network. I note the concern about flood risk following the severe canal breach in 1994, but it appears that this was a highly infrequent event with an extremely low risk of being repeated; moreover, there are a large number of houses abutting the canal in southern Sefton which have existed safely for many years.
268. All other constraints are minor and most can be adequately mitigated. The site is highly accessible to local services and facilities. The allocation would contribute to meeting the substantial need for housing (including affordable housing) in the Sefton East Parishes. Given the minimal Green Belt harm, the allocation is sound.

269. **Kenyon's Lane, Lydiate – MN2.28** Kenyon's Lane is a weak and somewhat anomalous boundary to the Green Belt in that a significant amount of development on its north side, including a school, a dairy business and a long ribbon of houses on the eastern side of Liverpool Road, is in the Green Belt. Whilst it is true that the housing allocation would result in a significant extension of Maghull into the countryside, it would also be perceived partly as a consolidation of the existing built development. The site is well contained by the A59 dual carriageway and Liverpool Road, which would form strong boundaries. I note WLBC's objection to the narrowing of the gap to Aughton in West Lancashire, but in my view the 1km gap that would remain is sufficient to maintain the distinct identity of the settlements and to prevent any sense of coalescence. Indeed, it would be noticeably wider than the existing gaps which separate Maghull and Melling from Aintree. Overall there would be moderate harm to the Green Belt and limited impact on the landscape.
270. The development would result in the loss of BMV agricultural land (grades 2 and 3a), but there are no sizeable areas of lower quality land that are suitable for development in Sefton East Parishes. Small areas of the site are at risk from surface water flooding but there is ample space for mitigation. The site is well connected to the local road network and has good accessibility to most services and facilities. I appreciate local residents' concerns about the increased pressure on health and education facilities from the cumulative amount of new housing in Maghull and Lydiate, but policy IN1 should ensure that the necessary infrastructure is provided as part of the development process. Moreover, the relevant authorities are aware of the scale of growth proposed and do not object to the Plan.
271. Apart from the moderate harm to the Green Belt, there are no significant constraints to the development of this site. The considerable need for new housing (including affordable housing) in Sefton East Parishes, coupled with the Plan's objective of meeting needs as close as possible to where they arise, result in this allocation being justified and sound.
272. **East of Maghull – MN2.46** Despite being the largest single allocation in the Plan, the site is well contained by built development on three sides (including a redevelopment site to the north, MN2.29 – see below) and the M58 motorway on the fourth side. The development would extend Maghull towards Kirkby, though the gap would remain relatively wide and there would be no sense of the settlements merging. Because of its large size, the encroachment into the countryside on the edge of Maghull would be substantial. However, the motorway would be a robust, defensible boundary to further urban sprawl. Overall there would be moderate harm to the Green Belt. The largely featureless site has limited landscape value so, despite the scale of the loss of countryside, there would be a moderate impact on the landscape.
273. There would be a large loss of BMV agricultural land, with around 70% of the site being grades 2 and 3a; however, most potential land in Sefton East Parishes is of similar high quality. A sizeable strip of land across the centre of the site is in Flood Zones 2 and 3 and is at risk of both fluvial and surface water flooding from Whinny Brook. Modified policy MN3 (**MM15**) rightly precludes housing development on this land, which would become a new park. The policy also requires the flood risk to be reduced and managed, most likely by the creation of on-site storage; this accords with the NPPF and should

lessen the problem of flood water from Whinny Brook flowing along the railway line and flooding dwellings downstream. The requirement that the public open space provision includes a 'main park' is reasonable given the scale of the allocation and, as main parks vary considerably in size throughout Sefton, should not be unduly onerous.

274. Given its size and mixed-use nature (20ha of employment land and 1,400 dwellings), the scheme would generate a large amount of new traffic. Studies demonstrate that its location next to M58 junction 1 would have an appreciable impact in restricting traffic growth on the local road network.⁶⁰ The provision of new slip roads to the M58, which have been allocated funding through the LCR Local Growth Fund and are part of the phasing requirements of policy MN3, should ensure that traffic growth in the busy central areas of Maghull will not be significant. The studies also indicate that, despite roads such as Deyes Lane/School Lane and Poverty Lane experiencing major increases in traffic, they (and all adjacent roads) would remain well within their design capacity.
275. Opportunities for public transport use would be considerably enhanced by the construction of a new railway station at Maghull North and the provision of a bus service through the site; these are requirements of policy MN3. I note local residents' concerns about the potential conflict with primary school traffic on Poverty Lane, but many urban schools face a similar problem and there is no reason why a suitable solution could not be found, particularly as expansion of this school is to be funded by the development. Overall the cumulative traffic impacts of this and the other allocations in Maghull/Lydiat are likely to be far short of 'severe', which is the test in the NPPF for preventing development on transport grounds.
276. Most other constraints can be suitably mitigated at the detailed design stage. Although the gas pipeline running parallel to the motorway may make it difficult to accommodate very large logistics uses, the mix of B1, B2 and B8 uses proposed for the business park is likely to require a range of plot sizes. **MM16** includes a diagram showing the broad location of the employment land; there is no evidence that the pipeline would unduly constrain the development of this land. The site is reasonably accessible to local services and facilities and it should also be large enough to support a few local shops, as sought by policy MN3. The 2,000 sq m floorspace limit seems appropriate, as the shops are intended to meet day-to-day convenience needs rather than account for the full potential expenditure arising from the site. The provision of older persons housing is justified by the size of the allocation and the high proportion of elderly persons in this part of Maghull, and is a welcome response to the PPG revision.
277. The site is in many land ownerships and it is vital that the framework for a co-ordinated, comprehensive and suitably phased approach to the development is in place. This is the aim of policy MN3, which was the subject of much discussion. I consider that the modifications to policy MN3 in **MM15**, which require a master plan for the whole site, stipulate critical layout criteria, set out a proportional basis for infrastructure contributions and establish the

⁶⁰ Including Document TR3 – Land East of Maghull Development Site Forecasting Report, Atkins, October 2015.

phasing of key infrastructure elements, are necessary and effective. I do not agree that the requirement for a detailed master plan is disproportionate or a threat to early delivery, for such a document is a key step in facilitating the implementation of a comprehensive and co-ordinated mixed use development. I accept that, to avoid misinterpretation, the timing of the master plan is better prefaced by "should" rather than "may". As to the phasing of the business park, the 500 dwelling limitation is a 'backstop' and policy MN3 does not preclude the business park coming forward much earlier provided the M58 slip roads are completed.

278. To summarise, the harm to the Green Belt is primarily a result of the sheer size of this allocation, for many of the purposes of the Green Belt would not be significantly affected by this urban extension. The loss of BMV land, whilst undesirable, is common to almost all sites in this area. The allocation takes full advantage of major committed transport improvements, thereby ensuring that the traffic impacts of the scheme can be assimilated without undue consequences for the local road network. Other constraints including flood risk can be adequately mitigated. As modified, the Plan sets out a well-conceived, comprehensive and suitably phased framework for the establishment of a sustainable mixed-use development. The supply of a large number of much-needed new homes (which include affordable and older persons housing), coupled with the provision of a business park that would not be viable on its own, would amount to a sustainable development which is consistent with the Plan's objectives. Accordingly the allocation is sound.
279. **Prison Site, Park Lane, Maghull – MN2.29** Planning permission for 370 dwellings on this brownfield site was granted in January 2015, so the inclusion of the allocation in policy MN2 reflects the current situation. The removal of this land from the Green Belt is largely a consequence of the East of Maghull allocation (see above), for if this were not to be developed then it is likely that the Prison Site would remain as a previously developed site washed over by the Green Belt. With East of Maghull found sound, there is obvious logic in also releasing this site and the Ashworth Hospital complex from the Green Belt as they do not contribute meaningfully to openness or fulfil any Green Belt purpose.

Melling/Waddicar and Aintree

280. **Waddicar Lane and Wadacre Farm, Melling – MN2.30 and 2.31** Despite being bounded on two sides by housing development, both sites would be seen as conspicuous extensions of Melling into the surrounding rural landscape. The slight intrusion into the wide gap to Maghull would have negligible effect on the separation between settlements. Development of Wadacre Farm would represent a noticeable narrowing of the small gap to Melling village, though a combination of the distance and topography (the village is on higher ground) would ensure that the separate identity of the village is maintained. The proposed boundaries to the sites do not follow strong physical features but, subject to suitable reinforcement and landscaping, they would form logical new limits to Melling. Overall the harm to the Green Belt would be minor to moderate (Waddicar Lane) and moderate (Wadacre Farm). The impact on the local landscape would be minor.

281. Both sites are wholly in Flood Zone 1 (at low risk from fluvial flooding). A sizeable area of Wadacre Farm is at significant risk from surface water flooding, which is exacerbated by limited capacity in both the perimeter stream and the culvert under the Leeds-Liverpool canal. In accordance with the Sequential Test, all dwellings would be sited on higher ground away from the stream. Because flooding presently occurs to some nearby properties which drain onto the site, it is appropriate that **MM82** to Appendix 1 requires a site-specific FRA to identify opportunities to reduce flood risk elsewhere, including capacity improvements to the perimeter stream. Other measures are likely to include on-site storage and overland flood flow paths. Such measures should ensure compliance with NPPF paragraph 100.
282. There is a similar (albeit less serious) surface water flooding problem at Waddicar Lane. In this case on-site storage is likely to be the solution, with surface water discharge being controlled and (perhaps) pumped to the receiving watercourse. Again, **MM81** to Appendix 1 rightly seeks opportunities to reduce off-site flood risk. In terms of agricultural land quality, Waddicar Lane is predominantly grade 3b so there would be very little loss of BMV land. Almost two-thirds of the land at Wadacre Farm is grade 3a, though this includes the flood risk area which would remain undeveloped.
283. Accessibility to the local services and facilities in Melling would be excellent from both sites. Despite local residents' concerns, studies show that the cumulative impact of the traffic generated by both sites would not be significant, with all local roads continuing to operate within their design capacity. Furthermore, provision of the M58 slip roads in conjunction with the East of Maghull development is predicted to reduce flows along Waddicar Lane, so the studies may represent a worst case scenario. All other constraints are minor and capable of mitigation.
284. The Plan's objective of meeting the borough's housing needs as close as possible to where they arise necessitates some provision in the Melling/Aintree area, but (as demonstrated below) suitable land is difficult to find. Waddicar Lane and Wadacre Farm would make a substantial contribution to meeting those needs in a sustainable location and with relatively few adverse impacts. In these circumstances, and having regard to the moderate harm (at worst) to the Green Belt, the allocations are sound.
285. **Spencer's Lane – MN2.32** Most of this small transport depot site is within the urban area, with only the western fringe being in the Green Belt. The argument that a minor encroachment into the narrow M57 corridor to enable the affordable housing threshold to be exceeded is persuasive. However, I share the Council's view that, given the high sensitivity of the narrow gap to Aintree, the encroachment should be the minimum necessary. Thus I do not accept the site promoter's argument that the tree-lined boundary of the small field to the west would be more robust. There may be a case for including landscaping within this field to robustly define the edge to the settlement, thereby maximising the housing potential of the allocation site, but the Green Belt boundary proposed in the Plan is justified and the allocation is sound.
286. **Wango Lane, Aintree – MN2.33** Development of this small scrubland site would result in minor urban sprawl and a marginal narrowing of the gap to Melling and Kirkby. The site contributes little to the countryside setting of

Aintree, for that setting is perceived mainly to extend as far as the Leeds-Liverpool canal. The canal would be a strong limit to development and the line of trees site on the northern boundary would be a continuation of the existing settlement boundary. Overall the site would round-off a small undeveloped parcel on the edge of Aintree and the harm to the Green Belt would be minor.

287. The site abuts Valley House, a much-altered 17th century grade II listed farmhouse which is largely surrounded by the suburban housing of Aintree. The former outbuildings to the west have been removed and the rural setting of the farmhouse has been severely compromised; thus the main value of the building derives from its architectural and historic interest. Despite the trees to the east of the garden which restrict views of Valley House from the site, the Council considers that only about half the site should be developed to enable part of the contextual rural setting of the listed building to be retained. Whilst I accept this in principle, the justification for sterilising half the site is not clear. However, this is a matter that requires detailed designs; without them there is no evidence on which a different site yield could justifiably be based. In these circumstances the capacity of 25 dwellings is sound.
288. Another potential constraint is the increase in traffic that would use the congested junction of Aintree Lane with the A59 Ormskirk Road. This junction is already operating beyond capacity at peak hours, with long queues on Aintree Lane. The Council's evidence⁶¹ demonstrates that significant development in the Aintree area would have a detrimental effect on flows at this junction. However, the Council believes that the limited number of additional trips generated by this small site would not significantly worsen the operation of this junction; I agree. As to the risk from surface water flooding on this low-lying land, adequate mitigation should be feasible within the undeveloped parts of the site.
289. There are no other significant constraints to this allocation, which is reasonably accessible to the local services and facilities in Aintree. In light of the need for new housing in Aintree and the limited harm to the Green Belt, the allocation would result in sustainable development and is sound.

5c. Employment allocation at Formby

290. **North and South of Formby Industrial Estate – MN2.48 and MN2.49**
Under Issue 3 I concluded that there was a need for one, but not both, of the two employment sites proposed in Formby. At the examination Sefton Council and Formby Parish Council declined to state a preference, leaving the choice of site to me. I consider below the relative merits of each potential allocation.

Main constraints to development

291. The sites lie to the north and south respectively of the existing industrial estate and retail stores to the east of Formby bypass. Dealing firstly with Green Belt issues, each site is well contained on three sides by existing development, the bypass and the embankment of Downholland Brook, and each would have a relatively weak fourth boundary to a drainage ditch. Consequently the loss of openness, the extent of urban sprawl and the

⁶¹ Document TR6 – Aintree Traffic Forecasts, AECOM.

encroachment into the countryside would be broadly similar. Although the South site is larger, the difference is mainly due to the football ground which would remain a predominantly open, non-countryside use. There would be no impact on the very wide gap to the nearest towns, nor would either development appreciably narrow the gap to the nearest small village (Great Altcar). Overall each scheme would cause moderate harm to the Green Belt and there is no basis for distinguishing between them.

292. The greatest physical constraint to development on each site is flood risk. 64% of the North site is in Flood Zone 2, with roughly equal areas in Flood Zones 3a and 1. Employment (and retail) uses are classified as "less vulnerable" development in PPG and can be located in Flood Zones 1, 2 and 3a without need for the Exception Test. The North site FRA proposes mitigation which includes raised floor levels, flood resilient construction techniques, creation of a flood storage area in the south-east corner of the site and management of surface water run-off. By contrast, half of the South site is in Flood Zone 3 (42% in 3b, which is functional floodplain) and 41% is in Flood Zone 1. The South site FRA seeks to manage the flood risk by placing the enlarged sports facility and parking for employment uses in the floodplain, which would allow most of the employment and retail buildings to be within Flood Zone 1. Opportunities to "better shape" the site by providing compensatory flood storage would be investigated, which might include the widening and/or diversion of Boundary Brook.
293. In January 2016 the EA withdrew its objections to both allocations, indicating that each development could take place without increasing flood risk on site or elsewhere.⁶² But a real risk of flooding remains. Applying the NPPF Sequential Test (paragraphs 100-101) in accordance with PPG advice, the principle of 'lowest risk sites first' favours the North site, which has relatively little land in Flood Zone 3 and no functional floodplain. In assessing the likely impacts of any flooding, all buildings on both sites would have minimum floor levels at or above the 1 in 100 year (with climate change) level.⁶³ However, some vehicle parking and circulation areas on the South site would be within the functional floodplain (by definition, land where water has to flow or be stored in times of flood), whereas the small flood storage area on the North site would be kept free from development. Whilst water-compatible uses are not prevented from using the floodplain, the inundation of some parking and circulation areas during times of flood is likely to cause greater disruption to businesses on the South site.⁶⁴ Thus both in strategic terms and from analysis of the FRAs, employment development is sequentially preferable on the North site.⁶⁵
294. The North site is part of Formby Moss LWS, though the improved grassland covering most of the site is species poor. The ecological interest is confined to a small area of reed bed habitat, which is poorly managed and drying out, and

⁶² Documents EX.66 and EX.84 – Email and letter from EA, January 2016

⁶³ The South site FRA states buildings would be at the 1 in 100 year level; the North site FRA states buildings would be 300mm above this level. The freeboard above the flood level on the North site partly counteracts the point that more of the buildings on the South site would be in Flood Zone 1.

⁶⁴ In addition, the FRA for the South site requires an assessment that potential floating cars will not cause adverse risk. The enlarged sports facility would also be within the floodplain, but this is the current situation so the risk of flooded pitches would not change unless ground levels were altered.

⁶⁵ In reaching this conclusion I have taken into account the risks from all the sources of flooding (tidal, fluvial (defended), fluvial (undefended), surface water and groundwater) identified in the FRAs.

a network of ditches which support water voles, a protected species. The Council's ecologist is satisfied that the harm resulting from the development can be mitigated by replacement habitat creation within the site, which is a requirement of policy MN4; I agree. The South site is not a LWS and has little ecological interest, though there is the potential for water voles to inhabit the ditches. Suitable mitigation would be provided within the 3ha reserved for ecological, landscape and amenity enhancement. Development of the South site would minimise the impacts on biodiversity and is preferred in accordance with NPPF paragraph 117, though because the harm on both sites is capable of mitigation, this distinction is material but not significant.

295. Turning to the effect on the landscape, both sites comprise flat, predominantly open land which is contained by strong physical features on three sides and by a weak feature on the fourth side. The Council's landscape assessment⁶⁶ records the North site to be mostly medium scale and the wider landscape character to be strongly influenced by the medium to large scale fields to the east. The South site is considered to be medium to large scale, with its wider character strongly influenced by the large scale fields to the south and east. These subtle differences in landscape character reflect what I observed on my site visits. The land north of the North site comprises an area of small fields leading to a group of farms and dwellings along Moss Side, whereas south of the South site there are no buildings and the larger fields give a more open, expansive feel to the landscape. In these circumstances I consider that the South site development would be perceived as a slightly greater intrusion into the countryside setting of Formby than the North site development.
296. In terms of agriculture, the North site is currently in agricultural use whereas the South site is not. The most detailed information available on land quality (document EN.8) indicates that the North site is grade 3b and the South site is about half grade 2 and half grade 3b. The less detailed 2012 MAGIC maps (document EN.7) show the North site as wholly grade 4 and the South site as wholly grade 2. Thus the evidence indicates that allocating the South site would lead to the loss of some high quality (BMV) land but the North site would not. NPPF paragraph 112 states that preference should be given to the use of areas of poorer quality land, so the North site is preferred. Given the existing uses and the relatively small loss of BMV land on the South site, this distinction is material but not significant.
297. Most other constraints apply equally to both sites and can be satisfactorily addressed. Each site would be accessed from a new traffic-signal controlled junction on the Formby bypass; the submitted TAs demonstrate that such accesses would operate safely and would not cause significant extra delay to traffic on the bypass. Although the bypass presents a barrier to access by non-car modes of transport from the residential areas of Formby, this applies equally to both sites and is not a major constraint. The South site is closer to the listed buildings and Conservation Area in Great Altcar, but these heritage assets are some distance away and there is no evidence that either development would cause harm to their settings.

⁶⁶ Document EN.10 – Landscape Assessment of Possible Development Sites within the Green Belt, Ryder Landscape Consultants, November 2014.

298. To summarise, there is no material difference between the two sites in terms of their impact on the Green Belt and many other matters including access. The most important constraint is flood risk, which is lower on the North site; in accordance with NPPF paragraph 101, the North site should be allocated if it is reasonably available and appropriate for the proposed development. The North site would also have slightly less impact on the landscape and on high quality agricultural land. Development of the South site would cause less harm to biodiversity, though the impacts on the North site can be mitigated. Overall, and having regard to the broad thrust of the NPPF,⁶⁷ I give significant weight to the clear preference for the North site resulting from the analysis of constraints.

Type and mix of development

299. The North scheme is promoted as a conventional employment development providing a broadly similar range of uses to those found on the adjacent industrial estate. Local Plan policy allows for a limited number of other uses if they are necessary to cross-subsidise delivery of the employment floorspace. The promoter of the North site considers that 'enabling development' in the form of trade counters may be required, but believes that the employment floorspace would be viable without open retail uses.

300. The South scheme is promoted as a mixed-use development of employment floorspace and a major expansion of the existing sports facilities. The sports provision would include a new pitch and clubhouse for a re-formed Formby Football Club, two full-size artificial pitches for community use and many other sport/leisure facilities. I observed on my site visit that the existing grass pitches are in poor condition and the changing facilities and spectator accommodation are clearly substandard. Despite this, the facilities appear to be well used and the recent addition of four artificial six-a-side junior pitches adds to the sporting value of the current provision.

301. The Council's PPS indicates that the supply of grass football pitches in Formby exceeds the demand, giving a small spare capacity, but that there is a shortfall of one artificial pitch. Whilst it is likely that a suitable site could be found elsewhere within Formby for an artificial pitch, no funding source has yet been identified. The proposed provision on the South site would exceed the assessed shortfall, though I accept that the benefits of two full-size artificial pitches and a high quality stadium and clubhouse for the disbanded Formby Football Club would be considerable, with the potential to significantly increase junior and adult sports participation in Formby and the wider area.⁶⁸ I also note the substantial public support, and that of Sport England, for these improved facilities. NPPF paragraph 73 recognises that access to high quality sport and recreation opportunities makes an important contribution to the health and well-being of communities; accordingly I give significant weight to the sports provision element of the South scheme.

⁶⁷ In addition to the above-mentioned paragraphs 100-101, 112 and 117, paragraph 110 states "Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework".

⁶⁸ The Council makes the case for 2 artificial pitches to meet the priority needs of 'Central Sefton' in Document EX.45. The PPS identifies a shortfall of 1 artificial pitch in Formby compared with 3 in Southport and 4 in Crosby/Hightown. Thus double provision at Formby, whilst clearly beneficial, would not be ideally located for the settlements that have the greatest needs.

302. To fund the proposed mix of uses, the South scheme requires substantial cross-subsidisation from more profitable uses. At the hearings it became clear that, to maximise profitability, the original financial appraisal included a 9 unit (11,800 sq m) non-food retail park and food and drink uses (735 sq m). In response to concerns that I expressed, the promoter's most recent viability appraisal reduces the retail floorspace to 2,787 sq m,⁶⁹ of which half could be occupied by any retailer (including a foodstore) and half would be restricted to the sale of bulky goods. It also includes a public house and two drive-through outlets. The retail floorspace would be about one-sixth of the size of Formby district centre.⁷⁰
303. The retail uses should be assessed in light of the 2015 RSR and Local Plan policy ED2. There is no evidence of any unmet need for new retail provision in Formby. Based on the RSR, the Plan does not identify an immediate need for additional convenience or comparison floorspace in North Sefton (which includes Formby) and supports provision of the longer term need for comparison floorspace in Southport town centre.⁷¹ Policy ED2 applies the sequential and impact tests of national policy. A high level retail study demonstrates that there are no sequentially preferable sites available in or on the edge of Formby district centre, though it was pointed out that opportunities may exist in Southport town centre. In any event, the 'enabling' nature of the proposed retail floorspace means that it is site specific.
304. Turning to the impact on existing centres, the principles of 'proximity' and 'like competes with like' mean that the only potentially significant impact would be on Formby district centre. The retail study estimates that there would be a 5.6% overall loss of trade at Formby district centre if a foodstore is provided and 2.3% without a foodstore. In light of the Secretary of State's decision in December 2016 to grant planning permission for a new superstore at Meols Cop Retail Park, Southport,⁷² the cumulative impacts on Formby centre are projected to rise to 8.2% (with foodstore) and 4.9% (without foodstore). Although these cumulative impacts represent a worst-case scenario, it is appropriate to take them into account because there is a realistic prospect of them coming to fruition.
305. Other parties argue that the impacts would be greater, mainly because the clawback of expenditure from distant locations (and the associated claims of reduced travel) have been over-estimated. I agree that the retail study appears to under-estimate the comparison trade diversion from Formby district centre and I believe that a slightly higher impact on Formby centre is more likely, closer to the (albeit brief) Nexus analysis for the Council. Thus I consider that the worst case (ie. with foodstore) cumulative impact on Formby district centre would be around 9%.
306. Formby district centre is stated in the RSR to be a 'vital and viable' centre which is performing very well. In addition the main Waitrose foodstore is

⁶⁹ Retail Statement, Representor 446, October 2016. Part of the reduction in retail floorspace can be attributed to grant funding for the sports facilities, which was not included in the original appraisal.

⁷⁰ My calculation based on the October 2016 floorspace survey summarised in the Formby Retail Statement of Common Ground, but excluding 'Leisure Services' floorspace for consistency.

⁷¹ The RSR was completed before the decision to permit a new foodstore at Meols Cop, Southport which is likely to put back further the need for new convenience floorspace.

⁷² Document EX.127 - APP/M4320/V/15/3002637.

significantly overtrading, so the estimate that the potential new foodstore would draw 30% of its trade from this key anchor store should not threaten Waitrose's viability. In these circumstances I consider that the impacts of the enabling retail floorspace would be 'adverse' rather than 'significant adverse', which is the policy test. Consequently the scale and type of retail development envisaged would not cause such harm to Formby centre that it would be contrary to policy ED2 or the NPPF on retail impact grounds.

307. Nevertheless the finding that in the worst case scenario there would be a 9% loss of trade at Formby district centre counts against the mixed-use scheme. Whilst the viability of stores which trade strongly is unlikely to be affected, there is a risk that a cumulative impact of this scale may threaten the viability of some marginal traders, potentially reducing local consumer choice and trade within the centre. Taking all relevant matters into account, I consider that moderate weight should be given to the adverse impact of the South scheme on the vitality and viability of Formby district centre.

Jobs, viability and deliverability

308. Looking firstly at the provision of jobs, the net developable area of the North site is 8ha. The equivalent figure for the South site was originally 7ha, though a recent notional plan indicates that the South site could deliver a broadly similar quantum of employment floorspace as the North site. The promoter of the North site anticipates there to be demand for a mix of B1, B2 and B8 employment uses which would provide in the region of 1,150 to 1,430 jobs. The promoter of the South site believes the demand for B1 floorspace (which includes offices) is limited, resulting in 640 to 910 B-class jobs plus at least 160 in retail/leisure uses. Thus based on the projected employment there is a preference for the North site. However, each scheme would be available for the full range of B1, B2 and B8 uses under policy MN2 and is likely to respond to market demand, so the differences between them may not be significant. Accordingly I give minor weight to this distinction.
309. The delivery timescales of the two schemes are broadly similar. The North scheme developer states that a planning application for the initial phases is expected in 2017, with commencement of development anticipated in 2019. For the South scheme, construction is anticipated by 2018, with the sports and retail elements completed by 2020. For both schemes delivery of the employment floorspace is expected over a 7-10 year period.
310. The two schemes have very different delivery models, making comparison difficult. The owner and promoter of the North site (the developer of the existing Formby industrial estate) is in the process of agreeing heads of terms with Seddon Construction. He appears willing to accept a low uplift in land value to secure delivery of the scheme, perhaps achieving additional value through a joint venture arrangement with the developer. Even with a low land acquisition cost, the overall profit on cost is slightly below the generally accepted threshold of 15% (though 15% is achieved for the speculative floorspace by assuming a lower profit for 'design and build' floorspace, which carries a lower risk). Profit (and/or land value) improves markedly with an increase in the proportion of 'design and build' floorspace. On this basis the Council believes the North scheme to be viable, though the promoter of the

South site does not. Based on the analysis of the Council's viability experts, I am satisfied that the North scheme is viable.

311. The South site is the more advanced project, being promoted jointly by the landowner (who operates the existing sports facility) and St Modwen, who have contracted to develop the site; some initial marketing has been undertaken. The latest viability appraisal for the South scheme is more robust than that for the North scheme in that it builds in a significantly higher (and more typical) land value and does not rely on any higher profit 'design and build' employment floorspace. It shows a profit on cost of 15.4%, which is viable. Thus, overall, the evidence suggests that both schemes are viable, though the North scheme is closer to the viability threshold. Accordingly I attach minor weight to the greater robustness of the South scheme.

Conclusion

312. The choice of employment allocation requires a planning judgement to be made involving consideration of the different benefits and impacts of the two proposals having regard to their individual attributes and the main environmental constraints. Both schemes should deliver an acceptable mix of employment development, which is the main objective of the allocation at Formby. In summary, I attach significant weight to the lesser adverse effects on most environmental constraints resulting from development on the North site, and significant weight to the enlarged and enhanced sports facility that would be provided on the South site. I consider that moderate weight should be attached to the adverse retail impact of the South scheme. I give minor weight to the greater number of jobs anticipated in the North scheme and to the more robust viability/deliverability of the South scheme.

313. Taking all relevant matters into account, whilst the benefits of the South scheme would be considerable, in my judgement they do not outweigh the much greater adverse impacts of the South scheme when compared to the lesser impacts of the North scheme. I consider that the North scheme would be the more sustainable development and would achieve greater consistency with the NPPF.⁷³ Subject to **MM17**, which adds a requirement for the flood storage area sought by the FRA, the detailed policy (MN4) for Land North of Formby Industrial Estate (MN2.48) is sound. In light of my finding that there is a need for just one employment site at Formby, the Land South of Formby Industrial Estate (MN2.49) is deleted from the Plan; **MM12** modifies policy MN2, while the site-specific policy MN5 and text is deleted by **MM18**.

5d. Safeguarded land

314. The principle of further revisions to the Green Belt to identify land which is suitable for around 1,000 dwellings beyond the Plan period was accepted under issue 2. The justification for the two areas of safeguarded land proposed in the Plan is examined below.

315. **Lamshear Lane, Lydiate – MN8.1** This large parcel of land is partially contained by existing development and will be much better contained once the

⁷³ To address any concern that the analytical technique might influence the result, as a sensitivity check I carried out the balancing exercise in a number of ways; the North site was preferred whatever technique was used.

Kenyon's Lane site (MN2.28) is built. A future settlement boundary along Moss Lane would be strong – indeed, as small pockets of development associated with Lydiate lie within this land, Moss Lane would be a more robust boundary than the existing Sandy Lane/Lambshear Lane/Liverpool Road. The development would narrow the existing gap to Aughton, though once Kenyon's Lane is built the gap would not be further reduced – instead there would be a greater mass of built development abutting the gap. At 1km wide, the gap would be sufficient to maintain the distinct identity of the settlements and to prevent any sense of coalescence. There would be substantial encroachment into the countryside, for the land is prominent within the rural setting of Lydiate. Overall, when the Kenyon's Lane allocation is taken into account, the harm to the Green Belt would be moderate.

316. The site contains a high proportion of grade 1 and 2 (BMV) agricultural land and the landscape is relatively high quality, but otherwise it has no significant constraints. It is reasonably accessible to local services and facilities and, with a capacity of around 750-800 dwellings, it is sufficiently large to provide some new facilities should a need be identified. Preliminary studies have indicated that the surrounding road network is capable of handling the traffic associated with a large development, subject to improvements where necessary. Importantly, the capacity of the nearby A59 junction is likely to be increased in connection with the Kenyon's Lane development. Mitigation for the surface water flood risk close to Moss Lane could be provided within the site.
317. The land comprises a single parcel that cannot meaningfully be subdivided, so its prospective contribution to meeting housing needs is substantial. It is clearly not preferable to East of Maghull (MN2.46) in that it would not provide as many dwellings or the major benefit of employment land; it would also result in the loss of slightly higher grade agricultural land and higher quality landscape. Nor do I accept that it should be allocated in preference to the Melling sites (MN2.30 and 2.31). Not only would this be contrary to the Plan's objective of meeting needs as close as possible to where they arise, but if Lambshear Lane was developed during the Plan period the high concentration of new homes in Maghull/Lydiate could saturate the market and affect deliverability. Taking all factors into account, the selection of Lambshear Lane as safeguarded land which has the potential to contribute to longer term housing needs is consistent with the NPPF and is sound.
318. **Ashworth Hospital, Maghull – MN8.2** In isolation, the land would represent an appreciable extension of the Ashworth Hospital complex and adjacent housing (currently in the Green Belt) into the surrounding countryside. The land has strong boundaries on two sides (M58 and Prescott Road) and would be further contained by the development of East of Maghull (MN2.46); however, there is potential for further consolidation to the north. There would be a minor narrowing of the gap to Kirkby, but the gap would be similar to that resulting from East of Maghull and sufficiently wide to dispel any concern about coalescence. Overall the harm to the Green Belt would be minor to moderate.
319. The land is not subject to any significant constraints, though it is within the area of the highest graded (1 and 2) agricultural land that surrounds most of Maghull/Lydiate. Accessibility to local services and facilities is relatively poor, though this will improve when the provision associated with East of Maghull

(MN2.46) becomes available. The land is very close to both East of Maghull and the Prison Site (MN2.29), which are expected to provide almost 1,700 dwellings by 2030. I share the Council's view that there is a significant risk of market saturation if another sizeable housing site was to come on stream during the Plan period, potentially undermining delivery of the allocated sites. The latter are clearly preferable in that they have better accessibility and, in the case of East of Maghull, will deliver greater benefits. Thus consistency with the NPPF only exists on the basis that the Ashworth Hospital land is identified for its potential to meet longer term housing needs. The safeguarding proposal achieves this and, subject to a correction to the site area in policy MN8 (**MM22**), is sound.

320. In reaching this conclusion I have taken into account the potential for a new medical centre/community building within the development, and the benefit to Mersey Care NHS Trust from reinvesting the capital receipt in health care across Merseyside. However these benefits do not outweigh the case for the safeguarding proposal. I have also considered the argument that the land should be allocated in preference to Kenyon's Lane (MN2.28), but the market saturation point and the better accessibility of Kenyon's Lane clearly outweigh that site's slightly greater harm to the Green Belt.

5e. Sites not allocated (omission sites)

321. In light of my conclusions under issues 2 and 3, there is no requirement for additional residential or employment allocations to satisfy unmet needs. This is unlikely to be a significant consideration for non-allocated sites within the urban area, for their suitability will mainly be determined by other factors. For sites in the Green Belt, however, the absence of need makes the exceptional circumstances test of the NPPF much more difficult to pass. Consequently an important consideration in the assessment of non-allocated (omission) Green Belt sites is whether they would cause less harm than one or more of the allocated sites, and/or would have greater benefits, to the extent that they should be preferred.

Southport and Formby

322. There are two formidable constraints to identifying potentially developable land at Southport and Ainsdale – the ecological designations along the coast, and the fact that on its eastern edge, most of the settlement abuts the administrative boundary with West Lancashire. As a result, opportunities are extremely limited. The suggested land at **Esplanade (SO11)** is an SSSI and is not available for development, while the land south of **Coastal Road at Ainsdale (SR4.09)** is precluded because it lies on the flight path for RAF Woodvale airfield. No other suitable and available sites were identified.

323. At Formby, the land at **Southport Old Road (AS26)** is not related to the existing urban area and though part of it would be close to Brackenway (MN2.12), the development would be a highly prominent extension of the town into the countryside and a substantial intrusion into the gap to Ainsdale. Moreover, its location to the east of the bypass means that access to Formby's services and facilities would be poor. There would be significant harm to the Green Belt and the omission of this site is sound.

324. The land at **Formby Bypass (AS27)** is promoted for employment use on the grounds that either it would meet a need for additional logistics allocations in the Plan arising from Liverpool Superport or, alternatively, that it would logically round off the settlement following development of South of Formby Industrial Estate (MN2.49) and thus should be preferred to North of Formby Industrial Estate (MN2.48). From my finding under issue 3 that only one employment site at Formby is required, it will be apparent that I do not accept the argument about additional allocations. In any event, the Council believes that Formby is not a suitable location for port-related large logistics operations; I agree. As to the argument that, in conjunction with the South site, Formby Bypass is preferable to the North site, this again is pre-empted by my conclusion that only a single site is required at Formby.
325. Given my finding that North of Formby Industrial Estate should be the sole employment allocation at Formby, the question now is whether the Formby Bypass site should be preferred. Formby Bypass would be separated from the existing commercial development on the eastern side of the bypass and would appear as an isolated intrusion into the open countryside and large-scale landscape on the south-eastern fringe of the town. This poor relationship with the existing urban area would cause significant harm to the Green Belt, even with the development of Liverpool Road (MN2.16) on the other side of the bypass. It would also create a strong risk of further encroachment by leaving an obvious gap (the land of the South site) to the Tesco superstore which, if infilled, would result in further urban sprawl and harm to the Green Belt. I note the argument that a similar risk exists with the allocation of North of Formby Industrial Estate, but because the loose-knit development at Moss Side is not part of the urban area, the gap north of the North site should be easier to defend.
326. The Formby Bypass site has more land in Flood Zone 3a (27%) than the North site (19%), but also a higher proportion in Flood Zone 1. The risk is from tidal flooding rather than the predominantly fluvial flood risk on the North site; there is also a surface water flood risk at both sites. In the absence of a detailed assessment for the Formby Bypass site it is not possible to determine where the higher flood risk lies. The borough-wide agricultural land quality map indicates that most of Formby Bypass is grade 2 (BMV) land, whereas the North site is grade 3b and not BMV land. On the other hand, the North site is part of a LWS (albeit the ecological impact is capable of mitigation), whereas the Formby Bypass site is not a LWS (though it may support habitats suitable for protected species). In terms of accessibility, the North site is more central to the local population but any advantage from this is slight.
327. In these circumstances the greater harm to the Green Belt and landscape that would result from development of the isolated Formby Bypass site is critical. The North of Formby Industrial Estate site is clearly preferable and, consequently, the omission of the Formby Bypass site from the Plan is sound.
328. The large parcel of open farmland **South of Liverpool Road/Altcar Road (AS28)** extends south of Formby to the River Alt and does not contain internal boundaries or features that would lead to meaningful subdivision. It has a theoretical capacity of around 800 dwellings, not far short of the total number of houses proposed for Formby. However, there are a number of significant constraints – the land comprises the rural setting to the grade II listed

Lovelady's Farm, it is partly in Flood Zones 2 and 3a, it is regularly used as a wintering ground by Pink Footed Geese (a European protected species), and the Liverpool Road approach to the bypass would require remodelling to cater with the major increase in traffic. It is unclear from the limited information available how these constraints would be addressed.

329. Development of South of Liverpool Road/Altcar Road would represent a major and prominent intrusion into the countryside setting of Formby and would narrow the gap to Hightown, though sufficient gap would remain to preserve the separate identity of the settlements. Despite the River Alt providing a strong boundary to further encroachment, the harm to the Green Belt would be significant. It would also be appreciably greater than the harm caused by the allocated housing sites in Formby. Because of the significant constraints and the Green Belt harm, the reasons for excluding this site from the Plan are compelling.

Thornton, Netherton and Aintree

330. Contrary to the views of the site promoter, I consider that the land proposed for housing at **Edge Lane, Thornton (AS10)** would represent a noticeably greater encroachment into the countryside west of Thornton than the Runnell's Lane allocation (MN2.26). It would also project significantly into the narrow open gap between Thornton and Netherton, reducing it to 276m at its narrowest point. Whilst a slightly smaller gap exists to the south where the Rimrose Valley Country Park bisects the urban area, the gap widens as it approaches the countryside to the north. Along Edge Lane the proposal would be perceived as substantially reducing the gap to the housing estate to the south. In addition, the boundary would cross an open field and not follow any recognisable feature, though in time it could be made robust with landscaping. Overall the harm to the Green Belt would be significant.
331. There are two other potential constraints. First, the land is within the setting of the grade II listed Tanhouse Farmhouse. The proposal would sever most of what remains of the relationship between the farmhouse and its historic open agricultural context. The harm to the heritage asset is likely to be appreciably greater than that arising from the development of Runnell's Lane, albeit still 'less than substantial' in NPPF terms. Second, during the examination Highways England confirmed that development of AS10 would interfere with a possible new road through the Rimrose Valley, one of two options for provision of improved road access to the Port of Liverpool. However, no specific route is protected under policy IN2.
332. I consider that the significant harm to the Green Belt is sufficient reason to reject the Edge Lane proposal, for it would clearly be more harmful than the Plan's housing allocations for Thornton or those for the wider area. The two potential constraints, whilst not determinative, add weight to the case against the proposal. The omission of site AS10 from the Plan is sound.
333. The Northern Perimeter Road forms a robust boundary to the Green Belt at Netherton and the dwellings along Chapel Lane appear as a sporadic cluster, probably with agricultural origins, within the surrounding rural landscape. The recent opening of Broom's Cross Road, which now divides Chapel Lane, does not significantly alter this. Housing development on the small parcel of land at

The Stables, Netherton (AS25) would substantially enlarge and consolidate the loose-knit cluster, intruding into the relatively narrow gap to Maghull; it would also set a precedent for further urban sprawl between the two main roads. Consequently the harm to the Green Belt would be moderate to significant. The development would also be likely to have a major impact on the setting of Manor House Farm and The Lodge, both grade II listed buildings, though without a detailed assessment the extent of the harm cannot be quantified. For these reasons the omission of this site is sound.

334. Almost all the undeveloped land between Aintree and the M57 motorway is proposed for housing on four omission sites: North of Oriel Drive, West of Spencer's Lane, East of Spencer's Lane and Mill Farm/East of Bull Bridge Lane. The development of each site would reduce the already narrow open gap to Melling/Kirkby or to Maghull. Because of Aintree's location on the northern edge of the Liverpool conurbation, these sites are the closest areas of countryside to this part of the city and perform a particularly important role in helping to maintain the separate identity of the towns that are just beyond the conurbation. Each site would also generate additional traffic on the already congested junction of Altway/Aintree Lane with the A59.

335. Development of the site **North of Oriel Drive (AS18)** would appreciably reduce the gap to Maghull from the residential area of Aintree, and though the M57 would form a strong boundary to further encroachment, at its narrowest the residual gap (about 750m wide) would only just maintain adequate separation from Maghull. Overall the harm to the Green Belt would be moderate. The site has capacity for about 350 dwellings and most of the traffic generated would use the congested A59 junction. I consider the Council's analysis of overall junction capacity to be robust and there is no evidence to suggest that the additional traffic from this site could be satisfactorily accommodated. Possible alternative accesses, including the notion of a mixed-use employment and housing scheme which has a junction with (or bridge over) the M57 motorway, have not been explored in detail and cannot be regarded as serious options.

336. 30% of North of Oriel Drive is in Flood Zone 2 and there is a significant risk of surface water flooding. Even if mitigation to address the flood risk is feasible, as the site promoter contends, the risk is much greater than applies to all other housing allocations in southern Sefton, so the proposal fails the Sequential Test. I acknowledge that the site is highly accessible to local services and facilities, would not involve the loss of BMV land and has no other material constraints. Nevertheless in light of the traffic issue and the flood risk, which do not apply to the southern Sefton allocations, coupled with the moderate harm to the Green Belt, the omission of this site is sound.

337. The land **East of Spencer's Lane (AS21)** is slightly larger than the Oriel Drive site and comprises most of the gap between Aintree and Melling/Kirkby. The proposed 500-600 dwellings on this site would largely eradicate the gap; I do not accept that the presence of the golf club on the other side of the Leeds-Liverpool canal, or even the suggested buffer zone in the north-east corner of the site, would maintain the essential gap between the settlements. Because the gap here is so narrow it is critical to the separate identity of Melling/Kirkby, which would effectively merge with Aintree at this point if the site was developed. There would be a major loss of most of the countryside that lies

between Aintree and the M57 motorway. It would also lead to further urban sprawl, for there would be little justification for restricting development on the smaller West of Spencer's Lane (AS19) and Mill Farm/East of Bull Bridge Lane (AS22) sites. The development would wholly undermine the purposes of the Green Belt in this location and the harm to the Green Belt would be severe.

338. This alone is sufficient reason for not allocating the site for housing or proposing it as safeguarded land. Furthermore, the development would lead to a substantial increase in traffic at the A59/Altway/Aintree Lane junction which, as indicated above, is already above capacity. In the absence of evidence to demonstrate how the additional flows might be accommodated, this is another reason why the omission of this site is sound.
339. Development of the land **West of Spencer's Lane (AS19)** would extend Aintree into the same parcel of countryside as the land to the East (above). Although the site is much smaller (with a capacity of about 100 dwellings) and the harm to the Green Belt would be less, it would nonetheless reduce the already very narrow gap to Melling/Kirkby by just over a quarter to 489m.⁷⁴ I note the comparison with the Runnell's Lane allocation (MN2.26), where the distance across the Rimrose Valley narrows to 417m, but the character of the gaps is very different. The Rimrose Valley varies in width between 300/350m and 500/550m, so the reduction at Runnell's Lane is consistent with the general width of the gap and would not be the narrowest point. In addition, Netherton and Thornton are essentially part of the Liverpool conurbation, with the valley being a long finger of open space which cuts into the urban area.
340. By contrast, Melling is clearly separated from Aintree by the predominantly open M57 corridor and, though it abuts Kirkby, the combined Melling/Kirkby is a discrete settlement that lies outside the Liverpool conurbation. As indicated above, the narrowness of the gap makes it critical to the separate identity of Melling and any significant reduction would conflict with the Green Belt purpose of preventing coalescence; the development would also encroach into the countryside. In addition, the River Alt is a much more robust boundary to Aintree than the track proposed as the new limit to development, potentially making further encroachment into the triangular area next to the motorway difficult to resist (thereby narrowing the gap further) if the topographic/ground conditions constraint could be overcome. And though the land is well contained by the motorway and the embankment of Spencer's Lane as it rises to the bridge over the motorway, users of Spencer's Lane would clearly perceive the narrowing of the gap to Melling from this elevated stretch of road. Overall the harm to the Green Belt would be significant.
341. In the absence of a requirement for additional sites to meet housing needs, the assessment of this site depends upon a comparison with the allocated and safeguarded sites in south Sefton. Being close by and serving the same local housing market, the two Melling allocations (Waddicar Lane and Wadacre Farm) are the most relevant comparisons. Both sites would cause appreciably less harm to the Green Belt than West of Spencer's Lane. Other differences between the sites are not determinative – the Melling sites would have greater impact on the landscape, but would not involve the loss of any grade 2 (BMV) agricultural land and would have better accessibility to local services and

⁷⁴ Based on the site promoted which omits the triangular plot in the north-east corner.

facilities. Ultimately I believe the Council is right to protect this highly important and sensitive Green Belt gap, and the omission of this site is sound.

342. Turning to **Mill Farm/East of Bull Bridge Lane (AS22)**, 140 houses on the narrow strip of land between the urban area and the River Alt would reduce the gap to Melling from about 595m to around 520m. Although the site is well contained and the river would provide a strong boundary to any further extension, the development would nevertheless cause urban sprawl and a perceptible encroachment into the countryside setting of Aintree. Because the gap here is the narrowest between the Liverpool conurbation and the outlying larger settlements in Sefton, it is highly sensitive to any intrusion. I consider that there would be moderate to significant harm to the Green Belt.
343. The development would have limited impact on the landscape and would not result in the loss of BMV agricultural land. The site is reasonably accessible to local services and facilities and a suitable highway access could be provided. The new homes would result in additional traffic on the already congested Altway/Aintree Lane junction with the A59; although this would be acceptable in isolation, the cumulative traffic impact with the allocation sites has not been assessed so acceptability in highway network terms is not known.
344. The site promoter argues that more land is required to meet the housing needs, and that additional sites are required urgently if the Council is to have a 5 year land supply on adoption. Given my earlier finding that the land supply is sufficient, both in quantity and timing, these arguments are not persuasive. But as with the West of Spencer's Lane site, it is necessary to make a comparison with the Melling allocations. Mill Farm is better contained, would have less impact on the landscape, and involves slightly poorer quality agricultural land. On the other hand, Waddicar Lane and Wadacre Farm are closer to local services and, it is reasonable to assume, would individually cause less additional congestion on the A59 junction. All sites are in Flood Zone 1 and the surface water flood risk is broadly similar. On these factors the Mill Farm site is slightly preferable, but its advantage is not significant (and there is uncertainty about the A59 junction impact).
345. In Green Belt terms, however, Waddicar Lane and Wadacre Farm would have less impact on the Green Belt (moderate at worst, compared with moderate to significant for Mill Farm) because they do not impinge upon a critical essential gap in Sefton. In my judgement this sensitive gap on the edge of the conurbation should be protected from unnecessary development unless this is unavoidable. Thus the greater harm to the Green Belt from the Mill Farm site clearly outweighs any slight advantage this site may have from other factors, and its omission from the Plan is sound.
346. There is little detail about the proposed housing on the former railway sidings **East of Aintree Racecourse (AS23)**. Even with the suggested buffer, it is likely that the development would remove most of the very narrow gap between Aintree and Fazakerley and sever the racecourse from the wider Green Belt, causing significant harm. It is not clear how an acceptable access for a sizeable housing scheme could be gained from the constricted stretch of road between the canal bridge and railway line. And it is not known whether suitable mitigation could be secured for the ecological interest within the site, which is part of a LWS. On Green Belt grounds alone this site would cause

appreciably more harm than the allocations in south Sefton; the uncertainty surrounding other matters adds to the weight against the proposal. The omission of this site is sound.

347. **Land at Switch Island and North of M57 (AS17)** is promoted for a major logistics development that would contribute to the sub-regional employment land requirement arising from Liverpool Superport and Liverpool2. As stated under Issue 3, the scale and distribution of this requirement is currently being investigated as part of a sub-regional review of housing and employment land needs (SHELMA). Modified policy MN1 commits the Council to an immediate review of the Plan should a demand for additional port-related employment land be identified in Sefton. Thus in the Council's view, consideration of this (or any other) logistics/port-related employment site is premature in advance of the SHELMA findings and will be dealt with in the review. Given the sub-regional nature of the need and the desirability of having an agreed land distribution across the LCR authorities, I have endorsed this approach.
348. Nevertheless, Switch Island continues to be promoted as an allocation in this Plan. Development of the site would remove a substantial part of the narrow gap between Aintree and Maghull. At its narrowest point this gap is just over 600m wide and comprises the extensive Switch Island road junction and the major roads leading to it (M57, M58 and A59), so the small parcels of undeveloped land between the roads contribute significantly to its openness. The gap widens to the east of the railway line that crosses the site, where the landscape is more open, but here the development would be perceived as a major intrusion in the middle of the gap. It would also reduce the gap to Melling/Waddicar to the east, though not so much as to create the sense of coalescence that would result from the part of the scheme west of the railway.
349. Despite being contained by major roads and crossed by overhead power lines and a railway line, much of the land is in agricultural use and is an important part of the countryside setting of the two settlements. The cultivated fields are visible from the Switch Island roundabout and motorways, so the construction of large logistics warehouses would be a clear encroachment into the countryside. In addition, large warehouses immediately north of the M57 could create a precedent for further urban sprawl on the land to the south between the motorway and the edge of Aintree, which is the North of Oriel Drive omission site (see AS18 above). Overall, given the essential nature of the gaps north of Aintree and their sensitivity to development, the harm to the Green Belt would be severe.
350. Although a large body of evidence has been submitted, it is not certain that the major technical constraints to the development of this site are capable of resolution. Over half the site is in Flood Zones 2 and 3 and there is a significant surface water flood risk; furthermore, the River Alt flows through the middle of the site and would have to be diverted. The flood risk note is not a full FRA and though it proposes solutions which appear feasible, the views of the EA are not known. Access to and from the motorways has been agreed in principle with Highways England, but a TA is required before a firm conclusion could be reached. The ecological evidence indicates that the site has relatively limited biodiversity value, though the impact on the proposed Nature Improvement Area along the River Alt corridor is not known. Some matters have not been investigated, such as the impact on the setting of the

nearby grade II listed Wood Hall Farm or the implications of diverting the electricity pylons which cross the site.

351. The benefits of the Switch Island development are substantial. It would provide around 1,000 new jobs close to areas of high unemployment in south Sefton and would help to diversify the local economy and contribute to the success of the LCR Superport project. It would meet part of the need for port-related logistics developments very close to Liverpool2, thereby reducing operator costs and travel distances (with consequent energy savings). Also, it would occupy a highly accessible location for logistics operators at the end of the Dunnings Bridge Road corridor and is likely to be attractive to the market.
352. The Switch Island site is not being promoted as an alternative to the Plan's employment allocations but, to be consistent with the approach taken with residential omission sites, this should be addressed. The relevant comparison is with the East of Maghull employment allocation, which has fewer constraints and greater certainty with regards to delivery. In particular, Switch Island's position in a narrow essential gap would result in much greater harm to the Green Belt than East of Maghull. Half the site is in Flood Zones 2 and 3 so, on the basis of identifying land for general employment needs as opposed to logistics-specific sites, Switch Island fails the Sequential Test. Overall, despite the benefits for employment and the local economy, Switch Island does not warrant inclusion in this Plan. Whether the benefits amount to the exceptional circumstances that would justify a further alteration to the Green Belt is a matter for any review of the Plan following the SHELMA study.

Maghull/Lydiate

353. The large site **West of Maghull (AS12)** comprises three separate adjacent parcels and would accommodate at least 800 dwellings. The smallest southern parcel is poorly related to the existing settlement, though if most of the field which projects into the surrounding countryside becomes open space, the urban sprawl would be limited. The middle parcel is well contained, being enclosed on three sides by Green Lane, and would be a reasonable westward extension to Maghull. The largest northern parcel is contained on two sides by Green Lane and Bell's Lane but the western boundary along Maghull Brook is less strong, though it could be reinforced with suitable landscaping. There would be no appreciable narrowing of the gap to Lunt village or Crosby. Overall the development of this site would be a sizeable westward extension of Maghull into its rural hinterland, causing moderate harm to the Green Belt.
354. Most local services and the main routes through the town lie to the east of the site, across the Leeds-Liverpool canal. From the southern part of the site, Green Lane connects with the Westway road bridge over the canal and access to the town centre is straightforward. However, access from Bell's Lane and the northern arm of Green Lane is across narrow swing bridges (single vehicle width with no footways) that periodically close to allow the passage of canal boats. The promoter suggests that improvements to nearby residential estate roads to provide a public transport loop, followed by upgrading of Bell's Lane canal bridge to allow use by buses and HGVs, would accommodate the traffic generated without major capacity issues or constraints. However, I share the Council's scepticism about the robustness of the trip distribution and non-car mode trip proportions; moreover, the Bell's Lane bridge upgrade would require

third party land and its feasibility is in doubt. Additionally, Merseytravel believes that a bus service to the site would not be commercially viable.

355. The site is close to a large Biological Heritage Site in West Lancashire which is a feeding ground for Pink Footed Geese; some birds have also been observed on the site. The development would result in some loss of feeding ground and greater recreational use of the footpaths that cross the birding site. However the main Cheshire Lines trail is outside the locally protected area and, as the birding site extends all the way to Formby, I do not believe that increased footpath use mainly on its fringes would represent quite as significant a constraint as the Council suggests. Nevertheless, it remains a factor to be considered in the comparative assessment. Other constraints, including the loss of BMV agricultural land, are typical of most sites in this locality. As to the benefits of the proposal, I accept that the site is large enough to potentially support the provision of a doctor's surgery, shop and community centre, though this applies equally to other sites of similar (or larger) size.

356. The site is promoted for immediate development or as an alternative to the safeguarded land. In most respects, including the extent of harm to the Green Belt, the West of Maghull site is broadly comparable to nearby sites. The main constraint is the constricted nature of the highway network due to the narrow canal bridges; the evidence that this can be overcome is far from compelling. None of the allocated or safeguarded sites in the Sefton East Parishes (the most relevant local housing market area) or in south Sefton would lead to such difficulties on the highway network. The considerably larger East of Maghull site has appreciably better local road connections and would benefit from M58 junction improvements. The safeguarded land at Lambshear Lane, which is similar in size, connects to much less-constrained local roads, as does the Ashworth Hospital land. In addition, none of these developments would have as much impact on a recognised wildlife resource. Consequently the omission of West of Maghull is sound.

357. The land **East of the A59 (AS14)** is promoted as an alternative to the safeguarded land at Lambshear Lane (MN8.1). The development would extend beyond the existing strong boundary of the A59 dual carriageway into a swathe of farmland and smallholdings that reaches the railway line abutting the Ashworth Hospital complex. The proposal covers only half the potentially suitable land and, as the hedgerow which forms the south-eastern boundary is a weak feature, it could lead to further urban sprawl. Sudell Brook on the north-eastern boundary would be a slightly stronger feature and, as it forms the boundary with neighbouring West Lancashire, is less likely to be breached. Nevertheless, both boundaries are noticeably weaker than Moss Lane, which forms a robust boundary to the land at Lambshear Lane.

358. Development up to Sudell Brook would reduce the gap to Aughton to around 700m, creating a significantly smaller gap than would remain with the development of Kenyon's Lane and (potentially in future) Lambshear Lane. I do not accept the argument that the relevant gap is the larger one to the town of Ormskirk, a short distance beyond Aughton, because Aughton is a sizeable village inset within the Green Belt and should not be ignored when applying the principles of Green Belt policy. There would be no appreciable difference between the two sites in respect of countryside encroachment. Overall,

because of the potential for urban sprawl and the narrowing of the gap to Aughton, the harm to the Green Belt would be significant.

359. About 10% of the site is in Flood Zones 2 and 3a according to the latest information. Whilst this is likely to be capable of mitigation as part of any development, it compares unfavourably with the land at Lambshear Lane which is wholly in Flood Zone 1. The claim that the agricultural land quality is grades 3a and 3b appears to come from the landowner rather than a recognised independent organisation, but even if it is poorer quality than that at Lambshear Lane, this has to set against the higher flood risk. There are no other constraints that cannot be mitigated so, aside from the Green Belt issue, there is little to choose between East of the A59 and Lambshear Lane. However, because East of the A59 would clearly cause more harm to the Green Belt (significant as opposed to moderate), its omission from the plan is sound.
360. The land **South of the Crescent (AS15)** is mostly well contained by the urban area, the embankment of a disused railway line and the A59. The southern part of the proposed boundary to Melling Brook would not be particularly strong, though the potential for further urban sprawl is very limited. Housing on this site would slightly diminish the already narrow gap between Maghull and Netherton/Aintree and would add to the mass of development abutting the gap; however, a reasonable (700m) gap would remain and there would be no reduction in the minimum gap between the settlements. There would be a small but perceptible loss of countryside on the main southern approach to Maghull. Overall the harm to the Green Belt would be minor to moderate.
361. The Council argues that the non-selection of this site is due to the combined effect of a number of reasonably strong constraints rather than the overriding impact of any one constraint. The site is a LWS, designated mainly for its neutral grassland habitat and the presence of European and priority species. A recent survey confirms that the site could potentially support a number of protected species and that, despite some loss of grassland, it retains LWS status. Only about half the site would be developed (for 100 dwellings) to enable on-site mitigation to take place; it is also intended to transplant the neutral grassland to another site, though no firm proposal is in place. Although appropriate mitigation might not preclude development of this site, the NPPF seeks locations on alternative sites which have less harmful impacts.
362. The site is in Flood Zone 1, thereby passing the Sequential Test, but over half is at medium risk of surface water flooding and on-site attenuation would be required. The efficacy of this mitigation is important, for there is concern that development could exacerbate the significant flooding that has occurred to properties on Four Acres; however, no details have been supplied. The traffic generated would add to the peak time congestion on Liverpool Road South and the A59, though the impact would be small. There are no other material constraints and the site would be highly accessible to most local services and facilities. It would also not involve the loss of BMV agricultural land.
363. I have considered the many comparisons with allocated sites submitted by the site promoter. The most relevant are those within the Sefton East Parishes, for they would serve the same local housing market and thereby meet the

need closest to where it arises. The Kenyon's Lane site would cause slightly greater harm to the Green Belt (moderate) and loss of BMV land, but it is not a LWS, the surface water flood risk is much less and the traffic impact can be mitigated; in my view it is preferred. Similar considerations apply to the Melling sites (Waddicar Lane and Wadacre Farm) – the slightly greater harm to the Green Belt and the loss of BMV land is outweighed by the absence of an ecological constraint, lower surface water flood risk (slightly lower in the case of Wadacre Farm) and no material traffic impact. The Ashworth Hospital safeguarded land would involve the loss of BMV land but has few other constraints and, as a longer term potential site, is clearly preferable.

364. The sites at Lydiate Lane and Runnell's Lane (MN 2.25 and 2.26) would cause greater (moderate to significant) harm to the Green Belt and would involve loss of BMV land, but would not have any effect on a LWS and the surface water flood risk would be much less. In addition, the Thornton sites would meet housing needs in a part of the borough where sites are difficult to find; by contrast, Maghull is already taking a sizeable proportion of the housing requirement and so the need for more is appreciably less. The comparisons with sites in north Sefton are less relevant because they are necessary to meet the housing needs of that part of the borough but, in any event, I find none of them preferable. Ultimately a planning judgement has to be made and, on balance, I consider that the omission of this site is sound.
365. The land at **Melling Lane (SR4.49)** is well contained by the road, the Leeds-Liverpool canal and the M58 motorway. Development for housing would reduce the reasonably wide gap to Melling/Waddicar and the much smaller gap to Melling village, but because the M58 is elevated on an embankment there would be no sense of settlements merging. The strength of the M58 as a boundary and the proximity to the East of Maghull allocation could result in the intervening parcel also being released from the Green Belt, but as this is a recreation ground which Maghull Town Council intends to retain, it would not be a potential development site in this Plan. Overall the harm to the Green Belt would be minor.
366. The EA maps indicate that around 40% of the site is in Flood Zone 2, at risk of flooding from Whinney Brook, and a significant area is subject to surface water flood risk. A FRA seeks to demonstrate that the flood zone mapping is based on inaccurate modelling and should not be a constraint to allocation. It also suggests that the opening up of a culvert within the site would reduce the area in Flood Zone 2, potentially reducing the flood risk upstream. The EA indicates that, subject to various measures including opening up the culvert north of the site, a solution may be found, but it requires further hydraulic modelling to be undertaken. In the absence of this work, and as the properties abutting the site on Willow Hey are known to flood regularly, the Flood Zone 2 designation is appropriate. Furthermore, the land is believed to be grade 2 (BMV) agricultural land. There are no other constraints and the site is highly accessible to local services and facilities.
367. None of the allocations in Sefton East parishes or southern Sefton are in Flood Zone 2, so the proposal fails the Sequential Test. The promoter argues that this test has been incorrectly applied because some allocations in north Sefton include land in Flood Zone 3. While this is true, sites to meet housing needs in Southport and Formby are much more difficult to find, and Maghull (which is

already providing a sizeable share of the overall need) is quite a distance from north Sefton. Moreover, all the allocated sites in Flood Zone 3 have been accepted by the EA for inclusion in the Plan, whereas Melling Lane has not. Although the Green Belt harm is less than that of some nearby allocations, this and the other benefits of the site are clearly outweighed by the flood risk constraint. Accordingly the omission of this site is sound.

368. The neglected, overgrown land at **Damfield Lane (AS30)** is close to the centre of Maghull and is not in the Green Belt. It is part of a Conservation Area (CA) that includes a cluster of listed buildings north of the site, focused on Maghull Chapel (grade II*) and St Andrew's Church (grade II). The sole constraint is the impact on the character of the CA and the setting of St Andrew's Church (glimpses of the church tower are obtained from the site). The conservation statement submitted by the site promoter includes a sketch plan showing blocks of housing development which appear not to respect sufficiently the character of the CA and the setting of the church. On the other hand, I struggle with the Council's argument that *any* development on the site would cause substantial harm to the significance of the designated heritage assets, especially as an important link to the rural origins of Maghull, the use of the land as grazing pasture (a key factor on CA designation in 1991), ceased about 13 years ago. Thus, whilst the evidence falls far short of justifying an allocation, the acceptability of any future scheme for this urban site would be tested against the heritage policies of the Plan and the NPPF.
369. Many other potential sites were considered by the Council during the various stages of plan preparation. Having considered the evidence provided, I am satisfied that none of them is clearly preferable to the sites allocated in the Plan.

Housing and employment site allocations - Conclusion

370. For sites within the urban area, I have found that there are no constraints which would prevent or unduly hinder the developments proposed; subject to site-specific modifications, all the urban allocations are sound. I have also found no evidence that urban sites omitted from the Plan are likely to appreciably increase the supply of housing and employment land. Thus the 'in principle' conclusion reached under issues 2 and 3, that sites in the Green Belt are required if the Plan's objectively assessed needs are to be met in full, is confirmed.
371. Having appraised the allocated Green Belt housing sites, the safeguarded land proposals and the omission sites, I consider that the Green Belt site selection process has been conducted to a high standard. The robust methodology has been applied appropriately and the planning judgements that have been made are generally sound. Some modifications are necessary to detailed matters, and one small housing site has been added to the supply. There are no constraints which would prevent development of any of the modified Plan's Green Belt housing allocations, so there is no insurmountable reason which would preclude the OAN being met in full. Not only are all the Green Belt housing allocations required to meet the OAN in full, but they also represent the most suitable and sustainable strategy for meeting the Plan's vision and objectives. No prospective site omitted from the Plan would make a more suitable or sustainable contribution to meeting the OAN or the Plan's

objectives. Consequently I conclude that exceptional circumstances exist to justify releasing all the allocated housing sites from the Green Belt.

372. Similar considerations apply to the employment land allocations. There are no insurmountable constraints to delivery of the urban supply, yet Green Belt allocations are required if the OAN is to be met in full. However, because the robust OAN is lower than the land requirement in the Submission Plan, only one of the two Green Belt employment allocations at Formby is justified. I have determined that the most sustainable site is the Land North of Formby Industrial Estate. Together with the urban supply, this single allocation at Formby and the Green Belt employment land at East of Maghull are sufficient to meet the robust OAN; moreover, there are no constraints which would prevent their delivery. Consequently, exceptional circumstances exist to justify their release from the Green Belt. Furthermore, in the absence of a need for additional employment land, exceptional circumstances do not exist to justify releasing the Land South of Formby Industrial Estate (or any omission site) from the Green Belt.

373. In summary, I find that the selection of sites for housing and employment development is for the most part justified by the evidence and consistent with the Plan's vision and objectives. During the examination one small housing site was added to the Plan and one employment site was deleted. Modifications are also necessary to certain detailed matters and some site allocation policies. Subject to these modifications, the housing and employment allocations in the Plan are sound.

6 – INFRASTRUCTURE, IMPLEMENTATION AND MONITORING

Issue 6: Whether the Plan is sufficiently effective and proactive to ensure timely delivery of its proposals and the necessary infrastructure.

Infrastructure

374. For many Sefton residents, the impact that new development will have on already over-subscribed local facilities and services is a major concern. This is recognised as a key issue in the Plan; one of its objectives is to ensure that new developments include the essential infrastructure, services and facilities they require. The Infrastructure Delivery Plan (IDP)⁷⁵ includes a mostly costed schedule of the projects that have been identified during Plan preparation. Measures for securing delivery of this infrastructure as part of the development process, including the mechanisms by which it is to be funded, are set out in policy IN1. It is not clear from the wording of the policy whether viability considerations might threaten the delivery of infrastructure which is essential for development to proceed. **MM43** and **MM44** are necessary to ensure that essential infrastructure is required regardless of viability.

375. The IDP appears thorough and, for most service areas, it identifies the major schemes necessary to mitigate the impacts of the Plan's proposed allocations. The main omission is health facilities because information about future needs is not available from the CCGs. The CCGs are currently reviewing the delivery

⁷⁵ Document MI.1 - Infrastructure Delivery Plan, December 2014

of health care in Sefton and the Council is working closely with health providers to ensure that any future needs can be taken into account. Policy IN1 is phrased in suitably general terms to ensure that developer contributions can be sought, where necessary, at the time development occurs. Thus the framework established by policy IN1 is suitably effective and proactive.

376. The overall transport strategy set out in policy IN2 is based on and is consistent with the Merseyside Local Transport Plan and the LCR Transport Plan for Growth. Although the policy only gives limited prominence to non-car modes of travel, such accessibility issues are addressed by policy EQ3. Nevertheless, the addition to policy IN2 of the need to improve safety and accessibility for all transport users (**MM45**) highlights the connection between the two policies and is necessary for the Plan's effectiveness. This modification also includes support for initiatives within the Port of Liverpool to improve rail links. Despite Natural England's concern, because the support at Seaforth is clearly conditional upon compliance with the specific policy ED1 as well as the safeguarding policy NH2, sufficient protection exists for designated nature conservation sites. As modified, policy IN2 is sound.
377. Turning to energy infrastructure, the Plan does not include schemes or identify specific opportunities for renewable or decentralised energy, indicating instead that any proposals will be assessed against the NPPF. In June 2015 a WMS introduced new considerations designed to enable local people to have the final say on wind turbine applications. Two requirements have to be met: a proposed turbine must be in an area identified as suitable for wind energy development in a local plan, and it must be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Although an area of search for wind energy at Ince Blundell was identified at Preferred Options stage, this was not taken forward; consequently the Plan does not identify any area as suitable for wind energy development. The Council intends to address this matter in the immediate review of the Plan. In the meantime, to ensure that the Plan is effective, **MM47** updates the text with the current position and indicates that the Council is unable to permit applications for wind energy development until the review is undertaken.

Implementation and Monitoring

378. Appendix 3 of the Submission Plan provides the indicators the Council intends to use to monitor implementation of the Plan. This simple list of indicators falls far short of a meaningful framework for measuring the progress and effectiveness of the Plan against its key objectives and policies. No targets were set, without which it would have been difficult to judge whether the desired outcomes are being achieved, nor was there any consideration of the remedial action to be taken if targets are not met. The modified Appendix 3 (**MM87**) addresses these matters and is necessary for the Plan to be sound. It provides an effective and proactive monitoring framework under which the implementation of the Plan can be objectively measured and kept under review.

Assessment of Legal Compliance

379. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. Regulation 8(5) of the 2012 Regulations requires a local plan to indicate which policies supersede adopted policies in the UDP; this was absent from the Submission Plan. Appendix 5 (**MM88**) provides a comprehensive schedule which corrects this omission. With this modification I conclude that the Plan meets all the legal requirements.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Sefton Local Plan has been prepared in accordance with the Council's LDS September 2015.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2011. Consultation on the Sefton Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment including AA (January 2015 and May 2016) set out that the Plan may have some negative impact, and a full assessment should be undertaken. Natural England support this.
National Policy	The Sefton Local Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The modified Sefton Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

380. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

381. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix, the Sefton Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Martin Pike

Inspector

This report is accompanied by the Appendix containing the Main Modifications