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# **Report on Formby & Little Altcar Neighbourhood Plan 2012 - 2030**

**An Examination undertaken for Sefton Council with the support of  
Formby and Little Altcar Parish Councils on the February 2019  
submission draft of the Plan.**

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Date of Report: 12 August 2019

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## **Main Findings - Executive Summary**

From my examination of the Formby & Little Altcar Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Formby and Little Altcar Parish Councils;
- the Plan has been prepared for an area properly designated – the Formby Neighbourhood Plan Area;
- the Plan specifies the period to which it is to take effect – 2012 to 2030; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Formby & Little Altcar Neighbourhood Plan 2012 - 2030*

- 1.1 The parishes of Formby and Little Altcar fall within the Metropolitan Borough of Sefton in Merseyside. To the north is the seaside town of Southport at a distance of some 11 km. To the south, beyond the village of Hightown, is the built-up area of Crosby and the conurbation of Liverpool with the city being approximately 18 km to the south-southeast.
- 1.2 The designated area forms part of the coastal strip east of the Irish Sea. Formby Parish occupies the greater part of the area. Little Altcar Parish covers the southeastern and southerly portion. The built-up area is roughly square-shaped and is traversed north-south by the railway line between Liverpool and Southport and, towards the eastern fringe, by the A565 trunk road and the border with Lancashire. It is low-lying and, in particular, below the level of the coastal dunes to the west.
- 1.3 As indicated below, initial work towards preparation of a neighbourhood plan began in 2013. Designation of the Neighbourhood Plan Area in September 2013 was followed by participation that included an exhibition, survey, questionnaires and various forms of publicity. Finalisation of a submission draft was delayed by the examination of the Local Plan for

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Sefton but represents six years of work by those involved. The resultant Plan includes a detailed Vision for Formby and Little Altcar as well as some 37 specific policies.

### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Formby & Little Altcar Neighbourhood Plan by Sefton Council with the agreement of Formby and Little Altcar Parish Councils.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- whether the Plan meets the Basic Conditions;
  - whether the Plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;

- it does not include provisions and policies for “excluded development”;
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

*The Basic Conditions*

1.9 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>

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<sup>1</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Sefton Council, not including documents relating to excluded minerals and waste development, is the Local Plan for Sefton as adopted on 20 April 2017.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers advice on how this policy should be implemented. A revised NPPF was published on 19 February 2019 (and updated on 19 June 2019). All references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>2</sup>

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Formby & Little Altcar Neighbourhood Plan 2012 - 2030, Submission Draft, February 2019;
  - a map of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates (Map on Page 6 of the Plan);
  - the Consultation Statement, February 2019;
  - the Basic Conditions Statement, February 2019;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment (SEA) Screening Report and Screening Determination prepared by Sefton Council (Appendix 6 of the Consultation Statement); and
  - the request for additional clarification sought in my letter of 31 May 2019 and the subsequent responses, which are available on the Sefton Council website.<sup>3</sup>

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<sup>2</sup> See Paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>3</sup> View at: <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/neighbourhood-planning.aspx>

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 10 July 2019 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulate the objections to the Plan and present arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the **Appendix** (and associated **Annexes A** and **B**).

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Formby & Little Altcar Neighbourhood Plan has been prepared and submitted for examination by Formby and Little Altcar Parish Councils which are qualifying bodies for an area that was designated by Sefton Council on 12 September 2013.
- 3.2 The original application for designation was submitted by Formby Parish Council. However, both Sefton Council and representors felt that the designated area should cover both Formby and Little Altcar parishes. Following approaches by Sefton Council, Formby and Little Altcar Parish Councils agreed to seek designation, since approved, for an area covering both parishes.
- 3.3 It could be argued that a revision to the application area should have triggered revised consultation. However, Sefton Council and all of the respondents to the original consultation were in favour of a neighbourhood area covering both parishes. In addition, no representations regarding the change have been made at either of the formal representation stages (Regulation 14 and Regulation 16). In the circumstances, I am satisfied that no substantive prejudice has arisen out of the change to the designated area application.

- 3.4 It is the only Neighbourhood Plan for the Formby Neighbourhood Plan Area and does not relate to land outside the designated Neighbourhood Plan Area.

#### *Plan Period*

- 3.5 The Plan specifies clearly the period to which it is to take effect, which is from 2012 to 2030.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.6 Details of Plan preparation and consultation are set out in the Parish Councils' Consultation Statement, February 2019. A summary of responses to questionnaires is also set out in Appendix A of the Plan. Application for designation as a neighbourhood area was made, initially by Formby Parish Council, in March 2013, and was followed by statutory publicity. The Neighbourhood Plan Area for the parishes of Formby and Little Altcar was approved by Sefton Council on 12 September 2013.
- 3.7 Since designation, various elements of consultation have taken place. Key events have included an initial exhibition; an initial questionnaire; a second-stage survey; and a questionnaire for residents, young people and businesses at a third stage. A variety of publicity material has been employed throughout (see Consultation Statement, Appendix 8).
- 3.8 At the Regulation 14 stage, representations were made by Sefton Council as well as various developers and organisations. In addition, responses were made by many members of the public (Consultation Statement, Appendices 2 to 5). Changes made are summarised on Pages 1 to 8 of the Consultation Statement. At the Regulation 16 stage, representations covering a variety of matters were submitted by some thirty-five different parties.
- 3.9 I am satisfied that, at both the Regulation 14 and Regulation 16 stages, the consultation process met the legal requirements and that there has been procedural compliance. Regard has been paid to the advice on plan preparation in the PPG.

#### *Development and Use of Land*

- 3.10 Subject to the modifications recommended in PM16 (Community Actions) and PM17 (Developers Working with the Community), the Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

#### *Excluded Development*

- 3.11 The Plan does not include provisions and policies for "excluded development".

## *Human Rights*

3.12 Formby and Little Altcar Parish Councils (through the Basic Conditions statement prepared by Erimax Ltd) are satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

4.1 The Neighbourhood Plan was screened for SEA by Sefton Council which found that the Plan would not require SEA. The Report and Determination also screened for Habitats Regulations Assessment (HRA) which also was not triggered. In responding to consultation, Natural England confirmed that there are unlikely to be significant environmental effects from the proposed Plan.

4.2 In the light of updates to the Plan, the applicability of the determination has been reviewed by Sefton Council.<sup>4</sup> It is confirmed that the conclusions from the previous screening remain valid. From my independent assessment of this matter, and having read the relevant documentation, I have no reason to disagree.

### *Main Issues*

4.3 Having regard for the Formby & Little Altcar Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are 9 main issues relating to the Basic Conditions for this examination. These concern:

- Miscellaneous Matters;
- Structure and Content;
- Spatial Strategy;
- Housing;
- Working and Shopping;
- Getting Around;
- Community, Leisure and Wellbeing;
- Environment, Sustainability and Design; and
- Flooding Policies.

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<sup>4</sup> Response of Sefton Council to Examiner Procedural Matters and Questions, 31 May 2019  
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- 4.4 Before I deal with the main issues, I have a few observations to make with regard to many of the representations. First, the Formby & Little Altcar Neighbourhood Plan should be seen in the context of the wider planning system. This includes the Local Plan for Sefton (an important part of the Development Plan) as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere<sup>5</sup>.
- 4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. For example, a neighbourhood plan can be used to allocate sites; but it does not have to do so. In this regard, the content of the Neighbourhood Plan is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the objections to the Plan do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions. This includes matters that would be dealt with more appropriately at the district level and are not neighbourhood-specific.

#### *Issue 1: Miscellaneous Matters*

- 4.7 Throughout the Plan, there are general instances where the content is not clear, is not supported by the evidence or is inaccurate in some way. In this regard, Planning Practice Guidance calls for clarity and proportionate, robust evidence<sup>6</sup> whilst the 1990 Act provides for the correction of errors.<sup>7</sup> The proposed modifications identified below are necessary to ensure accuracy and to meet the Basic Conditions (specifically, the requirement to have regard to national advice).

#### Foreword

- 4.8 The Plan's Foreword contains two footnotes. The first states that "the Planning System, in its current form, is unable to take a holistic approach when addressing flooding and flood risk to the community". The second says that "any land which is not allocated in, in (sic) the future, within the NDP will not be supported for development". The Parish Councils<sup>8</sup> have

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<sup>5</sup> See NPPF, paragraph 16 f).

<sup>6</sup> See PPG Reference ID 41-041-20140306 and ID 41-040-20160211.

<sup>7</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>8</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

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not been able to substantiate these provisions. As such, the Plan should be modified as in proposed modifications **PM1 and PM2**.

#### Application for Designation

- 4.9 As indicated above, the original application for designation was made by Formby Parish Council (on its own). Formby and Little Altcar Parish Councils later agreed to seek designation for an area covering both parishes. This position is different from that stated in Section 1.1.2 of the Plan and should be corrected as in proposed modification **PM3**.

#### Strategic Environmental Assessment

- 4.10 Section 1.1.5 of the Plan contains an inaccurate description of responsibilities in relation to SEA and HRA. Suffice it to say that screening has been undertaken by Sefton Council. The matter can be corrected by combining Sections 1.1.5 and 1.1.6 with replacement text in place of Section 1.1.5. Proposed modification **PM4** refers.

#### National Planning Policy Framework

- 4.11 In Section 1.1.10 of the Plan (and elsewhere), there is a quotation from the National Planning Policy Framework (NPPF). The March 2012 version of the NPPF has been used. However, as indicated above, the operative version for the purposes of this Plan is the February 2019 edition. The matter would be corrected through proposed modification **PM5**.

#### Accuracy of Maps

- 4.12 On Page 5 of the Plan, the maps showing the Neighbourhood Plan Area boundary and the parish boundaries have been transposed. The error would be corrected through proposed modification **PM6**.
- 4.13 Map 3 (Page 9 of the Plan) shows an inaccurate "Sefton Boundary" (part of the designated area is outwith the Sefton boundary; which cannot be the case). The error would be addressed under proposed modification **PM7**.
- 4.14 On the key for Map 6 (Page 19), Grade II\* listed buildings are shown as red dots and are stated to be Grade I. This is inconsistent with their status and the markings on the map and should be corrected as in proposed modification **PM8**.
- 4.15 Map 10 (Page 31) shows "Proposed Green Belt in the Emerging Local Plan" as in a "Modification Stage" plan. The information should be updated to show the position as in the Local Plan for Sefton, as adopted. Proposed

modification **PM9** refers and includes a consequential change to Section 3.2.5.

#### What is the Neighbourhood Plan?

- 4.16 Section 1.3.1 of the Plan sets out a range of issues that can be influenced by the community through the neighbourhood planning process. The majority of these are general in nature. However, one of the issues is stated to be, "that all new housing developments where more than 50 dwellings, should provide for new open public green space". Apart from being an inappropriate location for a policy statement, this provision is not supported by evidence, here or elsewhere. The reference should be amended as in proposed modification **PM10**.

#### Biodiversity Conservation Sites

- 4.17 Section 2.4.3 of the Plan refers to conservation sites of local, national and international importance. However, the list is inaccurate and misleading. Corrections should be made as in proposed modification **PM11**.

#### Heritage

- 4.18 Listed Buildings in Formby and Little Altcar are referred to in Section 2.7.1 of the Plan and in the following table. However, the colour coding for the Grade II\* Listed Buildings is inaccurate. In addition, all the buildings are on the statutory list and any distinction would not be correct. Appropriate amendment would be provided under proposed modification **PM12**.
- 4.19 The table at Section 2.8 of the Plan purports to list Locally Listed Heritage (as identified by Formby Civic Society). However, this list is out-of-date and should be replaced as in proposed modification **PM13**. In the absence of policy support within the Plan, reference to Local Plan policies should be made and are included in the proposed modification.

#### Leisure, Wellbeing and Open Space

- 4.20 Section 3.1.6 of the Plan refers to Sefton Council's "Open Space and Pitch Playing Strategy" published in 2015. In addition, there is reference in Section 3.1.9 to the "Open space, sport and recreation facility assessment" of 2008. Both the documents have been supplemented/replaced. The up-to-date position is as stated in proposed modifications **PM14 and PM15**.

#### *Issue 2: Structure and Content*

- 4.21 In terms of structure and content, the Plan is divided into various sections and appendices. Section 1 is an introductory section which talks about Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

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the neighbourhood planning process. Section 2 is an introduction to Formby and Little Altcar and sets out a variety of background information about the area. Section 3 has the title "A Vision for Formby and Little Altcar". Its purpose is to set out a vision for the area and various core objectives, all setting the scene for the detailed policies (Section 4). In addition, there is a fifth section (Developers working with the community) as well as three appendices (Summary of questionnaires; Glossary; and Evidence Base Summary).

- 4.22 The policy section (Section 4 Neighbourhood Plan Policies) is divided into various topics (eg Housing Policies). For the majority of these topics, the related policies are followed by "Community Actions", with or without a reasoned justification.
- 4.23 Having reviewed the structure and content of the Plan, I have identified a number of problems. These concern the Community Actions; Developers working with the community (Section 5); and Section 3 on the Vision for Formby and Little Altcar. In addition, some of the information in the appendices does not need to be included with the Plan. All of this is within the context of Section 1.4.2 of the Plan which states, "This entire document forms the NDP for Formby and Little Altcar."

#### Community Actions

- 4.24 In respect of Community Actions, PPG advises, "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex."<sup>9</sup> With regard to the Formby & Little Altcar Neighbourhood Plan, there are a number of problems:
- There is no statement about the role of the Community Actions.
  - The Community Actions are mixed in with (immediately follow) the related policies.
  - It is unclear whether boxes containing "Justification/Supporting Text" relate to the policies or to the Community Actions.
  - Certain Community Actions cover policy matters.
- 4.25 Given the confusion, it is clear to me that all the Community Actions should be moved to a separate Annex. This is addressed in proposed modification **PM16**. Since the Community Actions would not form part of the Development Plan, I have not sought to comment on their content.

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<sup>9</sup> PPG Reference ID 41-004-20140306.

However, the Parish Councils should review the appropriateness of the Community Actions having regard to the representations that have been made.

#### Developers Working with the Community

- 4.26 As noted above, Section 5 of the Plan has the title "Developers working with the community". It sets out legal controls in this regard; also, covers various concerns under headings such as parking and traffic, permitted hours of work and asbestos. The content is not expressed as policy but has the aim of ensuring that developers are respectful to local residents.<sup>10</sup>
- 4.27 To my mind, it is not appropriate to include this section as a formal part of the Neighbourhood Plan. Although many of the matters addressed are likely to be the subject of planning conditions, the content is for the attention of developers and does not represent development plan policy. The section should be moved to an Annex as under proposed modification **PM17**.

#### Vision for Formby and Little Altcar

- 4.28 Section 3 of the Plan comprises "A Vision for Formby and Little Altcar". In accordance with the NPPF,<sup>11</sup> I would expect this part of the Neighbourhood Plan to be succinct, provide a positive vision for the future of the area and serve a clear purpose. However, the document is lacking in all these respects.
- 4.29 In large part, the failings concern the way that flooding issues are addressed. Within the Plan, flooding is dealt with in extensive detail. In Section 3.1.8, it is stated to be the number one concern for residents; yet flooding is not mentioned in the range of issues that have been considered in producing the Plan (Section 3.1.2) or in the Vision Statement (Section 3.4.1).
- 4.30 The lack of this flooding context is in spite of coverage of "Flooding and Drainage", "Development and Climate Change", "Inappropriate Development" (flood-related), "Sustainability of Drainage Design", "Trees" (in relation to flooding) and "Preloading" all in the same section of the Plan. Indeed, given that the subject matter is all covered in an evidence base document,<sup>12, 13</sup> the coverage does not contribute to a succinct Plan. The appropriate structure of the section is further compromised by out-of-

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<sup>10</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

<sup>11</sup> NPPF Paragraphs 15 and 16.

<sup>12</sup> Document EB11, Flooding Report prepared by John Williams.

<sup>13</sup> This examination does not extend to a critical review of "Flooding Report" including the accuracy and appropriateness of its content.

context reference to topics that include open space, housing styles, employment, retail, connections and community assets.

4.31 In order to meet the Basic Conditions by having regard to national policy on succinct plans, a positive vision and a clear purpose, a number of amendments will be necessary:

- including flooding in the range of issues that have been considered in producing the Plan (**PM18**);
- replacing the section on flooding (Section 3.1.8) with an appropriate statement of the issues (**PM19**);
- moving out-of-context references to Open Space (Section 3.1.9), Housing Styles (Section 3.1.10), Employment (Section 3.1.11), Retail (Section 3.4.9), Connections (Section 3.4.10) and Community Assets (Section 3.4.11) (**PM20**);
- adding amended reference to flooding in the discussion on constraints (Section 3.2) (**PM21**);
- deleting Sections 3.2.7 (Flooding and Drainage), 3.2.8 (Development and Flood Risk), 3.2.9 (Development and Climate Change), 3.2.10 (Inappropriate Development), 3.2.11 (Sustainability of Drainage Design), 3.2.12 (Trees) and 3.2.13 (Preloading) (**PM22**);
- adding reference to flooding in the section on issues that have influenced the Vision (Section 3.3) (**PM23**);
- referring to flooding in the Vision Statement (Section 3.4.1) (**PM24**);
- adding flooding to the core objectives (Section 3.4.2.1) (**PM25**); and
- in the section on principles and core objectives (Section 3.4.2), adding a sub-section on flooding (**PM26**).

#### Further Modification regarding Structure and Content

4.32 As a result of the decisions on structure and content, there are two necessary consequential amendments:

- Section 1.4.2 of the Plan needs to be replaced by a new section that describes the revised structure and content (**PM27**); and

- a map showing areas at risk of flooding needs to be inserted within the Plan (**PM28**).

4.33 Also, with regard to clear purpose, all the policies in Section 4 should be given a short title; and a reasoned justification added where appropriate (proposed modification **PM29** and **Annex A** to this report). In addition, Appendix A (Summary of questionnaires) and Appendix C (Evidence Base Summary) do not need to be included within the Plan. They are contrary to NPPF policy on succinct plans. Their deletion is covered by proposed modification **PM30**.

4.34 With all the above modifications in place, there would be appropriate regard to national policy and compliance with the Basic Conditions.

### *Issue 3: Spatial Strategy*

4.35 Policy GP1 of the Plan sets out a spatial policy regarding future development. However, the policy is lacking in clarity. In this respect, modifications are necessary to deal with a number of matters:

- To correspond with the policy, the reference to “Urban Area” on the related map (Map 11) needs to be changed to “Settlement Boundary”.
- The Settlement Boundary on Map 11 needs to be drawn to include housing allocation MN2.15, the existing Formby Industrial Estate and the strategic employment allocation MN2.49.
- Clarification is needed over development affecting the Green Belt and agricultural land.
- The reasoning to the policy should be placed within a “Justification/ Supporting Text” box.
- Other minor corrections need to be carried out.

4.36 With the changes set out in proposed modifications **PM31** and **PM32**, there would be accuracy and regard for national policy and advice. The Basic Conditions would be met.

### *Issue 4: Housing*

4.37 Introduction to the housing policies is set out in Sections 4.3.1 to 4.3.5 of the Plan. Corrections for accuracy are needed to Section 4.3.5 as recommended in proposed modification **PM33**.

- 4.38 Housing Policy H2 deals with effective use of land in “small residential development”. However, I would expect the policy provisions to apply equally to all residential development. In addition, density is already dealt with in Policy H10; and the definition of small residential development conflicts with that of “major development” as used in the NPPF (Annex 2: Glossary). In the circumstance, I recommend that Policy H2 should be deleted (proposed modification **PM34**) but with the essential content being incorporated into Policy H10 (under the modification set out below).
- 4.39 Policy H3 refers to the Formby Delivery Strategy. The intention<sup>14</sup> was to ensure that the Parish Councils benefit from Community Infrastructure Levy (CIL) income. However, the CIL scheme has not been progressed by Sefton Council. In the absence of CIL funding, the policy should be deleted (proposed modification **PM35**).
- 4.40 Policies H4 and H5 both address affordable housing and should be merged in the interests of a succinct Plan. Clarity also needs to be added to the provisions of the policy and through inclusion of reasoned justification. Proposed modification **PM36** refers.
- 4.41 Policy H6 concerns housing mix. One requirement is in respect of starter homes. However, starter homes will be a category of intermediate housing and, as such, covered by the affordable housing policy. The reference can be deleted in the interests of a succinct Plan. Similarly, there is no need to refer to major developments comprising dwellings of uniform type and size. This would be converse to the policy.
- 4.42 With regard to the proposed mix, added justification has been provided through answers to my questions.<sup>15</sup> This response can be used, as necessary, in applying the policy. However, a summary should be added to the reasoned justification. In addition, it would be helpful to produce a formal evidence base note on the matter. Necessary amendments to Policy H6 and the reasoned justification are set out in proposed modification **PM37**. The modification includes deletion of reference to the Lifetime Homes 16 criteria which is no longer supported by Government policy.<sup>16</sup>
- 4.43 Policy H7 aims to restrict development to 2.5 storeys in height. The policy has been the subject of several representations. However, I saw the flat,

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<sup>14</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

<sup>15</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

<sup>16</sup> Written statement to Parliament by the Secretary of State for Communities and Local Government, 25 March 2015. View at:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/>

low-lying landscape on my site visit and I can see that taller development could be incongruous. Given that the policy wording provides an element of flexibility, I do not consider that modification is necessary.

- 4.44 Policy H8 concerns off-road parking provision. It could be argued that the policy fails to promote sustainable development (support for non-car modes of transport). However, I saw on my site visit significant on-street parking and disruption to the free-flow of traffic. I do not consider that the provisions of the policy are unreasonable in these circumstances bearing in mind also other policies on sustainable transport and the possibility of car-free developments as described in the Council's Sustainable Travel and Development Supplementary Planning Document.
- 4.45 Aspects of the design of car parking are addressed in Policy H9. This includes reference to garages "large enough to be usable". In this regard, the clarity referred to in national advice<sup>17</sup> is lacking. The matter would be addressed through proposed modification **PM38**.
- 4.46 Policy H10 on density is to be combined with Policy H2 (see above). Given the importance of the topic, the policy should be placed first amongst the housing policies. In the interests of clarity, the content of the second and third bullet points should be taken into a Justification/Supporting Text box. Appropriate amendments are set out in proposed modification **PM39**.
- 4.47 The modifications to the housing policies are necessary to ensure accuracy and to have regard to national policy and advice. With the modifications in place, the Basic Conditions would be met.

#### *Issue 5: Working and Shopping*

- 4.48 In Section 4.4 and Policy WS1, there are a number of matters that are unclear. These are the use of acronyms; the reasons for out-commuting; the allocation to which the policy refers; and the possibility of light controlled crossing of the bypass. These points can be clarified by amendment of Section 4.4 and the Justification/Supporting Text to the policy – see proposed modification **PM40**.
- 4.49 Policy WS4 of the Plan, dealing with vitality and viability, identifies 11 areas where expansion will be supported. The evidence indicates<sup>18</sup> that a twelfth area is to be added. However, for clarity, all these areas need to be identified on a plan or on a series of plans. This would be required under proposed modification **PM41**.

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<sup>17</sup> PPG Reference ID 41-040-20160211.

<sup>18</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

4.50 Although other improvements could be made to the working and shopping section, necessary modifications to accord with national policy and advice and meet the Basic Conditions have been identified above.

#### *Issue 6: Getting Around*

4.51 Policy GA2 of the Plan is concerned with accessibility audits and travel plans. However, the latest evidence<sup>19</sup> does not support the submitted draft of the policy. A replacement policy is needed as in proposed modification **PM42**.

4.52 Policy GA3 is about making provision for pedestrians and cyclists. Under the policy, equal emphasis is given to all modes of transport. However, this is contrary to the NPPF (Paragraph 110) which gives priority first to pedestrian and cycle movements. There is also an implication that no off-road pedestrian/cycle routes are acceptable. This should not be the intention of the policy. Appropriate changes would be introduced through proposed modification **PM43**.

4.53 With the above changes in place, there would be appropriate regard for national policy and advice. The Basic Conditions would be met.

#### *Issue 7: Community, Leisure and Wellbeing*

4.54 Policy CLW1 indicates that developer contributions will be sought from all applications for new homes using funding from planning obligations and the CIL. However, these provisions are flawed. In the first instance, there is no CIL scheme in Sefton. Secondly, money from planning obligations can only be sought in certain circumstances. Replacement text would be provided through proposed modification **PM44**. With this modification in place, the Basic Conditions would be met.

#### *Issue 8: Environment, Sustainability and Design*

4.55 Local Green Space is designated under Policy ESD1 and shown on Map 12. However, Map 12 is at a relatively small scale. For clarity and confidence when determining planning applications,<sup>20</sup> the sites will need to be identified at a larger scale.

4.56 As drafted, the Policy states that new development is ruled out "other than in very special circumstances". However, the NPPF states that policies for managing development within a Local Green Space should be consistent with Green Belt policy (Paragraph 101). This would allow development that is "not inappropriate". To ensure appropriate regard for

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<sup>19</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

<sup>20</sup> PPG Reference ID: 41-041-20140306.

national policy, the wording needs to be changed. Proposed modification **PM45** deals with the two matters identified in relation to Policy ESD1. Otherwise, I am content that the proposed Local Green Space sites listed in Table 1 are suitable for designation.

4.57 Policy ESD4 concerns renewable energy and includes the statement “Fracking will not be supported unless there is substantive evidence to demonstrate that it comprises sustainable development that the local community needs”. To my mind, the requirement to show that the local community needs fracking is unreasonable and would have been contrary to Paragraph 209 a) of the NPPF. However, Paragraph 209 a) was removed in the June 2019 update. In the circumstances, and given the restrictive tone of the provision, it would be better to delete the reference to fracking. Proposed modification **PM46** refers.

4.58 The text of Policy ESD7 (trees and landscape) gives rise to a number of matters:

- The policy should<sup>21</sup> seek to avoid net loss of trees, woodlands or significant landscaping (not “no loss”);
- The reference to “trees lost as a result of development at a ratio of 1:1” does not make sense;
- The call for “expert advice” is unclear and excessive; and
- There is an unnecessary requirement for both the preservation *and* enhancement of hedgerows.

4.59 Appropriate revisions would be introduced through proposed modification **PM47**. With this and the other modification to the policies on the environment, sustainability and design, there would be accordance with national policy and advice. The Basic Conditions would be met.

#### *Issue 9: Flooding Policies*

4.60 Through the above recommendations in respect of Section 3 (Issue 2: Structure and Content), significant amendments would be made to the discussion on flooding. Having set the scene in Section 3, including discussion of matters that need to be tackled and the preferences of residents, I would expect Section 4 of the Plan to concentrate on solutions (in the form of policies) and the justification for the approach presented through the policies. However, the present draft gives rise to a number of problems:

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<sup>21</sup> See response to Examiner Procedural Matters and Questions, 31 May 2019.

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- reference to the sources and risks of flooding (Sections 4.8 and 4.8.14) are more appropriately dealt with in Section 3;
- that new development must not exacerbate and should reduce the overall level of flood risk (Section 4.8.1) is repetitious;
- references to the NPPF in Sections 4.8.3 and 4.8.4 are unnecessary and add nothing to the flooding policies;
- reference to the need for positive solutions in Section 4.8.5 is not necessary;
- limitations relating to sustainable drainage systems are already covered by Sefton Council's flood risk policy (EQ8: Flood risk and Surface Water);
- the limitations of flood risk maps (Section 4.8.7) do not need to be repeated;
- there is inappropriate reference to insurance cover (Section 4.8.8) – applications have to be determined on their planning merits;
- the content of Sections 4.8.9, 4.8.11 and 4.8.12 should be used in the reasoned justification for specific policies, as appropriate;
- the content of Section 4.8.10 is repetitious;
- the requirements of Section 4.8.13 are covered by the Sequential Test; and
- reference to the monitoring of applications does not have a bearing on the policies and would be expressed better as a Community Action.

4.61 In the light of these comments, and bearing in mind the proposed changes to Section 3, I am recommending text that would replace Section 4.8 and Sections 4.8.1 to 4.8.15 (see below). With regard to the flooding policies themselves, I have identified the following issues:

- Policies FLD1 and FLD2 overlap; they also attempt to apply policy beyond the designated area;
- The Justification/Supporting Text to Policy FLD1 includes repetitious information;
- Policy FLD2 does not qualify the requirement for a Flood Risk Assessment;
- In Policy FLD2, there is inappropriate reference to "an improvement in flood risk";

- The requirements of Policy FLD3 are different from those of the NPPF;
- Policy FLD3 includes inappropriate requirements in relation to existing problems;
- Policy FLD4 should address the manner in which increased surface water runoff is dealt with;
- There is inappropriate reference to the speed of water discharging into the River Alt (as opposed to off-site);
- In Policy FLD6, "flood sensitive areas" are not defined;
- Policy FLD6 introduces an inappropriate requirement to reduce the overall level of flood risk;
- Policy FLD7 should refer to a reduction in water discharge, not a reduction in water use;
- Policy FLD8 runs contrary to the right to connect to existing sewers;
- There is no need for Policy FLD9 (the same as Local Plan Policy EQ8) or to duplicate those provisions that are contained within Policy EQ8; and
- Most of the policies are not supported by Justification/Supporting Text.

4.62 In the light of the above, I am recommending a replacement to the section on Flooding Policies. The following matters should be noted:

- Policy FLD9 would be deleted but with new introductory text to stress the presence and importance of Local Plan Policy EQ8.
- A new combined policy (Policy F1) would link essential content from Policies FLD1 and FLD2 but indicate that it applies to areas at risk of flooding and does not apply beyond the designated Neighbourhood Plan Area. Explanation would be added in a Justification/Supporting Text box.
- Policy FLD3 would be replaced by a new policy (Policy F2) that has regard to the NPPF. Explanation would be added in a Justification/Supporting Text box.

- Policy FLD4 would be replaced by a new policy (Policy F3) that emphasises reduced surface water runoff rather than discharge to the River Alt. Explanation would be added in a Justification/Supporting Text box.
- A replacement Policy F4 (Development in Attenuation Areas) would be based on Policy FLD5. Explanation would be added in a Justification/Supporting Text box.
- Policy FLD6 would be deleted (covered elsewhere).
- A replacement Policy F5 (Reduced Discharges to Combined Sewers) would be based on Policy FLD7 but without the unnecessary specification, in the policy, of ways in which the reduction would be achieved.<sup>22</sup> Explanation would be added in a Justification/Supporting Text box.
- Given the right to connect into existing sewers, Policy FLD8 would be deleted.

4.63 The proposed changes to the flooding section and the flooding policies are covered by proposed modification **PM48** and **Annex B** to this report. With these changes in place, the Basic Conditions would be met. There would be appropriate regard to national policy and advice.

#### *Other Policies*

4.64 There remain a number of policies that have not necessitated amplified scrutiny in the course of my examination. These are Policies, H1, WS2, WS3, WS5, WS6, GA1, ESD2, ESD3, ESD5 and ESD6.

4.65 To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), 12 (Achieving well-designed places), 8 (Promoting healthy and safe communities) and 15 (Conserving and enhancing the natural environment). I find that there has been regard for national policy and that the Basic Conditions have been met in respect of the policies in paragraph 4.64 above.

4.66 With the modifications that I have recommended, the Plan would meet the Basic Conditions. There remain a large number of areas where the Plan would benefit from minor amendment to improve structure, content and grammar. Sefton Council and the Parish Councils would be well advised to jointly consider these essentially presentational matters raised in representations (including those submitted by Sefton Council itself), with

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<sup>22</sup> The new policy is included to cover the possible presence of combined sewers.

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a view to the revised, post examination, iteration of the Plan being much-improved.

## **5. Conclusions**

### *Summary*

- 5.1 The Formby & Little Altcar Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Formby & Little Altcar Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 It is evident that a considerable amount of time and effort has been committed to the development and production of this Plan and I congratulate all those who have been involved. The Plan should prove to be a useful tool for future planning and change in Formby over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Page 1	Delete the second sentence of Footnote 1.
PM2	Page 1	Delete Footnote 2.
PM3	Page 5	Replace the first sentence of Section 1.1.2 with the following: "In March 2013, Formby Parish Council submitted an application to Sefton Council to have the area designated as a NDP Area."
PM4	Page 5	Delete section 1.1.5. Add the following sentence at the commencement of Section 1.1.6: "The Neighbourhood Plan has been screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) by Sefton Council." Replace the full stop after "shared evidence base" with a comma.
PM5	Page 5	In Section 1.1.10 (and all other instances where the NPPF is referenced or quoted), make use of the February 2019 version of the Framework.
PM6	Page 6	Switch the position of Maps 1 and 2. Change the titles to "Formby & Little Altcar Neighbourhood Development Plan Area"; also, the title of all other maps in the Plan, as appropriate.
PM7	Page 9	On the key to Map 3, add the words "(to high water mark)" after "Sefton Boundary".
PM8	Page 19	On Map 6, amend "Grade I" to "Grade II*". Show the Grade II* listed buildings as red dots (not yellow dots). Change "Conservation Areas" to "Conservation Area".
PM9	Page 31	Update Map 10 to refer to "Local Plan Green Belt map April 2017". Delete "Modification Stage". Delete Map 9. Substitute the following for Section 3.2.5:

		"A further factor is the Green Belt boundary. This has been changed under the Local Plan for Sefton. Map 10 shows the new boundary."
PM10	Page 7	In Section 1.3.1, substitute the following for the second bullet point: "that appropriate public green space is provided".
PM11	Page 15	Replace Section 2.4.3 with "The Neighbourhood Plan area contains a number of important wildlife sites:". List the SPA, Ramsar, the Sefton Coast SSSI and Local Nature Reserves.
PM12	Page 22	In Section 2.7.1, delete "statutory". In the following table, change the first reference to Grade "II" (box with blue colour coding) to Grade "II*".
PM13	Page 23	Delete the content of Page 23. Replace with the information on Local Heritage Structures of Interest as provided in the Parish Councils' response to the Examiner Procedural Matters and Questions, 31 May 2019. Add a sub-heading which reads as follows: "Consideration of locally listed heritage will be in line with Local Plan Policy NH15 with any architectural remains being protected under Policy NH14."
PM14	Page 27	At the end of the first sentence of the second paragraph of Section 3.1.6, add ", the Open Space SPD (2017) and the Sefton Playing Pitch Strategy (2016)."
PM15	Page 29	In the second paragraph of Section 3.1.9, replace ""Open space, sport and recreation facility assessment" (2008) outlines" with "Open Space and Playing Pitch Strategy 2015 supplemented by the Open Space SPD (2017) and the Sefton Playing Pitch Strategy (2016) outline".
PM16	Throughout Section 4	Move all Community Actions and any justification/supporting text to a separate

		Annex. Make consequential amendments to the text.
PM17	Pages 64 to 66	Move the content of Section 5 to an Annex.
PM18	Page 25	In Section 3.1.2, refer to "six" key themes. Add "Flooding" to the bullet points.
PM19	Page 28	<p>Replace the text in Section 3.1.8 with the following text:</p> <p>"Much of the designated area of Formby and Little Altcar is vulnerable to flooding. In places, flooding takes place on a fairly regular basis. In the Residents' Survey, flooding was identified as a major concern for the community with over 51% of respondents stating that they had been affected in some way by flooding. Floodwater in roads in and around residential areas was cited as the major problem (by 60%) but flooding within property boundaries was recorded by 30% of respondents. Flooding in Formby and Little Altcar is thus a very serious issue, an issue which the Parish Councils are determined to take seriously.</p> <p>Flooding, actual or potential, is the result of a number of factors. First, and in terms of inundation, there are several nearby sources of potential flood water. These include the Irish Sea to the west, Downholland Brook to the east and the River Alt to the south all in circumstance where the built-up area of the parishes occupies low-lying land. Secondly, surface water flooding is an issue notably in areas of constrained drainage. In addition, there is a potential risk of groundwater-related flooding based on areas of shallow groundwater levels. Groundwater-related flooding can also influence surface water flood risk and fluvial flooding as well as constrain drainage.</p> <p>Sewer flooding is an additional problem. Parts of the sewer system have insufficient capacity to cope with severe rainfall</p>

		<p>events. This is compounded by high water levels in the River Alt notably at times when non-return flaps are closed. Sewers discharging into the Alt cannot drain freely and water backs up along the sewers.</p> <p>Residents themselves are critical of the drainage system, its capacity and maintenance, particularly highway drainage. There are concerns about the ability of the system to accommodate the current flow rate in some areas as well as future capacity following any development.</p> <p>Areas most at risk of flooding normally comprise the land within Flood Zones 2 and 3. In Formby, the definition also covers areas with critical drainage problems even though they may fall within Flood Zone 1. These flood risk areas are shown on Map X although reference should be made to the latest plans on the Environment Agency's website and Surface Water Flood Risk Maps. Areas at risk from sources other than rivers and the sea are not shown. The defined flood risk areas may change in the future, for example, in recognition of climate change or actual flood events.</p> <p>In terms of flood risk, 420 homes within Formby are at a 3.3% risk of flooding in any year (Sefton's Surface Water Management Plan). This means that, in any year, there is a 3.3% risk of flooding to 4% of Formby's homes, businesses and infrastructure in circumstances where the Sefton average is 2%.</p> <p>The topic is explored in detail in one of the evidence base documents (EB11, Flooding Document). The content is not repeated in the Neighbourhood Plan. The Flooding Document contains detailed aspirations (non-policy) of the Parish Councils with regard to flooding."</p>
PM20	Pages 29 to 41	Add Section 3.1.9 (Open Space) to the end of Section 3.1.6 (Leisure and Well

		Being). Add Section 3.1.10 (Housing Styles) to the end of Section 3.1.3 (Housing). Add Section 3.1.11 (Employment) to the end of Section 3.1.4 (Working and Shopping). Add Section 3.4.9 (Retail) to the end of Section 3.4.4 (Working and Shopping). Add Section 3.4.10 (Connections) to the end of Section 3.4.5 (Getting Around). Add Section 3.4.11 (Community Assets) to the end of Section 3.4.6 (Community, Leisure and Wellbeing) and add the words "Consideration of the buildings identified as community assets will be in line with Local Plan Policy NH15."
PM21	Page 29	Replace Sections 3.2.1 and 3.2.2 with the following: "With regard to flooding, the main constraints are referred to in Section 3.1.8 above. Given that the priority of the Parish Councils is to reduce and minimise flood risk for all existing and future residents, flooding will have a significant effect on where new development is going to be located."
PM22	Pages 32 to 37	Delete Section 3.2.7 and all the following text up to and including Section 3.2.13.2.
PM23	Page 37	Add a new Section after Section 3.3.7: "3.3.X The avoidance of significant flooding stands out as a major concern for the community and an important issue that has influenced the Vision."
PM24	Page 38	After "climate change" in the second paragraph of the Vision Statement (Section 3.4.1), add "resilient to significant flooding and".
PM25	Page 38	In Section 3.4.2.1 (The Core Objectives), refer to "six" headings. Add a bullet point "flooding".
PM26	Page 41	Insert a new Section 3.4.8:  "3.4.8 FLOODING

		<p>Main comments raised by local people during the informal consultation and various questionnaires include:</p> <ul style="list-style-type: none"> <li>• major problem in roads in and around residential areas</li> <li>• highway drainage causes most problems</li> <li>• issue with surface water flooding</li> <li>• flooding within property boundaries</li> <li>• maintenance issues</li> <li>• concern for future capacity following any development</li> <li>• well documented problems</li> <li>• capacity of sewerage system requires attention</li> </ul> <p>OBJECTIVE: Reduce and minimise flood risk for all existing and future residents.</p> <p>OBJECTIVE: Address sewerage capacity issues.</p> <p>OBJECTIVE: Secure satisfactory maintenance.</p> <p>OBJECTIVE: Utilise knowledge of flooding and sewerage problems.”</p>
PM27	Page 8	<p>Replace Section 1.4.2 with the following:  “Sections 1 to 4 together with Appendix A (Glossary) all form part of the neighbourhood plan and should be read as a whole. Annex A sets out Community Actions that the Parish Councils will be pursuing separately. Annex B (Developers working with the Community) sets out the key matters to which the Parish Councils will expect developers to have regard in implementing planning permissions.”</p> <p>In Section 4.1.1, replace “Section 4” with “Section 3”.</p>
PM28	Page 28	<p>Prepare and insert after Section 3.1.8 a map entitled “Flood Risk Areas” illustrating Flood Zones 2 and 3 together with the Critical Drainage Areas. Provide a link to the flood risk maps of the</p>

		Environment Agency and Surface Water Flood Risk Maps
PM29	Section 4	Give all the policies a title (see <b>Annex A</b> of this report). Add reasoned justification as specified in other proposed modifications.
PM30	Appendices A and C	Remove from the Plan Appendices A and C.
PM31	Page 43	In Policy GP1, take all the text after the second bullet point and include within a "Justification/Supporting Text box.  In the second bullet point, insert "essentially" before "the A565 (Formby Bypass)"; also in a) in the fourth bullet point.  In the third bullet point (to be part of the reasoned justification), replace "housing allocations below" with "housing allocations in the Local Plan for Sefton". After "providing for significant growth, whilst" insert "(in accordance with the Local Plan and national policy)".
PM32	Page 44	On Map 11, change "Urban Area" to "Settlement Boundary". Include housing allocation MN2.15, the existing Formby Industrial Estate and the strategic employment allocation MN2.49 within the Settlement Boundary.
PM33	Page 45	Delete the fourth word in the section 4.3.5 ("supports"). Replace the first sentence of the second paragraph with: "The draft Local Plan for Sefton required approximately 640 dwellings per annum (dpa) but, during the examination, a sub-regional assessment of housing and employment need (SHELMA) was prepared".
PM34	Page 45	Delete Policy H2.
PM35	Page 45	Delete Policy H3.

PM36	Page 46	<p>At the end of Policy H5, add the following: "as part of the Council's mix of affordable housing tenures".</p> <p>Combine Policies H4 and H5 by adding Policy H5 (as modified) to the end of Policy H4.</p> <p>Throughout the combined policy, replace "should" with "shall".</p> <p>In clause a) of Policy H4, delete "fully". At the end of clause c) replace "Strategy" with "statement".</p> <p>Add a Justification/Supporting Text box stating:</p> <p>"As far as possible, affordable housing should be integrated with market housing. Local Plan Policy HC1 Part 8b requires reasonable dispersal in groupings of no more than 6 affordable housing units.</p> <p>Application of the policy will be subject to considerations of viability as set out in the NPPF and Local Plan Policy HC1.</p> <p>The local needs of Formby and Little Altcar will be assessed having regard to the Strategic Housing Market Assessment (SHMA) 2014 or any update of that SHMA."</p>
PM37	Page 46	<p>In Policy H6, delete "should provide starter homes and demonstrate" and replace with "shall make appropriate".</p> <p>Delete the second paragraph of Policy H6.</p> <p>In the Justification/Supporting Text, delete sub-paragraph d) (Lifetime Homes 16 criteria).</p> <p>Add the following text:</p> <p>"The level of appropriate provision for the elderly will be judged against the latest available evidence including the SHELMA report, the SHMA 2019 and the Parish Councils' demographic study.</p>

		Local Plan Policy HC2 addresses housing mix in Sefton. However, a different mix is required in Formby and Little Altcar. This is to redress the imbalance of a disproportionately high percentage of houses with four or more bedrooms; to meet the needs of an aging population (particularly for one-bedroom properties); also, the demand for two-and three-bedroom homes."
PM38	Page 47	In Policy H9 a), after "useable", add "(generally 4m by 6m)".
PM39	Page 47	In Policy H10, move the content of the second and third bullet points to a Justification/Supporting Text box.  Insert the following at the start of the policy:  "Residential development should demonstrate the most effective use of land through high quality design that respects local character and residential amenity."  Commence the housing policy section with this policy (re-numbered).
PM40	Page 49	In Section 4.4, substitute "Liverpool City Region (LCR)" for LCR. Substitute "Housing Needs Assessment (HNA)" for "HNA".  In the final sentence of Section 4.4, delete "have to".  At the beginning of the Justification/Supporting Text to Policy WS1, add:  "The new business park referred to in Policy WS1 is the land subject of Local Plan allocation MN2.49 (Land North of Formby Industrial Estate).  Pedestrian crossing facilities would be incorporated into a new signal-controlled junction."

		For "SME businesses", substitute "Small and Medium-Sized Enterprises (SMEs)".
PM41	Page 49	Add an additional bullet point to Policy WS4: "Shopping parade on the corner of Harington Road and Wicks Green". Prepare plans showing the extent of the areas identified in the bullet points. Insert within the Plan and cross-reference in the Policy.
PM42	Page 51	Replace Policy GA2 with the following text: "All commercial, employment, leisure and residential developments will be expected to comply with the Council's Sustainable Travel & Development SPD, June 2018. In line with the SPD, planning applications should be accompanied by a Minimum Accessibility Standard Assessment (MASA) and, for residential applications for more than 25 dwellings, by a Travel Statement and Travel Plan."
PM43	Page 52	Replace the second paragraph of Policy GA3 with the following: "New residential streets will be designed with regard to the needs of pedestrians, cyclists and other highway users."  At the end of the first sentence of paragraph 3, add "or follow an off-road route".
PM44	Page 53	Replace the text of Policy CLW1 with the following:  "The Parish Councils will work with Sefton Council, developers, community groups and other organisations to find ways of securing the delivery of infrastructure priorities for Formby and Little Altcar including through appropriate funding mechanisms."  Delete the text in Section 4.6.
PM45	Page 54	Prepare larger scale plans showing the extent of the areas designated in Policy

		<p>ESD1 as Local Green Space. Insert within the Plan and cross-reference in the Policy.</p> <p>In Policy ESD1, replace “new development is ruled out other than in very special circumstances” with “development will be managed in a manner consistent with Green Belt policy”.</p>
PM46	Page 57	Delete the second sentence of Policy ESD4.
PM47	Page 57	<p>In the first bullet point in Policy ESD7, insert “net” before “loss”.</p> <p>In the third bullet point, insert “should be replaced” after “development”.</p> <p>In the fifth bullet point, replace “expert” with “professional”.</p> <p>In the final bullet point, change “preserved and enhanced” to “preserved or enhanced”.</p>
PM48	Pages 58 to 63	Replace the content of Pages 59 to 63 with the text set out in <b>Annex B</b> below.

## **ANNEX A**

### **POLICY TITLES (see PM29)**

**Policy GP1: Spatial Strategy**

**Policy H1: Density (Renumbered / Combining H2 and H10)**

**Policy H2: New Housing (was H1)**

**Policy H3: Affordable Housing (combining H4 and H5 – former H3 deleted)**

**Policy H4: Housing Mix (was H6)**

**Policy H5: Storey Height (was H7)**

**Policy H6: Off-Road Parking (was H8)**

**Policy H7: Design of Car Parking (was H9)**

**Policy WS1: Land North of Formby Industrial Estate**

**Policy WS2: Retention of Employment Land**

**Policy WS3: Existing Employment Sites**

**Policy WS4: Vitality and Viability**

**Policy WS5: New Shop Fronts**

**Policy WS6: Signage**

**Policy GA1: Rights of Way**

**Policy GA2: Accessibility Audits and Travel Plans**

**Policy GA3: Provision for Pedestrians and Cyclists**

**Policy CLW1: Infrastructure Delivery**

**Policy ESD1: Local Green Space**

**Policy ESD2: High Quality Design**

**Policy ESD3: Allotments**

**Policy ESD4: Renewable Energy**

**Policy ESD5: Low Energy Consumption Homes**

**Policy ESD6: Green Infrastructure**

**Policy ESD7: Trees and Landscape**

**Flooding Policies – As Annex B**

## ANNEX B

### REPLACEMENT TEXT ON FLOODING (see PM48)

#### 4.8 FLOODING

**4.8.1 This section outlines** a Flooding Strategy designed to reduce and minimise flood risk for all existing and future residents in Formby and Little Altcar. The best available information on areas at risk of flooding will be used including local knowledge on flooding and sewerage problems. Issues will be dealt with through the determination of planning applications. In addition, using Community Actions, discussions aimed at resolving capacity and maintenance issues will be pursued with the competent authorities.<sup>23</sup>

For new development, and in common with Government policy, the main aim will be to avoid inappropriate development in areas at risk of flooding. Inappropriate development will be directed away from areas at highest risk of flooding. This will involve consideration of a Flood Risk Assessment and applying, where necessary, a site specific Sequential Test and an Exceptions Test. All developments shall incorporate measures necessary to avoid any increase in flooding elsewhere.

Given the issue of existing surface water flooding in Formby and Little Altcar, all developments will be expected to include relevant measures aimed at easing on-going problems. Such measures will include reducing and slowing the discharge of surface water from development sites.

Flooding in the Plan area is covered by a comprehensive policy within the Local Plan for Sefton (Policy EQ8, Flood risk and Surface Water). All developments must be determined in accordance with this policy unless material considerations indicate otherwise. The policies set out below highlight matters of particular concern within Formby and Little Altcar and in circumstances where avoiding flood risk is always a better solution than mitigation.

In addition, the evidence base document EB11 ("Flooding Document") sets out much detailed background information and preferences of the Parish Councils in regard to the design of development proposals. Nevertheless, it is the following policies against which applications will be determined.

Ground conditions and the drainage situation in Formby and Little Altcar are complicated. Applicants are advised to seek specialist advice.

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<sup>23</sup> This would be a "new" Community Action to address an area of clear concern to residents and the Parish Councils but one that cannot be addressed adequately through land-use policies.

## **FLOODING POLICIES**

### **Policy F1 – Avoiding Increased Flooding and Flood Risk**

**In areas at risk of flooding from any source, developments shall not lead to an increase in flooding or increased flood risk on either the application site or elsewhere within the Plan area. Where reasonably practicable, developers shall demonstrate tangible, definite and measurable reductions in flood risk and actual flooding.**

#### **Justification/Supporting Text**

“Areas at risk of flooding” are shown on Map X and the related Surface Water Flood Risk Maps. They include the areas within Flood Zones 2 and 3; also, areas with critical drainage problems even though they may fall within Flood Zone 1. However, for all flood zones, reference should be made to the latest plans on the Environment Agency’s website. The defined flood risk areas may change in the future, for example, in recognition of climate change or actual flood events.

Applicants should be aware that there are other sources of flooding, for example, from overflowing sewers and from ground water emergence. Policies in this Plan are designed to minimise related problems. Information on vulnerable areas can be obtained from the competent authorities.

The policy is applicable to all types of development. It applies equally to new green spaces and landscaping where design and construction must recognise the need for a reduced overall level of flood risk. In this regard, trees and other landscape sustainable drainage features can have a role in managing flood risk.

### **Policy F2 – Flood Risk Assessments and Scheme Design**

**In accordance with Government guidance, planning applications in areas at risk of flooding shall be informed by a site-specific Flood Risk Assessment (FRA) demonstrating how all sources of flood risk will be managed now and over the lifetime of the development (taking into account, for example, climate change).**

**Whether as part of the FRA or otherwise, scheme designs shall address the requirements of the Plan’s flooding policies. They shall identify effects on all elements of the drainage system including, but not limited to, foul and surface water sewers, watercourses, water bodies and groundwater.**

#### **Justification/Supporting Text**

Advice on the carrying out of flood risk assessments is set out in the Government’s Planning Practice Guidance (PPG). Assessments will be required, as advised, in all areas that are defined in this Plan as being at risk of flooding. In Critical Drainage Areas, the requirement will apply to proposals involving sites of 0.5 hectare or more (see the Local Plan for Sefton Policy EQ8). There are

exceptions for some minor development and changes of use (see the National Planning Policy Framework (NPPF), Footnote 51).

An FRA prepared in accordance with the advice in PPG will provide evidence for Sefton Council to apply (if necessary) the Sequential Test. In this regard, it will be important to determine whether land with a lower risk of flooding can be found for the proposed development.

Various elements of scheme design are discussed in the evidence base document EB11 ("Flooding Document") which sets out various non-policy aspirations. These include not building properties at a level lower than the adjacent road or adjacent properties; avoiding the raising of land levels or other changes to natural topography; keeping new highways and footways free of flood risk; discouraging standing bodies of water adjacent to or upstream of developments; avoiding ground water storage systems or drainage by pumping; and discouraging preloading (to expel groundwater).

### **Policy F3 - Reduced Surface Water Discharge**

**Developments shall seek to maximise reductions in surface water run-off as compared with the pre-development situation. Designs shall also lead to a reduction in the speed at which surface water discharges from the site.**

#### **Justification/Supporting Text**

Flooding-related problems are likely to be less intense in circumstances where surface water run-off from a site is reduced and slowed. These measures will help relieve sewer flooding especially in systems that have insufficient capacity to deal with severe rainfall events. Slowing the rate of discharge is also directed at reducing problems associated with the River Alt when water backs up along surface water sewers and leads to associated flooding. Slowing the rate of discharge will reduce pressure on the system and aid return to a state of equilibrium.

### **Policy F4 –Attenuation Areas**

**Development will not be permitted in flood attenuation areas where the development would reduce the ability of the area to alleviate flooding.**

#### **Justification/Supporting Text**

Certain areas are meant to store water at times of flood or excessive run-off. If development were to take place in such areas, the ability to store water would be reduced and water would be displaced elsewhere, transferring the flooding problem. Therefore, development is precluded in these circumstances. The competent authorities will assist in identifying attenuation areas.

Attenuation areas are often akin to (and may form part of) Flood Zones 3a and 3b. There are limited instances where compatible development could be

acceptable, subject to conditions (see PPG (Guidance on Flood risk and coastal change, Paragraphs: 066 and 067)).

### **Policy F5 – Reduced Discharges to Combined Sewers**

**Developments shall seek to maximise reductions in discharges to combined sewers as compared with the pre-development situation.**

#### **Justification/Supporting Text**

From time to time, combined sewers in the Plan area are overloaded and result in flooding problems when related overflows occur. Discharges to combined sewers can be reduced by measures that include water harvesting and recycling, the incorporation of soakaways where ground conditions permit and, where practicable, the use of sustainable drainage systems (which are positively encouraged).