

TOWN & COUNTRY PLANNING ACT 1990

SEFTON COUNCIL

**REPORT OF A PUBLIC INQUIRY
INTO OBJECTIONS TO**

**THE SEFTON UNITARY DEVELOPMENT PLAN
REVIEW**

**AS AMENDED BY THE INSPECTOR'S ADDENDUM
REPORT OF 31ST MARCH 2005**

Inspector: Shelagh Bussey MA Dip TP Dip EM PhD MRTPI

Inquiry Period: 23 March 2004 - 24 September 2004

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Graham Haywood LLb ACIS and
Barrister,
Chief Executive,
Town Hall,
Lord Street,
Southport PR8 1DA.

Your Ref:

Our Ref: PINS/DP000542

Date:

Dear Sir

SEFTON UNITARY DEVELOPMENT PLAN REVIEW **REPORT OF INQUIRY INTO OBJECTIONS**

- 1 As you know, I was appointed by the First Secretary of State to hold a Public Inquiry into objections to the Sefton Unitary Development Plan Review. I now enclose my report of the Inquiry, which contains my recommendations on all of objections heard at the Inquiry and made in writing.
- 2 I held a Pre-Inquiry Meeting to outline the arrangements for the Inquiry on 13 January 2004. The Public Inquiry itself was held between 23 March 2004 and 24 September 2004, at Bootle Town Hall, and sat for a total of 11 days. I have visited all of the sites that are the subject of objections, either before or during the Inquiry.
- 3 The Sefton Unitary Development Plan Review (UDP) was prepared by Sefton Council under section 36 of the Town & Country Planning Act 1990, in accordance with the associated Regulations, Legislation and Planning Policy Guidance. The Unitary Development Plan is a statutory development plan prepared in the context of the established framework of planning policy guidance at national, regional and local level. This includes the Regional Spatial Strategy for the North West (Prior to 28 September 2004 Regional Planning Guidance for the North West [RPG13]). The UDP replaces the time expired Sefton Unitary Development Plan adopted in 1995.
- 4 The process of the UDP review commenced in March 1998 with consultation on issues and policy directions. The First Deposit Draft (FDD) was placed on deposit on 1 July 2002 and the Revised Deposit Draft (RDD), on 14 April 2003, both for the statutory period of six weeks. In both cases, advertisements were placed in the Daily Post, the Liverpool



Echo, the London Gazette and also in newspapers with more limited local circulation.

- 5 A total of 486 duly made objections were received from 96 individuals and organisations at the First Deposit stage, with a further 179 duly made objections from 42 individuals and organisations at the Revised Deposit stage. At the First Deposit stage, 47 of the objections were withdrawn unconditionally and 153 were withdrawn conditionally. There were 110 supporting representations at the Revised Deposit stage, 16 of the objections were withdrawn unconditionally and 19 were withdrawn conditionally.
- 6 As a result of the representations received, the Council resolved to make a series of Pre-Inquiry Changes to the Plan, which was placed on deposit on 6 October 2003, for a period of six weeks. As a result of those Pre-Inquiry Changes, 62 objections were received, of which, 4 have been conditionally withdrawn, and 26 supporting representations were made. At the opening of the Inquiry, the Council confirmed that all statutory formalities had been complied with, including the publication of notices announcing the Inquiry. During the course of the Inquiry there were no matters arising from the procedural aspects of the UDP Review.
- 7 In total, 899 representations were received, and by the close of the Inquiry, 664 objections were outstanding. I have considered all of these in my report, but I have not dealt with objections that have been unconditionally withdrawn. In making my recommendations on the outstanding objections, I have taken into account all of the evidence, submissions and representations made at the Inquiry and in writing by the Council, by Objectors and by Supporters. In doing so, I have also taken into account Non-Advertised Changes to the Plan, which were made before and during the Inquiry, where these are relevant to the objections before me.
- 8 I have also had regard to Officers' reports to the Council's Committees, along with all of the material in the Inquiry library, which are listed as Core Documents in Annex D of my report. Schedules of the representations, including objections to the First and Revised Deposit Draft Plans, supporting representations and withdrawn objections are appended at Annexes C1-C3. The Inquiry programme is shown at Annex A and the list of those who appeared at the Inquiry is given at Annex B of my report.

The Report

- 9 My report contains recommendations to most of the policies of the Plan, including the accompanying text and appendices, along with objections to numerous specific sites proposed in the Plan or mentioned by Objectors.
- 10 I have prepared the normal brief form of report on the Inquiry and the objections. It generally follows the order of the Revised Deposit Draft of the Plan, on a policy-by-policy basis, covering both general and site-specific objections under the appropriate policy heading. Objections are normally grouped by policy, but where they cover both general and site-specific matters they are normally dealt with separately. Where Objectors refer to several policies in their site specific objections, they are generally dealt with separately under the relevant policies. My report is intended to be read together with the Revised Deposit Draft April 2003 version of the Plan.

- 11 Since all documents and statements are recorded in Annex C1, and the Council and the Objectors are familiar with the evidence presented in their cases, my report concentrates on the key issues raised in the objections, along with my conclusions and recommendations. I have not received any further material from the Council or Objectors after the Inquiry closed.
- 12 However, since the close of the Inquiry, there have been some relevant changes to legislation and to planning policy guidance notes, the most notable of which was the change of status of RPG13, to the Regional Spatial Strategy for the North West, on 28 September 2004, which I have taken into account. It is likely that other PPGs will be replaced by PPSs before the Plan is adopted. The Council should consider the implications of any such changes when considering my report and preparing modifications to the Plan.

Main Issues and Recommendations

- 13 I have generally found the Sefton Unitary Development Plan Review to be comprehensive, well thought out and sensitive to the key issues relevant to the Borough, particularly that of urban renewal, especially within the Pathfinder Area. It seems to me that most Objectors have not seriously challenged the main aims or objectives, or the overall development strategy of the Plan, although the application of its policies is considered by some, to be contentious in some cases. This is reflected in the relatively few objections made to Chapters 1, 2 or 3 of the Plan, which respectively address the aims and objectives of the Plan, its strategic context and its strategic policies.
- 14 The modifications I recommend address valid points made by the Council and Objectors, together with an intention to better reflect national, regional or strategic policy, especially where I consider that national guidance has not been adequately followed. In a very few cases, I have concluded that a policy or proposal lacks desirable robustness, which cannot be rectified without modification that is likely to result in significant delay in the adoption of the Plan, for example policy H2. However, in order to avoid undue delay in the speedy adoption of the Plan, I have in those cases, recommended that high priority should be given for their early review, when the Council commences its preparation of its replacement LDD, rather than being fully addressed within the context of this Plan.
- 15 On other *housing* matters, I consider that many of the objections concerning housing land requirement and supply, which were made to the First Deposit Draft of the Plan, have been overcome by events, primarily by the approval of RPG13 in March 2003 (now RSS) and by the rapidly emerging Housing Market Renewal Initiative. I consider that the Council has, in the main, properly interpreted national and regional policy concerning housing land requirement and provision, although the policies and text do not indicate that the necessary provision will be made post adoption of the Plan, as clarified by recent Ministerial Statements on housing land supply.
- 16 Nevertheless, I accept that the Council's numerical assessment for the housing land requirement within the Borough is generally correct, except that I conclude that provision should also be made for miscellaneous demolitions. I also conclude that actual and potential supply for the respective five- and ten-year, post-adoption periods is almost adequate, with the slight post 2011 shortfall arising mainly from non-provision for the miscellaneous demolitions that I refer to above.

- 17 Hence, except in very few cases, I do not recommend in favour of the sites put forward as omissions, by Objectors. Those which I have recommended in favour of are currently designated in the Plan as urban greenspace. This is one of the policy areas that I also highlight as lacking in desirable robustness, but which I am confident will be rectified, as a result of the Council acting quickly upon the findings of its Open Space and Recreation Study, that was ongoing, but not completed at the close of the Inquiry.
- 18 On *employment* I conclude that the UDP makes satisfactory quantitative provision for employment land during the Plan period, but I highlight a potential shortfall in qualitative supply, that is likely to become more pronounced towards the end of the Plan period. However, I do not consider that this possible shortfall is sufficient to warrant the allocation of any additional employment land, although I recommend that land at Southport and Formby General Hospital be designated as a mixed medical, housing and employment, and urban greenspace site. Also, that a new policy be included within the Plan, which refers to that designation. However, in recognition of the international wildlife importance of land within the Port and Maritime Zone, I have recommended the removal of its designation as industrial land.
- 19 Leading from my conclusions and recommendations concerning housing and employment issues I conclude that there is no need to release land from the *Green Belt* for housing or employment uses, or for any other purpose. Furthermore, I conclude that it would be premature to do so, in advance of the findings of the strategic study of the extent of the Green Belt across Merseyside and Halton, which is ongoing, and which will in its turn, inform whether or not there should be a strategic review of the Green Belt boundaries in the region. In all except one case, involving land at 109/111 Liverpool Road, Formby, I have also concluded that there are no exceptional circumstances that justify amendments to the Green Belt boundary in Sefton.
- 20 In my view, the provision for *retail* has been one the most contentious matters of the Plan, especially with regards to the allocation of the edge-of-centre TAVR site and the out-of-centre Lanstar site, both for food superstores to serve the south Sefton area. The evidence against the allocation of these sites was strong and well presented, but not sufficient to persuade me that their allocation for retail would offend the retail hierarchy in Sefton or national planning policy guidance contained in PPG6. However, I have found some of the retail policy of the Plan to be confusing, and I have recommended modifications. I have also concluded that it would be inappropriate to alter the boundaries of the Seaforth Local Centre, prior to a pending detailed study of this Local Centre.

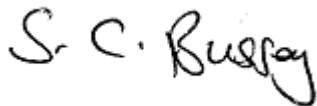
General Comments

- 21 Finally, I wish to express my appreciation for the co-operation and courtesy given to me by all those who appeared at the Inquiry. Statements and evidence were taken briefly and there was little repetition of arguments. As a result, the Inquiry time was used efficiently and effectively, particularly since most of the objections heard were dealt with by informal hearing sessions of varying formats. I acknowledge that the Council's planning team had a very heavy burden in preparing and presenting its rebuttal evidence, not only at the Inquiry, but also in responding to the written objections. The Council's advocates and witnesses were always helpful and I very much appreciate the hard work also of their back-room team members. My thanks also go to the various

companies, organisations and individuals who gave so much of their time and thought to their representations at the Inquiry and in writing. I hope that my recommendations will go some way towards meeting their concerns.

- 22 But my personal thanks must especially go to the Programme Officer, Yvonne Parker and to her assistant Rosy Hunter, whose work greatly assisted the efficient running of the Inquiry.
- 23 My report follows this preamble, preceded by a Summary of Main Recommendations and list of Abbreviations used in the report. Annexes setting out the Inquiry Programme, Appearances, Core Documents and Schedules of Representations with details of proofs of evidence and statements, follow. These latter Schedules are based on the Council's database, which contains details of all of the representations made.
- 24 A copy of this letter has been sent to the Government Office for the North West and the Office of the Deputy Prime Minister.

Yours faithfully

A handwritten signature in black ink that reads "S. C. Bussey". The signature is written in a cursive, slightly slanted style.

Shelagh Bussey

MA Dip TP Dip EM PhD MRTPI

Inspector

SUMMARY OF MAIN RECOMMENDATIONS

<u>Policy/Site</u>	<u>Inspector's Recommendations</u>	<u>Para.</u>
General	MODIFY by: (a) substituting all references to Draft RPG(13), throughout the Plan, with reference to the Regional Spatial Strategy for the North West, or to RSS, as appropriate (b) replacing all of the Indicators with those given in Annex A to NAC/Plan/A.	0.5
Chapter 1 – Aims and Objectives of the Plan		
'Sefton 2000+'	MODIFY by amending paragraph 1.2 in accordance with NAC/01/01.	1.3
The Contribution of the Plan to Sustainable Development	No modification	1.9
Chapter 2 – Strategic Context		
'Sefton 2000+' Strategy Proposals and Opinions - Paragraph 2.4	No modification	2.2
Merseyside Context - Paragraph 2.12	No modification	2.4
Conclusion - Paragraph 2.18	No modification	2.7
Chapter 3 – Strategic Policies		
General	No modification	3.3
Paragraph 3.3	No modification	3.6
Policy CS1	MODIFY by adding the word <i>mainly</i> within the last phrase of criterion (vi) of policy CS1, so that it states: <i>...so that housing and all other significant development needs can be mainly accommodated within the existing urban areas at least until 2011</i>	3.14
Policy CS2	No modification	3.20
Policy CS3	No modification	3.24
Chapter 4 – Urban Priority Areas		
Policy UP1	MODIFY by: (a) amending part 1 of policy UP1 in accordance with 1/PIC/04/01. (b) amending criterion (ii) of part 3 of policy UP1 in accordance with 1/PIC/04/02.	4.5
Paragraph 4.7	MODIFY by amending paragraph 4.7 in accordance with 1/PIC/04/03 and with NAC/04/01.	4.7
Paragraph 4.10B	MODIFY by amending paragraph 4.10B in accordance with 1/PIC/04/04.	4.10
Chapter 5 – Economic Development & Tourism		
General	No modification	5.8
Introduction	MODIFY by: (a) adding paragraphs 5.6AA and 5.6AB in accordance with 1/PIC/05/02, as further amended by NAC/05/1 and NAC/05/02. (b) amending Figure 5.1 in accordance with 1/PIC/05/04 and NAC reference NAC/05/04. NOT MODIFY in accordance with NAC/05/03, but that reference is made instead to RSS in the title to Figure 5.1.	5.16
Policy EDT1	No modification	5.18
Policy EDT2	MODIFY by: (a) amending the dates referred to in the policy as being <i>2002-2017</i> . (b) amending the areas of employment land given in policy EDT2 in accordance with 1/PIC/05/05 and NAC reference NAC/05/05.	5.30

	(c) amending part 1 (ii) of policy EDT2 to indicate that there is provision in the Bootle Office Quarter for up to <i>65,650</i> square metres floor space and by adding a footnote that informs that the base date of the figures given in policy EDT2 is March 2004.	
Policy EDT2 Explanation	MODIFY by correcting the first word of the fourth line of paragraph 5.13 to read: <i>change</i> .	5.32
Policy EDT3	MODIFY by: (a) amending part 3 of policy EDT3 in accordance with PIC Annex C, which inserts the word <i>skilled</i> and deletes the words <i>career based</i> .	5.37
Policy EDT3 Explanation	No modification	5.40
Policy EDT4	No modification	5.45
Policy EDT5 Primarily Industrial Areas	MODIFY by amending policy EDT5 in accordance with 1/PIC/05/07 and NAC/05/06.	5.61
Policy EDT5 Explanation	No modification	5.63
Policy EDT6	MODIFY by deleting site EDT6.8 from policy EDT6 in accordance with 1/PIC/05/08 and 1/PIC/PM/01. NOT MODIFY in accordance with 1/PIC/05/22 and 1/PIC/06/16 in so far as they refer to the site at 511 Hawthorne Road, Bootle.	5.72
Policy EDT6 Explanation	No modification	5.75
Policy EDT7	No modification	5.79
Policy EDT7 Explanation	MODIFY by correcting the miss-spelling of <i>minimise</i> in paragraph 5.40.	5.81
Policy EDT8	MODIFY by: (a) amending part 1 of policy EDT8 by adding the word <i>significantly</i> so that the first part of the policy states: where they will not <i>significantly</i> harm the amenity of the surrounding area. (b) amending part 3 of policy EDT8 by adding the words <i>where appropriate</i> , so that the last part of the policy states: Planning conditions or legal agreements will be used, <i>where appropriate</i> , to ensure that...	5.89
Policy EDT9	MODIFY by: (a) deleting the objection site from the Port and Maritime Zone designation on the Proposals Map. (b) amending policy EDT9 and its associated explanatory text in accordance with NAC/5/A.	5.109
Policy EDT10	No modification	5.112
Policy EDT10 Implementation	No modification	5.114
Policy EDT11	MODIFY by amending policy EDT11, the Proposals Map and paragraph 5.67 in accordance with NAC/5/C.	5.118
Policy EDT12	No modification	5.120
Policy EDT13	MODIFY by: (a) amending the explanatory text of the UDP in accordance with PICs references 1/PIC/05/14, 1/PIC/05/18, 1/PIC/05/21 and PIC minor change, which adds the word <i>Area</i> after <i>Seafront</i> in the first sentence of the policy. (b) replacing the reference to <i>Regional Planning Guidance</i> in the first sentence of paragraph 5.78 to <i>Regional Spatial Strategy</i> .	5.130
Paragraph 5.83	No modification	5.133
Policy EDT14	MODIFY by: (a) deleting the word <i>restaurant</i> in paragraph 5.88, so that the last part of the second sentence in paragraph 5.88 states: <i>...proposals for additional bars and night-clubs will only be acceptable in a defined part of this area</i> . (b) deleting the word <i>significant</i> in front of the word <i>harm</i> in part 3 (ii) of policy EDT14. (c) amending either part 3 (ii) of policy EDT14, or paragraph 5.88B, so that they consistently refer to Conservation Area(s).	5.142
Policy EDT15	MODIFY by amending policy EDT15 in accordance with 1/PIC/05/16.	5.156
Policy EDT15 - Explanation	MODIFY by amending paragraph 5.93 in accordance with 1/PIC/05/17.	5.162
Policy EDT16	No modification	5.174
Policy EDT17	MODIFY by: (a) re-allocating site EDT17.D in accordance with 1/PIC/05/08, 1/PIC/05/22, 1/PIC/06/16, 1/PIC/PM/01, 1/PIC/AP/02, NAC/App/02 and NAC/05/10 in so far as they refer to site EDT17.D only. (b) de-allocating site EDT17.C in accordance with 1/PIC/05/08 and	5.183

	1/PIC/PM/01 and by re-allocating the site as a housing site under policy H3. (c) by amending paragraph 5.106 of the explanatory text to policy EDT17 in accordance with NAC/05/10.	
Policy EDT17 - Explanation	No modification	5.185
Policy EDT17A	MODIFY by adding policy EDT17A and its associated explanatory text in accordance with 1/PIC/05/23, as amended by NAC/05/11 and NAC/5/B.	5.189
Policy EDT17A - Explanation	No modification	5.191
Chapter 6 - Housing		
Objectives/Indicators	MODIFY in accordance with NAC Annex A	6.8
Paragraphs . 6.4, 6.5 and 6.6	MODIFY by: (a) amending all references to the status of RPG13 in line with 1/PIC/06/03. Reference should also be made throughout the UDP to the fact that since 28 September 2004, RPG13 became RSS for the North West. (b) deleting the last sentence of paragraph 6.5.	6.20
Policy H1	MODIFY by: (a) amending part 1 of policy H1 to state: <i>During the period 2002-2017, provision will be made for housing at an average annual rate of 350 dwellings each year net of miscellaneous demolitions.</i> (b) amending part 2 of policy H1 in accordance with 1/PIC/06/02, as further amended by NAC/06/01, so that it states: <i>In addition, provision will be made for up to 500 dwellings in South Sefton to cater for off-site clearance replacement requirements in accordance with Policy H6.</i> (c) adding the following explanatory paragraph to policy H1: <i>Approximately 30 dwellings are demolished each year to facilitate the redevelopment of a site, or to enable a more intensive form of residential development to take place, or to provide access into a larger area. The number of dwellings lost as a result of these miscellaneous demolitions is monitored annually. As the majority of these dwellings were occupied prior to their demolition, an allowance for them should be subtracted from the number of dwellings built each year to provide the net annual provision required by the RSS.</i>	6.62
Policy H2 and Explanatory Text	MODIFY by: (a) amending the supporting text to reflect that a Housing Needs Assessment was completed in 2003, and that this justifies and provides up-to-date data for the policy. (b) amending Policy H2 and its supporting text at paragraphs 6.13 and 6.15 in accordance with 1/PIC/06/06, NAC/06/02, NAC/06/03 and NAC/Glo/02, as further amended by my recommendation (a), above. (c) adding explanatory text to the policy that quantifies the amount of affordable housing required to be provided as part of development proposals. (d) adding reference to the Housing Needs Assessment 2003 to the list of background documents for policy H2. (f) adding explanatory text to the policy that informs that policy H2 will not be implemented until such time as an SPD has been produced and approved by the Council. (g) I also RECOMMEND that a complete review of policy H2 and all of its associated text be given high priority for early review when the Council commences its preparation of its replacement LDD.	6.85
Policy H3	MODIFY by: (a) amending parts 1 and 2 of policy H3 in accordance with 1/PIC/06/07, and with NAC/06/04 and NAC/06/05, and by amending the first sentence of part 1 of policy H3 so that it states: <i>The housing requirement for the first five year period from 2005-2010 will be met from the following sources.</i> (b) amending the estimated capacity of sites listed in part 1 (i) of policy H3 and in Appendix 2 in accordance with the latest revised figures. (c) amending the wording of part 3 of policy H3, to more closely reflect the guidance contained in paragraph 32 of PPG3. (d) amending paragraph 6.16B to reflect that the Sefton Urban Capacity Study was completed in 2004, and in accordance with	6.166

	<p>NAC/06/07.</p> <p>(e) amending paragraph 6.16C in accordance with 1/PIC/06/09.</p> <p>(f) amending Figure 6.1 in accordance with NAC/6/C.</p> <p>(g) adding paragraphs 6.19AA and 6.19AB, in accordance with 1/PIC/06/11, as revised by NAC/6/A.</p> <p>(h) adding sites: H5.A Toprain Site, Hawthorne Road, Bootle; H5.B former Tannery Site, Hawthorne Road, Bootle and H5.C 511 Hawthorne Road, Bootle to the housing allocations listed in part 1 (i) of policy H3, and by amending the Proposals Map and Appendix 2 accordingly.</p> <p>(i) deleting sites: H5.A Toprain Site, Hawthorne Road, Bootle and H5.B former Tannery Site, Hawthorne Road, Bootle from policy H5, and by amending the Proposals Map, Appendix 3 and paragraph 6.27 accordingly.</p> <p>(j) deleting sites: EDT17.A Toprain Site, Hawthorne Road, Bootle and EDT17.B former Tannery Site, Hawthorne Road, Bootle from policy EDT17, and by amending the Proposals Map, Appendix 3 and paragraph 5.107 accordingly.</p> <p>(k) referring in part 2 of policy H3 or in its explanatory text to the 10% threshold that may trigger the suspension of the restraint mechanism of the policy and its associated SPG.</p> <p>(l) making reference to the changed title and status of RPG13 since 28 September 2004.</p>	
Policy H3 Explanation	<p>MODIFY by:</p> <p>(a) amending paragraph 6.16D to include the abbreviation (<i>SPG</i>) before 'Regulating the Supply of Residential Land', to include reference to the <i>housing restraint</i> mechanism and that the build rate of new dwellings will be reviewed on a <i>quarterly</i>...</p> <p>(b) adding a sentence to the end of paragraph 6.19 in accordance with NAC/6/B.</p> <p>(c) replacing the word <i>annual</i> in the first sentence of paragraph 6.20 with the word <i>quarterly</i>.</p> <p>NOT MODIFY by adding a sentence to the end of paragraph 6.16D as proposed by 1/PIC/06/10 that informs that: <i>If, however, new housing is not being built...below the RSS requirement.</i></p>	6.176
Site H3.1	No modification	6.181
Site H3.2	No modification	6.190
Site H3.3	MODIFY by amending the table given in part 1 (ii) of policy H3 and in Appendix 2 to show that the capacity of site H3.3 is for 40 dwellings.	6.195
Site H3.4	MODIFY by amending the footnote to part 1 (ii) of policy H3 and in Appendix 2 to show that it is likely that site H3.4 will mostly accommodate housing that would contribute to the RSS housing requirement, rather than for off-site replacement.	6.200
Site H3.A	No modification	6.207
Land off Old Racecourse Road, Maghull	No modification	6.222
Land at Melling Lane, Maghull	No modification	6.228
Land at Deyes Lane/Damfield Lane Maghull	No modification	6.235
Land adjacent to Turnbridge Road/Greenbank Avenue, Lydiate	No modification	6.240
Land to the rear of 71 Lambshear Lane, Lydiate	No modification	6.245
Land bounded by Northway, Kenyons Lane, and Liverpool Road, Maghull	No modification	6.250
Land East of Maghull	No modification	6.263
Land west of Liverpool Road and Land south of Altcar Lane, Formby	No modification	6.272
Land at Marsh Farm and Raven Meols Farm	No modification	6.277
Land between the Formby By-Pass and Old Southport Road	No modification	6.282
The Powerhouse, Hoggs Hill Lane, Formby.	No modification	6.288
St Thomas Moore Centre, Liverpool	MODIFY by re-designating land at St Thomas Moore Centre,	6.301

Road, Birkdale	Liverpool Road, Birkdale as Primarily Residential Area.	
Land at Scarisbrick New Road, Southport	No modification	6.303
Land south of Moss Lane, Southport	No modification	6.309
Land East of Sandy Brook, Moor Lane, Ainsdale	No modification	6.316
Land at Moor Lane, Crosby	No modification	6.322
Land at Hall Road West, Crosby	No modification	6.329
71/73 Southport Road, Thornton	No modification	6.334
Land between Kingfisher Business Park and Marsh Lane on the canal side of Hawthorne Road.	No modification	6.340
Land at Harris Drive, Orrell	No modification	6.346
Linacre Lane Gas Works, Litherland Road, Bootle	No modification	6.354
Hugh Baird College Site at Church Road, Litherland	MODIFY by re-designating land at the Hugh Baird College Site, Church Road, Litherland as Primarily Residential Area.	6.364
Land at Wango Lane, Aintree	No modification	6.371
Mill Farm/Bull Bridge Lane, Aintree	No modification	6.371
Wango Lane/ Fazakerley Junction, Aintree	No modification	6.377
Hightown Hotel, Hightown	No modification	6.383
Kerslake Way, Hightown	No modification	6.386
Land bounded by Bridges Lane and Brickwall Lane, Sefton Village	No modification	6.393
Land at St Helen's Gutter, Sefton Village	No modification	6.400
Land at Spencers Lane, Melling	No modification	6.405
Policy H4	MODIFY by: (a) changing the date given at the end of the first sentence of policy H4 to 2011. (b) changing the date given at the second sentence of paragraph 6.22 of the explanatory text to policy H4, to 2011. (c) adding the following sentence to the end of paragraph 6.22: <i>The site will only be brought forward for housing if it is required to satisfy the housing provision requirement of the RSS post 2010 and there are no other more suitable brownfield sites, or greenfield sites located within the urban areas, available to satisfy that demand.</i> NOT MODIFY in accordance with 1/PIC/06/15.	6.422
Policy H5	MODIFY by: (a) allocating site H5.D (Linacre Bridge, Linacre Lane) as a Housing Opportunity Site under policy H5, in part accordance with 1/PIC/06/16 and by making corresponding changes to the explanatory text and the Proposals Map. NOT MODIFY by allocating site H5.C (511 Hawthorne Road, Bootle) as a Housing Opportunity Site under policy H5, in accordance with 1/PIC/06/16.	6.437
Policy H6	MODIFY by: (a) amending policy H6 in accordance with 1/PIC/06/18. (b) adding new paragraph 6.32BA and its footnote in accordance with 1/PIC/06/22 as added to by NAC/06/09. (c) adding two sentences to the end of paragraph 6.33 in accordance with 1/PIC/06/24.	6.451
Policy H6A	MODIFY by: (a) adding policy H6A and its associated text to the UDP in accordance with 1/PIC/PM/03 and 1/PIC/06/28, as amended by NAC/06/12 and NAC/06/10. (b) adding new paragraph 6.32BA and its footnote in accordance with 1/PIC/06/22 as added to by NAC/06/09.	6.456
Policy H6B	MODIFY by: (a) adding policy H6B and its associated text in accordance with 1/PIC/06/29 and 1/PIC/PM/01, as amended by NAC/06/11. (b) adding a new Appendix, which would provide similar information for the Hawthorne Road/Canal Corridor sites as provided in Appendix 3 for Opportunity Sites.	6.464

	(c) adding new paragraph 6.32BA and its footnote in accordance with 1/PIC/06/22, as added to by NAC/06/09.	
Policy H7	MODIFY by: (a) amending the title of policy H7 in accordance with 1/PIC/06/30, as further amended by NAC/06/13. (b) amending the text of policy H7 in accordance with 1/PIC/06/30. (c) amending and adding a sentence to the end of paragraph 6.39A in accordance with 1/PIC/06/31.	6.476
Policy H7A	MODIFY by: (a) amending the text of policy H7A in accordance with 1/PIC/06/34. (b) changing around the first two words of paragraph 6.44A in accordance with 1/PIC/06/35. (c) deleting paragraph 6.44E in accordance with 1/PIC/06/36. (d) adding a policy link to proposed new policy EDT17A in accordance with 1/PIC/06/38.	6.479
Policy H8	No modification	6.486
Chapter 7 – Retail Development		
General	No modification	7.5
Introduction	MODIFY by adding new paragraph 7.2AA in accordance with NAC/7/B.	7.10
Policy R1	No modification	7.19
Policy R1 - Explanation	MODIFY by: (a) amending paragraph 7.5A in accordance with 1/PIC/07/01. (b) amending paragraph 7.5A in accordance with NAC/07/01. (c) amending paragraph 7.5A in accordance with NAC/7/A. (d) amending paragraph 7.44 in accordance with 1/PIC/07/05. (e) adding paragraph 7.44AA in accordance with 1/PIC/07/06.	7.32
Policy R2	No modification	7.35
Policy R2A	No modification	7.37
Policy R4	No modification	7.66
Policy R5	MODIFY by making NO CHANGES , at this time, to the boundaries of the Seaforth Local Centre	7.86
Policy R8	MODIFY by: (a) deleting part 4 of policy R8. (b) deleting the last two sentences of paragraph 7.44B. (c) adding the words <i>within or outside the Borough</i> to the end of the second sentence of paragraph 7.44B, in accordance with 1/PIC/07/07. (d) changing part 2 (i) of policy R8 in accordance with 1/PIC/07/03, as further amended by NAC/07/03.	7.107
Policy R8 - Explanation	MODIFY by: (a) amending paragraph 7.42 in accordance with 1/PIC/07/04, as further revised by NAC reference NAC/07/02. (b) amending paragraph 7.44 in accordance with 1/PIC/07/05. (c) adding paragraph 7.44AA in accordance with 1/PIC/07/06. (d) amending paragraph 7.44B in accordance with 1/PIC/07/07.	7.119
Policy R9	MODIFY by: (a) adding a reference in the explanatory text of policy R9 'Policy Links' to policies AD2 and AD3. (b) adding a reference in the explanatory text of policy R9 'Policy Links' to policy R8, if part 4 of policy R8 is deleted.	7.146
Policy R9 - Explanation	No modification	7.148
Chapter 8 – Transport Infrastructure		
General	No modification	8.7
Policy T1	No modification	8.11
Policy T1 - Explanation	No modification	8.13
Policy T2	MODIFY in accordance with NAC/08/01, which lists Merseyside Local Transport Plan, 2001 as a Background document to Policy T2.	8.21
Policy T3	No modification	8.24
Policy T4	No modification	8.28
Policy T4 - Explanation	No modification	8.31
Policy T5	No modification	8.36
Policy T5 - Explanation	No modification	8.38

Chapter 9 – Energy, Minerals & Waste		
Objectives	MODIFY by amending bullet point 2 of the Objectives for Chapter 9 in accordance with NAC/09/01.	9.4
General	No modification	9.6
Policy EMW1	MODIFY by rewording part (i) of policy EMW1 as follows: -adopting forms of development and <i>design</i> which are energy efficient and use renewable sources of materials and energy wherever practicable; and	9.8
Policy EMW2	MODIFY by amending bullet point 2 of the Objectives for Chapter 9 in accordance with NAC/09/01.	9.12
Policy EMW3	MODIFY by: (a) rewriting paragraph 9.20H in accordance with 1/PIC/09/04 and NAC/9/B. (b) adding new paragraph 9.20J in accordance with PIC 1/PIC/09/05. (c) deleting part 1(i) of policy EMW3 in accordance with NAC/9/A.	9.23
Policy EMW 3 - Explanation	MODIFY by: (a) replacing the word <i>encourage</i> with <i>achieve</i> in the first sentence of paragraph 9.20E in accordance with 1/PIC/09/02. (b) amending paragraph 9.20F in accordance with 1/PIC/09/03. (c) rewriting paragraph 9.20H in accordance with PIC 1/PIC/09/04 and NAC/9/B.	9.27
Figure 9.2	No modification	9.29
Figure 9.3	No modification	9.31
Figure 9.3A	MODIFY by amending Figure 9.3A in accordance with 1/PIC/09/08.	9.34
Policy EMW5	MODIFY by: (a) including reference to the North West Regional Assembly Draft Regional Waste Strategy (July 2003) as a background document to policy EMW5, in accordance with 1/PIC/09/9. (b) amending Figure 9.3A in accordance with 1/PIC/09/08.	9.39
Policies EMW5 and EMW6 - Explanation	MODIFY by amending paragraph 9.40 in accordance with 1/PIC/09/10.	9.42
Policy EMW6	No modification	9.54
Policy EMW6 - Explanation	No modification	9.57
Figure 9.5	MODIFY by amending the footnote to Figure 9.5 in accordance with 1/PIC/09/11.	9.60
Policy EMW7	No modification	9.63
Policy EMW7 - Explanation	No modification	9.65
Chapter 10 – Green Belt & Countryside		
General	MODIFY by adding paragraphs 5.6DA and 5.6DB to Chapter 5 of the Plan in accordance with 1/PIC/05/03.	10.6
Policy GBC1	No modification	10.18
Land East of Maghull	No modification	10.30
Land East of Maghull (bounded by School Lane, M58 and Railway)	No modification	10.35
Land at Poverty Lane, Maghull.	No modification	10.38
Land adjacent to Turnbridge Road/Green Bank Avenue, Lydiate	No modification	10.42
Land at Kenyons Lane, Maghull	No modification	10.47
Land North of Lollies Bridge, Lydiate.	No modification	10.53
Land at rear of Lambshear Close, Lydiate.	No modification	10.58
Land at Switch Island, Maghull	No modification	10.63
Land at Ashworth Hospital, Maghull.	MODIFY by deleting Ashworth Hospital from policy GBC4 and by making it the subject of a new policy GBC3A, which allows similar limited development as GBC4, but which also permits limited redevelopment of redundant parts of the site, in accordance with NAC/10/B.	10.69
Land at Dunnings Bridge Road, Maghull.	No modification	10.74
Land at Melling Lane, Maghull.	No modification	10.78

Land at Marsh Farm and Raven Meols Farm.	No modification	10.85
Land at Marsh Farm and Raven Meols Farm.	No modification	10.89
Land adjacent 109/111 Liverpool Road, Formby.	MODIFY by amending the Proposals Map to show land adjacent 109/111 Liverpool Road, Formby removed from the Green Belt and re-designated as Primarily Residential Area.	10.95
Land North and South of Formby Industrial Estate.	No modification	10.100
Land West of Liverpool Road and South of Altcar Lane, Formby.	No modification	10.104
Land between the Formby-by-Pass and Southport Old Road.	No modification	10.108
The Powerhouse, Hoggs Hill Lane, Formby.	No modification	10.114
Land at Hall Road West, Crosby	No modification	10.120
Land at Wango Lane, Aintree	No modification	10.125
Land at Mill Farm/Bull Bridge Lane, Aintree.	No modification	10.129
Land at the rear of Spencers Lane, Melling.	No modification	10.134
Land East of Sandy Brook, Moor Lane, Ainsdale.	No modification	10.139
Land in front of 71 Southport Road, Thornton.	No modification	10.145
Land South of Moss Lane, Southport	No modification	10.151
Land between the Esplanade and the Coastal Road, Southport.	No modification	10.155
Land at St Helens Gutter, Sefton Village	No modification	10.161
Policy GBC2 and Explanation	MODIFY by: (a) adding a phrase to the end of the first sentence of explanatory text given at paragraph 10.15 to state that: Limited extension, alteration or replacement of dwellings in the Green Belt is acceptable in principle, <i>provided that such development would maintain the openness of the Green Belt and the purposes of including land within it.</i> (b) adding paragraph 10.16A as explanatory text to policy GBC2 in accordance with 1/PIC/10/01, but by replacing the reference to PPG7 with <i>PPS7</i> . NOT MODIFY the UDP in accordance with NAC/10/02. Instead, reference should be made to <i>Planning Policy Statement 7: Sustainable Development in Rural Areas</i> , in the Background Documents to policy GBC2.	10.175
Policy GBC3	MODIFY by amending policy GBC3 in accordance with NAC/10/A, except that the phrase; <i>or the number of flats proposed</i> , should be deleted from the third sentence of the proposed amendment to paragraph 10.23 of the explanatory text to the policy.	10.183
Policy GBC4	MODIFY by: (a) adding new policy GBC3A and explanatory text in accordance with NAC/10/B. (b) deleting reference to Ashworth Hospital, Maghull in policy GBC4.	10.204
Policy GBC5	No modification	10.209
Policy GBC7	No modification	10.215
Policy GBC8	No modification	10.227
Chapter 11 – Nature Conservation		
General	No modification	11.2
Policy NC1	MODIFY by amending the boundary of the designated Site of Local Biological Interest at Switch in accordance with NAC/PM/A.	11.14
Policy NC2	No modification	11.16
Policy NC3 - Explanation	No modification	11.18

Chapter 12 – The Coast		
General	No modification	12.2
Introduction and Policy CPZ1	No modification	12.12
Policy CPZ4	No modification	12.16
Chapter 13 – Greenspaces		
General	No modification	13.10
Figure 13.1	No modification	13.12
Policy G1	MODIFY by amending policy G1 and its associated explanatory text in accordance with NAC/13/02, as further revised by NAC/13/A.	13.31
Policy G1 Explanation	MODIFY by: (a) deleting paragraph 13.10B in accordance with 1/PIC/13/01. (b) amending part 1 (iii) of policy G1 in accordance with NAC/13/02. (c) amending the first sentence of paragraph 13.1A by adding the words <i>to a significant degree</i> , after ‘figure 13.1’ (d) I also RECOMMEND that the Council completes and acts upon the findings of its current Open Space and Recreation Study as a matter of high priority as part of an early review of the UDP in the preparation of its future LDD.	13.42
Policy G1	No Modification	13.54
Land at Kerslake Way, Hightown.	No modification	13.61
Land at Marine Lake, Southport Seafront, Southport.	No modification	13.65
Land at Moor Lane, Crosby.	No modification	13.74
Land at the St Thomas Moore Centre, Birkdale.	MODIFY by removing the urban greenspace designation from the objection site.	13.85
Land at Harris Drive, Orrell, Bootle	No modification	13.93
Land at Melling Lane, Maghull	No modification	13.100
Land at Linacre Gas Works Site, Bootle.	No modification	13.110
Land at Town Lane, Southport	No modification	13.116
Land at Brewery Lane, Formby	No modification	13.123
Land at Hightown Hotel, Hightown	No modification	13.132
Land adjacent to Marine Lake, Southport Seafront, Southport.	MODIFY by designating the entire site as urban greenspace, including that intended to be designated as urban greenspace by NAC/13/03	13.139
Land at Former Hugh Baird College Annex, Church Road, Litherland.	MODIFY by removing the urban green space designation from the objection site and by re-designating it as Primarily Residential Area.	13.146
Land at Deyes Lane, Maghull.	No modification	13.151
Land at Bridges Lane and Brickwall Lane, Sefton Village.	No modification	13.160
Land at St Peter’s Conservation Corner, Paradise Lane, Formby	No modification	13.163
Land at Southport and Formby General District Hospital.	MODIFY by: (a) amending the Proposals Map, in accordance with Plan B submitted as part of inquiry document reference P/0034/1, which shows a minimum of 40% of the site designated as urban greenspace. This urban greenspace should comprise two separate areas; one abutting the northern boundary of the site and the other at the western and south-western boundaries of the site. The remaining part of the site should be allocated as a mixed-use, hospital/housing/employment development area. (b) adding a new policy H4A – Land at Southport and Formby District General Hospital, to the UDP. The new policy should indicate that: <i>1. 4.2 hectares of land situated immediately to the west of the Southport & Formby District General Hospital is identified as a mixed-use and urban greenspace site, as shown on the Proposals Map.</i> <i>2. Within the part of the site designated for development on the Proposals Map, which shall not exceed 60% of the site area, planning permission will be granted for (a) Extension to existing healthcare uses of the hospital (b) New healthcare uses and ancillary facilities, including key worker housing (c) Post 2010 Housing and Business Uses (Class B1) on land surplus to the requirements of purposes falling within categories a) and b) above.</i> <i>3. Planning conditions or legal agreements will be used to ensure that</i>	13.179

	<i>the development of this site:</i> <i>(i) includes an element of affordable and special needs housing in accordance with the requirements of policy H2;</i> <i>(ii) provides public urban greenspace including provision for the implementation of the route of the Strategic Path for Countryside Recreation that runs within the northern boundary of the site;</i> <i>(iii) incorporates a landscaped buffer zone designed to reduce the impact of the development on the adjacent countryside and residential areas.</i>	
Policy G4	No modification	13.181
Policy G5	MODIFY by amending part 2 of policy G5 in accordance with NAC/13/12.	13.190
Policy G5 Explanation	MODIFY by: (a) amending paragraph 13.36A in accordance with 1/PIC/13/03. (b) amending paragraph 16.26A in accordance with 1/PIC/16/08. (c) amending paragraph 13.36E in accordance with NAC/13/13. (d) amending part 2 of policy G5 in accordance with NAC/13/12.	13.195
Policy G6	MODIFY by: (a) by amending policy G6 in accordance with 1/PIC/13/04, as further revised by NAC/13/14 and NAC/13/B. (b) amending paragraph 13.41A in accordance with 1/PIC/13/05 and NAC/13/B. (c) amending paragraph 13.41C in accordance with 1/PIC/13/06.	13.201
Policy G7	MODIFY by amending paragraph 13.45 in accordance with NAC/13/C.	13.205
Policy G8	MODIFY by amending paragraph 13.45 in accordance with NAC/13/C.	13.222
Chapter 14 – Heritage Conservation		
Policy HC2	No modification	14.3
Policy HC3	No modification	14.7
Policy HC4	No modification	14.9
Policy HC6	No modification	14.11
Chapter 15 – Accessible Development		
Policy AD1	No modification	15.5
Figure 15.1	No modification except for the correction of the minor typographical error in the penultimate word <i>route</i> in Figure 15.1.	15.7
Policy AD2	No modification	15.10
Policy AD3 - Explanation	No modification	15.12
Policy AD4	No modification	15.15
Policy AD5	No modification	15.18
Policy AD5 - Explanation	MODIFY by amending paragraph 15.32A of the explanatory text to policy AD5 in accordance with 1/PIC/15/01 and NAC/15/A.	15.20
Chapter 16 – Design & Environmental Quality		
General	MODIFY by: (a) amending policy DQ1 in accordance with 1/PIC/16/01 and NAC/16/01. (b) by adding paragraph 16.11B in accordance with 1/PIC/16/01. (c) by adding paragraph 16.11C in accordance with NAC/16/04. (d) by adding a policy link to policy EMW1 in accordance with 1/PIC/16/02. (e) by adding a reference to the document entitled 'EcoHomes – The Environmental Rating for Homes' information note produced by the Building Research Establishment (2003) in accordance with 1/PIC/16/03.	16.6
Policy DQ1	No modification	16.9
Policy DQ1A	MODIFY by adding new policy DQ1A and its associated text in accordance with 1/PIC/16/04, as amended by NAC/16/A.	16.14
Policy DQ2 and Explanation	No modification	16.16
DQ2 - Explanation	MODIFY by adding paragraph 16.20B to the explanatory text of	16.21

	policy DQ2 in accordance with NAC/16/B.	
Policy DQ3 and Explanation	No modification	16.36
Policy DQ4	MODIFY by amending policy DQ4 in accordance with 1/PIC/16/09.	16.38
Chapter 17 – Environmental Protection		
Policy EP1	No modification	17.4
Policy EP2	No modification	17.7
Policy EP3	No modification	17.10
Policy EP6	MODIFY by: (a) amending the first sentence of part 1 of policy EP6 to state that: Development, <i>including that containing flood-lighting</i> , will only be acceptable where it can be demonstrated that ... (b) amending part 2 of policy EP6 to state that: Proposals for flood-lighting within the rural areas will not be permitted ... (c) deleting paragraph 17.32 in accordance with NAC/17/01.	17.15
Policy EP7	MODIFY by: (a) adding Figure 17.1 in accordance with NAC/17/03. (b) amending paragraph 17.34 in accordance with NAC/17/02.	17.19
Chapter 18 - Miscellaneous		
Policy MD8	MODIFY by amending part 1 (ii) of policy MD8 to state: If on a building, apparatus would so far as is practicable, be sited to have the least effect on the external appearance of the building	18.6
Policy MD8 - Explanation	No modification	18.9
Glossary & Appendices		
Glossary	MODIFY by amending the Glossary in accordance with NAC/Glos/03.	19.3
Appendix 3	MODIFY by amending Appendix 3 in accordance with 1PIC/AP/02 and NAC/App/02.	19.9
Appendix 6	MODIFY by adding text below Table A3: Parking for Disabled People (TAL 5/95), of Appendix 6, in accordance with NAC/App/03.	19.12

ABBREVIATIONS USED IN THE REPORT

UDP	Sefton Unitary Development Plan Revised Deposit Draft
T(t)he Plan	Sefton Unitary Development Plan Revised Deposit Draft
RDD	Sefton Unitary Development Plan Revised Deposit Draft
FDD	Sefton Unitary Development Plan First Deposit Draft
PC	Proposed Change to the UDP
PIC	Proposed Pre-Inquiry Change to the UDP
NAC	Proposed Non-Advertised Change to the UDP
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
DPD	Development Plan Document
LDF	Local Development Framework
LDD	Local Development Document
GONW	Government Office for the North West
ODPM	Office of the Deputy Prime Minister
NWRA	North West Regional Assembly
NWDA	North West Development Agency
LPA	Local Planning Authority
NPFA	National Playing Fields Association
HBF	House Builders Federation
PMM	Plan Monitor Manage
Circular 11/95	The Use of Conditions in Planning Permissions
Circular 01/97	Planning Obligations
Circular 06/98	Planning and Affordable Housing
GPDO	The Town and Country Planning (General Permitted Development) Order 1995, as amended
PPG1	Planning Policy Guidance: General Policies and Principles
PPG2	Planning Policy Guidance: Green Belts
PPG3	Planning Policy Guidance Note 3: Housing
PPG4	Planning Policy Guidance: Industrial and Commercial Development and Small Firms
PPG6	Planning Policy Guidance Note 6: Town Centres and Retail Development
PPG7	Planning Policy Guidance: The Countryside-Environmental Quality and Economic and Social Development (replaced by PPS7 in 2004 except for Annex E)
PPG8	Planning Policy Guidance Note 8: Telecommunications
PPG9	Planning Policy Guidance Note 9: Nature Conservation
PPG10	Planning Policy Guidance Note 10: Planning and Waste Management
PPG12	Planning Policy Guidance: Planning and Waste Management
PPG13	Planning Policy Guidance Note 13: Transport
PPG15	Planning Policy Guidance: Planning and the Historic Environment
PPG16	Planning Policy Guidance: Archaeology and Planning
PPG17	Planning Policy Guidance: Sport and Recreation

PPG25	Planning Policy Guidance Note 25: Development and Flood Risk
PPS6	Planning Policy Statement 6: Planning for Town Centre (draft)
PPS7	Planning Policy Statement 7: Sustainable Development in Rural Areas
PPS22	Planning Policy Statement 22: Renewable Energy
RPG13	Regional Planning Guidance for the North West (Became RSS on 28 September 2004)
RSS	Regional Spatial Strategy for the North West
DMPG6	Draft Minerals Guidance Note 6
LTP	Merseyside Local Transport Plan
UCS	Urban Capacity Study
HNA	Housing Needs Assessment
HMRI	Housing Market Renewal Initiative
UPA	Urban Priority Area
PIA	Primarily Industrial Area
SSSI	Site of Special Scientific Interest
SLBI	Site of Local Biological Interest
BAP	North Merseyside Biodiversity Action Plan
SIA	Strategic Investment Area
CPZ	Coastal Planning Zone
dph	Dwellings per hectare
TPO	Tree Preservation Order
SuDs	Sustainable Urban Drainage System
EfW	Energy from Waste

GENERAL

Objections to Revised Deposit Draft

Plan/0118/0676

Bellway Homes – CW

Indicators/0105/0634

Lancashire County Council – CW

Key Issues

- (i) Whether the references made to Draft RPG13 throughout the UDP should be amended, together with any policy areas that have been superseded.
- (ii) Whether targets should be assigned to the Indicators selected to monitor progress made towards achieving each objective of the Plan.

Inspector's Reasoning and Conclusions

- 0.1 **Issue (i)** - Regional Planning Guidance for the North West (RPG13) was approved by the Secretary of State in March 2003. However, the Plan refers to *Draft RPG*. In order to reflect the changed status of the RPG, the Council proposes to update the Plan by a number of Pre-Inquiry Changes (PICs). Bellway Homes conditionally withdrew its objection on the basis of those proposed changes.
- 0.2 However, consequential to the provisions of the Town and Country Planning (Initial Regional Spatial Strategy) (England) Regulations 2004 coming into force on 28th September 2004, RPG13 is now the Regional Spatial Strategy (RSS) for the North West Region, and as such, according to the provisions of the Planning and Compulsory Purchase Act 2004, it forms part of the statutory development plan for Sefton Borough. The proposed PICs have, therefore, been superseded by this new legislation. Consequently, I recommend that references throughout the Plan, to Draft RPG (13), should be replaced by reference to the RSS.
- 0.3 **Issue (ii)** - Monitoring is necessary in order to measure how successful the policies of the Plan are, in achieving its aims and objectives. It is also a valuable tool that enables the Council to assess its performance. However, in order for monitoring to be effective, it is necessary for targets to be defined, in respect of the series of Indicators that have been chosen to monitor the progress made towards achieving each objective of the Plan.
- 0.4 The Council recognises the importance of setting appropriate targets, and it intends to do so, as soon as it has available resources. As a preliminary step towards doing this, it proposes to revise the Indicators throughout the Plan, in accordance with NAC/Plan/A. I endorse those proposed amendments, which I consider will provide focussed and meaningful Indicators that will be capable of being monitored. Lancashire County Council has conditionally withdrawn its objection on the basis of this proposed change.

RECOMMENDATIONS

- 0.5 (a) I RECOMMEND that the UDP be modified throughout by substituting all references to Draft RPG(13) with references to the Regional Spatial Strategy for the North West Region, or to RSS, as appropriate
- (b) I RECOMMEND that the UDP be modified by replacing all of the Indicators with those given in Annex A to NAC/Plan/A.
- (c) I RECOMMEND no further modification to the UDP in response to these objections.

CHAPTER 1 - AIMS AND OBJECTIVES OF THE PLAN

'Sefton 2000+'

Objection to First Deposit Draft

1.2/0016/0062

National Farmer's Union – CW

Key Issue

Whether paragraph 1.2 of the UDP should be amended to reflect policy changes made in 2001, which make guidance on rural planning more positive, particularly in respect of farm diversification and rural enterprises.

Inspector's Reasoning and Conclusions

- 1.1 Paragraph 1.1 of the Plan states that the starting point in its preparation was the 1998 consultation document, 'Sefton 2000+'. Paragraph 1.2 of the UDP goes on to point out that since the conclusion of consultation on that document, there have been further policy developments at all levels, which must be taken into account. However, I consider that it would be impractical to list all of these in the opening paragraphs of the UDP, and in my opinion, it would be biased to emphasise recent changes to rural planning guidance, as requested by the Objector.
- 1.2 Proposed Change reference PC 1.1 clarifies that there have been changes to national policy, and NAC reference NAC/01/01 intends to improve the grammar and clarity of the second sentence of paragraph 1.2, which refers to national policy developments, as well as to regional and local policy changes. The National Farmer's Union has conditionally withdrawn its objection on the basis of these changes.

RECOMMENDATIONS

- 1.3 (a) I RECOMMEND that the UDP **be modified by amending** paragraph 1.2 in accordance with NAC/01/01.
- (b) I RECOMMEND **no further modification** to the UDP in response to this objection.

The Contribution of the Plan to Sustainable Development

Objections to First Deposit Draft

1.10/0009/0019

The Countryside Agency

NP/0009/0016

The Countryside Agency

Fig1.1/0009/0018

The Countryside Agency

Key Issues

- (i) Whether clarification is required to show how the policies of the Plan will be achieved in an integrated manner, and how any conflict between them will be resolved, in a way which will ensure that sustainable development will be achieved.
- (ii) Whether greater explanation is required of the Council's understanding of the characteristics of the Borough and its needs, especially outside the urban areas, and of how the particular objectives of the Plan have been chosen.

- (iii) Whether the principles of the UDP should be broadened to recognise a 'sustainable countryside', and if so, whether this should lead to policy objectives and policies that embrace sustainable development in the smaller settlements and in the rural areas within the Green Belt.

Inspector's Reasoning and Conclusions

- 1.4 **Issues (i) and (ii)** - It is my opinion that Chapter 1 of the Plan clearly states why the objectives for the Plan have been chosen and how these relate to other plans and documents. Specifically, paragraph 1.8 sets out the role of the Plan. Figure 1.2 presents the key influences on the Plan and its objectives. Paragraph 1.11 refers to the 'Sustainability Appraisal of the Plan', which is published as a separate document, and which includes an outline of the existing characteristics of the environment, including key social and economic factors applicable to Sefton. This document, which I consider demonstrates that the Council has a clear understanding of the characteristics and needs of the Borough, should be read together with the Plan.
- 1.5 In addition, Chapter 3 of the UDP contains the Part 1 Strategic Policies. Paragraph 3.2 of the Plan, as amended by PC reference PC 3.2 confirms that the Council's planning strategy is based on the sustainable development aims and objectives set out in Chapter 1 of the Plan. In addition, paragraph 3.3 of the UDP has been deleted and a new paragraph 3.3A has been added by PC reference PC 3.3, in order to clarify how possible conflict between policies should be resolved. Furthermore, the introductions to Chapters 4-18 of the UDP set the context for the objectives which relate to those chapters. I consider that it would be unnecessary to reiterate all of this information in Chapter 1 of the Plan.
- 1.6 **Issue (iii)** - As indicated by Figure 1.1, the overall aim of the Plan is: *To make a positive contribution to the prosperity and quality of life of all Sefton's communities by promoting sustainable development.* In my opinion, a key principle of furthering sustainable development in the Sefton context will be achieved by assisting urban regeneration.
- 1.7 Since all of the rural areas of the Borough are located within the Green Belt, where development is strictly controlled and all of the smaller settlements in Sefton are situated within 3 km of an urban area, I do not consider that the emphasis of the Plan is prejudicial to the interests of those living outside the main urban areas of the Borough. Furthermore, I consider that the promotion of housing or employment sites within the rural areas, or in the smaller settlements would detract from this key regeneration objective.
- 1.8 Taking this important factor into account, although I acknowledge that the achievement of a sustainable countryside is important, I do not consider that it should be a key objective of this Plan. In my view, those policies of the Plan which relate to social and environmental considerations, will assist in meeting the needs of people living in both the urban and the rural areas of the Borough. For these reasons I do not support these objections.

RECOMMENDATION

1.9 I RECOMMEND no modification to the UDP in response to these objections.

CHAPTER 2 - STRATEGIC CONTEXT
'Sefton 2000+' Strategy Proposals and Opinions
Paragraph 2.4

Objection to First Deposit Draft

2.4/0009/0020

The Countryside Agency

Key Issue

Whether the objective of the future planning strategy for the area, of meeting development needs by re-using land and buildings within the existing urban areas, as described at paragraph 2.4 of the UDP, should also allow the sustainable re-use of land and buildings in the Green Belt for development that would enable job creation and diversification, the protection of rural services and the provision of affordable housing.

Inspector's Reasoning and Conclusions

2.1 I do not support this objection for two reasons. Firstly, paragraph 2.4 of the Plan merely reports decisions that have already been taken. In my opinion, it would be inappropriate to introduce new points into this paragraph, or indeed to this Chapter, which seeks to set the strategic context of the Plan. Secondly, the scope of development in the Green Belt, being suggested by the Objector, could be inappropriate in the Green Belt, as set out in PPG2 and in policy GBC2 of the UDP. I consider that it would be wrong to promote development in this chapter of the Plan that could potentially conflict with policies contained in other parts of the Plan, and with national planning policy guidance.

RECOMMENDATION

2.2 **I RECOMMEND no modification to the UDP in response to this objection.**

Merseyside Context - Paragraph 2.12

Objection to First Deposit Draft

2.12/0075/0275

Merseytravel – CW

Key Issue

Whether reference should be made in the Plan to the fact that the Merseyside Authorities have been granted the status of a, 'Centre of Excellence for Integrated Transport Planning'.

Inspector's Reasoning and Conclusions

2.3 In response to this objection, PC reference PC 2.1 has added a sentence to paragraph 2.12 which states: *The LTP has been further endorsed in the Government's identification of Merseyside as a 'Centre of Excellence for Integrated Transport Planning'*. I consider that this change meets the objection, which has been conditionally withdrawn on its basis.

RECOMMENDATION

2.4 **I RECOMMEND no modification to the UDP in response to this objection**

Conclusion - Paragraph 2.18

Objection to First Deposit Draft

2.18/0009/0021

The Countryside Agency

Key Issue

Whether paragraph 2.18 in particular, and the UDP more generally, should allow for the provision of housing in the Green Belt, where this would contribute to meeting local housing needs.

Inspector's Reasoning and Conclusions

- 2.5 Paragraph 2.18 of the UDP factually sets out how the documents referred to in Chapter 2 have influenced the Plan's strategy. They stress that the housing requirements of the Borough should be met by realising the existing and potential capacity within the urban areas of Sefton. Since very little of the Green Belt within Sefton is more than 3 km distant from an urban area and from information contained in the Council's Housing Needs Assessment 2003 (CD/0114), I have no reason to disagree with the Council's conclusions that the provision for housing in the Green Belt to meet local housing needs, is not an appropriate priority for the Plan.
- 2.6 Furthermore, I consider that the promotion of housing sites within the Green Belt would detract from the over-riding urban regeneration objective of the Plan, which would as a consequence, fail to conform to the RSS. Thus, I do not support the objection.

RECOMMENDATION

- 2.7 **I RECOMMEND no modification to the UDP in response to this objection**

CHAPTER 3 - STRATEGIC POLICIES

General

Objection to First Deposit Draft

Gen/Ch3/0009/0079

The Countryside Agency

Key Issues

- (i) Whether the Plan's strategy over-simplifies urban and rural issues and, if as a result, it ignores the economic and social potential of employment development in the rural areas.
- (ii) If so, whether these deficiencies are particularly acute in Chapter 3 of the UDP, and especially in policy CS1.

Inspector's Reasoning and Conclusions

- 3.1 The key aim of the Plan is to make a positive contribution to the prosperity and quality of life of all Sefton's communities, by promoting sustainable development. A fundamental principle of achieving this, in the Sefton context, is through encouragement of the regeneration of its main urban areas. The rural areas of the Borough are within the Green Belt and all of the smaller settlements in Sefton, including those in the rural areas, are within 3-km of an urban area. In my opinion, the promotion of employment sites within the rural areas, or in the smaller settlements, as suggested by The Countryside Agency, would detract from this key regeneration objective of the Plan.
- 3.2 Furthermore, I consider that other policies contained in the Plan, which relate to social and environmental considerations, and which apply to both the urban and rural areas, will help to ensure that those needs of people living in the rural areas are met. For these reasons, I do not support this objection.

RECOMMENDATION

- 3.3 **I RECOMMEND no modification to the UDP in response to this objection.**

Spatial Strategy and Development Principles

Paragraph 3.3

Objection to First Deposit Draft

3.3/0009/0022

The Countryside Agency –CW

Key Issue

Whether the Core Strategy policies of the Plan should be clarified to indicate that all of their requirements should preferably be met. But where there are unavoidable, adverse impacts of development, these should be mitigated or compensated for to ensure that there is always a net gain from development, and no significant loss.

Inspector's Reasoning and Conclusions

- 3.4 Proposed Change reference PC 3.2 makes minor changes to paragraph 3.2 of the UDP, which clarify that the Council's planning strategy is based on the sustainable development aims and objectives set out in Chapter 1 of the Plan. Proposed Change reference PC 3.3 has deleted paragraph 3.3 of the FDD and

replaced it with a new paragraph 3.3A. This provides guidance on how social, environmental and economic objectives should be weighed. It also states that: *Development should show a net gain (or at least a neutral effect), when measured against all the aspects of economic, social and environmental capital affected.* In addition that: *There should be no significant loss of or harm to any identified elements of capital which are of particular significance.*

- 3.5 I consider that these changes add sufficient clarity to the weighting of the core policies, and also reflect the Core Development Principle advocated in policy DP2 of the RSS. It is my opinion that these changes meet this objection, which has been conditionally withdrawn.

RECOMMENDATION

- 3.6 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy CS1 - Development and Regeneration

Objections to First Deposit Draft

CS1/0009/0023
CS1/0017/0063

The Countryside Agency
Optoplast Manufacturing Company Limited – CW

Key Issues

- (i) Whether policy CS1, and in particular its criterion (vi), should be modified to make allowance for development opportunities arising from the re-use of land and buildings in locations outside urban areas, that bring sustainability benefits.
- (ii) Whether criterion (ii) of policy CS1 should refer to mixed-use developments containing housing being appropriate in some locations, where existing employment uses are unsuitable or environmentally inappropriate.
- (iii) Whether criterion (iii) of policy CS1 should refer to the sequential test set out in PPG3, which generally promotes brownfield housing development before greenfield residential development.

Inspector's Reasoning and Conclusions

- 3.7 **Issue (i)** - The Countryside Agency requests the deletion of the final phrase of criterion (vi) of policy CS1, which states: *... so that housing and all other significant development needs can be accommodated within the existing urban areas at least until 2011*, in order to allow for opportunities arising from the re-use of land and buildings in locations outside urban areas, which could bring sustainability benefits.
- 3.8 I support the intention of policy CS1, to re-affirm the Council's priority for the regeneration of the urban areas. In my opinion, the generally negative nature of this policy towards development in the rural areas is appropriate and consistent with other policies of the Plan, which deal with issues concerning both the urban and the rural areas of the Borough.
- 3.9 However, I do not consider that the final phrase of criterion (vi) of policy CS1, as currently worded, adds to the strength of the policy. Nor do I consider that it is entirely consistent with the advice of PPG2 concerning the re-use of buildings in the Green Belt, within which the rural areas in Sefton

are situated. Nor does it sit comfortably with policies GBC3, proposed policy GBC3A and GBC4, which permit specified types of development at the Green Belt sites to which they refer. For these reasons, I support the thrust of this objection, but I consider that amendment of criterion (vi) by the addition of the word *mainly* would be preferable to its deletion.

- 3.10 **Issue (ii)** - From the information before me, I am satisfied that the Council has re-assessed its industrial land supply and that it has excluded sites which are unsustainable or environmentally inappropriate for employment uses. As I discuss in greater detail in Chapter 5 of my report, I am satisfied that the remaining industrial land is the minimum area that should be retained.
- 3.11 Furthermore, PC reference PC 6.36 has introduced new policy H7A - Mixed Development Sites Incorporating Housing, which permits mixed development schemes that result in a sustainable pattern of development, and which include an element of housing, subject to its criteria being met. I consider that the provisions of this new policy satisfy the objection, which has been conditionally withdrawn.
- 3.12 **Issue (iii)** - Optoplast Manufacturing Company Limited also considers that criterion (iii) of policy CS1 should make specific reference to the sequential test set out in PPG3. However, I think that this is unnecessary, because the preference for allowing brownfield housing development, before greenfield development is referred to in part (vi) of the policy.
- 3.13 Furthermore, policy H3 and its associated explanatory text, which have (or are intended to be further) been substantially amended by several Proposed Changes, Pre-inquiry Changes and Non-Advertised Changes, clearly indicate that preference will always be given to the use of suitable, previously developed buildings and land in urban areas, before greenfield sites. SPG - Regulating the Supply of Housing Land also provides guidance on the sequence that is used for the release of housing sites. I discuss these in more detail in Chapter 6 of my report. This objection has been conditionally withdrawn.

RECOMMENDATIONS

- 3.14 (a) I RECOMMEND that the UDP be modified by adding the word *mainly* within the last phrase of criterion (vi) of policy CS1, so that it states:

...so that housing and all other significant development needs can be mainly accommodated within the existing urban areas at least until 2011.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy CS2 - Restraint on Development and Protection of Environmental Assets

Objections to First Deposit Draft

CS2/0009/0024
CS2/0098/0471

The Countryside Agency –CW
English Nature (Cheshire to Lancashire Team)

Key Issues

- (i) Whether policy CS2 should be positively worded to ensure that it always seeks to achieve a net gain from development.
- (ii) Whether reference should be made in policy CS2 to the Countryside Character Assessment, in order to make it more positive.
- (iii) Whether policy CS2 (iii), or its associated explanatory text, should clarify that when considering the overall value of land, there are other factors which should be taken into account besides its agricultural benefits.
- (iv) Whether policy CS2 should be amended to include all aspects of nature conservation; not just of designated sites.

Inspector's Reasoning and Conclusions

- 3.15 **Issue (i)** – Proposed Change reference PC 3.10 has amended the last paragraph of policy CS2, so that it states: *Unavoidable losses must be compensated for by equivalent benefits, and in all cases development proposals and/or management regimes should seek to enhance the above assets*. In my opinion, this change significantly improves the robustness of the policy and it meets this aspect of the objection, which has been conditionally withdrawn as a result.
- 3.16 **Issue (ii)** – Policy CS2 aims to protect environmental assets listed in its criteria (i)-(viii), as amended by PCs references PC 3.8 and 3.9, from significant harm that may be caused by development. Policy GBC5, which is also a Part 1 policy, and SPG - Landscape Character, set out in detail, the Council's intentions regarding the impact of development on landscape character. Consequently, I see no reason to also refer to its approach regarding Countryside Character Assessment in policy CS2. Thus, I do not support this aspect of the Countryside Agency's objection.
- 3.17 **Issue (iii)** - At criterion (iii), policy CS2 refers to a restraint placed upon development on the best and most versatile agricultural land. However, the other seven criteria of the policy refer to additional environmental assets that should also be protected from significant harm from development. These include sites and species of nature conservation importance, urban greenspace and sites of archaeological, historic or cultural importance.
- 3.18 Thus, I consider that policy CS2 satisfactorily reflects national planning policy, which advises that planning decisions should consider the overall value of land in deciding which parts should have greater protection. Consequently, I do not support this objection, which seeks further clarification within the policy or its explanatory text that there are other factors which should be taken into account, besides the agricultural benefits of land.
- 3.19 **Issue (iv)** – English Nature supports the intentions of policy CS2, which seeks to protect the environmental assets of Sefton, but it considers that important nature conservation interests occurring outside designated sites should also be protected by this Part 1 Core Strategy policy. I support their view on this matter. However, it is my opinion that PC reference PC 3.8, which amends criterion (vi) to refer to sites *and species*, and which deletes

reference to sites *designated for their* nature conservation importance adequately recognises that important nature conservation assets worthy of protection may occur outside of designated sites. I consider that this amendment to the policy satisfies the objection.

RECOMMENDATION

3.20 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy CS3 - Development Principles

Objections to First Deposit Draft

CS3/0097/0438
CS3/0103/0515

Environment Agency – CW
Highways Agency – CW

Key Issues

- (i) Whether policy CS3 should promote the feasibility of incorporating Sustainable Urban Drainage Systems (SuDS) in all new, large-scale development proposals.
- (ii) Whether reference should be made in policy CS3 to the protection of the trunk road network, in recognition of it being a national asset.

Inspector's Reasoning and Conclusions

- 3.21 **Issue (i)** – Policy CS3, as amended by PC reference PC 3.13 includes two development principles that relate directly to SuDS; in the third bullet point of criterion (ii), in the amended second bullet point and in the third bullet point of criterion (iii). In my opinion, these references are sufficient in this Part 1 policy.
- 3.22 However, new policy DQ4 - Sustainable Drainage Systems, together with its associated explanatory text, which are not subject of any objections, were added to Chapter 16 - Design & Environmental Quality, by PC 16.19. In my opinion, detailed reference to SuDS is most appropriately included within this new policy DQ4. Therefore, I do not support this objection that has now been conditionally withdrawn by the Environment Agency.
- 3.23 **Issue (ii)** - Criterion (ii) of policy CS3, aims to ensure that road safety is not compromised by development, including by the provision of site accesses. In addition, new policy AD5 - Access onto the Primary Route Network, together with its supporting explanatory text was added to Chapter 15 - Accessible Development, by PC 15.8. In my opinion, detailed reference to the importance of safeguarding the trunk road network, by restricting accesses on to it, is appropriately included in policy AD5. I see no reason to repeat it in policy CS3. Thus I do not support this objection by the Highways Agency, which has been conditionally withdrawn.

RECOMMENDATION

3.24 **I RECOMMEND no modification to the UDP in response to these objections.**

CHAPTER 4 - URBAN PRIORITY AREAS
Policy UP1 - Development in Urban Priority Areas

Objection to First Deposit Draft

UP1/0095/0371

Government Office North West – CW

Objection to Revised Deposit Draft

UP1/0118/0679

Bellway Homes – CW

Key Issues

- (i) Whether policy UP1 could be interpreted as providing a loophole for development anywhere within the urban priority areas, provided that it makes a positive contribution to regeneration.
- (ii) Whether part 2 of policy UP1 is ambiguous and requires clarification.
- (iii) Whether criterion (ii) of part 3 of policy UP1 should be amended to encourage an increase in the choice of good quality housing.

Inspector's Reasoning and Conclusions

- 4.1 **Issues (i) and (ii)** – In response to objections to the FDD version of the Plan, policy UP1 was re-written in accordance with PC reference PC 4.6. It is intended to further amend part 1 of the policy, by PIC reference 1/PIC/04/01. This part of policy UP1 now more clearly defines the Urban Priority Areas (UPAs), by describing their main characteristics and by listing the wards so designated.
- 4.2 Part 3 of the revised policy UP1, which is proposed to be further revised by PIC reference 1/PIC/04/02, lists a set of criteria against which proposals for development within the UPAs are assessed.
- 4.3 I consider that the revised policy, as proposed to be further amended by these changes, would be clearly and unambiguously worded, in a form that should prevent any possible loophole for development occurring anywhere within the UPAs. The objection has been conditionally withdrawn on the basis of these changes.
- 4.4 **Issue (iii)** - I support this objection by Bellway Homes, which seeks to promote improvements in the choice of housing of good quality within Sefton. Thus, I endorse proposed PIC reference 1/PIC/04/02, which intends to revise criterion (ii) of part 3 of policy UP1 to read: Maintaining *and where appropriate increasing* the choice of good quality housing *to meet* the needs of current and future households. The objection has been conditionally withdrawn on the basis of this change.

RECOMMENDATIONS

- 4.5 (a) **I RECOMMEND that the UDP be modified by amending part 1 of policy UP1 in accordance with 1/PIC/04/01.**
 - (b) **I RECOMMEND that the UDP be modified by amending criterion (ii) of part 3 of policy UP1 in accordance with 1/PIC/04/02.**
 - (c) **I RECOMMEND no further modification to the UDP in response to these objections.**

Explanation - Paragraph 4.7

Objection to Pre-Inquiry Changes

4.7/4.7A/0095/0942

Government Office North West

Key Issue

Whether the areas of housing stress surrounding the central area of Southport, as referred to in policy UP1, correspond with the area shown in Appendix 2 of SPG - Regulating the Supply of Residential Land.

Inspector's Reasoning and Conclusions

4.6 It is proposed to amend paragraph 4.7 of the UDP by PIC reference 1/PIC/04/03 and by NAC reference NAC/04/01. The first of these intended changes would describe precisely the nine wards within Sefton that are designated UPAs. The NAC proposes to add a sentence to the paragraph, which confirms that: *The Southport Housing Regeneration Area is identified in Appendix 2 of Supplementary Planning Guidance 'Regulating the Supply of Residential Land', which was adopted by the Council in July 2003.* I consider that these proposed changes would provide additional clarity to the policy and that they would satisfy the objection of the GONW.

RECOMMENDATION

4.7 **I RECOMMEND that the UDP be modified by amending paragraph 4.7 in accordance with 1/PIC/04/03 and NAC/04/01.**

Explanation – Paragraph 4.10B

Objection to First Deposit Draft

GenCh4/0075/0276

Merseytravel – CW

Objection to Revised Deposit Draft

4.10B/0075/0843

Merseytravel

Key Issues

- (i) Whether provision for transport, and especially the more sustainable forms, should cross-cut the whole of Chapter 4 of the UDP.
- (ii) Whether the term 'accessible by a choice of means of travel' should be strengthened to refer to 'sustainable modes of transport'.

Inspector's Reasoning and Conclusions

4.8 **Issues (i) and (ii)** - Paragraph 4.10B was added to the explanatory text of policy UP1, by PC reference PC 4.7. It states that: *Accessibility to the facilities and opportunities within and nearby the urban priority areas is a fundamental aspect of social inclusion.* The paragraph informs that; the Council and Merseytravel will continue to improve transport choices within the Urban Priority Areas, that the UDP will play an important role in ensuring that development is located in accessible locations and that it is accessible by a choice of means of transport.

4.9 In addition, it is intended to expand upon this statement, by PIC reference 1/PIC/04/04, which makes specific reference to accessibility to public transport, cycling and walking facilities. In my opinion, this proposed PIC,

which reflects national planning policy guidance, significantly improves the explanatory text and thereby strengthens policy UP1. I also consider that these changes meet the objections of Merseytravel, the first of which has been conditionally withdrawn.

RECOMMENDATION

4.10 **I RECOMMEND that the UDP be modified by amending paragraph 4.10B in accordance with 1/PIC/04/04.**

CHAPTER 5 - ECONOMIC DEVELOPMENT AND TOURISM

General

Objections to First Deposit Draft

GenCh5/0075/0277	Merseytravel – CW
GenCh5/0089/0336	Formby Hall Golf and Country Club
GenCh5/0089/0338	Formby Hall Golf and Country Club
GenCh5/0089/0341	Formby Hall Golf and Country Club
GenCh5/0103/0518	Highways Agency – CW
NP/0036/0133	HM Prison Service
NP/0089/0337	Formby Hall Golf and Country Club

Key Issues

- (i) Whether explanatory text should be added to Chapter 5 to highlight the importance of public transport links to employment opportunities.
- (ii) Whether Chapter 5 of the UDP should acknowledge that economic development relies upon a safe and efficient road network, and that the Highways Agency is a key partner in the operation of the trunk road network.
- (iii) Whether the policies promoting tourism development are adequately integrated with the other employment policies of the Plan.
- (iv) Whether Chapter 5 should place greater emphasis on the importance of wider tourism development on the economic well-being of the local community.
- (v) Whether the UDP makes adequate reference to the importance of golf tourism as a growth sector within the tourism industry, and to the beneficial impacts it can have on environmental and other interests of acknowledged importance.
- (vi) Whether there is a need for a new policy EDT15A, which would be permissive towards proposals for golf and golf related development.
- (vii) Whether the UDP should include a policy, or allocate a site for a new prison.

Inspector's Reasoning and Conclusions

- 5.1 **Issues (i-ii)** - Proposed Change reference PC 5.3 adds several new paragraphs to the introductory text of Chapter 5 of the RDD, including paragraph 5.6E. This new paragraph states that: *Economic development relies upon a safe and efficient road network to support it. Trunk roads are a national asset supporting the economy of the country. It also informs that it is essential that the provision of employment opportunities is linked to the provision and improvement of public transport, as well as locations which are presently well served by means of transport other than the private car.* The new paragraph also directs users of the Plan to Chapter 15 - Accessible Development, which focuses on the importance of development being situated in sustainable locations.
- 5.2 I consider that this change adequately addresses objections made by Merseytravel and the Highways Agency, which have been conditionally withdrawn on this basis.
- 5.3 **Issues (iii-vi)** – Proposed Change reference PC 5.3 also introduces new paragraphs 5.6A-5.6C, which refer to the significant importance of tourism to Sefton's economy, and to its potential for growth. Paragraph 5.6C refers

specifically to the need to develop growth sectors, including golf tourism. This paragraph also informs that there is potential for further development along the whole of Sefton's coast to provide enhanced sporting, leisure and tourism opportunities, subject to such development being compatible with the area's Green Belt status and the special character and nature conservation value of the undeveloped parts of the coast, which need to be preserved and enhanced.

- 5.4 In my opinion, these additional paragraphs clarify and promote the importance of tourism generally, including golf, to the economy of Sefton. In the absence of robust evidence that specifically highlights an overwhelming importance of golf, above other forms of outdoor recreation, sport or 'green' tourism, I am not convinced of the need for a new policy or objective promoting golfing activities in particular. In my opinion, PC 5.3 satisfactorily addresses these objections of Formby Hall Golf and Country Club.
- 5.5 **Issue (vii)** – Circular 03/98, *Planning for Future Prison Development*, informs that Local Planning Authorities should recognise the need to allocate land in Unitary Development Plans for new prisons. HM Prison Service has identified the North-West as being an area where there may be a need for additional new prisons in the future. Specifically, Merseyside has been identified as one of the highest priority areas of search for a new prison. The Sefton area is seen, by HM Prison Service, as being strategically located to meet this urgent need for additional prison places in Merseyside.
- 5.6 However, since the submission of this objection, outline planning permission has been granted for a new prison on part of the partly redundant Ashworth Hospital site near Maghull, which provides high security hospital facilities. Furthermore, it is intended, by NAC/10/B, to introduce a new Green Belt policy GBC3A that would designate the land as a Major Development Site in the Green Belt - Ashworth Hospital, where redevelopment, as well as limited infill may be permitted. I note that there are no objections to this new policy. Thus, I have no reason to think that it will not be carried forward in the adopted version of the Plan.
- 5.7 The Ashworth Hospital site is a brownfield site that is conveniently accessible to a large urban population in the North-West, by road and rail. In my opinion, it satisfies the locational requirements of Circular 03/98 for the provision of new prison facilities. In addition, NAC/10/B, which I support (see paragraph 10.204 of my report), could enable any necessary expansion of prison services on the site, to cater for the Merseyside area. In these circumstances, I consider that the UDP makes satisfactory provision for secure prison facilities in the area. Therefore, I conclude that it is unnecessary to include another new policy, or to allocate a site in the UDP, for a new prison.

RECOMMENDATION

- 5.8 **I RECOMMEND no modification to the UDP in response to these objections.**

Introduction

Objection to First Deposit Draft

5.2/0009/0026 The Countryside Agency

Objection to Revised Deposit Draft

5.6A/0110/0760 North West Development Agency

Objections to Pre-Inquiry Changes

5.6AA/0110/0899 North West Development Agency

5.6AB/0095/0943 Government Office North West

Key Issues

- (i) Whether the UDP should seek to address rural employment needs and in particular, to identify in paragraph 5.2 of the introductory text to Chapter 5, that there might be employment opportunities at previously developed sites in the rural areas.
- (ii) Whether reference should be made in the explanatory text of the UDP, at paragraph 5.6A, to the 'Vision for Southport', as set out in 'A New Vision for Northwest Coastal Resorts'.
- (iii) Whether reference should be made for the need to secure high quality hotel and associated convention centre development, in line with the recommendations made in the NWDA publication, 'A New Vision for Northwest Coastal Resorts'. If so, whether this should be cross-referenced to the desirability of promoting Southport's accessibility by both public and private transport from the wider sub-Region, as referred to in paragraph 5.78 of the explanatory text of the Plan.
- (iv) Whether the proposed changes to the text of Figure 5.1 should be amended, for accuracy.
- (v) Whether provision for additional tourism and recreation related facilities at Aintree racecourse would satisfy the test of need and the sequential test set out in PPG6.

Inspector's Reasoning and Conclusions

5.9 **Issue (i)** - A key principle of the UDP, as set out in Figure 1.1 of the Plan, is to promote urban regeneration. Thus, its economic priority is to promote urban regeneration, rather than to address any rural employment needs. With the exception of the Southport Commerce Park, all of the Strategic Employment Locations identified in policy EDT1 lie within the Urban Priority Areas (UPA), defined in policy UP1 and Figure 4.2 of the Plan. As explained in paragraph 5.7 of the UDP, these *provide the best prospects for encouraging local expansion and inward investment in the 'established' and 'emerging' sectors identified by the North West Development Agency (NWDA) in its Regional Strategy.*

5.10 However, I do not consider that people living outside the urban areas in Sefton would be significantly disadvantaged by this policy stance, because all of the rural areas of the Borough are located within 3km of an urban area, where employment opportunities are reasonably conveniently available. Furthermore, the rural areas in Sefton are situated entirely in the Green Belt, where employment development is restricted by local and national Green Belt policy. Also, much of the land comprises agricultural land having a significant capacity to yield high-value horticultural crops. Thus, although not a major

employer, the agricultural economy in Sefton is an efficient, high output, local industry that is at risk from urban encroachment. Consequently, in order that it remains diverse and vibrant, I consider that its current role, as steward of the countryside, should be encouraged and supported. For these reasons, I do not support this objection, which seeks to promote rural employment opportunities.

- 5.11 **Issues (ii) – (iv)** – In response to Regional Economic Strategy, and in order to strengthen the policy content of the UDP regarding tourism, it is intended, by PIC reference 1/PIC/05/02, as intended to be amended by NAC reference NAC/05/1, to add paragraph 5.6AA. This new paragraph refers to the NWDA document, 'A New Vision for Northwest Coastal Resorts' and its recommendation that Southport should seek to become a premier location within the region for high quality shopping, restaurants and hotels, and to strengthen its position in the conference market and as a special-interest holiday destination.
- 5.12 In my opinion, this is sufficient detail to include in the explanatory introductory text to Chapter 5 of the UDP, since policies EDT13 – EDT15 provide detailed development principles for the commercial and tourist interests of Southport. Similarly, I see no need to duplicate the recognition given in paragraph 5.78 for better communication links between Southport and its wider sub-Region.
- 5.13 It is intended to improve the accuracy of Figure 5.1, which lists the key economic sectors of the NWDA Regional Strategy by PIC reference 1/PIC/05/04, as further amended by NAC reference NAC/05/04, by including *financial and professional services* to the list of Target Growth Sectors. I consider that these changes would mostly address these objections, and they would bring the Figure into line with the sectors identified in the Regional Strategy. However, I note that it is also intended by NAC reference NAC/05/03, to add reference to RPG13 in the title of the Figure. This should be amended to reflect that since 28 September 2004 the document became RSS.
- 5.14 **Issue (v)** - Proposed PIC reference 1/PIC/05/02 also introduces new paragraph 5.6AB, which refers to the significant tourism attraction of Aintree racecourse. This new paragraph indicates that *there is scope for further development related to tourism and recreation, including hotels, towards the Ormskirk Road frontage of the site, which is outside the Green Belt*. However, as GONW points out, the racecourse site is not within an existing centre. Thus, as advocated by PPG6 and clarified by the Richard Caborn statement of 11 February (CD/0080), the need for such development should be justified and the sequential test applied. In response to this criticism, the Council intends, by NAC reference NAC/05/02, to add the following words to the final sentence of the new paragraph: *subject to any proposal satisfying the tests of need and the sequential test as set out in PPG6*.
- 5.15 In my opinion, this addition would bring the paragraph into line with PPG6 and subsequent Government advice, and it would address this objection.

RECOMMENDATIONS

- 5.16 (a) I RECOMMEND that the UDP be modified by adding paragraphs 5.6AA and 5.6AB in accordance with 1/PIC/05/02, as further amended by NAC/05/1 and NAC/05/02.
- (b) I RECOMMEND that the UDP be modified by amending Figure 5.1 in accordance with 1/PIC/05/04 and NAC reference NAC/05/04.
- (c) I RECOMMEND that the UDP be not modified in accordance with NAC/05/03, but that reference be made instead to RSS in the title to Figure 5.1.
- (d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT1

Strategic Employment Locations

Objection to First Deposit Draft

5.9/0095/0372

Government Office North West – CW

Key Issue

Whether the implementation documents referred to in paragraph 5.9 of the UDP should be specified, to aid clarification.

Inspector's Reasoning and Conclusions

- 5.17 In order to improve the clarity of paragraph 5.9, it has been expanded by PC reference PC 5.6, which explains that policy EDT1 will be implemented through the regeneration strategies and action plans outlined in Chapter 4 (Urban Priority Areas), including plans and strategies not yet commissioned. I consider that this amendment satisfies the objection, which has as a result, been conditionally withdrawn.

RECOMMENDATION

- 5.18 I RECOMMEND no modification to the UDP in response to this objection.

Policy EDT2

Provision of Employment Land

Objections to First Deposit Draft

EDT2/0072/0262

Persimmon Homes NW Ltd & Countryside Residential - CW

EDT2/0095/0373

Government Office North West - CW

EDT2/0108/0542

Hallam Land Management

EDT2/0109/0565

Langtree Property Company Ltd

Key Issues

- (i) Whether the time period of policy EDT2 should be specified in order that annual provision rates can be monitored.

- (ii) Whether the location of the employment sites referred to in policy EDT2 take into account sustainability criteria, including proximity to where people live.
- (iii) Whether there is a general lack of good quality sites suitable for strategic inward investment and planned expansion of existing firms within Sefton.
- (iv) Whether land at Maghull East should be allocated for mixed-use development comprising a strategic employment site, housing and community facilities, to ensure that adequate unconstrained land is available for incoming investment, or for the expansion of existing firms.

Inspector's Reasoning and Conclusions

- 5.19 **Issue (i)** - In response to this objection by GONW, policy EDT2 has been amended by PC reference PC 5.8. It now states that *provision for strategic and local employment development during the period 2002-2012 will be made as follows*. This objection has been withdrawn on the basis of that change.
- 5.20 However, paragraph 6.7 of PPG12 indicates that Part 1 of UDPs should provide a strategic framework for development, for a period of at least fifteen years from the base date of the Plan. Part 2 policies and proposals should endure for a period of ten years beyond the forecasted adoption of the Plan. Policy EDT2 is a Part 1 policy and it is anticipated that the Plan will be adopted in 2005. Thus, to accord with PPG12, the Plan should provide an economic framework up to 2017 and make provision for employment land until at least 2015. Therefore, I consider that in order to accord with PPG12, the time period specified in policy EDT2 should be extended until 2017.
- 5.21 **Issues (ii) and (iii)** - A key principle of the UDP is to promote urban regeneration. Thus, its economic priority is to support that objective as part of a holistic strategy of regeneration initiatives. The first sentence of the Introduction to Chapter 5 states, in paragraph 5.1, that *economic development is essential to the regeneration of Sefton, particularly in the Urban Priority Areas*. Thus, with the exception of the Southport Commerce Park, all of the Strategic Employment Locations identified in policy EDT1 lie within the Urban Priority Areas, as defined in policy UP1 and in Figure 4.2 of the UDP.
- 5.22 The Council acknowledges, at paragraph 5.5 of the Plan that the lack of large sites available for development and investment has been an obstacle to the future economic growth of Sefton. But as explained in paragraph 5.7, it considers that the designated Strategic Employment Locations provide the best prospects for encouraging local expansion and inward investment in the 'established' and 'emerging' employment sectors identified by the NWDA, in its Regional Economic Strategy. The UPAs contain high concentrations of residential development. Consequently, I disagree with the assertion of Objectors that much of the employment land referred to in policy EDT2 is not sustainably located close to where people live.
- 5.23 Policy EDT2, as proposed to be amended by PIC reference 1/PIC/05/05 and NAC reference NAC/05/05, in order to include the most up to date figures available at March 2004, makes provision for an employment land supply of 89.9 hectares. It also refers to around 85,000 square metres of floor space in the Bootle Office Quarter. However, I note from paragraph 3.3 of the Employment Topic Paper (CD/0065) that the total office floor space capacity

of the two Bootle Office Quarter sites has been reduced to about 65,650 square metres, to reflect the planning permission that is being implemented on site EDT11.1. This office floor space uses approximately 3.1 hectares of land. Thus, for consistency, I recommend that this figure should be updated in the policy, together with a footnote explaining the base date of the figures. In addition, the Council anticipates that additional windfall employment sites will come forward during the Plan period.

- 5.24 Paragraph 5.10 of the explanatory text to policy EDT2 informs that over the last five years, the average annual take-up of land for business and industrial development has been about 5.6 hectares. However, the Council considers that several factors have contributed to that relatively low take-up rate. I, therefore, think it prudent that the requirement for employment land should be calculated on the basis of the more buoyant take-up rate of around 6.8 hectares per annum, which occurred during the period 1993-1998. I also consider that it is appropriate to identify a notional over-supply of available employment land, to take account of the physical constraints on many of the employment sites in Sefton, the lead-in time required for development and the need for a reasonable choice of sites to be available to meet differing employment needs, consistent with the advice of PPG4.
- 5.25 I am not convinced that the notional over-supply should necessarily be on the basis of +50%, as recommended by Objectors, but I acknowledge that, that figure would provide a useful starting point for the calculation of long-term employment land requirements in Sefton. I consider that at the base date of the Plan, the actual, quantitative supply of employment land required up to 2017 was: $6.8 \times 15 = 102$ hectares. The remaining requirement is for $6.8 \times 13 = 88.4$ hectares of employment land. EDT2 as proposed to be amended indicates that there is a remaining provision for 93 hectares, taking into account also the Class B1 office floor space that was available at the Bootle Office Quarter. This represents a slight over supply of employment land. But based on Hallam Land Management's calculations, there is a potential qualitative shortfall of in the employment land supply amounting to around 40 hectares.
- 5.26 I do not consider that other Chapter 5 policies are overly prescriptive in terms of how the allocated employment sites may be used. Nor do I have reason to think that the Council's optimism is misplaced that regeneration initiatives, including gap funding in the UPAs will increase demand and help bring those previously unattractive sites forward. But it is my strong opinion that the regeneration of those brownfield sites could be prejudiced if competing greenfield sites were made available.
- 5.27 I conclude that the Plan's provision for employment land is adequate to meet the likely quantitative demand, but I consider that there is a potential qualitative shortfall that will most likely become more pressing towards the end of the Plan period. However, from all of the evidence before me, I also conclude that there is not a pressing need to allocate a substantial area of additional employment land at this time. I further conclude that the allocation of greenfield sites would conflict with a fundamental aim of the UDP, which is to promote urban regeneration.
- 5.28 The land at Maghull East, which some Objectors suggest should be allocated as a mixed-use site, including employment, is greenfield land situated in the

Green Belt. As I conclude in Chapter 10 of my report, any release of land in the Green Belt for development would be premature pending the completion of the imminent sub-regional Merseyside Green Belt Study. In the absence of a quantitative shortfall and clear evidence of a significant qualitative short-to-medium term deficiency in the employment land supply, I conclude also, that there are no exceptional circumstances that would justify consideration of the early release of this Green Belt land. Thus, I do not support these objections.

5.29 Notwithstanding this Green Belt consideration, I consider the merits of land at Maghull East for development in the context of related objections, in Chapters 6 and 10 of my report. Persimmon Homes (NW) Ltd and Countryside Residential has conditionally withdrawn its objection concerning this matter.

RECOMMENDATIONS

5.30 (a) I RECOMMEND that the UDP be modified by amending the dates referred to in the policy as being 2002-2017

(b) I RECOMMEND that the UDP be modified by amending the areas of employment land given in policy EDT2 in accordance with 1/PIC/05/05 and NAC reference NAC/05/05.

(c) I RECOMMEND that the UDP be modified by amending part 1 (ii) of policy EDT2 to indicate that there is provision in the Bootle Office Quarter for up to 65,650 square metres floor space and by adding a footnote that informs that the base date of the figures given in policy EDT2 is March 2004.

(d) I RECOMMEND no further modification to the UDP in response to these objections.

EDT2 - Explanation

Objection to Revised Deposit Draft

5.13/0105/0632

Lancashire County Council

Key Issue

Whether there is a spelling mistake in the first word of the fourth line of paragraph 5.13, which should be corrected.

Inspector's Reasoning and Conclusions

5.31 It is proposed to correct the typographical error in the word 'chnges' to *changes*, by a PIC Annex C – Minor Change.

RECOMMENDATION

5.32 I RECOMMEND that the UDP be modified by correcting the first word of the fourth line of paragraph 5.13 to read: *change*.

Policy - EDT3

Strategic Employment Sites in the Dunnings Bridge Corridor

Objections to First Deposit Draft

Key Issues

- (i) Whether the strategic employment sites in the Dunnings Bridge Corridor are sufficiently unconstrained by factors concerning existing occupiers, land assembly, contamination and their proximity to the motorway network and,
- (ii) if so, whether those sites should be re-designated as Employment Opportunity Areas.
- (iii) Whether land at Maghull East should be allocated as a strategic employment site, in order to avoid a qualitative shortfall in the supply of employment land.
- (iv) Whether, given the strategic importance of the sites listed in policy EDT3, part 3 weakens and introduces uncertainty to the policy.

Inspector's Reasoning and Conclusions

- 5.33 **Issues (i)-(iii)** - The Dunnings Bridge Corridor Strategic Employment Sites are located in the Atlantic Gateway Strategic Investment Area (SIA), where funding is concentrated. A key role of the SIA process is to support the creation of new employment development in south Sefton, wherein these sites are strategically placed by; the acquisition and assembly of sites to facilitate development, addressing constraints including contamination, and by improving the general environment and infrastructure within these established industrial areas. This initiative will work in collaboration with the South Sefton Partnership, which has responsibility for the implementation of Sefton's Single Regeneration Budget (SRB6) Challenge Fund (2001-2007). A strategic objective of the Partnership is to ensure the sustainable prosperity of Sefton. I consider that this will give appropriate impetus for the regeneration of these sites. I note also that the objection raising these matters has now been conditionally withdrawn.
- 5.34 With regards to their proximity to the motorway system, the Strategic Employment sites front, or are adjacent to the A5036, which connects directly to the nearby Junction 7 of the M57. Thus, I do not consider that they are insufficiently accessible to the motorway system. In my opinion, the sites are genuinely available and consequently, I do not support the Objector's opinion that they should be re-designated as Employment Opportunity Areas. Nor, for reasons that I have given in paragraphs 5.28 and 5.29 above, do I agree that land at Maghull East should be allocated as a Strategic Employment Site.
- 5.35 **Issue (iv)** – I do not share the view of GONW that part 3 weakens policy EDT3, or its emphasis on economic development. I agree with the Council that this part of the policy provides a degree of flexibility for future development of the Strategic Employment Sites in the Dunnings Bridge Corridor, because it allows uses other than B1 and B2 to locate on those sites, provided that, amongst other considerations, they would create high quality/skilled, career-based employment opportunities. I conclude that part 3 of the policy protects the development potential of these sites, but it also enables possible employment opportunities that could be potentially lost, if

the policy restricted development at the Strategic Employment Sites to Class B1 or B2 uses exclusively.

- 5.36 For clarity, paragraph 5.22 of the explanatory text to policy EDT3 has been amended by PC reference PC 5.11, by replacing the word 'exceptionally' with the phrase *in exceptional circumstances*, in the third sentence. The objection has been conditionally withdrawn on the basis of this change. In addition, it is intended to make a minor amendment listed in PIC Annex C to part 3 of the policy, with which I do not disagree.

RECOMMENDATIONS

- 5.37 (a) I RECOMMEND that the UDP **be modified** by **amending** part 3 of policy EDT3 in accordance with PIC Annex C, which inserts the word *skilled* and deletes the words *career based*.

(b) I RECOMMEND **no further modification** to the UDP in response to these objections.

Paragraph 5.17

EDT3 - Explanation

Objection to First Deposit Draft

5.17/0103/0556

Highways Agency – CW

Key Issue

Whether policy EDT3 should refer to the partnership approach between the Highways Agency and Local Authorities, and to the Memorandum of Understanding, in support of the special status given to Objective 1 sites.

Inspector's Reasoning and Conclusions

- 5.38 Proposed Change reference PC 15.6 introduced a new paragraph 15.23A to Chapter 15 of the RDD (Accessible Transport). It clarifies that: *Development above the thresholds given in Figure 15.1 and/or which impact on the Trunk Road Network, for which the Highways Agency is the Highway Authority, will be required to be the subject of consultation with the Highways Agency.* The second sentence of the paragraph states that *this in line with the Memorandum of Understanding agreed between the Highways Agency, the Merseyside Local Authorities and Merseytravel (the 'Partners'), which seeks to reduce the delay in assessing applications in the SIAs, including the Atlantic Gateway SIA, which affect the trunk road network.*
- 5.39 I consider that it would be unnecessary duplication to repeat this detailed information in the explanatory text to policy EDT3. In my opinion, PC 15.6 meets the objection, which has been conditionally withdrawn.

RECOMMENDATION

- 5.40 I RECOMMEND **no modification** to the UDP in response to this objection.

Policy EDT4

Southport Commerce Park

Objections to First Deposit Draft

EDT4/0041/0150
SP/0095/0375

Hollybrook Farm
Government Office North West - CW

Key Issues

- (i) Whether the allocated extension to the Southport Commerce Park should be deleted.
- (ii) Whether a site in West Lancashire should instead be allocated for employment purposes.
- (iii) Whether the intended extension to the Southport Commerce Park referred to in policy EDT4 should also be shown on the Proposals Map.

Inspector's Reasoning and Conclusions

- 5.41 **Issues (i) and (ii)** – The site that is intended as an extension to Southport Commerce Park would increase the developable area of the existing employment site by a further 4.4 hectares. Following from my conclusions regarding EDT2, I consider that the proposed extension to the Southport Commerce Park is required to ensure that there is an adequate supply of employment land throughout the Borough generally, and within north Sefton particularly.
- 5.42 Policy EDT4 permits only Class B1 business and light industrial uses at the site, which is intended to provide a high quality business environment. Development on the extension land would only be permitted once the development of the existing site is substantially complete, or the proposed development could not be accommodated on the remaining undeveloped area. I see no reason why normal development control principles could not prevent such development from being visually intrusive. Thus, I see no reason why the allocation of the site should be deleted, as requested by the Objector.
- 5.43 Sefton Borough Council cannot allocate land outside its jurisdiction, Therefore, consideration of alternative sites in other Local Planning Authority areas falls beyond the scope of this Public Local Inquiry and my remit.
- 5.44 **Issue (iii)** – To aid clarity, PC reference PC 5.14 amended the Proposals Map by differentiating between the allocated Southport Commerce Park and its proposed extension that is the subject of policy EDT4. I consider that this change satisfies the objection, which has been conditionally withdrawn.

RECOMMENDATION

- 5.45 **I RECOMMEND no modification to the UDP in response to these objections.**

EDT5 - Primarily Industrial Areas

Objections to First Deposit Draft

EDT5/0017/0064		Optoplast Manufacturing Company Ltd
EDT5/0030/0111		BT Group PLC
EDT5/0128/0129		United Utilities Facilities & Property Services Ltd
SP/0068/0810		British Land Corporation Ltd
SP/0084/0320		Unidentified client of Drivers Jonas
SP/0069/0250		Aldi Stores Ltd
SP/0017/0072		Optoplast Manufacturing Company Ltd
SP/0086/0323	(see also under H3)	County Palatine - CW

Key Issues

- (i) Whether policy EDT5 is too restrictive regarding possible alternative use of land within the Primarily Industrial Areas for housing and if, as a consequence, it conflicts with paragraph 42 of PPG3.
- (ii) Whether the criteria of policy EDT5 are too vague and criterion (ii) is unnecessary.
- (iii) Whether the Formby by-pass Industrial Estate should be allocated as a mixed-use area under the terms of EDT16.
- (iv) Whether land bounded by Park Lane/Dunnings Bridge Road/Brown's Lane and the Leeds - Liverpool Canal should retain its mixed-use designation in order to reflect the current mix of uses at the site and to allow maximum flexibility to aid future regeneration of the site.
- (v) Whether other uses should be permitted at the Sefton Lane Industrial Estate, if they would result in significant environmental benefits.
- (vi) Whether land off Old Racecourse Road should be the subject of a different policy designation.
- (vii) Whether land at Hawthorne Road should be re-allocated for housing.

Inspector's Reasoning and Conclusions

- 5.46 **Issues (i) and (ii)** - Objectors consider that policy EDT5, which aims to safeguard land in the Primarily Industrial Areas (PIAs) for employment uses, should be more flexible to permit other appropriate uses, particularly if the current use is non-viable or unsuitable, it is a bad neighbour, visually intrusive, or it would fail to promote visual improvements to the environment. It is the opinion of United Utilities Facilities & Property Services Ltd that the wording of the policy should be amended to reflect the advice of paragraph 42 of PPG3. This urges LPAs to review all of their non-housing allocations, especially of previously developed land, and to consider if some of this land might better be used for housing or mixed-use developments.
- 5.47 However, from the evidence before me, I am satisfied that the Council has thoroughly reviewed the PIA designations, as part of this review of the UDP, in accordance with the advice of PPG3. This has resulted in several re-allocations in land as Development Sites Within Primary Industrial Areas (policy EDT6), housing allocations under policies H3 and H5, and Opportunity Sites (policies EDT17 and H5). In my opinion, together with the allocated Strategic Employment Locations, the nine sites allocated as PIAs provide the minimum area of land necessary to meet the local employment needs of Sefton, up to 2017. I am also satisfied that these needs are primarily for Class B1, B2 and B8 industries.
- 5.48 Nevertheless, policy EDT5 does permit other uses that meet all three of its criteria. In addition, paragraph 5.35 of the explanatory text acknowledges

that PIAs may be appropriate locations for local services requiring storage and workshop facilities. Tyre and exhaust dealers, plumbers, builders merchants and waste management facilities are also listed as possible suitable alternative uses, provided that they would meet the three criteria of the RDD version of the policy and the additional criterion (iv) proposed to be introduced by PIC reference 1/PIC/05/07, which requires that alternative uses of the PIAs also assist urban regeneration.

- 5.49 I do not consider that these criteria are vague, as criticised by Objectors. Furthermore, they should be read together with other policies of the Plan, including policy EDT2, which quantifies the amount of strategic and local employment land that will be provided in Sefton. Thus, in my opinion, it would be possible to assess if a proposal for an alternative use of part or the whole of a PIA would prejudice the availability of an adequate supply of business or industrial land, as required by criterion (i), as proposed to be amended by NAC reference NAC/05/06. It would also be feasible to monitor the balance of employment uses and opportunities and to assess if a proposal would assist urban regeneration.
- 5.50 Nor do I support the concerns of BT Group Plc regarding criterion (ii) of policy EDT5. I do not consider that the criterion is impractical, vague or superfluous. In my opinion, it would be for an applicant to provide evidence that there are no other more suitable sites for the proposed development, when submitting an application for an alternative use of site within a PIA. I consider that objectives of the policy, to safeguard the supply of employment land and to promote urban regeneration, are strengthened by criterion (ii). I conclude that it should be retained.
- 5.51 **Issue (iii)** – I saw that the Formby by-pass Industrial Estate contains a mix of uses, including major retail stores. However, the site is the only industrial estate of any significant size in Formby and it is the only employment site in the locality that is designated as a PIA.
- 5.52 It is not the purpose of the policies, text or the Proposals Map of the Plan to simply reflect current land-uses, or to unquestioningly carry forward designations of the 1995 adopted UDP. Rather, it is their purpose to direct development to the preferred location and to seek to ensure that it is of an appropriate type and quality, in order to achieve the key aims and objectives of the Plan, in line with regional and national guidance. In order to ensure that there is an adequate supply of employment land in Sefton and in the Formby area particularly, I consider that it is important to promote Class B uses at this site. Thus, I do not support this objection. I conclude that the re-designation of the land as a mixed-use area listed in policy EDT16, which in any case resists retail uses in some locations, could result in the loss of all, or part of this site for industrial purposes.
- 5.53 **Issue (iv)** – At my visit I saw that a significant area of the land bounded by Park Lane/Dunnings Bridge Road/Brown's Lane and the Leeds - Liverpool Canal accommodates uses other than those falling within Class B. Retail and leisure uses are particularly dominant. However, as I have concluded above, I consider that it is inappropriate for the UDP to simply reflect present land-uses, especially if their expansion would fail to clearly promote key objectives of the Plan or it would not comply with current national planning policy.

- 5.54 An Objector argues that an appropriate mix of uses, including retail, leisure and other commercial uses of these sites is more likely to provide the necessary regeneration catalyst for redevelopment of the area. However, I have no reason to think that the Council's preferred approach will not be successful. It aims to achieve south Sefton's regeneration from a large scale, holistic perspective that integrates a number of initiatives into a wider strategy, and which focuses regeneration activities onto specific sites that are designated for particular purposes.
- 5.55 Furthermore, the national planning policy background has changed since the now time expired Unitary Development Plan was adopted in 1995. I refer particularly to that contained in the current PPG6, which seeks to direct retail and leisure uses to town and district centres, before out-of-centre sites. For all of these reasons, I do not support this objection, which seeks the re-designation of land bounded by Park Lane/Dunnings Bridge Road/Brown's Lane and the Leeds - Liverpool Canal.
- 5.56 **Issues (v) and (vi)** – The Sefton Lane Industrial Estate, which includes land off Old Racecourse Road contains heavy industrial uses. It is located adjacent to residential areas and it is the opinion of Optoplast Manufacturing Company Ltd that significant environmental benefits could be gained by allowing other uses onto the site, including residential.
- 5.57 However, I do not agree that the site should be so re-designated. This site is the only industrial estate in Maghull. In my opinion, it is necessary to retain the objection site for employment purposes; in order to ensure that there is an adequate supply of employment land in Sefton generally and in Maghull particularly. The PIAs are not spread evenly throughout the Borough and I consider that to remove even part of this Industrial Estate would exacerbate that inequality. Therefore, I do not support this objection. I consider the Objector's related objections concerning the merits of the site for housing land under policy H3 omission sites, in Chapter 6 of my report.
- 5.58 **Issue (vii)** – In order to promote the regeneration of the Canal Corridor, County Palatine consider that some land at Hawthorne Road should be re-allocated for housing, as part of a wider master plan that would encourage private investment from house builders. In line with the Council, I support their view. Partly in response to this objection and in the light of the emerging HMRI Pathfinder Area proposals, the Council has made several changes to the emerging UDP and more are proposed.
- 5.59 Two of the sites referred to by the Objector, EDT6.6 and EDT6.7, were re-allocated as both Employment and Housing Opportunity Sites under policies EDT17 and H5, by PC 5.20. In addition, new policy H7A and its explanatory text was introduced by PC 6.36. They are intended to be amended by several PICs, and new policies H6A and H6B, which I report upon in detail, in Chapter 6 of my report, are proposed to be added by PICs and NACS. These new policies, which I endorse, would allow flexibility for the residential or employment uses of land in the Canal Corridor.
- 5.60 I consider that these changes meet this objection, which has been conditionally withdrawn on their basis. Furthermore, I have recommended at paragraph 6.166 of my report that these two sites should be added to the allocated housing sites listed in policy H3. For consistency, the sites should also be deleted from policy EDT17 and H5

RECOMMENDATIONS

5.61 (a) I RECOMMEND that the UDP be modified by amending policy EDT5 in accordance with 1/PIC/05/07 and NAC/05/06.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Paragraph 5.35 – EDT5 Explanation

Objection to First Deposit Draft

5.35/0094/0362

B&Q PLC

Key Issue

Whether it would be unreasonable to impose conditions that limit the extent of any retail activity associated with permitted uses of the PIAs and, if so, should the last sentence of paragraph 5.35 of the UDP be deleted.

Inspector’s Reasoning and Conclusions

5.62 Paragraph 5.35 of the explanatory text to policy EDT5 explains the limited circumstances where the Council accepts that it would be appropriate for local services, including an element of retailing, to be sited in a PIA. It also indicates that conditions may, not will, be imposed, on ancillary retail activities. I consider that the use of conditions on planning permissions including a retail element is entirely reasonable to ensure that retail uses in out-of-centre locations accord with the retail policies contained in Chapter 7 of the UDP, and with the guidance of PPG6. Therefore, I do not support this objection, which requests the deletion of reference to the use of planning conditions in these circumstances.

RECOMMENDATION

5.63 I RECOMMEND no modification to the UDP in response to this objection.

Policy EDT6

Development Sites within Primarily Industrial Areas

Objections to First Deposit Draft

EDT6/0033/0119

S Rostron Ltd

EDT6/0033/0121

S Rostron Ltd

EDT6/0094/0369

B&Q PLC – CW

EDT6/0100/0498

Tesco Stores Ltd – CW

Objection to Revised Deposit Draft

EDT6.8/0118/0812

Bellway Homes – CW

Key Issues

- (i) If, in the event that the development sites within the Primarily Industrial Areas, which are identified in policy EDT6 do not come forward for uses falling within Classes B1, B2 or B8, whether other uses of those sites may

- be considered appropriate when assessed against criteria, such as those of EDT5.
- (ii) Whether the designation of the Lanstar site under two separate allocations has resulted in a doubling of the amount of employment land required at the site.
 - (iii) Whether the allocation of part of the Lanstar site for retail development should, as a matter of consistency, be made under a retail policy of the UDP.
 - (iv) Whether additional provision for employment land up to 2017 is required, and if so, whether land north and south of the Formby Industrial Estate, Altcar Road should be allocated as development sites within a Primarily Industrial Area.
 - (v) Whether employment development site EDT6.8 should be re-allocated as a housing site.

Inspector's Reasoning and Conclusions

- 5.64 **Issue (i)** – In order to ensure that the Council's urban regeneration strategy is achieved and that sites are not unnecessarily kept vacant, derelict or under-used for long periods of time whilst awaiting occupation by a Class B use, I agree with B&Q PLC that, subject to caveats, other uses of the PIAS may be appropriate. This is conceded by the Council, which in response to this objection has added a new paragraph 5.37A to the UDP, by PC reference PC 5.22. This informs that *other uses will only be permitted if they comply with the requirements of policy EDT5*. In my opinion, this change satisfactorily meets this objection, which has subsequently been conditionally withdrawn.
- 5.65 **Issues (ii) and (iii)** – In response to an objection by Tesco Stores Ltd the Council has, by PC reference PC 5.21, deleted EDT6.14 (the Lanstar site) as a development site within a PIA, from policy EDT6 and from the Proposals Map. The site has been re-allocated for a retail development site under new policy R9, by PCs references PC 7.31 and PC 7.32. Policy R9 and its explanatory text indicate that the Lanstar site is now allocated for the erection of a retail store (Class A1), together with the erection of an equivalent amount of industrial floor space falling within Class B1. Thus the site is now the subject of only one policy designation. I consider that this change meets this objection, which has been conditionally withdrawn.
- 5.66 **Issue (iv)** – Rostron Ltd considers that the UDP does not make sufficient provision for employment land to the end of the Plan period. It suggests that land north and south of Altcar Road, Formby, adjacent to the Formby Industrial Estate should be allocated as employment development sites to help mitigate their perceived shortfall.
- 5.67 However, as I have concluded at paragraph 5.27 above, the quantitative supply of employment land identified in EDT2 is adequate to meet employment needs up to 2017, but I have highlighted a possible qualitative shortfall of employment land that may become more pronounced towards the end of the Plan period. I have also concluded that there is not a pressing need to allocate a substantial area of additional employment land at this time, and especially not greenfield land or land in the Green Belt, which in my opinion, would conflict with a fundamental aim of the UDP of promoting urban regeneration.

- 5.68 Both of these objection sites occupy greenfield land that is used mainly for agricultural purposes. They are situated within the Green Belt. As I consider in detail and make recommendations upon, in Chapter 10 of my report, it is my opinion that any allocations for development sites in the Green Belt would be premature pending the completion of the Merseyside Green Belt Study. That study will inform a future review of the RSS for the North West if there is a need to release any Green Belt land for employment development, and if so, where such land should be released within the Merseyside sub-region. For these reasons, I do not support these objections.
- 5.69 **Issue (v)** – In response to an objection by Bellway Homes, it is proposed to delete development site EDT6.8 at 511 Hawthorne Road, Bootle from policy EDT6, by PICs references 1/PIC/05/08 and 1/PIC/PM/01. It is also proposed to re-allocate the site as an Employment Opportunity Site (EDT17.C) under policy EDT17, by 1/PIC/05/22 and as a Housing Opportunity Site (H5.C) under policy H5, by 1/PIC/06/16.
- 5.70 In my opinion, these proposed PICs acknowledge that land at 511 Hawthorne Road (site EDT6.8) is suited for residential development, which could present opportunities to create linkages with residential development on adjacent sites and thus, to deliver an integrated and comprehensive scheme of redevelopment in this part of the Canal Corridor.
- 5.71 I support the principal of these changes, which I consider overcome this objection that has been conditionally withdrawn on this basis. However, as I discuss in Chapter 6 of my report, at paragraph 6.127, I conclude that there is sufficient certainty that this site will be developed for housing to justify its allocation under policy H3.

RECOMMENDATIONS

- 5.72 (a) I RECOMMEND that the UDP be modified by deleting site EDT6.8 from policy EDT6 in accordance with 1/PIC/05/08 and 1/PIC/PM/01.
- (b) I RECOMMEND that the UDP is NOT modified in accordance with 1/PIC/05/22 and 1/PIC/06/16 in so far as they refer to the site at 511 Hawthorne Road, Bootle.
- (b) I RECOMMEND no further modification to the UDP in response to these objections.

Paragraph 5.37A - EDT6 Explanation

Objection to Revised Deposit Draft

5.37A/0118/0697

Bellway Homes – CW

Key Issue

Whether policy EDT6 and its explanatory text, given at paragraph 5.37A, should be more flexible, in order to allow non-employment uses of development sites in PIAs, if they would deliver important regeneration or other benefits.

Inspector's Reasoning and Conclusions

- 5.73 Paragraph 5.37A of the UDP informs that non-Class B uses will be permitted at allocated development sites within PIAs only if they comply with the requirements of policy EDT5. Bellway Homes general supports this stance, but they consider that additional wording should be added to make policy EDT6 and this text more flexible, and to take favourable account of alternative proposals that could deliver important regeneration and other benefits, which might justify a more flexible and pragmatic application of these policies.
- 5.74 I agree that it is desirable that the policy should be sufficiently flexible to take account of exceptional development proposals, for which there may be no alternative, locally available site, without weakening its overriding intention of ensuring that there is no net loss of employment land and buildings. However, I consider that the intended introduction of new policy EDT17A - Retention of Local Employment Opportunities and its supporting text, by PIC reference 1/PIC/05/23 as to be amended by NAC/05/11 and NAC/5/B, would both allow the flexibility sought by the Objector and safeguard the supply of employment land and buildings within the Borough. My general support for this new policy and my recommendations concerning it are given later in this chapter of my report. The objection has been conditionally withdrawn on the basis of the intended changes.

RECOMMENDATION

- 5.75 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy EDT7

Improvement Of Primarily Industrial Areas

Objections to First Deposit Draft

EDT7/0017/0065
EDT7/0128/0130

Optoplast Manufacturing Company Ltd
United Utilities Facilities & Property Services

Key Issues

- (i) Whether policy EDT7 should be amended to promote mixed-use schemes or high technology type uses.
- (ii) Whether policy EDT7 should be amended to reflect the guidance of paragraph 42 of PPG3 concerning alternative uses of employment sites.

Inspector's Reasoning and Conclusions

- 5.76 **Issue (i)** – Optoplast Manufacturing Company Ltd consider that policy EDT7 amounts to a missed opportunity to promote high technology, retail, leisure and office developments in the redevelopment of poor quality industrial areas.
- 5.77 I disagree. Policy EDT5, which is the 'parent' policy for development in PIAs, promotes Class B1 uses, which include high technology and office uses. Proposed new policy EDT17A may also exceptionally permit proposals for other uses that involve the loss of existing industrial, business, office or other

employment uses, subject to caveats. However, retail and leisure uses at these sites would need to be considered against the retail policies of the UDP and the guidance of PPG6, which stress that such uses of out-of-centre sites should be assessed against the tests for need and the sequential location of retail and leisure developments. I do not consider that amendment to policy EDT7 is necessary in response to this objection.

5.78 **Issue (ii)** - From the information before me, I am satisfied that the Council has reassessed all of the land in the Borough that is allocated for employment and other uses, in accordance with the guidance of PPG3. I concur with its view that the areas allocated as PIAs are the minimum necessary to meet the future employment needs of Sefton. I do not consider that any amendment to the policy is required in response to this objection.

RECOMMENDATION

5.79 **I RECOMMEND no modification to the UDP in response to these objections.**

Paragraph 5.40 – EDT7 Explanation

Objection to Revised Deposit Draft

5.40/0105/0633

Lancashire County Council

Key Issue

Whether the miss-spelling of *minimise* in paragraph 5.40 should be corrected.

Inspector's Reasoning and Conclusions

5.80 In response to this objection, a PIC change included in Annex C – Minor Changes of CD/0042 intends to correct this spelling mistake.

RECOMMENDATION

5.81 **I RECOMMEND that the UDP be modified by correcting the miss-spelling of *minimise* in paragraph 5.40.**

Policy EDT8

Business and Industrial Development Outside Primarily Industrial Areas

Objections to First Deposit Draft

EDT8/0030/0112

BT Group PLC

EDT8/0009/0027

The Countryside Agency

Key Issues

- (i) Whether policy EDT8 is too restrictive and could prevent appropriate development from taking place within the Primarily Industrial Areas.
- (ii) Whether part 3 of policy EDT8 implies that all business and industrial development within the Primarily Industrial Areas will be tied into conditions or legal agreements, and if so, whether that is appropriate.
- (iii) Whether policy EDT8 is overly urban in its application, and if so, whether it should be amended to also promote rural employment needs.

Inspector's Reasoning and Conclusions

- 5.82 **Issue (i)** - BT Group PLC point out that all types of development bring about changes, to varying degrees. Some of these changes are significant, others are not. Some are harmful, but some bring benefits. However, policy EDT8 only provides negative criteria against which changes are assessed. The Objector, therefore, suggests that paragraph 1 of the policy should be amended to read ...where they will not, *on balance, significantly* harm the amenity....
- 5.83 I support the sentiments of this objection and agree that in its present form, the policy is too restrictive. I consider that the test of the appropriateness of the development and its impact on amenity should be the consideration of whether the proposal would cause significant harm to the amenity of the surrounding area. However, I think that it is unnecessary to include the term *on balance*, as suggested by the Objector, because the 'balancing' of the positive and negative benefits of development proposals is implicit in the decision making process.
- 5.84 **Issue (ii)** - BT Group PLC also consider that it is inappropriate to include reference to the use of conditions or legal agreements within a policy statement, when the requirement for such controls are unique to individual proposals and circumstances and may be legitimately imposed on planning permissions, subject to the tests of Circular 11/95, The Use of Conditions in Planning Permissions.
- 5.85 I partly agree with this objection, but I do not consider that it is inappropriate, in principle, to include reference to conditions and legal agreements within a policy. However, in order to reflect the tests of Circulars 11/95 and 01/97, which respectively concern the use of planning conditions and planning obligations, I consider that the words *where appropriate* should be added after the phrase *will be used*, in the third part of the policy.
- 5.86 **Issue (iii)** - The Countryside Agency wishes to see explicit reference, within the policy, to the rural parts of the Borough. However, I consider that this would be inappropriate. General policies such as EDT8, except where they are site specific, apply to the whole of the Borough, both the urban and the rural areas.
- 5.87 Furthermore, the Plan aims to promote a sustainable Sefton. To assist this, the Council's economic priority is to aid urban regeneration. Since no part of the rural areas in Sefton is more than 3km distant from an urban area, I consider that it is unlikely that the employment needs of rural residents would be significantly prejudiced by this policy stance. Furthermore, as most of the rural areas are situated within the Green Belt, the appropriateness of new business or industrial development in those areas is strictly controlled by local and national Green Belt policy.
- 5.88 Nevertheless, new paragraph 5.6D, which explains the Council's approach to the agricultural sector and its wish to ensure that the rural economy remains diverse and vibrant was added by PC reference PC 5.3. The rural areas are not, therefore, ignored by the Plan's economic policies. For these reasons, I do not support this objection.

RECOMMENDATIONS

5.89 (a) I RECOMMEND that the UDP be modified by amending part 1 of policy EDT8 by adding the word *significantly* so that the first part of the policy states;

...where they will not *significantly* harm the amenity of the surrounding area.

(b) I RECOMMEND that the UDP be modified by amending part 3 of policy EDT8 by adding the words *where appropriate*, so that the last part of the policy states;

Planning conditions or legal agreements will be used, *where appropriate*, to ensure that...

(c) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT9

The Port and Maritime Zone

Objections to First Deposit Draft

EDT9/0098/0458

English Nature (Lancashire to Cheshire Team) -
CW

NP/0105/0524

Lancashire County Council

Objection to Revised Deposit Draft

EDT9/0098/0829

English Nature (Cheshire to Lancashire Team)

Key Issues

- (i) Whether the UDP should contain a policy that refers to the possible use of the docks for landing marine sand or imported aggregates.
- (ii) Whether part of the Mersey Narrows Site of Special Scientific Interest (SSSI) should be included within the designated boundary of the Port and Maritime Zone.
- (iii) Whether policy EDT9 conflicts with policy NC1 and thereby creates an internal contradiction within the Plan.

Inspector's Reasoning and Conclusions

5.90 **Issue (i)** - The Council is unable to control which products are imported through the docks. Thus, I consider that it would be inappropriate for the UDP to contain a policy that sought such control. For this reason, I do not support this objection.

5.91 **Issues (ii) and (iii)** - The objection site is part of the Royal Seaforth Dock, which is itself part of the Port of Liverpool. The Port is a trade gateway of regional and national significance. Its operational area supports a cluster of over 200 port-related businesses employing around 3,500 people.

5.92 I saw that the objection site consists of a saltwater lagoon (referred to as area B lagoon in CD/0059) and a freshwater lagoon (referred to as area B basin in CD/0059) and their immediate surroundings, which is made-up ground composed of clay spoil from the dock construction surrounding the two lagoons. There are dune-like grasslands to the north that have been formed from sand blown from Crosby Shore. That area is known as Seaforth

Nature Reserve. The Reserve is open to the public and it has been managed by the Wildlife Trust for Lancashire, Manchester and North Merseyside, on licence from Mersey Docks and the Harbour Company, since 1984. In the 1995 adopted UDP, the docks, including the objection site, are designated as a Primarily Industrial Area. They are also included within the Coastal Planning Zone.

- 5.93 The area B basin was created to accommodate the future expansion of the deep water dock. Currently, water is pumped into it, which then flows by gravity into the main area at A basin, in order to maintain the water levels in the dock system. Sediment settling out in the area B basin has led to a build-up of silt that has created a habitat favourable for seabirds. The fresh water B lagoon and surrounding land is earmarked for future expansion of the port. Thus, the objection site is operational land that was created by the Mersey Docks and Harbour Company, which owns and operates the land. It is in use and it is held for the purposes of a statutory undertaking.
- 5.94 However, the objection site also forms part of larger areas that have the following local, national and international nature conservation designations: Site of Local Biological Interest (1991); Site of Special Scientific Interest (2000); Part of the Mersey Narrows and North Wirral Foreshore potential Special Protection Area under EC Directive 79/409 on the Conservation of Wild Birds (2001) and part of the Mersey Narrows and North Wirral Foreshore proposed Ramsar site under the Ramsar Convention on Wetlands of International Importance, especially as a Waterfowl Habitat (2001).
- 5.95 The significant wildlife value of the objection site is that it forms part of these designated sites that support internationally important populations of turnstone and redshank. They regularly support 20,000 or more water birds including 1% or more of the populations of knot, redshank and turnstone. They support nationally important populations of cormorants. They are a feeding and roosting habitat for non-breeding wading birds and a breeding area for terns.
- 5.96 The boundaries for these nature conservation designations were corrected on the Proposals Map by PC reference PC 11.6. Part of the objection reference EDT9/0098/0458 was conditionally withdrawn on the basis of this change, but the remainder was sustained by objection reference EDT9/0098/0829.
- 5.97 The main UDP policies that are applicable to the site are EDT9 - The Port and Maritime Zone and NC1 – Site Protection (nature conservation). As I have noted in paragraph 5.91 above, the Port and Maritime Zone is of key strategic importance for employment development. The aim of policy EDT9 is to provide a planning framework which supports the key objectives and targets of the Atlantic Gateway Strategic Investment Area. Thus, the policy is permissive towards the types of development listed in its part 1. They include Class B uses that directly serve port operations or require a port location, port related infrastructure and other types of development that are justified because of their special nature or scale. Part 2 of the Policy sets out four criteria against which proposals within the Port and Maritime Zone will be assessed. Criterion (ii) states that proposals likely to affect the Mersey Narrows SSSI will be assessed in accordance with the criteria of policy NC1.
- 5.98 Policy NC1, which I report upon in Chapter 11, seeks to protect all identified nature conservation sites. It is negative towards development in those areas.

Policy NC1 permits harmful development in such areas only exceptionally, if it cannot be located elsewhere and there are imperative reasons for allowing the development that outweigh that harm of the proposal to the nature conservation interests.

- 5.99 English Nature is satisfied that policy NC1 is acceptable as a framework for considering development proposals that will affect nature conservation sites, at the project proposal and planning application stage. However, it considers that the permissive stance of policy EDT9 towards development in the Port and Maritime Zone on land that is also within designated international and national nature conservation areas, is inconsistent with international and national legislation. Also, that it directly conflicts with the negative stance of policy NC1 and thus, that it creates an internal contradiction within the Plan. In addition, English Nature objects that policy EDT9 promotes development that is likely to meet with major legal and policy obstacles, at the detailed proposal and planning application stage, with a likelihood that those obstacles will prove insurmountable. Therefore, in the view of English Nature, the Plan fails to provide certainty for such development.
- 5.100 Consequently, it requests that the Port and Maritime Zone designation of the objection site is removed from the Proposals Map, and that policy EDT9 is amended accordingly. As part of its evidence, English Nature has provided details of examples, in other parts of the Country, where it has been found that the dual designation of sites, as nature conservation sites and as development sites, is inappropriate. In those cases, the later allocation has been deleted.
- 5.101 For its part, the Council does not consider that the RDD wording of policy EDT9 and its supporting text compromise the substantial nature conservation value of the objection site. It has rectified an omission of the explanatory text to the policy to refer to the potential SPA and Ramsar designations of the site, by PC reference PC 5.31.
- 5.102 The Council does not consider that policy EDT9 undermines or contradicts policy NC1, since NC1 does allow for development at designated nature conservation sites, in certain circumstances, and in a way that is consistent with relevant national and international legislation. Nor, in its view, does policy EDT9 provide an exception to, or a by-pass of policy NC1. The Council also argues that to justify removal of the Port and Maritime Zone designation from the objection site, there should be certainty that no development of the type set out in part 1 of policy EDT9 could ever be justified at the site: that there would always be alternative solutions and never any imperative reason of overriding public interest for any of the specified forms of development. Given the special location needs of ports and the socio-economic importance of the docks to the Borough and to the region, the Council contends that there cannot be that certainty. Furthermore, it argues that it would be inappropriate to prevent all forms of development, because the stringent safeguards of policy NC1 provides adequate protection, whilst allowing development that accords with the Habitats Regulations.
- 5.103 Nevertheless, in order to clarify the linkages between policies EDT9 and NC1, and in response to these objections, the Council proposes to substantially amend policy EDT9 and paragraph 5.52 of its explanatory text, by NAC

reference NAC/5/A. These proposed changes were discussed at an informal hearing session of the Inquiry.

- 5.104 I consider that both of the competing arguments in this case are compelling. In my opinion, the amendments proposed by NAC/5/A would go a long way, but not far enough towards reconciling the potential conflict of permitting expansion of the docks facilities that are of local, regional and national, social and economic importance, and the significant local, national and international nature conservation value of the objection site.
- 5.105 For the following reasons, I support the outstanding objection of English Nature and recommend that the objection site should be removed from the designated area of The Port and Maritime Zone. However, I also endorse the changes to policy EDT9 proposed by NAC reference NAC/5/A because they would add to the protection of the nature conservation interests of the objection site from development proposals within the adjacent Port and Maritime Zone.
- 5.106 I agree with English Nature that it is most probable that any port related development of the site would be harmful to its wildlife interests. Thus I concur with its view that it would be inconsistent of the Plan to, in principle, promote the development of the site in policy EDT9, but to state in policy NC1 that development of the land which would harm the nature conservation objectives or integrity of the objection site, which is the subject of all three types of designations listed in policy NC1, will not be permitted.
- 5.107 However, parts 2, 2A, 3 and 4 of policy NC1 specify the types of development that may, nevertheless, exceptionally be permitted by the policy. It would be necessary for any proposed development at the objection site to demonstrate that it falls within those permitted exceptions. Therefore, in my opinion, it would be more logical and consistent, and it would give greater certainty to users of the Plan, if the objection site was deleted from the Port and Maritime Zone designation. Since policy EDT9 circuitously places the same restrictions on development of the objection site as policy NC1, I do not consider that the deletion of its Port and Maritime Zone designation would, in practice, be prejudicial to the existing or potential socio-economic value of the site.
- 5.108 In making my recommendations, which I set out below, I have also taken into consideration the current dual designation of the site, as a Primarily Industrial Area falling within the Coastal Planning Zone. However, the substantial national and international nature conservation value and importance of the site was not apparent at the time of the adoption of the 1995 Plan.

RECOMMENDATIONS

- 5.109 (a) **I RECOMMEND that the UDP be modified by deleting the objection site from the Port and Maritime Zone designation on the Proposals Map and that appropriate corresponding amendments be made to the text of the Plan.**

(b) I RECOMMEND that the UDP be modified by amending policy EDT9 and its associated explanatory text in accordance with NAC/5/A.

(c) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT10

Bootle Central Area – Development Principles

Objection to First Deposit Draft

EDT10/0075/0278

Merseytravel – CW

Key Issues

- (i) Whether policy EDT10 should encourage developer contributions towards the transportation costs of development.
- (ii) Whether policy EDT10 should promote sustainable forms of transport.

Inspector's Reasoning and Conclusions

5.110 **Issues (i) and (ii)** - In response to these objections, PC reference PC 5.34 amends part 2 of policy EDT10 to indicate that planning conditions or legal agreements will be used to ensure that all major development contributes, *where appropriate*, to improving public transport, the *creation of new amenity space*, to the improvement of the public realm, the provision of public art and other to environmental improvements. I consider that this change satisfies the objection, which has been conditionally withdrawn.

5.111 Part 1 (iii) of policy EDT10 refers to the need for development within the Bootle Central Area to make a positive contribution to safe and convenient access for pedestrians, cyclist, public transport users and other essential traffic. In my opinion, this criterion satisfactorily promotes sustainable forms of transport.

RECOMMENDATION

5.112 I RECOMMEND no modification to the UDP in response to this objection.

Paragraph 5.63

EDT10 - Implementation

Objection to First Deposit Draft

5.63/0095/0594

Government Office North West – CW

Key Issue

Whether paragraph 5.63 of the UDP should be amended to reflect the advice of Circular 01/97.

Inspector's Reasoning and Conclusions

5.113 The GONW points out that the FDD makes no reference, in paragraph 5.63, to the requirement for contributions to be calculated in accordance with the

advice of Circular 01/97. However, I consider that in response to this objection, this omission is rectified by PC reference PC 5.36, which adds to the paragraph that contributions...will be calculated *in line with the advice set out in Circular 01/97*. The objection has been conditionally withdrawn on the basis of this change.

RECOMMENDATION

5.114 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy EDT11

Development in the Bootle Office Quarter

Objections to First Deposit Draft

EDT11/0095/0376
SP/0095/0377

Government Office North West – CW
Government Office North West – CW

Key Issues

- (i) Whether part 4 of policy EDT11 should be positively framed in order to give greater certainty to users of the Plan.
- (ii) Whether policy EDT11 and the Proposals Map should be amended to clarify that the allocated office site EDT11.1 has the benefit of outline planning permission.

Inspector's Reasoning and Conclusions

5.115 **Issues (i) and (ii)** – In response to the suggestion of GONW that this policy should be positively expressed, for clarity, and to accord with the advice of paragraph 23 of Annex A to PPG12, part 4 of policy EDT11 was amended by PC reference PC 5.41 to be permissive towards residential development, subject to its two criteria being met.

5.116 In response to another objection of GONW, that it should be clarified that site EDT11.1, which is listed in part 2 of the policy, has outline planning permission and thus is no longer open to objection under the development plans procedure set out in the DoE publication 1992 'Development Plans – A Good Practise Guide', PC reference PC 5.40 adds an asterisk against the site and a footnote indicating its planning status.

5.117 However, this planning permission has been implemented and the construction of the office development has commenced. To reflect this, the Council proposes, by NAC reference NAC/5/C to delete reference to the site EDT11.1 from part 2 of the policy and on the Proposals Map, and to amend the wording of paragraph 5.67 to state that *Office development is underway* on land between St Albans Road and Pembroke Road... I am satisfied that these changes satisfactorily meet these objections, which have been conditionally withdrawn.

RECOMMENDATIONS

5.118 (a) **I RECOMMEND that the UDP be modified by amending policy EDT11, the Proposals Map and paragraph 5.67 in accordance with NAC/5/C.**

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT12

Bootle Central Area Opportunity Sites

Objection to First Deposit Draft

EDT12/0038/0140

Consignia PLC - CW

Key Issue

Whether policy EDT12 should make appropriate provision for the Royal Mail branch office and delivery office at site EDT12.2, to ensure continuing postal delivery and collection services.

Inspector's Reasoning and Conclusions

5.119 In response to this objection, PC reference PC 5.45 added a new paragraph 5.74A. It clarifies that the site contains the post office at Bootle town centre, as well as the Bootle delivery office. It informs that if the site is redeveloped for other town centre uses, arrangements must be made for the alternative provision of both services. It advises that whilst the post office must be re-located within the town centre, it may be possible to re-locate the delivery office to a site in the vicinity of the town centre. I consider that for the convenience of post office users it is important that this main branch office be retained in the town centre. Thus, I support this change, which I consider also adequately addresses the objection that has been conditionally withdrawn on the basis of the change.

RECOMMENDATION

5.120 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy EDT13

Southport General Area Development Principles

Objections to First Deposit Draft

EDT13/0075/0280

Merseytravel – CW

EDT13/0095/0378

Government Office North West – CW

EDT13/0110/0580

North West Development Assembly – CW

EDT13/0095/0595

Government Office North West – CW

5.85/0095/0597

Government Office North West – CW

Objection to Revised Deposit Draft

EDT13/0128/0802

United Utilities Facilities & Property Services

Key Issues

- (i) Whether policy EDT13 pre-empts the Master Plan currently being prepared for the Southport Seafront Area.
- (ii) Whether policy EDT13 conflicts with other policies of the UDP.

- (iii) Whether the UDP should adopt an 'Action Area Approach' and treat the Central, Resort and Seafront Areas holistically, rather than as separate entities.
- (iv) Whether policy EDT13 and its explanation should make explicit reference to the need to take full account of the advice and tests of Circular 01/97 'Planning Obligations' in response to individual development proposals.
- (v) Whether part 2 of policy EDT13 should encourage developer contributions towards transportation costs and the promotion of sustainable transport.
- (vi) Whether policy EDT13 addresses the issue of Southport's accessibility, by both public and private transport, from the wider sub-region.

Inspector's Reasoning and Conclusions

5.121 **Issues (i) – (iii)** - Policy EDT13 aims to guide development in the Southport Central Area, which includes the Town Centre, the Resort Area and the Seafront Area. The Council approved SPG - Southport Seafront in 2003, following extensive public consultation. Thus, in accordance with the guidance of PPG12, it may be afforded significant weight in providing detailed guidance for the implementation of policy EDT13 concerning proposals for development affecting the Seafront Area. The SPG is, in its turn, informed by the, 'Vision for Southport Seafront: Final Master Plan and the Seafront Action Plan', which was approved as part of the Merseyside Objective 1 Programme, in 2003.

5.122 PIC reference 1/PIC/05/14 proposes to amend the final sentence of paragraph 5.83, to reflect that the Master Plan has been prepared for the Seafront Area. In addition, 1/PIC/05/18 intends to introduce a sentence at the end of paragraph 5.94 that makes specific reference to the now completed Master Plan. Also, 1/PIC/05/21 proposes to add the document to the list of background documents for policy EDT15. In my opinion, these additions specifically link the Master Plan to the UDP and ensure that policy EDT13 takes full account of that document.

5.123 Together, all of these documents, and the policies of the UDP provide a complementary suite of guidance for the future development of the Seafront Area. However, neither the Action Plan nor the Master Plan is a planning document and the SPG does not carry the statutory weight of the associated policy of an approved development plan. Therefore, rather than being pre-emptive, I consider that when adopted, policy EDT13 and all other relevant policies of the UDP will give added weight to the principles of these supporting documents.

5.124 In assessing proposals for development, the UDP should be read as a whole and due weight should be given to all of its relevant policies. Occasionally, some policies relevant to a particular proposal may appear to pull in different directions, but I foresee no such potential conflict regarding the assessment of proposals for the Seafront Area. Thus, I conclude that there is no reason to modify the UDP in response to such objections made by United Utilities Facilities & Property Services.

5.125 GONW has pointed out that it is difficult to treat the Central Area, the Resort Area and the Seafront Area as if they were separate entities, and that to do so could result in potential difficulties of development in the Seafront Area, for example, in complying with the sequential test of PPG6. It suggests that the 'Action Area' approach may be a preferable way of dealing with these areas.

- 5.126 However, policy EDT13 has been substantially changed by PC reference PC 5.48. Part 1 of the policy now clarifies that the Southport Central Area includes the Town Centre, the Resort Area and the Seafront Area, as defined on the Proposals Map. A PIC minor change intends to add the word *Area* after Seafront. However, the three areas retain their own separate policies to reflect the specific issues affecting each location. In my opinion, these changes overcome the difficulties envisaged by GONW and the objection has been conditionally withdrawn.
- 5.127 **Issue (iv)** – Proposed Change reference PC 5.52 has added phrases to the middle and end of the first sentence of paragraph 5.85. It now states: Supplementary Planning Guidance will be prepared to *set out key principles of development and* to show how contributions to meeting the aims of this policy will be calculated *in line with the advice in Circular 01/97*. I consider that this change adequately reflects the requirements and tests of the Circular, with regards to the use of planning obligations. In my opinion, it also acknowledges that specific details of a planning obligation should be based upon the individual proposal. GONW has conditionally withdrawn its objection on the basis of this change.
- 5.128 **Issue (v)** – Part 2 of policy EDT13 was significantly extended by PC reference PC 5.48. It now includes an extensive list of specific examples of matters that may be the subject of planning conditions or legal agreements in the context of policy EDT13. Sub-sections (vi - viii) refer to the provision of; improved links between the constituent parts of the Central Area, particularly for pedestrians, cyclists and public transport, improved access for all and to contributions for improvements to the public transport network. I consider that this change meets the objection of Merseytravel, which has been conditionally withdrawn.
- 5.129 **Issue (vi)** – Partly in order to meet the concern of the NWDA that policy EDT13 does not apparently address the issue of Southport’s accessibility from the wider sub-region, by both public and private transport, paragraph 5.78 of the explanatory text to the policy has been re-written in accordance with PC reference PC 5.47. The re-worded paragraph clearly acknowledges the need for better communication links between Southport and its wider sub-region. In addition, the Council’s intention to pursue a review of strategic accessibility is set out in at paragraph 8.7 in Chapter 8 - Transport Infrastructure of the UDP. The objection has been conditionally withdrawn on the basis of this change. However, I recommend that a further change be made to this paragraph to reflect that the RPG is now RSS.

RECOMMENDATIONS

- 5.130 (a) I **RECOMMEND** that the UDP **be modified** by **amending** the explanatory text of the UDP in accordance with PICs references 1/PIC/05/14, 1/PIC/05/18, 1/PIC/05/21 and PIC minor change, which adds the word *Area* after Seafront in the first sentence of the policy.
- (b) I **RECOMMEND** that the UDP **be modified** by **replacing** the reference to *Regional Planning Guidance* in the first sentence of paragraph 5.78 to *Regional Spatial Strategy*.

(c) I RECOMMEND no further modification to the UDP in response to these objections.

Paragraph 5.83

Objection to Pre-Inquiry Changes

5.83/0141/0931

Silcocks Leisure Group

Key Issue

Whether further amendments to paragraph 5.83 of the UDP are required to reflect that the possible views of stakeholders should be taken into account in the preparation of a further strategy for the Central Area of Southport.

Inspector's Reasoning and Conclusions

5.131 Silcocks Leisure Group object to proposed PIC reference 1/PIC/05/14, which is intended to amend paragraph 5.83 of the UDP to reflect that a Master Plan for the Seafront Area has been prepared and that a further strategy for the whole of the Central Area is intended. The Group considers that the paragraph should also make reference to the desirability of consulting with stakeholders in the future preparation of that further document.

5.132 However, I disagree with that suggestion. I note that the Southport Seafront Final Master Plan recognises the importance of having a shared vision, which incorporates the views of stakeholders for the area. I have no reason to think that this will not be considered equally desirable in the preparation of any future strategies for the whole of the Central Area. Furthermore, I consider that public consultation is a procedural rather than a policy matter. Thus, it is not necessary to include such details in the UDP.

RECOMMENDATION

5.133 I RECOMMEND no modification to the UDP in response to this objection.

Policy EDT14

Southport Resort Area

Objections to First Deposit Draft

EDT14/0080/0298

Central Southport Partnership – CW

EDT14/0095/0379

Government Office North West – CW

Objection to Revised Deposit Draft

EDT14/0110/0762

North West Development Agency

Key Issues

- (i) Whether restaurants should be restricted to specified locations.
- (ii) Whether the UDP should adopt an 'Action Area Approach', which treats the Central, Resort and Seafront Areas holistically, rather than as separate entities.

- (iii) Whether part 3 of policy EDT14 and its explanatory text given at paragraphs 5.88A – 5.88C potentially conflict with NWDA's 'A New Vision for Northwest Coastal Resorts'.

Inspector's Reasoning and Conclusions

- 5.134 **Issue (i)** – In response to this objection, PC reference PC 5.54 deletes the restriction to the permitted location of restaurants to only within the area bounded by Kingsway, the Promenade, Nevill Street and West Street. Only bars and night-clubs are now restricted solely to this area. I consider that this change meets the objection, which has been conditionally withdrawn. However, for consistency, I consider that reference to restaurants should also be deleted from paragraph 5.88. If the paragraph were not so amended, it would be unclear as to which locations are considered to be acceptable for new proposals for restaurants, since they are not now defined in the policy.
- 5.135 **Issue (ii)** – This objection is very similar to GONW's objection reference EDT13/0095/0378, which I have considered previously in this section of my report. Policy EDT14 refers to the Resort Area of the Southport Central Area, which is the subject of policy EDT13. As I have previously discussed, policy EDT13 has been substantially changed by PC reference PC 5.48. Part 1 of the policy now clarifies that the Southport Central Area includes the Town Centre, the Resort Area and the Seafront Area, as defined on the Proposals Map. A PIC minor change intends to add the word *Area* after Seafront. However, the three areas retain their own separate policies to reflect the specific issues affecting each location. I consider that this is an appropriate policy approach, which in my opinion meets the objection, which has been conditionally withdrawn.
- 5.136 **Issue (iii)** – NWDA is concerned that part 3 of policy EDT14, which permits new amusement centres on Coronation Walk, Scarisbrick Avenue and Neville Street could potentially conflict with its vision for the area, as set out in 'A New Vision for Northwest Coastal Resorts'. The document concludes that *the streets joining Lord Street with the Promenade offer the ideal urban grain for the continuation of the Lord Street offer with small, interesting shops to create synergy between Lord Street and the Promenade.*
- 5.137 I agree that an over-concentration of amusement centres in a particular area could create 'dead frontages', especially in the low tourist season. Paragraphs 5.88A – 5.88C, which were added by PC reference PC 5.55, acknowledge this. Together with part 3 of policy EDT14, they aim to ensure that significant harm is not caused to the character of the Lord Street and Promenade Conservation Areas. I consider that pending a future study/Central Area Strategy that will consider how linkages between different parts of the Southport Central Area may be maintained and enhanced, the policy and its associated text will go a long way towards safeguarding the character, appearance and vitality of the Coronation Walk, Scarisbrick Avenue and Nevill Street frontages.
- 5.138 Whilst I agree with the Council that it would be premature to significantly alter the policy in advance of the production of the Central Area Strategy, I am concerned that part 3 (ii) of the policy does not strictly accord with statutory requirements and national planning policy guidance regarding development in conservation areas. As currently worded, the policy requires

that amusement centre development should not cause significant harm to the amenity of neighbouring uses or to the character of the Conservation Area.

5.139 However, section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in PPG15. Thus, development that has a neutral impact upon the character or appearance of a conservation area would satisfy that test. But development that would cause some harm, although not necessarily amounting to significant harm, would fail to satisfy that statutory requirement. Therefore, I consider that the word *significant* should be deleted from part 3 (ii) of the policy.

5.140 In addition, I consider that policy EDT14 and the explanatory text are inconsistent with each other. Whereas part 3 (ii) of policy EDT14 refers to *the Conservation Area*, the last sentence of paragraph 5.88B of the explanatory text refers to the *Lord Street and Promenade Conservation Areas in which these streets are located*. This inconsistency should be rectified.

5.141 I also conclude that the intended further study/strategy should be carried out as a matter of urgency and that the resultant recommendations be included within an SPG/SPD for the area.

RECOMMENDATIONS

5.142 (a) I RECOMMEND that the UDP be modified by deleting the word *restaurant* in paragraph 5.88, so that the last part of the second sentence in paragraph 5.88 states: *...proposals for additional bars and night-clubs will only be acceptable in a defined part of this area*.

(b) I RECOMMEND that the UDP be modified by deleting the word *significant* in front of the word *harm* in part 3 (ii) of policy EDT14.

(c) I RECOMMEND that the UDP be modified by amending either part 3 (ii) of policy EDT14, or paragraph 5.88B, so that they consistently refer to Conservation Area(s).

(d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT15

Southport Seafront Area

Objections to First Deposit Draft

EDT15/0128/0131	United Utilities Facilities & Property Services
EDT15/0080/0297	Central Southport Partnership – CW
EDT15/0095/0380	Government Office North West – CW
EDT15/0095/0596	Government Office North West – CW
EDT15/0110/0581	North West Development Agency – CW

Objection to Revised Deposit Draft

EDT15/0110/0763	North West Development Agency
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Objections to Pre-Inquiry Changes

EDT15/0141/0933	Silcocks Leisure Group
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Key Issues

- (i) Whether policy EDT15 should be flexible in the types of uses permitted within the Seafront Area and, in particular, if it should include reference to and policy support for new or improved Class A3 (food and drink) facilities.
- (ii) Whether a site should be highlighted as being the preferred location for a quality hotel development in Southport.
- (iii) Whether further clarification is required on the types of hotel and overnight accommodation that may be acceptable in Southport.
- (iv) Whether there should be improved links between Lord Street and the Seafront Area.
- (v) Whether the UDP should adopt an 'Action Area Approach' and treat the Central, Resort and Seafront Areas holistically, rather than as separate entities.
- (vi) Whether policy EDT15 and its explanation should make explicit reference to the need to take full account of the advice and tests of Circular 01/97 'Planning Obligations', in seeking provision for public art and improvement of the public realm/space.
- (vii) Whether policy EDT15 should address the issue of the town's accessibility by both public and private transport, from the wider sub-region.

Inspector's Reasoning and Conclusions

5.143 **Issue (i)** - United Utilities Facilities & Property Services are concerned that policy EDT15 may be too restrictive and that, as a consequence, it has the potential to compromise the intentions of SPG - Southport Seafront, and the investment programme for renewal at Southport. However, I have previously concluded in this section of my report that together, the UDP, the SPG and the 'Vision for Southport Seafront: Final Master Plan' provide a suite of complementary guidance and policy for development in the Southport Central Area, which includes the Seafront Area. I do not consider that they are contradictory, nor do I consider that policies of the Plan, which will take precedence over those other policy documents, will stifle the investment programme for the locality.

5.144 Part 1 of policy EDT15 is permissive towards specified types of development, whereas its part 2A restricts other categories of development that would harm the character of the Seafront Area, or its function as a regional visitor attraction. However, in my opinion, this latter part of the policy also allows the flexibility sought by the objector, to permit small scale and sensitive proposals that may fall outside the uses listed in part 1 of the policy, but which nevertheless, are not harmful to the character or function of the Seafront Area.

5.145 Policy MD6 – Food and Drink Uses, which is contained in Chapter 18 – Miscellaneous, of the UDP refers specifically to Class A3 food and drink uses. It is permissive towards proposals for food and drink proposals, subject to compliance with criteria that seek to preserve the amenity, character and vitality of town, district and local centres. Thus, in considering proposals for

Class A3 development within the Southport Seafront Area, policy EDT15 should be read together with policy MD6 and other relevant planning guidance. I do not consider that these policies preclude sensitive A3 development. For these reasons, I do not support this objection.

- 5.146 **Issue (ii)** – Part 2 of the FDD version of policy EDT15 allocated land adjacent the Floral Hall for a hotel. However, in response to an objection made by the Central Southport Partnership and in order to update the policy, this allocation in the policy and on the Proposals Map was deleted by PCs references PC 5.60 and PC 5.63. The Central Southport Partnership has conditionally withdrawn its objection on this basis.
- 5.147 However, NWDA and Silcocks Leisure Group respectively object to the deletion of the Floral Hall allocation and to the absence of an allocation for a high quality hotel that would preserve or enhance the character or appearance of the Conservation Area. In response to these counter objections, the Council states that the Floral Hall site is no longer the preferred site for a hotel.
- 5.148 I note that the ‘Vision for Southport Seafront: Final Master Plan’ identifies several locations for new hotels, which have been incorporated in the SPG - Southport Seafront. I am satisfied that the changes made to policy EDT15 would not deter the provision of hotel development in the Seafront Area. Other policies of the UDP and legislation would require such development to be of a high quality in the Conservation Area. Thus, I do not support these counter objections. However, the adopted SPG - Southport Seafront states, at paragraph 6.4, that *the Floral Hall Gardens has been identified as a site for a new high quality hotel and that a development brief has been approved*. I consider that this potential inconsistency with the UDP should be corrected as a matter of urgency.
- 5.149 **Issue (iii)** - The North West Development Agency considers that PC reference PC 5.60, which has added the words *hotel and other* to criterion (ii) of part 1 of policy EDT15, does not offer sufficient clarity as to the types of hotel and overnight accommodation that will be acceptable in the Seafront Area. It suggests that, in line with the recommendations made in ‘A New Vision for Northwest Coastal Resorts’, specific reference should be made to the need to secure high quality hotel development in the Seafront Area, in addition to enhancing the overall range of hotel accommodation in the area.
- 5.150 I have dealt with the matter of provision for a high quality hotel development in Issue (i) above. PIC reference 1/PIC/05/16 proposes to amend the title of policy EDT15 to *SOUTHPORT SEAFRONT AREA* for consistency. It also intends to change criterion (ii) to clarify the type of hotel and overnight accommodation that will be acceptable in the Seafront Area. The new criterion (ii) would state: *hotel and other similar accommodation; and...* Together with the explanation given at paragraph 5.92 of the UDP, which stresses that *there remains a need for a greater range and quality of hotel accommodation to encourage more overnight visitors* and the reference in paragraph to the SPG - Southport Seafront, I consider that sufficient clarity is now given on this matter.
- 5.151 **Issue (iv)** - Central Southport Partnership considers that the provision of improved links between Lord Street and the Seafront Area is critical and needs further emphasis. It suggests that EDT15 part 4 (iv) of the FDD should

be amended to read: *provide improved linkages* instead of; *provide improved access*. In response to this objection, PC reference PC 5.60 deletes parts 2 - 4 of policy EDT15. In addition, PC reference PC 5.48 substantially amends policy EDT13. Its revised part 2 contains several sub-sections, including (vi), which informs that *planning conditions or legal agreements will be used, where appropriate, to provide links between the constituent parts of the Central Area, particularly for pedestrians, cyclists and public transport*.

- 5.152 Whilst this change is not that requested by the Partnership, I consider that it nevertheless achieves the same objective of stressing the need to achieve improved linkages between Lord Street and the Seafront Area. This objection has been conditionally withdrawn on the basis of these changes.
- 5.153 **Issue (v)** - This objection is very similar to GONW's objection reference EDT13/0095/0378, which I have considered previously in this section of my report. Policy EDT15 refers to the Southport Seafront Area of the Southport Central Area that is the subject of policy EDT13. As I have previously discussed, policy EDT13 has been substantially changed by PC reference PC 5.48. Part 1 of the policy now clarifies that the Southport Central Area includes the Town Centre, the Resort Area and the Seafront Area, as defined on the Proposals Map. A PIC minor change intends to add the word *Area* after Seafront. However, the three areas retain their own separate policies to reflect the specific issues affecting each location. I consider that this is an appropriate policy approach, which in my opinion meets the objection, which has been conditionally withdrawn.
- 5.154 **Issue (vi)** – GONW also considers that policy EDT15 and its explanation should make explicit reference to the need to take full account of the advice and tests of Circular 01/97 'Planning Obligations', in seeking provision for public art and improvement of the public realm/space. However, PC reference PC 5.62 has added phrases to the middle and end of the first sentence of paragraph 5.99, which advises how the policy will be implemented. Paragraph 5.99 now states that: *Supplementary Planning Guidance will be prepared to set out key principles of development and show how contributions to meeting the aims of this policy will be calculated in line with the advice in Circular 01/97*. I consider that this change adequately highlights that the requirements and tests of the Circular, regarding the use of planning obligations, should be taken into account when negotiating provision for public art and the improvement of the public realm/space. The objection has been conditionally withdrawn on the basis of this change.
- 5.155 **Issue (vii)** – This objection is similar to one raised in respect of policy EDT13, which I address in paragraph 5.129 of my report. Paragraph 5.78 of the UDP has been re-written by PC reference PC 5.47. The re-worded paragraph clearly acknowledges the need for better communication links between Southport and its wider sub-region. In addition, the Council's intention to pursue a review of strategic accessibility is set out in Chapter 8 - Transport Infrastructure, at paragraph 8.7 of the UDP. I consider that this change satisfies this objection, which has been conditionally withdrawn on its basis.

RECOMMENDATIONS

5.156 (a) I RECOMMEND that the UDP be modified by amending policy EDT15 in accordance with 1/PIC/05/16.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT15 - Explanation

Objections to First Deposit Draft

5.93/0080/0299	Central Southport Partnership – CW
5.95/0095/0381	Government Office North West – CW
5.97/0080/0302	Central Southport Partnership – CW
5.99/0095/0598	Government Office North West – CW

Objection to Pre-Inquiry Changes

5.93/0141/0932	Silcocks Leisure Group
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Key Issues

- (i) Whether paragraph 5.93 of the UDP should be amended to make reference to the introduction of public buses and *appropriate transport* into the area.
- (ii) Whether paragraph 5.93 of the UDP should be amended to make reference to the need to designate the locations of sustainable transport sites.
- (iii) Whether the wording of paragraph 5.95 of the UDP should be amended to more closely reflect that of Circular 01/97.
- (iv) Whether reference to the tourism importance of the Marine Lake should be emphasised in paragraph 5.97 of the UDP.
- (v) Whether the guidance given in paragraph 5.99, on how contributions will be calculated, accords with the advice of Circular 01/97.

Inspector's Reasoning and Conclusions

5.157 **Issue (i)** – Proposed Change reference PC 5.61 changes the second sentence of paragraph 5.93 to state that: This will help *improve the integration of* the Seafront Area with the Town Centre, and enable the introduction of public buses *and appropriate transport* into the area. I consider that this change fully meets the objection, which has been conditionally withdrawn.

5.158 **Issue (ii)** – Pre-Inquiry Change reference 1/PIC/05/17 proposes that the last part of paragraph 5.93 be amended to read: ...enable the introduction of *bus services* and *other sustainable* transport into the area. Silcocks Leisure Group considers that there is also a need to designate the locations of such sites. However, the Council has indicated that it is unable to identify designated sites at the present time. I do not consider that this is a matter that needs to be addressed, as a matter of urgency, but I agree with the Objector that it would be desirable, in due course, and could possibly be addressed as a future amendment to the SPG - Southport Seafront.

- 5.159 **Issue (iii)** – In response to criticism that paragraph 5.95 of the UDP should more closely follow the wording of Circular 01/97, it was deleted by PC 5.61 and paragraph 5.99 was amended by PC 5.62. It now states that contributions will be *in line with the advice set out in Circular 01/97*. I consider that these changes meet the objection, which has been conditionally withdrawn.
- 5.160 **Issue (iv)** – In response to criticism that reference to the tourism importance of the Marine Lake should be emphasised in paragraph 5.97 of the UDP, PC reference PC 5.61 changed the last sentence of that paragraph to inform that the Marine Lake is a significant *visitor attraction*. I consider that the change satisfies the objection, which has been conditionally withdrawn.
- 5.161 **Issue (v)** – Further to a query whether the guidance given in paragraph 5.99 of the UDP, concerning the calculation of contributions, accords with the advice of Circular 01/97, paragraph 5.99 has been amended by PC 5.62. The revision adds the caveat that the guidance given in the SPG - Southport Seafront, on the calculations of contributions, will be *in line with the advice set out in Circular 01/97*. I consider that the objection is met by this change, which has been conditionally withdrawn.

RECOMMENDATIONS

- 5.162 **(a) I RECOMMEND that the UDP be modified by amending paragraph 5.93 in accordance with 1/PIC/05/17.**
- (b) I RECOMMEND no further modification to the UDP in response to these objections.**

Policy EDT16

Mixed Use Areas

Objections to First Deposit Draft

EDT16/0017/0066	Optoplast Manufacturing Company Ltd
EDT16/0068/0247	British Land Corporation Ltd
EDT16/0070/0251	Sainsbury's Supermarkets Ltd
EDT16/0095/0382	Government Office North West

Key Issues

- (i) Whether general purpose residential development should be restricted in the mixed use areas listed in policy EDT16.
- (ii) Whether policy EDT16 should acknowledge and promote other un-identified sites that may be appropriate for a mix of uses.
- (iii) Whether reference to possible retail and leisure development at the mixed use sites allocated in policy EDT16 satisfies the test of need and the sequential approach set out in PPG6.
- (iv) Whether policy EDT16 should be more positively framed in order to indicate that retail development may be permitted in the mixed-use areas, subject to such proposals meeting the criteria set out in policy R8.

Inspector's Reasoning and Conclusions

- 5.163 **Issue (i)** – Optoplast Manufacturing Company Ltd consider that the omission of housing from the mixed-use areas conflicts with the advice of PPG3, which at paragraphs 49 – 51 urges LPAs to promote mixed-use

developments, including housing, in order to increase housing opportunities and to bring new life into towns and cities. The Council disagrees that housing should be permitted in the mixed-use areas; mainly because it considers that the housing requirement for the Borough can be comfortably met for the next five years and beyond, by commitments, allocations and by windfalls. The majority of this housing supply, in excess of the Government's target for 60%, will be provided on previously developed land. Furthermore, the Council considers that whilst there is no need for additional housing land in Sefton, there is a requirement to retain employment land.

- 5.164 In Chapter 6 of my report, I consider the Council's housing strategy in depth. There, I generally concur with the housing policies of the UDP. I agree that part 2 of policy H3, its explanatory text and the SPG - Regulating the Supply of Residential Land, will effectively manage the supply of housing land in the Borough, to ensure that it does not significantly exceed RSS requirements and to cater for off-site clearance replacements, in accordance with policy H6. Thus, I see no reason to further restrict the residential use of brownfield land that is supported by national guidance.
- 5.165 I have concluded in paragraph 5.28 of my report that there may be a potential shortfall in the qualitative supply of employment land towards the end of the Plan period, but Policy EDT17A Retention Of Employment Opportunities, which I support, (see paragraph 5.189 of my report) would ensure that the required quantitative and qualitative supply of existing employment sites would not be unacceptably prejudiced by the alternative use of employment sites.
- 5.166 I conclude that a limited amount of housing could, in principle, possibly be permissible in some of the mixed use areas, subject to compliance of the development with the caveats of policy EDT17A. However, I do not interpret that policy EDT16 expressly prohibits general purpose residential development in the mixed-use areas. Therefore, although I generally support the objection, I do not consider that any modification to the wording of policy EDT16 is necessary.
- 5.167 **Issue (ii)** - Optoplast Manufacturing Company Ltd also suggest that there may be other unidentified sites that may be appropriate for a mixed-use designation. Therefore, they consider that an additional part should be added to policy EDT16 to acknowledge and promote the mixed-use redevelopment, including housing, of such as yet unidentified sites, where the proposed scheme would result in environmental improvements and where it can be shown that the local economy would not be adversely affected.
- 5.168 However, the Council has re-assessed all of the designated areas identified in the 1995 adopted UDP, in accordance with the advice of paragraph 42 of PPG3. Suitable areas have been re-designed or allocated as appropriate. Thus, it is the Council's view that only the four sites listed in the policy are appropriate for the mixed-use allocation of policy EDT16.
- 5.169 I acknowledge that it is possible that there may be other sites within the Borough, which may be suitable for designation under policy EDT16. But none have been brought to my attention. Nevertheless, I am of the opinion that policy EDT16 should be site based. I consider that it would be extremely difficult to clearly and succinctly define a set of criteria, which could be added to the policy, against which proposals for mixed-use developments on

possible other sites could be assessed. I consider that an attempt to do so would detract from the clarity of the policy, and that as a consequence, it would breach guidance given in paragraph 3.12 of PPG12. Thus, I do not support the objection.

- 5.170 **Issue (iii)** – GONW points out that reference to the possible acceptability of recreational and leisure uses at the edge/out-of-centre sites listed in EDT16, could conflict with guidance on the preferred location of such uses given in PPG6. However, in response to other objections, policy R8 and its supporting text at paragraphs 7.41, 7.42 and 7.44 have been amended by PCs references PC 7.26 and PC 7.27, to amongst other matters, make reference to the need and sequential tests of PPG6. It is proposed to further amend policy R8 and these paragraphs by PICs references 1/PIC/07/03, 04 and 05, and to introduce new paragraph 7.44AA by 1/PIC/07/06, to take account of post PPG6 Government statements on retail and town centre developments.
- 5.171 In addition, new policy G6 and its explanatory text were inserted by PC reference PC 13.42. Further minor amendments are proposed to these by PICs references 1/PIC/13/04, 05 and 06. This policy and its text refers to the provision of built recreational facilities. In line with the guidance of PPG6, they refer to the need and sequential tests.
- 5.172 Since the UDP should be read as a whole in the consideration of development proposals, I am satisfied that together, all of these changes, upon which I make recommendations in the appropriate Chapters of my report, satisfactorily address the concerns raised by this objection.
- 5.173 **Issue (iv)** – Other Objectors consider that policy EDT16 should be more positively worded with regard to retail development at the mixed-use sites. But in my opinion, the promotion of retail development at these sites, which are not located in town or district centre, could conflict with national retail guidance set out in PPG6. Policy R8 sets out the requirements which the Council would expect out-of-centre retail proposals to meet. For these reasons, I do not support these objections.

RECOMMENDATION

- 5.174 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy EDT17

Employment Opportunity Sites

Objections to First Deposit Draft

SP/0100/0492
EDT17/0095/0383
EDT17/0100/0491

Tesco Stores Ltd - CW
Government Office North West – CW
Tesco Stores Ltd – CW

Objection to Revised Deposit Draft

EDT17/0117/0664

Asda Stores Ltd - CW

Objections to Pre-Inquiry Changes

EDT17/0120/0894

Deveney

Key Issues

- (i) Whether the allocation of land at Ash Road/Beach Road, Litherland as an Employment Opportunity Site under policy EDT17 should be deleted and, if so, whether any adverse references in the UDP to the suitability of the site for housing should also be deleted.
- (ii) Whether the words: *contributes to the regeneration of the wider area*, in part 2 of policy EDT17 are too vague and potentially conflict with a principle of Circular 01/97 that requires contributions made under planning obligations to be directly related to the proposed development.
- (iii) Whether the industrial/employment land allocations made by policy EDT17 should be quantified, in order to inform the relevant employment policies of the UDP.
- (iv) Whether sites EDT17C – 511 Hawthorne Road, Bootle and EDT17.D – Linacre Bridge, Linacre Road, Bootle should be deleted as Employment Opportunity Sites under policy EDT17.

Inspector's Reasoning and Conclusions

5.175 **Issue (i)** - The site at Ash Road/Beach Road, EDT17.2, was deleted as an Employment Opportunity Site by PC reference 5.68 and it was re-allocated in its entirety as housing site H3.A, by PC reference PC 6.15. Planning permission has been granted for the residential development of the site. Development commenced, apparently in pursuance of that planning permission, at the end of June 2004. I consider that this policy change and events overcome objections made by Tesco Stores Ltd, regarding implied concern regarding the suitability of the site for housing. Their objections have now been conditionally withdrawn.

5.176 Asda Stores Ltd has made a counter-objection to the re-allocation of the site for housing. They consider that it should be allocated as a retail commitment to reflect the Secretary of State's decision to grant planning permission for that use. However, I have been given no evidence to think that the Ash Road/Beach Road site is unsuitable for residential development, that such development would conflict with any other policies of the Plan, or that the site is in fact still available for a use other than residential.

5.177 I do not consider that it is appropriate to allocate the site for retail uses, simply to reflect a planning permission that, in my opinion, has no realistic possibility of being implemented. Asda Stores Ltd seemingly concurs with my view on this matter and has conditionally withdrawn its objection for this reason.

5.178 **Issue (ii)** – In response to an objection that part 2 of policy EDT17 was too vague and could potentially conflict with a principle of Circular 01/97, which requires contributions made under planning obligations to be directly related to the proposed development, the last but one word of the policy, *wider*, was deleted by PC reference PC 5.68. I consider that this change meets the objection, which has been conditionally withdrawn as a result.

5.179 **Issue (iii)** – Policy EDT2 sets out provision for employment land by type and areas, up to 2012. However, the Employment Opportunity Sites listed in Policy EDT17, are not relied upon to contribute to that employment land

supply. This is because they may in whole, or in part, be alternatively developed for housing. Thus, I consider that it would be inappropriate to attempt to quantify the possible industrial/employment land contributions made by the policy EDT17 sites. Nevertheless, for completeness, Appendix 3 of the UDP gives the area of each of the Opportunity Sites.

- 5.180 **Issue (iv)** – It is intended that sites at 511 Hawthorne Road, Bootle (EDT17.C) and at Linacre Bridge, Linacre Road, Bootle (EDT17.D) should be re-allocated as employment and housing Opportunity Sites under policies EDT17 and H5, by PICs references 1/PIC/05/22, 1/PIC/06/16 and 1/PIC/PM/01, in the light of the emerging HMRI. Supplementary Planning Guidance - South Sefton Housing Market Renewal: Klondyke and Canal Corridor, approved by the Council in July 2004 indicates that site EDT17.C/H5.C is likely to be required to re-house people from the phase 1 clearance area, whilst the Council considers that it is likely that site EDT17.D/H5.D is an area that will be retained and improved for industrial purposes.
- 5.181 I recommend in Chapter 6 of my report that site EDT17.C should be re-allocated as a housing site under policy H3. However, I also conclude that in order to provide flexibility for both uses, it is desirable that a number of sites suitable for employment or housing purposes are allocated for both uses. I consider that site EDT17.D should retain its dual allocation. In my opinion, sensitive design could ensure that the canal environment is uplifted and revitalised by housing or by employment developments.
- 5.182 I agree with Bellway Homes that if either site were developed, in part, for housing, it would be inappropriate for the remainder of the site to be developed for uses falling within Classes B2 or B8. But I am satisfied that NAC reference NAC/05/10, which would add this caveat to paragraph 5.106 of the UDP, would satisfactorily address this point. Thus, I partly support these objections.

RECOMMENDATIONS

- 5.183 (a) I RECOMMEND that the UDP be modified by re-allocating site EDT17.D in accordance with 1/PIC/05/08, 1/PIC/05/22, 1/PIC/06/16, 1/PIC/PM/01, 1/PIC/AP/02, NAC/App/02 and NAC/05/10 in so far as they refer to site EDT17.D only.
- (b) I RECOMMEND that the UDP be modified by de-allocating site EDT17.C in accordance with 1/PIC/05/08 and 1/PIC/PM/01 and by re-allocating the site as a housing site under policy H3.
- (c) I RECOMMEND that the UDP be modified by amending paragraph 5.106 of the explanatory text to policy EDT17 in accordance with NAC/05/10.
- (d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EDT17 - Explanation

Objection to First Deposit Draft

5.107/0082/0309

Somerfield Stores Ltd – CW

Key Issue

Whether paragraph 5.107 of the explanatory text to policy EDT17 should be amended to clarify that Class A1 retail and commercial sites will not be permitted at the Ash Road/Beach Road site.

Inspector’s Reasoning and Conclusions

5.184 This site was deleted as an Employment Opportunity Site by PC reference PC 5.68 and re-allocated as a housing site by PC 6.15. Therefore, I consider that no changes to paragraph 5.107 are necessary in response to this objection, which has been conditionally withdrawn.

RECOMMENDATION

5.185 I **RECOMMEND no modification** to the UDP in response to this objection.

Policy EDT17A

Retention of Local Employment Opportunities

Objections to Pre-Inquiry Changes

EDT17A/0118/0913
EDT17A/0095/0944

Bellway Homes
Government Office North West

Key Issues

- (i) Whether policy EDT17A and its explanatory text should be amended to exceptionally permit non-employment uses of sites that would contribute significantly to urban regeneration, even though alternative facilities for the existing uses may not be available locally.
- (ii) Whether the meaning of the words *locally* and *locality*, as used in the context of policy EDT17A and its explanatory text, should be more clearly defined.
- (iii) Whether the explanation to policy EDT17A given at paragraph 5.109B of the UDP should be re-worded to bring it into line with Circular 01/97.

Inspector’s Reasoning and Conclusions

5.186 **Issues (i) and (ii)** – It is proposed to add new policy EDT17A and its associated explanatory text to the UDP by PIC reference 1/PIC/05/23. Paragraphs 5.109A and 5.109B are proposed to be amended by NACs references NAC/05/11 and NAC/5/B. These changes would allow a degree of flexibility for the alternative redevelopment of employment sites, if the proposal would *demonstrably assist in the regeneration of the area and will* not result in an unacceptable loss of employment in the locality. I consider that these changes to the explanatory text would enable permissible exceptions to this policy, as sought by the Objector

5.187 I do not think that the use of the words *locally* and *locality* in the policy and its explanatory text need to be further defined. I would expect them to have the same meaning as in plain English and that they would refer to the neighbourhood or surrounding area.

5.188 **Issue (iii)** – Non-Advertised Change reference NAC/05/11 would add a sentence to the end of paragraph 5.109B to state: *These will relate directly to the scale and type of proposed development.* In my opinion, that addition would meet GONW's concern that the explanation to part 2 of policy EDT17A, concerning the scale of contribution that may be sought to compensate for loss of employment opportunities, is too wide. I consider that the amended paragraph would reflect the tests of Circular 01/97, especially with regard to relevance and reasonableness in scale and kind.

RECOMMENDATIONS

5.189 (a) I **RECOMMEND** that the UDP **be modified by adding** policy EDT17A and its associated explanatory text in accordance with 1/PIC/05/23, as **amended** by NAC/05/11 and NAC/5/B.

(b) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy EDT17A - Explanation

Objection to Pre-Inquiry Changes

5.109A & 5.109B,
EDT17A/0122/0935

IKEA Properties Investments Ltd - CW

Key Issue

Whether policy EDT17A and its explanatory text should be amended to reflect that certain non-business uses have the potential to generate significantly more employment/jobs that traditional Class B uses and, therefore, that they have an important contribution to make in boosting local employment opportunities.

Inspector's Reasoning and Conclusions

5.190 In response to this objection, it is proposed to amend explanatory paragraphs 5.109A and 5.109B, by NAC reference NAC/5/B. The proposed change acknowledges that certain non-business uses also have the potential to generate employment and jobs. I consider that the change, which I have endorsed above, at paragraph 5.189, would satisfy the objection, which has been conditionally withdrawn on its basis.

RECOMMENDATION

5.191 I **RECOMMEND** **no modification** to the UDP in response to this objection.

CHAPTER 6 - HOUSING AND NEIGHBOURHOOD RENEWAL

Objectives/Indicators

Objections to Revised Deposit Draft

Obj6.2/0123/0737	Noble
Obj6.3/0123/0738	Noble
Obj6.4/0123/0739	Noble
Obj6.6/0123/0740	Noble

Key Issues

- (i) Whether the Indicator 6.2 should be amended to also seek measurements of demand for new dwellings within the different areas of Sefton and from elsewhere, and if so:
- (ii) Whether a housing restraints policy should be introduced in the absence of this information.
- (iii) Whether the Indicator 6.3 should be replaced by others that refer to; the proportion of new homes built on previously used commercial land, on previously used residential land, converted homes from previously used commercial buildings and converted homes from previously used buildings.
- (iv) Whether the Indicator 6.4 should be amended to include definitions of the terms 'defined housing market areas' and 'affordable housing'.
- (v) Whether the definition of the Indicator 6.6 lacks clarity.

Inspector's Reasoning and Conclusions

- 6.1 **Issues (i) and (ii)** - The Council's planning policies for housing should be set within the context of the Regional Planning Guidance for the area (now Regional Spatial Strategy) and the Government's national policy for housing. Planning Policy Guidance Note 3: Housing (PPG3) sets out national policy and the regional policy for Sefton is contained in RSS for the North West [previously referred to as RPG13]. Paragraph 7 of PPG3 states that RPG will set the overall level of housing provision to be made in the region and how this will be distributed between the constituent LPAs. Paragraph 8 of PPG3 advises that it is an essential feature of the Plan, Monitor and Manage (PMM) approach that housing requirements, and the ways that they are met, are kept under regular review. Paragraph 77 of PPG3 sets out 7 indicators which should be monitored. I consider that the housing policy Indicators set out in the RDD, as proposed to be amended by Non-Advertised Changes (NACs) reflect the national indicators, having regard to the Sefton context.
- 6.2 The current housing requirement for Sefton, which is set out in policy UR7 and Table 5.1 of the RSS, is to make provision for new housing at an annual average rate of 350 dwellings net of clearance. This is significantly lower than previous requirements and it reflects the changing emphasis of the RSS, which now seeks to promote the regeneration of the areas in most need and to encourage more sustainable patterns of development. Following from this, it is a key objective of the UDP to promote urban regeneration and it is a fundamental aim of its housing policies to meet need not demand.

- 6.3 Thus, to ensure that Sefton’s housing provision is in line with the RSS requirement, Indicator 6.2 seeks to compare the number of new dwellings built in Sefton to the planned/required provision set out in Table 5.1 of the RSS. This will enable the Council to monitor any over- or under- provision that may arise, and which would need to be managed. For clarity, the Council, through NAC contained in Annex A – Replacement Indicators (CD/0165 as at 16/7/04), proposes to change the wording of this Indicator to clarify that the comparison refers to net new housing, excluding clearance losses. It is also to be re-numbered as Indicator 6.1.
- 6.4 I endorse this change, which I consider will aid the PMM process in Sefton. For the reasons given above, I do not consider it appropriate to amend the Indicator in the way suggested by Mr Noble, because that would reflect a demand led approach to housing provision, which I consider to be inappropriate in the context of national housing policy and especially in the Sefton context. Nor, for the reasons that I have already given, do I consider that the operation of a housing restraint mechanism, as set out in part 2 of policy H3 and as expanded upon in the Council’s SPG-Regulating the Supply of Residential Land, is unwise or unrealistic.
- 6.5 **Issue (iii)** - Indicator 6.3 of the RDD is a nationally and regionally agreed indicator for housing provision, to ensure that new housing development is sustainable and that it makes the best use of previously developed land and buildings. I see no reason why Sefton should seek to depart from it, by introducing the additional categories suggested by the Objector.
- 6.6 **Issue (iv)** - The Council intends to produce a SPG/SPD concerning ‘Housing Need’, which will include definitions of ‘housing market areas’. However, in the mean time, it is proposed to amend Indicator 6.4 by deleting reference to ‘defined housing market areas’ and by re-numbering it as Indicator 6.3, through an NAC contained in Annex A – Replacement Indicators (CD/0165 as at 16/7/04). ‘Affordable housing’ is defined, in plain English, in the Glossary to the UDP. I see no need to repeat that information in the Indicator.
- 6.7 **Issue (v)** - Indicator 6.6 relates specifically to policy H8. It seeks to go beyond the similar density indicator of PPG3, by aiming to ascertain if a requirement of paragraph 58 of PPG3 is also being met. That urges LPAs to *seek greater intensity of development at places with good public transport accessibility...* Policy AD1 defines locations that are most accessible by public transport. I consider that this is a clear and useful Indicator.

RECOMMENDATIONS

- 6.8 (a) I RECOMMEND that the UDP be modified by amending the housing policy Indicators in accordance with the NAC contained in Annex A – Replacement Indicators (CD/0165 as at 16/7/04).
- (b) I RECOMMEND no further modification to the UDP in response to these objections.

Paragraphs 6.4, 6.5 and 6.6

Housing Requirement and Supply

Objections to Revised Deposit Draft

6.4/0123/0741
6.5/0108/0719
6.5/0123/0742
H1/0017/0770

Noble
Hallam Land Management
Noble
Optoplast Manufacturing Company Ltd

Key Issues

- (i) Whether it is correct to state in paragraph 6.4 of the UDP that Sefton's housing requirements set out in the RSS are agreed.
- (ii) Whether paragraph 5.32 of the RSS, national guidance given in PPG3, and subsequent Ministerial statements have been correctly interpreted and applied.
- (iii) Whether the RSS housing provision and the restraint mechanism of the UDP will have the anticipated positive effect on urban regeneration in south Sefton, without adversely affecting housing availability, house prices and employment in other parts of north Sefton.
- (iv) Whether the restraint mechanism is discriminatory.
- (v) Whether the target of 65% of new house building on previously developed (brownfield) land, stated in paragraph 6.6, is appropriate.

Inspector's Reasoning and Conclusions

- 6.9 **Issue (i)** – RPG13/RSS was published in March 2003. It is, therefore, up-to-date policy. A number of its policies, including DP1 - Economy in the Use of Land and Buildings and UR7 - Regional Housing Provision, were the subject of a judicial review by a consortium of house builders. But that challenge was dismissed by Mr Justice Stephen Richards, on all grounds on, 21 November 2003 (CD/0087). Accordingly, I consider that there can be no doubt that the RSS provides lawfully adopted regional planning guidance, which must be afforded its full weight as now being part of the statutory development plan for the Borough, as indicated by the provisions of the Planning and Compulsory Purchase Act 2004. Therefore, I consider further objections to its policies to be unproductive.
- 6.10 Paragraph 7 of PPG3 stresses that the Council must have regard to the guidance of the RPG in preparing its UDP and that it should avoid, wherever possible, re-opening consideration of the level of housing provision for its area, which has been considered in full, in the RPG process. I am not aware of overriding circumstances that would justify the departure of the UDP from the housing requirement for Sefton set out in the RSS. Thus, I support the use of the word *agreed* at the end of the first sentence in paragraph 6.4 of the UDP.
- 6.11 **Issue (ii)** – Mr Noble and Hallam Land Management have made objections to paragraph 6.5 of the UDP. In their view, the paragraph does not accurately reflect regional and national housing policy. However, a minor amendment is proposed to be made to the paragraph and throughout the chapter, by PIC reference 1/PIC/06/03, to reflect the approval of RPG13 (now RSS) in March 2003, and thus its endorsement at national level. Furthermore, it is my opinion that the wording of paragraph 6.5 of the UDP is very similar to that of paragraph 5.32 of the RSS, which is itself a very recently approved planning policy document. Thus, I do not consider that paragraph 5.32 of the RSS creates tension for the mutual compliance of the

UDP with the RSS and with paragraph 34 of PPG3, or with paragraphs 6.7 and 6.8 of PPG12, regarding the provision of housing land.

- 6.12 I consider that RSS paragraph 5.32 clearly instructs that where the development plan extends beyond 2006, as is the case with the Sefton UDP, provision should continue to be made at the same annual rate, until such time as any different rate is adopted, following a review of the RSS. Thus, it is my interpretation that the UDP should make detailed five-year provision, and identify a potential ten-year supply for housing, in compliance with both regional and national guidance. Consequently, I consider that paragraph 6.5 of the UDP correctly interprets regional guidance and that it does not, itself, conflict with national guidance. However, for reasons that I give later in this section of my report, I do not consider that in their current form, policies H1 and H3 entirely accord with the RSS, therefore I recommend that the last sentence of paragraph 6.5 be deleted.
- 6.13 **Issues (iii) and (iv)** – From the evidence before me, I am satisfied that the Council’s identification, in the SPG-Regulating the Supply of Residential Land (CD/0049), of two areas comprising the seven priority wards in south Sefton and an area around Southport town centre, complies with the Spatial Development Framework set out in the RSS. This gives first priority to Liverpool City Centre and its surrounding area, which includes south Sefton, and a lower priority to a number of towns including Southport, which have concentrations of social, economic and environmental problems, and where development will complement the regeneration of the first priority areas. The SPG was, itself, the subject of an application for judicial review, but that application was dismissed by the Honourable Mr Justice Levenson on 8 December 2003 (CD/0158).
- 6.14 I have no reason to doubt that the housing policies of the UDP, which seek to restrict development mainly to south Sefton and to Southport, will both assist urban regeneration within Sefton and at the sub-regional level, and will provide most of the new houses needed to meet the RSS requirement for the Borough.
- 6.15 As part of the PMM process, the Council intends to review, every three months, the rate at which new dwellings are being built. If it is found that too few planning permissions are being granted to enable housing to be built at the appropriate rate, the SPG enables the restraint mechanism to be lifted. The precise details of that mechanism, as contained in the SPG can be adjusted as necessary, without the need to alter the Plan. Thus, the Council will be able to respond quickly, in order to effectively manage its housing provision.
- 6.16 I do not consider that seeking to concentrate new housing development in these two main areas is unacceptably discriminatory. In my opinion, this approach seeks to enable everyone in the Borough to have the opportunity of a decent home, to widen the choice of housing available and to engender social inclusion, in accordance with key objectives of PPG3. In addition, it aims to promote the Government’s Housing Market Renewal Initiative (HMRI) that seeks to tackle social, economic and environmental problems arising from housing market failure, one of which such area covers parts of Liverpool, south Sefton and Wirral.

- 6.17 For these reasons I do not support these objections.
- 6.18 **Issue (v)** – The RSS establishes a Merseyside-wide target (excluding the inner core of Liverpool) that 65% of new house building should take place on previously-used land. It also urges careful monitoring to ensure that this target is achieved. However, Optoplast Manufacturing Company Ltd argue that as Sefton has recently achieved 80% of new housing development on previously-used land, and it has a significant amount of brownfield land available for future development, a higher target of 95% should be set.
- 6.19 I consider that it is fortuitous and commendable that Sefton has achieved such a high level of re-use of previously developed land for its housing development. Paragraph 6.17 of the UDP states that the Council anticipates that during the Plan period this figure will be 80%. I anticipate that figure will be achieved, but I see no particular reason why Sefton should set its target higher than that of the RSS. Nor do I consider that amendment should be made to paragraph 6.6, which refers to the RSS target for house building on previously used land.

RECOMMENDATIONS

- 6.20 (a) I **RECOMMEND** that the UDP **be modified** by **amending** all references that refer to the status of RPG13 in line with 1/PIC/06/03. However, reference should also be made throughout the UDP to the fact that since 28 September 2004, RPG13 became RSS for the North West.
- (b) I **RECOMMEND** that the UDP **be modified** by **deleting** the last sentence of paragraph 6.5.
- (c) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy H1 **Housing Requirement**

Introduction

- 6.21 Substantial changes were made to policy H1, between the FDD and RDD stages of the Plan, by PC reference PC 6.4, in order to reflect emerging Regional Planning Guidance. In particular, the number of dwellings for which provision has to be made was altered from a global number for the period 2002-2016, to an average annual requirement. A new second part to policy H1 was also added, which indicates that up to an additional 500 dwellings will be required in south Sefton to cater for off-site clearance replacement needs.
- 6.22 Arising from further changes to the RSS, resulting from the publication of the Secretary of State's Proposed Changes and its subsequent approval in March 2003, it is intended to further amend policy H1 by PIC reference

1/PIC/06/02. In addition, NAC reference NAC/06/01 is proposed, to aid the clarity of part 2 of the policy.

- 6.23 Policy UR7 and Table 5.1 of the RSS set out an annual average housing requirement for Sefton, to provide 350 dwellings net of clearance replacement. Paragraph 5.32 of the RSS states that these rates apply from 2002-2006, but where Plans extend beyond 2006, additional dwellings should continue to be provided at the same annual average rate, until such time as any different rate is adopted following a review of the RSS.
- 6.24 Objections were made to both parts of UDP policy H1 at both the FDD and RDD stages. For clarity, I have reported on the issues concerning each part of the policy, in two separate groups. I also report on objections to associated explanatory text in the appropriate section.

Objections to First Deposit Draft

H1/0026/0100		Wilson Connolly Northern
H1/0034/0125		Southport and Ormskirk Hospital NHS
H1/0037/0134		House Builders Federation
H1/0059/0213		Redrow Homes (Lancs) Ltd
H1/0065/0230	(see also policy H3)	Environmental, Reclamation and Landscaping
H1/0072/0272		Persimmon Homes (NW) Ltd and Countryside Residential NW Ltd - CW
H1/0091/0350		Countryside Properties
H1/0095/0385	(see also policy H3)	Government Office North West – CW
H1/0108/0545		Hallam Land Management
H1/0109/0569		Langtree Property Company Ltd

Objections to Revised Deposit Draft

H1/0119/0707		Carrwood Homes Plc
H1/0037/0725		House Builders Federation
H1/0037/0726		House Builders Federation
H1/0123/0743		Noble
H1/0123/0744		Noble
6.7/0123/0745		Noble
6.7A/0123/0746		Noble
6.10/0123/0747		Noble
H1/0034/0778		Southport and Ormskirk Hospital NHS
H1/0064/0795		Westbury Homes Ltd NW Region & Nugent Care
H1/0032/0803		Wilson Connolly Lancashire
H1/0136/0871		Beardsell
H1/0059/0874		Redrow Homes (Lancs.) Ltd
H1/0137/0880		Chanters Estates

Key Issues Concerning Part 1 of Policy H1

- (i) Whether policy H1, along with the consequential housing supply calculations should be adjusted in order to comply with regional and national guidance.
- (ii) Whether Sefton's housing requirement is uncertain in terms of the number of dwellings needed, and the method by which it is calculated.
- (iii) Whether the housing requirement figure for Sefton is too low.
- (iv) Whether the implementation of part 1 of policy H1 would unreasonably interfere with market forces, and the freedom and expectations of the public to live wherever they choose.

- (v) Whether there is an over-reliance on annual build rates.
- (vi) Whether policy H1 can be implemented in a manner that ensures that those rates are not exceeded.

Inspector's Reasoning and Conclusions Concerning Policy H1 Part 1 Issues

- 6.25 **Issues (i) – (iv)** – The anticipated requirements of the RSS were set out in the FDD version of the UDP. However, prior to its approval, the RSS housing requirement for Sefton was significantly reduced. To take account of this change, Policy H1 was also subsequently changed by PC reference PC 6.4. But the reduced housing requirement was not carried forward into the FDD version of policy H3 and Appendix 2. They indicated provision for 4,530 dwellings, during the period 2001-2011. That provision would have resulted in a significant over-supply, to which GONW objected, because in its view, too much housing provision within Sefton could have an adverse effect on regeneration in neighbouring areas, such as Liverpool and it would have conflicted with policy SD1 of the RSS. I share that view. A significant over-supply would also conflict with PPG3, which informs at paragraph 30, that LPAs should seek to identify only sufficient land to meet the housing requirement set as a result of the RSS.
- 6.26 In response to this, and other objections, policy H3 was substantially amended by PC reference PC 6.15. Proposed Change reference PC App2.1 also replaced Appendix 2, to update the baseline information of the RDD to 2002 and for consistency with policy H3. GONW conditionally withdrew its objection on the basis of these changes.
- 6.27 In order to bring policy H1 into greater conformity with the RSS and the PMM approach of PPG3, with regards to housing provision being made at an average annual rate, rather than being expressed as a global figure to be provided, the Council intends to further amend policy H1 in accordance with PIC reference 1/PIC/06/02. In part 1 of the policy, this change would delete reference to the global figure of 5,250 dwellings to be provided over the Plan period. I support that aspect of the PIC, but as I explain below, I do not endorse 1/PIC/06/02 entirely.
- 6.28 The change also proposes to delete reference to the period for which the provision would apply. Thus, the amended policy would state: *Provision will be made for housing at an average annual rate of 350 dwellings each year.* In my opinion, the policy would lack clarity as a result. I note also that the Council's approval of this PIC post-dates a letter to the Council from GONW, dated 7 August 2003 (CD/0172), which states on the second page that: *the UDP clearly states that the requirement for housing provision in RPG13, for the period 2001-2016, will be met.* This comment indicates to me that GONW also support the insertion of a time frame within the policy. Since the base date of the Plan is 2002, and to accurately reflect the RSS requirement, I consider that part 1 of the policy should be amended to state: *During the period 2002-2017, provision will be made for housing at an average annual rate of 350 dwellings each year.*
- 6.29 In making this recommendation, I have taken into account that the average annual provision may be amended upwards or downwards, by a future review of the RSS within the Plan period, but for the reasons that I explain at paragraph 6.11 above, read together with paragraph 6.5 of the Plan, the

insertion of this time period would be entirely consistent with paragraph 5.32 of the RSS.

- 6.30 As I have noted, the RSS was approved in March 2003. A number of its policies, including UR7 - Regional Housing Provision, were the subject of a judicial review by a consortium of house builders. But that challenge was dismissed by Mr Justice Stephen Richards, on all grounds, on 21 November 2003 (CD/0087). Accordingly, I consider that there can be no doubt that the RSS provides lawfully adopted, up-to-date, regional planning guidance, which must be afforded its full statutory weight.
- 6.31 Regional Spatial Strategy policy UR7, Table 5.1 and explanatory paragraph 5.32 clearly set out the housing requirement for Sefton and the annualised method of calculating it. Paragraph 7 of PPG3 states that: *LPAs must have regard to regional planning guidance, and should, wherever possible, and where it is up to date, avoid re-opening consideration of the level of housing provision for their area as this has been fully considered during the RPG process.* Thus, I do not agree that there is any remaining uncertainty regarding these matters. In my opinion, events and Proposed Changes made to the Plan override these objections.
- 6.32 Some Objectors consider that the housing provision shown in part 1 of policy H1 of the RDD is too low and that it would interfere with market forces and the freedom and expectations of people to live where they choose. A number of Objectors have also referred to the Barker Report, which concludes that the supply of new homes consistently lags behind demand, and that the number of new houses must rise substantially if house price inflation is to be reduced and the number of affordable homes increased. Objectors infer from this, that there is a need to permit more housing in Sefton than indicated in the RSS. In addition, some Objectors contend that the greatest demand for new homes is in the north of the Borough, where affordability issues are already emerging. Therefore, that the supply in this area should be increased to meet that demand.
- 6.33 However, I consider that the Chancellor's Budget Speech of 2004 (CD/0149) clarifies that the Government does not intend that the results of the Barker Report, nor its recommendations be implemented immediately. Currently, there has not been a formal response, by the Government, to the findings of the report or any indication that policy will change as a result, in the immediate future.
- 6.34 Accordingly, I do not think that there is sound basis upon which it can be concluded that national or regional guidance has been undermined by the Barker Report. Consequently, I do not consider that the report should be given significant weight at this time. Furthermore, it is my opinion that it is important to remember that Sefton is located outside the south-east of England, where the problems of high demand for housing, which the Barker Review highlights, are concentrated. Nor is Sefton identified as a major area for growth, at either the national or regional level. Sefton lies within an area of acknowledged low housing demand, as does much of the North West, which Government resources are seeking to redress through programmes such as the HMRI. I acknowledge that localised areas of high demand exist in some parts of Sefton, but these are relatively small in scale, and in my view,

will not be resolved simply by building more houses in an unrestrained manner.

- 6.35 In the absence of compelling evidence that the housing requirement figure for Sefton is set too low, I see no reason to re-open a debate on this matter. Furthermore, it is my opinion that a significantly increased housing provision within Sefton could have an adverse effect on regeneration in neighbouring areas, and would conflict with regional and national guidance. For these reasons, I do not support these objections.
- 6.36 **Issues (v) and (vi)** - The House Builders Federation (HBF), and others, object that the Plan is over-reliant on an annual build rate for assessing performance. It is also queried how development will be controlled if the rate is exceeded. The HBF and Hallam Land Management also argue that 350 dwellings should be allowed to be built each year, regardless of the number built the previous year.
- 6.37 Regarding the first of these matters, since the RSS sets out the distribution of regional housing provision to the constituent LPAs, in terms of an annual rate of housing provision net of clearance, I consider that it is correct for the Council to follow the same approach.
- 6.38 Paragraph 6.10 of the Plan, as amended by PC reference PC 6.6 explains that *the Council will produce Annual Monitoring Reports to ensure that the target for each year is not materially exceeded*. In addition, part 2 of policy H3, which I consider in depth later in this section of my report, contains a housing restraint mechanism that is expanded upon in SPG-Regulating the Supply of Residential Land, which aims to ensure that, on average, 350 dwellings are built each year.
- 6.39 However, as there is no established correlation about when a development is granted planning permission and when it is implemented, or indeed any certainty that every permission granted will be carried out, I do not consider that it is appropriate to grant permission for 350 dwellings every year, regardless of the number built the previous year.
- 6.40 Furthermore, it is my opinion that such an approach would be difficult to monitor and it would be unfair, because it could lead to a surge of applications being submitted at the start of each year. It also assumes that every proposal submitted would be allowed. Furthermore, it could give rise a 'stop-go' effect that could have an adverse effect on the construction industry.
- 6.41 For all of these reasons, I do not support these objections.

Key Issues Concerning Part 2 of Policy H1

- (i) Whether an allowance should be made for replacement requirements.
- (ii) Whether the allowance made in policy H1 for off-site clearance replacement requirements is appropriate.
- (iii) Whether the provision for the off-site clearance replacement dwellings should be provided in other parts of the Borough outside of south Sefton.
- (iv) Whether the provision for the off-site clearance replacement dwellings should be spread throughout the Plan period.

- (v) Whether, for consistency, the opening phrase of part 2 of policy H1: *In addition to the above,...* should be replaced by the single word, *provision*.

Inspector's Reasoning and Conclusions Concerning Part 2 Policy H1 Issues

- 6.42 **Issues (i) – (iv)** – The average annual requirement for future housing provision, as set out in Table 5.1 of the RSS, is net of clearance replacements. The RSS does not make a distinction between occupied and unoccupied dwellings for clearance replacement. This is confirmed as being a matter for local judgement and flexibility, as set out in Policy UR7 and paragraph 5.29 of the RSS, which states that: *local authorities will need to take local circumstances into account when addressing clearance issues and the implications for future housing provision should be assessed as part of the on-going monitoring and review of RPG, regional and local housing strategies and development plans.*
- 6.43 The Council considers that it is necessary only to replace dwellings that were occupied immediately prior to their demolition, in order to reduce the vacancy rates in the Borough, as required by the first bullet point of policy UR7 of the RSS. The aim is to reduce vacancy rates in the existing dwelling stock to 3%, and to 2% for new dwellings. I support its approach on this matter. I consider that clearance in Sefton may be categorised into three sources: miscellaneous demolitions of private sector stock, usually associated with redevelopment; demolition of local authority stock and demolition in the Pathfinder Area. However, policy H1 only makes reference to provision for replacements falling within the last category.
- 6.44 Nevertheless, the Council indicates in paragraph 3.15 of the Housing Topic Paper (CD/0105), that there may be a need to make an allowance for the miscellaneous demolition of existing occupied dwellings, to make way for redevelopment. This requirement for replacements will relate to the whole of Sefton and in the past, it has averaged 30 dwellings a year. However, as a result of implementation of criterion (iii) of part 2 of policy H3, which encourages conversion, in preference to demolition and re-build, as required by the sequential approach set out in policy DP1 of the RSS, the Council considers it likely that this rate may decrease in the future.
- 6.45 However, I am not convinced that miscellaneous demolitions will significantly reduce in the future, given the very heavy reliance of the housing land supply on windfalls and the redevelopment of brownfield sites, of the type that have mostly given rise to this source of clearances in the past. Thus, potentially, this source of demolitions could give rise to a requirement for up to 300 replacement dwellings throughout the 10-year period for which, in my opinion, the Plan should make potential housing supply provision, dispersed throughout the Borough, minus an allowance for around 3% (10 dwellings) that may have been vacant prior to demolition. Thus, giving rise to a replacement requirement for 290 dwellings over the ten-year period.
- 6.46 In my opinion, provision for these replacements should be made explicit in the housing requirement set out in part 1 of policy H1 and in the ten-year land supply set out in policy H3, by adding the phrase, *net of miscellaneous clearance dwellings* to the end of H1 part 1. This would also improve consistency of the policy with paragraph 6.5 of the UDP and with regional

and national policy. I consider that additional explanatory text to define and quantify miscellaneous clearance, would also be helpful.

- 6.47 I consider that these demolitions would be relatively easy to monitor for any over- (or under)-estimation and thus, their replacement could be regulated by the provisions of part 2 of policy H3, which will be periodically monitored and reviewed.
- 6.48 Turning to the second source, most of the local authority stock that is to be demolished comprises vacant dwellings in low demand areas. The Council contends, and I do not disagree, that it is unnecessary to make an allowance for the replacement of these dwellings, because demolishing vacant dwellings is part of the process of reducing vacancy rates and making more effective use of the existing buildings, as advocated in PPG3.
- 6.49 However, the Council acknowledges that a third source of demolitions will give rise to a significant number of dwellings that will need to be replaced, and which should be added to the net average build rate throughout the Plan period. This is referred to in PC reference PC 6.4, which replaces part 2 of the FDD version of policy H1 with a paragraph that seeks to make *provision for up to an additional 500 dwellings...*To improve its clarity, minor rewording of this new part 2 of the policy is proposed by NAC reference NAC/06/01, to amend the proposed changes to the policy intended by PIC reference 1/PIC/06/02. I consider that, read together, these changes indicate that allowance has been made for the realistic replacement of clearances in the Pathfinder Area and, therefore, that these particular objections are met.
- 6.50 With regards to the appropriateness of the allowance set out in policy H1, when the RDD was placed on deposit in April 2003, the Council estimated that around 2,500 dwellings would need to be cleared, and that it would be possible for only 70% of the replacement homes to be built on the cleared sites. Paragraph 6.33 of the Plan explains that this is because of the excessively high density of the existing housing, and the need to provide areas of greenspace and to create a better quality environment. Policy H1 indicates that provision will be made for the remaining off-site clearance replacements of up to 500 dwellings, in south Sefton.
- 6.51 Persimmon Homes (NW) Ltd & Countryside Residential conditionally withdrew their objection on the basis of this proposed provision, but Chanters Estates and others contend that on the basis of its own figures, the Council's calculation is incorrect and that provision should be made for at least 750 off-site clearance replacement dwellings. Several other Objectors also consider that the figure should be greater than 500 dwellings. [70% of 2,500 = 1,750. 2,500-1,750 = 750]. However, as explained at paragraph 6.19 of the FDD, although not carried forward to the RDD, the Council assumes that approximately 10% of the houses cleared would be vacant and would not, therefore, need to be replaced; leaving a residual requirement of about 20% (500 dwellings) which would have to be replaced on other sites.
- 6.52 The Council has subsequently refined its clearance calculations, which are set out in the New Heartlands Prospectus (CD/0085), which comprised the funding bid document submitted to the ODPM under the Housing Market Renewal Initiative for the Merseyside Pathfinder Area. The bid was approved

in February 2004. The Prospectus contains a revised figure of 1,921 dwellings to be cleared in Sefton over the 15 year lifetime of the initiative, which is a considerably lower figure than the number of dwellings that were estimated would be cleared, at the time when the RDD was put on deposit. This figure gives rise to an off-site replacement requirement of around 384 dwellings.

- 6.53 Further fine tuning has taken place since, details of which are incorporated in two SPGs for the two priority neighbourhoods of Bedford Road/Queens Road and the Klondyke Areas. These were approved by the Council's Planning Committee, in May 2004, for development control and consultation purposes.
- 6.54 Table 1 and Figure 3 of the Bedford Road/Queens Road SPG confirm that 325 dwellings will be demolished in this area, in three phases, by 2009. They will be replaced by 295 dwellings. However, because of the high number of vacant dwellings in this area and the possibility of decanting residents into properties in adjoining areas that are to be refurbished, it is anticipated that only up to 40 dwellings (or 13.6% of the number of new dwellings required) will need to be built outside of the areas to be cleared.
- 6.55 In the Klondyke Area, the number of properties to be demolished remains at 830 dwellings. Much of the requirement for off-site clearance replacement arises in this area. This area is built at a density of over 100 dwellings per hectare and it contains very few vacant properties. The Council's evidence indicates that the area contains a high percentage of owner-occupiers and that it has an extremely strong sense of community, with most residents expressing a wish to remain in the local area. As house prices have historically been very low in this area, and many owners do not have mortgages, people who will need to be re-housed are unlikely to be able to afford to move to other parts of Sefton, where house prices are much higher.
- 6.56 These conclusions are substantiated by residents' stated wishes, as expressed in the South Sefton Regeneration Strategy (CD/0086) and borne out, in reverse, by Section 6 of the Merseyside Urban Capacity Study: A Market and Economic Viability Interim Report (CD/0089), which indicates that many people aspiring to live in other parts of Sefton are driven towards the Pathfinder Area because of affordability issues.
- 6.57 However, because there are few suitable vacant dwellings in this area, the Council intends that people living in phase one of the proposed clearance area will need to be re-housed on six sites in the local area, which are identified in Policies H3 and H5 of the Plan (Sites H3.3, H3.A, H3.C, H5.A, H5.B & H5.C). The estimated capacity of each of these sites is indicated in Table 4.2 of the Klondyke SPG. This Table also indicates that these new houses are likely to be required between 2004 and 2008.
- 6.58 Tables 4.3 and 4.4 of the SPG indicate that the other sites proposed for housing redevelopment in the later phases have the potential to accommodate a minimum of 920 dwellings, although only 510 dwellings will be demolished in phases two and three. These phases are anticipated as running from 2006 – 2009 and 2008 – 2012 respectively. Policies H6.A and H6.B, introduced as PICs references 1/PIC/06/28 and 1/PIC/06/29, upon which I comment later in this Chapter of my report, and the SPG provide the mechanism for ensuring that sites are redeveloped in the right order, so that

replacement homes are built in a regulated manner, when and where they are required.

- 6.59 However, not all of the housing that will be built in these areas will be used to re-house people whose existing homes are demolished. The HMRI also aims to attract new residents into the area, by providing a greater choice of homes, in order to diversify the housing market in the area. This will be particularly so in the Hawthorne Road/Canal Corridor where the canal is seen, by the Council, as having the potential to act as a focus for new housing. However, dwellings provided to accommodate new residents attracted into the area should be offset against the average annual requirement of 350 dwellings per year, and not against the additional requirement for clearance requirement.
- 6.60 Taking all of these factors into consideration, I am satisfied that the off-site replacement requirement of part 2 of policy H1, for up to 500 dwellings, is sufficient to take account of the likely requirement for off-site clearance replacement dwellings in south Sefton arising from the HMRI, and to provide some flexibility to enable a degree of housing choice for decanted residents. However, as I conclude in paragraph 6.46 above, I consider that policy H1 should also clarify that provision for the general housing requirement should be made net of miscellaneous demolitions.
- 6.61 **Issue (v)** – An objector who requests the deletion of part 1 of policy H1 considers that, for consistency, part 2 of the policy should also be amended by deleting its opening phrase: *In addition to the above*. I do not support the deletion of the first part of the policy, nor do I agree that its part 2 should be amended in the manner suggested by the Objector. I consider that the policy would lack clarity if it were so amended.

RECOMMENDATIONS

- 6.62 (a) I RECOMMEND that the UDP **be modified** by **amending part 1** of policy H1 to state:

During the period 2002-2017, provision will be made for housing at an average annual rate of 350 dwellings each year net of miscellaneous demolitions.

- (b) I RECOMMEND that the UDP **be modified** by **amending part 2** of policy H1 in accordance with 1/PIC/06/02, as further amended by NAC/06/01, so that it states:

In addition, provision will be made for up to 500 dwellings in South Sefton to cater for off-site clearance replacement requirements in accordance with Policy H6.

- (c) I RECOMMEND that the UDP **be modified** by **adding** the following explanatory paragraph to policy H1:

Approximately 30 dwellings are demolished each year to facilitate the redevelopment of a site, or to enable a more intensive form of residential development to take place, or to provide access into a larger area. The number of dwellings lost as a result of these miscellaneous demolitions is monitored annually. As the majority of these dwellings were

occupied prior to their demolition, an allowance for them should be subtracted from the number of dwellings built each year to provide the net annual provision required by the RSS.

(d) I RECOMMEND that no further modification be made to the UDP in response to these objections.

Policy H2 and Explanatory Text

Requirement for Affordable and Special Needs Housing

Objections to First Deposit Draft

H2/0009/0029	The Countryside Agency
H2/0017/0067	Optoplast Manufacturing Company Ltd
H2/0037/0135	House Builders Federation
H2/0066/0241	McCarthy and Stone Ltd – CW
H2/0075/0281	Merseytravel
H2/0091/0351	Countryside Properties
H2/0095/0386	Government Office North West
H2/0108/0546	Hallam Land Management
H2/0109/0570	Langtree Property Company Ltd
NP/0066/0235	McCarthy and Stone Ltd

Objections to Revised Deposit Draft

H2/0123/0748	Noble
6.11/0123/0749	Noble
6.13/0123/0750	Noble
6.15/0118/0682	Bellway Homes –CW

Key Issues

- (i) Whether, in the absence of a robust, up-to-date Housing Needs Assessment, policy H2, or its thresholds should be deleted.
- (ii) Whether the explanatory text to policy H2 should refer to the need to continually monitor and review the housing needs of the Borough and confirm the Council's commitment to do so.
- (iii) Whether policy H2 should define and quantify affordable housing in the Sefton context.
- (iv) Whether policy H2 should differentiate between areas of housing need within Sefton.
- (v) Whether policy H2 should identify suitable areas and sites at which affordable housing should be provided and the amount of provision that will be sought.
- (vi) Whether policy H2 should ensure that the occupation of affordable housing provided in Sefton, in accordance with the policy, is restricted to persons who qualify as being local residents.
- (vii) Whether policy H2 should set a lower threshold for the provision of affordable housing in rural areas, in accordance with paragraph 10 (i) of Circular 06/98 – Planning and Affordable Housing, once needs have been identified by a survey.

- (viii) Whether policy H2, or its supporting text should be amended, or a new policy introduced to emphasise that sheltered housing should be considered as special needs housing that should be provided for.
- (ix) Whether sites, including those that provide affordable housing should not only be within easy reach of public transport, but should also be laid out in such a manner that they can be easily served by public transport.

Inspector's Reasoning and Conclusions

- 6.63 **Issues (i) – (vi)** – Several Objectors, including GONW, criticise the inclusion of policy H2 in the UDP, in advance of a robust and up-to-date Housing Needs Assessment (HNA) that clearly indicates a need for such housing in Sefton, and hence for the policy, as required by Circular 06/98 - Planning and Affordable Housing and by PPG3.
- 6.64 Paragraph 6.13 of the UDP indicates that a new Housing Needs Survey is being carried out. It will be used to justify any requirements for affordable housing, which will be sought through the planning process. That study, which I refer to in my report as the HNA, has been completed and was published in 2003 (CD/0114). I am satisfied that it is robust and that it takes into account the relevant factors for study as recommended in Circular 06/98. Specifically, it identifies an annual requirement for 617 affordable homes, over the next five years, in order to meet current housing need within the Borough. I therefore conclude that the inclusion of an Affordable Housing policy in the UDP is justified.
- 6.65 Pre-Inquiry Change reference 1/PIC/06/06, and NACs references NAC/06/02 and NAC/06/03 intend changes to part 1 of policy H2 and to its supporting text, in anticipation of and as a consequence of the completion of the HNA. But in my opinion, these are already partly out-of-date, because they do not reflect that the HNA has been completed. Nevertheless, I generally endorse those changes, subject to their minor revision to up-date the status of HNA 2003 and its justification for the policy.
- 6.66 Paragraph 6.15 of the explanatory text of the UDP refers to implementation of the policy. It is intended, through PIC reference 1/PIC/06/06 to add a phrase to the end of this paragraph, which states that: ... *and monitored and reviewed in the light of any subsequent survey or update*. I endorse that change, which I consider addresses the concern of Bellway Homes, which has subsequently conditionally withdrawn its objection on this matter. However, I reiterate that the paragraph should be further amended to reflect that the HNA has been completed.
- 6.67 However, whilst I support the general principle of including an affordable housing policy in the UDP, I consider that some of the objections made to policy H2 highlight serious shortcomings both to the policy and to its explanatory text, which I consider should be addressed as a matter of high priority for early review when the Council commences its preparation of its replacement LDD.
- 6.68 I consider that a weakness of policy H2 and its explanatory text is their failure to quantify the need for affordable housing in the Sefton context. Now

that the results of the HNA are available, it should be a relatively simple matter to rectify this omission, by the insertion of additional supporting text or by cross-referencing policy H2 to the HNA, by listing it as a background document. In my opinion, this would give developers certainty of what provision would be required, as part of their development proposals.

- 6.69 Objectors also refer to the need define the term 'affordable housing', but this is done in the Glossary of the Plan. I see no need to duplicate that definition in the supporting text to policy H2.
- 6.70 Giving weight to objections that policy H2 should differentiate between areas of housing need in Sefton, the HNA clearly indicates that there is a significant disparity of quantitative and qualitative need in different parts of the Borough, with the greatest need numerically being in the north of the Borough. It recommends geographical sensitivity in the application of the policy.
- 6.71 This matter is partly addressed by PC reference PC 6.12, which amends paragraph 6.15 by adding that: *supplementary planning guidance will be produced to indicate how the policy will be implemented in different parts of the Borough following the completion of the Housing Needs Survey 2003.* Clearly, this change should be updated to reflect that the HNA has been completed and published. But, in principle, I consider that SPG/SPD would be the appropriate mechanism to address this current weakness of policy H2.
- 6.72 If prepared in accordance with the advice of PPG12, in terms of full and effective public consultation prior to its adoption, the guidance contained in the SPG/SPD would be appropriately transparent. But, it would also be a flexible device that could be regularly reviewed to reflect the likely changing housing need in the Borough, as a result of the implementation of the HMRI. However, the early preparation of SPG/SPD on Affordable Housing is not referred to in Appendix 1 of the UDP. Thus, there can be no certainty that it will be produced expeditiously. I urge the Council to review its priority on this matter.
- 6.73 Paragraph 9 of Circular 06/98 advises that where LPAs are able to robustly demonstrate a lack of affordable housing to meet local needs, they should, amongst other steps, set indicative targets for specific suitable sites (expressed either as numbers of homes or as a percentage of the homes on the site, [precise numbers being negotiable]). Objectors criticise that this has not been done within policy H2. The Town Lane site, which is allocated by policy H4 to meet post 2007 general housing needs, is specifically cited as an illustration of this omission.
- 6.74 I consider that this criticism is entirely justified, both in its general application of policy H2 and also to other policies of the UDP that make housing allocations. As a consequence, it is my opinion that the UDP fails to provide certainty to developers as to the level of affordable housing which they may be required to provide, or to give a starting point for negotiations, taking into account site specific circumstances. Thus, it is my view that policy H2 conflicts with PPG12 and also with PPG3 on this matter. I strongly urge that this non-conformity be addressed as a matter of high priority for early review when the Council commences its preparation of its replacement LDD.

- 6.75 I consider that this omission of the policy could also amount to a lost opportunity in seeking provision for affordable through new development. Whilst the identified need for such housing in Sefton is lower than the national average (CD/0114), the numerical need is considerable. Furthermore, although the need for affordable private market housing in south Sefton has traditionally been low, this could change as many of the existing low demand houses are demolished and replaced by new, open market dwellings.
- 6.76 Turning to other objections to policy H2, its part 2 indicates that affordable housing should be made available for local residents in proven housing need. I entirely agree with this intention, which is supported by national policy. But I consider that to enable proper implementation of this aspect of the policy, local need in the Sefton context should be defined, preferably within a document that has been the subject of stakeholders' input and public consultation, such as a SPG/SPD.
- 6.77 In the light of all of these objections, which I support, I consider that policy H2 and its explanatory text should be substantially clarified to take account of guidance contained in Circular 06/98. In my opinion, the most speedy and flexible way to do this would be the expeditious production of a supplementary planning document, which provides all of these necessary details that are required in order to successfully implement the policy.
- 6.78 **Issue (vii)** – The Countryside Agency considers that part 1 of Policy H2 should be amended to set a lower threshold in rural areas, where needs have been identified by a survey, in line with paragraph 10 (i)c of Circular 06/98. On this matter of rural affordable housing needs, GONW urges that an affordable housing policy for Sefton should also comply with Annex B of PPG3.
- 6.79 In response to these particular criticisms, the Council argues that all of Sefton's rural areas lie within the Green Belt and that the provision of affordable housing in the Green Belt is not a priority for the UDP. It points out that none of Sefton's rural area is more than 3-km from an urban area. In its opinion, the promotion of affordable housing within the Green Belt is both contrary to Green Belt policy and to the thrust of the urban regeneration objectives of the UDP. Furthermore, the HNA does not, at Table 19.1, identify a significant need for affordable housing in the Formby and Maghull areas of the Borough, which encompass most of the rural areas of the Borough. I am convinced by these arguments and in these circumstances, I do not consider that a lower threshold for the rural areas is justified. Therefore, I do not support these objections.
- 6.80 **Issue (viii)** – Some Objectors suggest that policy H2 should be amended to emphasise, in accordance with national guidance, that sheltered housing should be considered as special needs housing. In response to this objection, PC reference PC 6.11 has amended paragraph 6.13 by adding the phrase: *including sheltered housing*, in order to clarify that special needs housing includes sheltered housing. An objection by McCarthy and Stone Ltd was conditionally withdrawn on the basis of this change.
- 6.81 However, subsequent to the findings of the HNA, reference to special needs housing is intended to be deleted from part 1 of policy H2, and the

explanatory text at paragraph 6.13, is proposed to be clarified to indicate that provision for sheltered housing will be sought only where this forms part of the need for affordable housing. Non-Advertised Changes references NAC/06/02 and NAC/06/03 intend to make those changes. In addition, for consistency, NAC reference NAC/Glo/02 proposes that the definition of 'Special Needs Housing' be deleted from the Glossary of the UDP, because the Council considers that it is too broad.

- 6.82 The reason for these intended NACs are to reflect a finding of the HNA, concerning the requirements for special needs housing in the Borough, that the largest group of people with special housing needs are the elderly. The HNA concludes that most of their needs can be met by adaptations to their existing accommodation and that other special needs will continue to be met by open market housing. I have no reason to dispute those conclusions, or the proposed NACs. Consequently, I see no need to add a new policy to address this matter, as suggested by a further objection made by McCarthy and Stone Ltd.
- 6.83 **Issue (ix)** – Merseytravel considers that the UDP should place greater emphasis on promoting sustainable transport through all new development, including affordable housing. Further to this, it suggests that sites including affordable housing should be laid out in such a manner that they can be easily served by public transport.
- 6.84 I agree that convenient provision for public transport facilities should be promoted in all new development, but I do not consider that this is a matter which needs to be further emphasised in policy H2, in addition to the requirement of its part 4, which states that: *sites should be within easy reach of local services... and public transport.*

RECOMMENDATIONS

- 6.85 (a) **I RECOMMEND that the UDP be modified by amending the explanatory text to policy H2 to reflect that a Housing Needs Assessment was completed in 2003, and that this justifies and provides up-to-date data for the policy.**
- (b) **I RECOMMEND that the UDP be modified by amending policy H2 and its explanatory text at paragraphs 6.13 and 6.15 in accordance with 1/PIC/06/06, NAC/06/02, NAC/06/03 and NAC/Glo/02, as further amended by my recommendation (a), above.**
- (c) **I RECOMMEND that the UDP be modified by adding explanatory text to the policy that quantifies the amount of affordable housing required to be provided as part of development proposals.**
- (d) **I RECOMMEND that the UDP be modified by adding reference to the Housing Needs Assessment 2003 to the list of background documents for policy H2.**
- (f) **I RECOMMEND that the UDP be modified by adding explanatory text to the policy, which informs that policy H2 will not be implemented until such time as a supplementary planning**

document on affordable housing has been produced and approved by the Council. The SPG/SPD should, amongst other matters, include details of all relevant definitions, including 'local need', and all factors referred to paragraphs 9a and b of Circular 06/98. It should also clarify how policy H2 seeks the provision for affordable housing in a manner that clearly reflects the significant disparity of affordable housing need in different parts of the Borough.

(g) I RECOMMEND no further modification to the UDP in response to these objections.

(h) I RECOMMEND that a complete review of policy H2 and all of its associated text be given high priority for early review when the Council commences its preparation of its replacement LDD.

Policy H3

Housing Land Supply

Introduction to policy H3

Changes made between the First Deposit Draft and Revised Deposit Draft Stages of the Plan

- 6.86 Policy H3 was re-written as a result of PC reference PC 6.15. The Proposals Map and Appendix 2 were respectively changed by PCs references PC 6.16 and PC App2.1.
- 6.87 Part 1 of the policy was amended to show how the housing requirement for the first five-year phase of the Plan period (from 2002 – 2007) would be met, from allocations and commitments. Assumptions about future windfall rates were deleted. Two allocations, Sites H3.1 and H3.2, were deleted, and four new sites were added (Sites H3.A, H3.B, H3.C and H3.D). A footnote to the policy indicates that Sites H3.3, H3.4, H3.A and H3.C are within, or adjacent to the HMRI Pathfinder Area, and that it is anticipated that their development will contribute towards meeting the off-site clearance replacement requirements. The information relating to sites with planning permission (commitments) provided in section 1 part (ii) of policy H3 was also updated to 2002, the base date of the Plan. As a result of these changes, the majority of the explanatory text was also replaced, by PC reference PC 6.17.

Proposed Subsequent Changes

- 6.88 Further changes to policy H3 and its explanatory text are proposed by means of PICs references 1/PIC/06/07-14 and by NACs references NAC/06/04-07 and NAC/6/A-C. Apart from correcting a typographical error to the address of site H3.B, part 1 of the policy is intended to remain unchanged. However, significant amendments are proposed to parts 2 and 3 of the policy.
- 6.89 The principal changes result from the Council's response to the publication of RPG13/RSS in April 2003, and the Parliamentary Statement by the Planning Minister, Keith Hill, in July 2003 (CD/0094). The first sentence of part 2 of policy H3 is proposed to be amended to refer to the number of dwellings

built, rather than to available capacity, because the RSS refers to annualised provision (1/PIC/06/07). The last word of the third sentence of paragraph 6.16B of the explanatory text is also to be amended to refer to the Plan's potential ten-year housing supply (NAC/06/07).

- 6.90 Other changes are proposed to be made in response to the Council's review of the first three months of operating the restraint mechanism, introduced by part 2 of the policy, and in response to the Council's consideration of objections made to the RDD.

Inspector's Note

- 6.91 The following section of my report deals with all policy based objections to policy H3 and its explanatory text, made at the first and revised deposit stages, and as a result of proposed Pre-Inquiry Changes. They relate to all three parts of the policy. For clarity, I have grouped the key issues according to the part of the policy to which they refer. I deal separately with objections to the allocated sites and concerning housing omission sites, after the policy related sections of my report.

Objections to First Deposit Draft

H3/0017/0068	Optoplast Manufacturing Company Ltd
H3/0026/0101	Wilson Connolly Northern
H3/0035/0132	United Utilities
H3/0037/0136	House Builders Federation
H3/0049/0187	Barton
H3/0059/0214	Redrow Homes (Lancs.) Ltd
H3/0072/0259	Persimmon Homes (NW) Ltd & Countryside Residential
H3/0085/0322	David Wilson Homes North West
H3/0091/0358	Countryside Properties
H1/0095/0385 (see also policy H1)	Government Office North West-CW
H3/0095/0387	Government Office North West-CW
H3/0108/0547	Hallam Land Management
H3/0109/0571	Langtree Property Company Ltd
6.16/0083/0313	North West Regional Assembly – CW
6.19/0091/0359	Countryside Properties

Objections to Revised Deposit Draft

H3/0114/0639	Core Property Management and Consultancy
H3/0049/0673	Barton
H3/0049/0675	Barton
H3/0119/0706	Carrwood Homes Plc
H3/0061/0765	Nugent Care Society
H3/0124/0767	O'Bree
H3/0125/0768	RAL Architects Ltd
H3/0017/0775	Optoplast Manufacturing Company Ltd
H3/0034/0779	Southport and Ormskirk Hospital NHS Trust
H3/0126/0781	Taylor and Co
H3/0064/0796	Westbury Homes Ltd NW Region & Nugent Care Society
H3/0127/0801	Ultimate Homes
H3/0032/0804	Wilson Connolly Lancashire
H3/0129/0805	Persimmon Homes
H3/0136/0873	Beardsell

H3/0059/0875	Redrow Homes (Lancs.) Ltd
H3/0137/0879	Chanters Estates
H3 & 6.16C & 6.16D /0082/0776	Somerfield Stores Ltd
H3/0123/0751	Noble
H3/0123/0752	Noble
H3.2(iv)0075/0844	Merseytravel
6.16-6.20, 6.1A-6.1D, 6.16/0037/0727	House Builders Federation
6.16/0123/0830	Noble
6.16B/0123/0754	Noble
6.16C/0123/0755	Noble
6.16D/0123/0756	Noble
6.19/0123/0757	Noble
6.16-6.20, 6.1A-6.1D, 6.1/0108/0720	Hallam Land Management
6.16-6.20&6.16A- 6.16D&6.1/0108/00721	Hallam Land Management

Objections to Pre-Inquiry Changes

H3/0032/0936	Wilson Connolly Lancashire
H3/0095/0945	Government Office North West
H3/0119/0954	Carrwood Homes Plc
H3/0142/0958	Newfield Jones Homes
H3.2(iii)/0024/0897	Hugh Baird College
H3.3/0024/0898	Hugh Baird College
6.16C/0119/0955	Carrwood Homes Plc
6.16C/0142/0959	Newfield Jones Homes
6.19AB/0118/0918	Bellway Homes
6.19AA&AB/0119/0957	Carrwood Homes Plc
6.19AA&AB/0142/0961	Newfield Jones Homes
6.19AB/0032/0938	Wilson Connolly Lancashire
6.19AB/0138/0903	Metacre Ltd

Key Issues Concerning Part 1 of Policy H3

- (i) Whether there are inconsistencies between policy H1 and policy H3.
- (ii) Whether policy H3 misinterprets regional and national guidance regarding provision for a housing land supply.
- (iii) Whether policy H3 lacks necessary detail concerning the phasing of the release of housing land.
- (iv) Whether the housing land supply figures are based on robust and complete data.
- (v) Whether the assumptions made about the deliverability of sites is realistic.
- (vi) Whether an allowance should be made for slippage.
- (vii) Whether the proposed housing land supply is appropriate to meet the requirements of the RSS.
- (viii) Whether sufficient provision is made for demolitions and clearance replacements.
- (ix) Whether there is an over-reliance on windfall sites.

Inspector's Reasoning and Conclusions Concerning Policy H3 Part 1 Issues

6.92 **Issue (i)** – Volume house builders point out that policy H3 is inconsistent with policy H1, in that the first sentence of part 2 of policy H3 refers to

available capacity, whereas policy H1 indicates that provision will be made on the basis of an annualised rate; thus potentially giving rise to monitoring difficulties. However, it is proposed to rectify this by PIC reference 1/PIC/06/07, which amongst other changes, would amend the first sentence of part 2 of the policy to refer to *the number of dwellings built* rather than to *available capacity*. I endorse this change, which I consider fully meets objections that raise this issue.

- 6.93 **Issues (ii) - (iii)** – Some objectors, including the NWRA, are concerned that the housing provision indicated in policy H3 could result in an over-supply. But I am satisfied that the re-writing of policy H3, as I have described in my introduction, satisfactorily reflects the changed requirements of the RSS. The NWRA conditionally withdrew its objection on the basis of these changes.
- 6.94 The FDD version of the Plan indicated how the housing land requirements were to have been met for the periods 2001-2006 and 2006-2011. However, the RDD version shows only how provision for the first five-years of housing land supply will be made. Paragraph 6.16A of the RDD refers to the schedule attached at its Appendix 2, which indicates the extent to which the allocated sites are expected to come forward during the first five years of the Plan. Paragraph 6.16B goes on to say that the allocations also illustrate where part of the supply for the period after 2007 will come from. Also, that the updated Sefton MBC Urban Capacity Study (UCS) (CD/0090) is expected to demonstrate that brownfield windfalls will make up the remainder of the Plan's ten-year housing supply.
- 6.95 Nevertheless, several Objectors are concerned that policy H3 apparently fails to interpret national policy regarding the required provision for a housing land supply. In response, the Council refers to a perceived tension between the advice contained in various planning policy guidance notes, their companion guides and in recent parliamentary statements on the matter.
- 6.96 I sympathise with its predicament, which no doubt many other LPAs share. I mainly agree with Sefton Council's interpretation of national policy for provision for housing land supply. The statement made by the Planning Minister Keith Hill, in July 2004, sought to clarify interpretation of PPG3 with regards to housing land supply. It clearly states that plans should make provision for a period of 10 years from their forecast adoption date. This means that plans should make provision for at least ten-year's potential supply for housing following the adoption of the Plan. It is my interpretation of paragraph 34 of PPG3, as clarified by Mr K Hill that plans should show in detail how at least the first-five years supply, from the forecast adoption date, will be accommodated. Mr Hill also clarifies that the phasing of plans should not be arbitrary.
- 6.97 It seems to me that this is generally the approach that policy H3 seeks to adopt. But in my opinion, it incorrectly sets the first-five years of actual provision from the base date of the Plan, rather than from its forecast adoption date. I consider that this should be rectified. Paragraph 6.16B, as proposed to be amended by NAC/06/07, indicates that the remainder of the Plan's ten-year housing supply will be made up from windfalls. 'Planning to Deliver', a companion guide to PPG3, advises that the Plan, Monitor, Manage

approach (PMM) does not require provision for a fixed total of housing over the full period of the strategy set out in RSS. Thus, I consider that the Council's stance, as reflected by its intended PICs and NACs to policy H3, is appropriate and in conformity with regional and national guidance. However, I consider that explanatory paragraph 6.16B should be yet further amended to clarify the status of the Sefton UCS, which was published in 2004,

- 6.98 Several Objectors refer to the lack of phasing for the release of housing land, but 'Planning to Deliver' informs that it is more appropriate to set out annual rates of provision, to be kept under review. It indicates that the annual rate should be a tool for responsive forward planning, which does not require local plans to set fixed ceilings of housing numbers on a yearly basis.
- 6.99 I consider that this document lends support to the Council's approach that does not show the release of land in rigidly defined phases. In my opinion, the restraint mechanism of part 2 of policy H3, which is amplified by its explanatory text, as proposed to be amended, and in the SPG - Regulating the Supply of Residential Land, demonstrate a very reasonable expression of the PMM principle. Furthermore, I consider that this approach is particularly appropriate to the Sefton context, where there is heavy reliance on windfall sites, especially post 2007, and where the RSS housing requirement is likely to be reviewed well before the end of the Plan period.
- 6.100 **Issues (iv) – (vi)** – Objections were made, particularly at the FDD stage of the Plan, that in the absence of an up-to-date UCS, the proposed housing land supply is not supported by complete or robust data. However, as I have indicated above, an UCS, which I consider complies with 'Tapping the Potential: Assessing Urban Housing Capacity - Towards Better Practice', and which follows the Entec methodology (CD/0182), prepared for the North West region to inform the review of RSS, was published in 2004. It forms part of a wider study undertaken by all six of the local authorities in the Greater Merseyside area.
- 6.101 The results of the UCS are summarised in the Council's Housing Topic Paper (CD/0105). They demonstrate that the Council can identify an adequate housing land supply until after 2011, under almost every market condition. Under average conditions, the identified supply enables the current RSS requirement to be met until around 2013.
- 6.102 I have no reason to disagree with any aspect of the UCS 2004. In my opinion, it provides a thorough, robust and accurate assessment. I consider that the assumptions it makes, about different discounting levels that should be applied in various market conditions, are realistic. Furthermore, I accept that it is appropriate to base the likely level of windfall supply on the anticipation that there will be a sustained strong demand for dwellings across most of Sefton and that a mid-discount level should be applied when assessing the likelihood of potential sites actually being developed. I consider these to be 'average conditions'.
- 6.103 I do not share the pessimism of some Objectors that unrealistic assumptions have been made about the deliverability of the allocated and windfall sites, or the implementation of planning permissions granted. It is my opinion that the massive investment taking place in the HMRI Pathfinder Area and the current availability of gap funding from bodies such as English Partnerships,

which are helping to finance the remediation of sites, so that they can be developed for housing, will provide significant stimuli for new house building in south Sefton and in central Southport. In addition, I consider that the restrictions placed on development elsewhere in the Borough, by part 2 of policy H3, will further boost house building in the south Sefton area. For similar reasons, I disagree with the view of some Objectors that the high level of windfalls coming forward for development in the future may not continue. I consider the suitability of the individual sites that are allocated in policy H3, in more detail, later in this section of my report.

- 6.104 Nor do I support views that an allowance should be made for 'slippage'. Whereas under the previous *predict and provide* approach to housing land supply it was normal practice to inflate the housing supply by around 10%, because not all permissions were implemented, this stance conflicts with current advice contained in paragraph 30 of PPG3, that Councils *should seek only to identify sufficient land to meet the housing requirement set as a result of RPG and strategic planning processes*.
- 6.105 With the PMM approach advocated by PPG3, there is no need to build in any allowance for slippage, because it assumes that measures will be taken to make up any shortfall that may have occurred during the previous monitoring period. In a similar way, the housing restraint mechanism of part 2 of policy H3 will address any over-supply. The associated SPG - Regulating the Supply of Residential Land contains thresholds which can be rapidly changed, if any amendment is needed.
- 6.106 Together with quarterly monitoring of the latest position in relation to the RSS requirement, to which the Council has committed itself, I am satisfied that the proposed housing supply is based on sound and realistic assumptions and that it will deliver the number of dwellings that are predicted by the Council, and which are required by the RSS.
- 6.107 Criticisms, including from GONW, that the FDD version of policy H3 failed to indicate the size, density assumptions and the nature of allocated sites were partly met by PCs references PC 6.16 and PC App2.1, and are proposed to be further addressed by NAC reference NAC/6/C, which would amend Figure 6.1 to show the housing allocations and the long term, Town Lane housing site in their contexts of the extent of the existing built-up areas. I consider that these changes satisfy these objections.
- 6.108 **Issues (vii) – (ix)** – Some objections made at the FDD stage of the Plan criticise an over-supply of housing land and consequential conflict with the RSS, but this criticism was addressed by PC reference PC 6.15, which re-writes policy H3 in order to ensure that the RSS housing requirement will not be significantly exceeded. In response to an objection made by Optoplast Manufacturing Company Ltd, to the allocation of a greenfield site PCs references PC 6.15 and PC 6.16 deleted site H3.2 Brewery Lane, Formby, from policy H3 and the Proposals map and instead, allocated it as urban greenspace. For reasons which I explain in more detail later in this section of my report and in Chapter 13, I endorse that re-designation.
- 6.109 However, several other Objectors are concerned that insufficient housing land has been identified to meet the RSS requirement over the Plan period. In addition to 'slippage' and possible failure of sites to deliver at the

anticipated level, other reasons given to support the Objectors' contention of under-supply include; an excessive reliance on windfall sites, insufficient provision for off-site clearance replacements in the Pathfinder Area, some double counting of sites and the absence of provision for miscellaneous demolitions. I now consider each of these matters in turn.

- 6.110 'Planning to Deliver', acknowledges that when identifying suitable sites to meet housing requirements, the size of site considered for allocation will depend, to a great extent, on local circumstances and on the prevailing size of site that is available. In Sefton, over 25% of new housing sites that were granted planning permission between 2000 and 2003 were for single dwellings. The average number of dwellings on each site granted permission over this period was around 11 dwellings. Furthermore, many of the larger developments (i.e. for more than 10 dwellings) contain flats, either entirely or as part of the proposal, which reduces the site area relative to the number of dwellings proposed.
- 6.111 Figure 3.5 of the UCS (CD/0090) indicates that this scenario is likely to continue in the future. It shows that only around 7% of all sites identified within the unconstrained supply have an area of 0.4 hectare or more, and that almost 60% of this supply is made up of sites with an area of less than 0.1 hectare.
- 6.112 'Planning to Deliver', recognises that *for many authorities, windfalls will make an important contribution to housing supply and their impact should not be underestimated*. It describes the very limited circumstances in which site release, based on set criteria, is appropriate. These include where the housing requirement is particularly low, where the majority of housing requirements over the plan period are taken up by existing planning permissions, or where little, if any, greenfield development is anticipated and there is significant reliance on small scale windfalls.
- 6.113 In my opinion, all of these circumstances apply in Sefton. I have no reason to question the soundness of the assumptions of the UCS. From the information before me, I am satisfied that planning permissions for the residential development of windfall sites are continuing to be sought at a level that exceeds the average annual RSS requirement, that they are being implemented at a rate in excess of the average annual RSS need and that completions also exceed the average annual RSS requirement. Thus, I do not consider that it is inappropriate for policy H3 to rely heavily upon windfall sites, especially after the first five years, post-adoption period. I turn now to consider if the proposed housing land supply, as set out in policy H3, is sufficient to meet the requirements of the RSS, taking into account the provision to be made for demolitions and clearance replacements.
- 6.114 It is my view that the net housing requirement for the Borough is conveniently summarised in the table given at paragraph 3.48 of the Housing Topic Paper (CD/0105). In my opinion, the period 2006-2011 can be taken to generally represent the first five-year period of the Plan, for which actual housing provision should be detailed. I consider that the period 2011-2016 can be assumed to be indicative of the potential housing provision for the remainder of the ten-year period.

- 6.115 I agree with the Council that it is reasonable to subtract 326 dwellings from the first $350 \times 5 = 1750$ housing requirement, to take into account probable over-provision during the period 2002-2006. As I have previously concluded in respect of policy H1, I consider that provision should also be made for miscellaneous demolitions at a rate of 29 per year. In addition, the SPGs for the Klondyke and Bedford/Queens Roads areas indicate that most of the off-site clearance replacements in those areas will be required by 2009. Therefore, most of their off-site clearance replacement dwellings, referred to in part 2 of policy H1, should be provided for during the period 2005-2010.
- 6.116 Thus, for the purpose of this calculation, I consider that for the period 2005-2010 (that is the first five-year period of the Plan), the net residual requirement is for 1424 dwellings and for the same period, the gross residual requirement is for $1424 + 145 = 1569$ dwellings to meet part 1 policy H1 requirements. In addition, there is a requirement for up to 500 dwellings to meet the part 2 policy H1 requirement, during the 2005-2010 period.
- 6.117 Since development at sites H3.B and H3.D had not been completed at the time of writing my report, I consider that these sites can reasonably be counted as allocations during the period 2005-2010. However, I consider that their capacity should be changed to reflect current expectations, which are given as 62 and 107 dwellings respectively (see paragraph 3.58 SMBC/76). In addition, only 10 dwellings at site H3.A are anticipated to contribute to off-site clearance replacements, therefore, all additional dwellings built at that site should be counted towards the net new housing figure. Since planning permission has been granted for 64 dwellings on 1.6 hectares of the site, for the purpose of this calculation, I consider that it is reasonable to apply a capacity figure of around 108 dwellings to the whole site (40 dph). In addition, it is likely that site H3.4 will be used for additional new housing, rather than to accommodate clearance replacements (SMBC/76 paragraph 3.55), its estimated capacity for 39 dwellings should, therefore, be added to the UDP allocations.
- 6.118 Thus, I calculate that allocations for the period 2005-2010 to = 62 (H3.B) + 107 (H3.D) + 98 (H.3 A) + 39 H3.4 = 306 dwellings. Although not precisely equating to the 2005-2010 period, Appendix 2 of the RDD shows that commitments from to 2002-2007+ amount to 1615 dwellings. Thus, these allocations and commitments will theoretically provide around $306 + 1615 = 1921$ dwellings.
- 6.119 Allowing for adjustments to the precise 2005-2010 commitments figure I am satisfied that policy H3 makes ample provision for new housing in accordance with the requirements of part 1 of policy H1 and the RSS. On this basis, I conclude that there is no need to allocate further sites to satisfy this aspect of housing requirement for the first five-year, post adoption period of the Plan.
- 6.120 Assuming that the housing restraint mechanism of part 2 of policy H3 and the SPG - Regulating the Supply of Residential Land is successful, I calculate that provision should also be made for $(350 \times 5) + 145 = 1895$ dwellings for the period 2011 – 2015. Thus, except for clearance replacements within the HMRI Pathfinder Area, the gross housing requirement for the period 2005-2015 is for $1569 + 1895 = 3464$ dwellings.

- 6.121 The UCS estimates that during the period, 2002-2016, the constrained capacity for new dwellings, taking a mid-discounting stance, is 2104 dwellings. As noted above, allocations can be realistically assumed to yield 306 dwellings. Therefore, these sources will potentially provide approximately $306 + 2104 = 2410$ dwellings. This gives rise to a deficit of $3464 - 2410 = 1054$ dwellings. However, the Town Lane site has an assumed capacity for at least 675 dwellings, leaving a possible shortfall in potential 10-year provision of around 379 dwellings.
- 6.122 The UCS makes a modest allowance for additional dwellings that may result from the conversion of existing buildings. However, its assumptions do not appear to take into account that up to 100 dwellings could potentially be provided by the conversion of the Powerhouse site at Formby. This would considerably reduce that slight potential deficit. I make recommendations in due course on how the remaining potential deficit of around 279 dwellings could be rectified.
- 6.123 I turn now to the proposed provision for clearance replacements. The Council has made substantial progress in assessing the likely requirements for off-site clearance replacements, which are recorded in the approved SPGs for the Klondyke and Bedford Road/Queens Road Areas. They include sites allocated in policy H3, which have not been counted towards the part 1 policy H1 requirement, some of the Housing Opportunity Sites that are identified and proposed in policy H5, and sites within the proposed policy H6B Hawthorne Road/Canal Corridor. I am satisfied that none of these sites are included in policy H3 part 1 provision and thus, that there is no double counting of sites, as contended by some Objectors.
- 6.124 Table 1 of the Bedford/Queens Road SPG, as updated by paragraph 3.80 of SMBC/76 indicates that there is unlikely to be a need for sites to provide for off-site clearance replacements arising from that area. However, the SPG for the Klondyke and Canal Corridor Area indicates at Table 4.1, that a total of 830 dwellings will be demolished over three phases, during the period 2004 – 2012. Tables 4.2 – 4.4 of the SPG detail where redevelopment will take place. As indicated in Tables 4.2 and 4.3, phases 1 and 2 of the redevelopment programme will rely heavily on off-site replacements. However, it is now estimated by the Council that there will be a need for only 384 off-site replacement dwellings in total.
- 6.125 The sites for off-site clearances, which are required for the period 2004 – 2008, are listed in Table 4.2, together with their assumed capacities. They include part of site H3.A and allocated sites H3.C and H3.3. Also, Housing Opportunity Sites H5.A, H5.B and H5.C (proposed). Phases 2 and 3 list, and make capacity assumptions for sites within the Hawthorne Road/Canal Corridor area, to which proposed policy H6B refers and which will be required during the period 2006 - 2012.
- 6.126 I do not dispute that this theoretical provision would be adequate to meet the re-housing needs identified in the SPG and that it would generally meet the requirement of part 2 of policy H1, for up to 500 clearance replacement dwellings. However, the sites identified are mainly, currently used for other purposes. They are contaminated to varying degrees, and except for those allocated under H3, they are not specifically allocated for housing, although

intended policy provisions would allow for their residential use for clearance replacements, subject to criteria being met. Nor, in some cases are the owners' future intentions for the sites known. Thus, it is far from certain that their theoretical yield would be fully realised.

- 6.127 However, from information provided in SMBC/76 and in CD/0170, I am satisfied that sites H5.A, H5.B and H5.C (proposed) are realistically available for residential development within the next five years and that they are likely to provide around 215 dwellings. Therefore, I conclude that they should be allocated as off-site clearance replacement sites under part 1 of policy H3 and added to Appendix 2. Their assumed capacities should be updated in the policy, and in Appendix 2, to reflect current estimates. In addition, for consistency, reference to these sites should be deleted from policy H5, policy EDT17, and from Appendix 3. The Proposals Map should also be amended accordingly.
- 6.128 I consider that the benefits of re-allocating the sites in this way would give greater certainty as to their preferred future use, it would avoid the necessity of provision having to be made for alternative replacement employment land, which could be a deterrent to their residential redevelopment and it would provide greater transparency to the Plan. In total the number of dwellings allocated in part 1 (i) of policy H3 to provide for off-site clearances would be around 317.
- 6.129 I do not have sufficient evidence to convince me that all of the 183 remaining, replacement dwellings to meet the theoretical 500 figure would be forthcoming from the Hawthorne Road/Canal Corridor sites. However, I consider that it is probable that they will yield the remaining 67 dwellings that will actually be required to provide clearance replacements. On this basis, I conclude that the Plan identifies adequate provision to satisfy the requirement of part 2 of policy H1.
- 6.130 To summarise, I have concluded that sufficient land is identified in policy H3 to meet the policy H1 part 1 housing requirement, during the period 2005-2010, but there is a need to identify potential provision for around 279 additional dwellings to satisfy the policy H1 part 1 housing requirement during the period 2011-2015. I also conclude that sufficient land is identified in policy H3 to meet the policy H1 part 2 clearance replacement requirement. Thus, I support these objections only in part.
- 6.131 Furthermore, I am satisfied that if the Council adopts my recommendations concerning the re-designation of some urban greenspace sites, to enable their residential development, the slight deficit in the potential ten-year housing supply in Sefton would be substantially redressed. On this basis, I conclude that there is no requirement to release any land from the Green Belt for housing purposes, within the next ten years, assuming that current RSS housing requirements for the Borough are maintained.
- 6.132 However, I am aware that the RSS housing requirement for Sefton will soon be reviewed. This will inevitably necessitate an early review of the housing land supply in Sefton, to take account of a consequential under- or over-housing land supply that may arise.

Key Issues Concerning Part 2 of Policy H3

- (i) Whether the restraint mechanism of part 2 of policy H3 is justified.
- (ii) Whether there is a geographic bias within the constraint mechanism of part 2 of policy H3 that conflicts with the RSS and which misinterprets national guidance regarding provision for a housing land supply and the application of the sequential test with regards to brownfield sites.
- (iii) Whether there should be further clarification of the exceptions to policy H3 permitted by its part 2.
- (iv) Whether there should be additional specified exceptions to the restraint mechanism of policy H3.
- (v) Whether criterion (iv) of part 2 of the policy should be amended to strengthen it and to bring it into line with the guidance contained in 'Better Places to Live', regarding the definition of accessibility.

Inspector's Reasoning and Conclusions Concerning Policy H3 Part 2 Issues

- 6.133 **Issue (i)** – Planning Policy Guidance Note 3: Housing stresses the importance of the PMM approach to housing supply, in order to ensure that the level of housing provision set regionally, is neither under- nor over-provided for. I have previously concluded that the criteria-based release of housing land is an appropriate approach in the Sefton context.
- 6.134 The housing requirement for Sefton, as set out in the RSS, is for an average of 350 dwellings to be built each year from 2002 – 2006, or until the RSS is reviewed. However, during the period commencing 1995, when the previous UDP was adopted, until 2001, when the Plan became time expired, an average of 533 new dwellings were built each year. Thus, the new requirement represents only around 65% of previous building rates. Therefore, if house building continued at this rate, a situation of an over supply of dwellings would arise, that would be compounded by the number of dwellings which could be built, as a result of current allocations and commitments.
- 6.135 On 31st March 2003, which is the latest date for which I have detailed figures, extant planning permissions allow 1939 dwellings. Furthermore, some 731 additional dwellings, net of clearance replacements, were approved during the past twelve months, which is a further increase over the previous twelve months period. Therefore, even before the most recent permissions are taken into account, there was a five and a half year supply of dwellings with planning permission, at the start of the 2003 – 2004 year. Furthermore, past building rates over the period covered by the 1995 adopted Plan have achieved an average of 533 dwellings each year.
- 6.136 Thus, allowing for miscellaneous clearance replacements (approximately 29 dwellings per year), these figures indicate a build rate that is around 40% above the current RSS requirement. I see no reason why these rates would not continue, unless a checking mechanism is applied. In my opinion, the restraint mechanism of part 2 of policy H3 and its associated SPG - Regulating the Supply of Residential Land, is fully justified, to manage the flow at which windfall sites are released, in order to ensure that the housing requirement set in the RSS is not significantly exceeded.
- 6.137 Some Objectors contend that monitoring should be based on completions, not approvals. But I consider that this approach would place the Council in a dilemma, because there is no established correlation between when a

planning application is approved and when, or if, the site is developed. Thus, national guidance advises that both the number of permissions granted for new housing and the numbers of dwellings built should be monitored, in order to ascertain whether the RSS provision rates are being achieved. I consider that this guidance is reflected in part 2 of policy H3.

- 6.138 In response to concerns that the factors that trigger the restraint mechanism are arbitrary and unsubstantiated, I support the Council's view that the traditional five-year phasing period is too long to effectively manage the housing land supply in Sefton. I also consider that the Council's decision to adopt a three-year period is in line with advice contained in 'Planning to Deliver', which indicates that there may be advantages, for example, in an urban area where there is a strong reliance on windfall provision, in adopting more phases for shorter periods of time, such as three years.
- 6.139 However, it is not the intention of part 2 of policy H3 to impose a total moratorium on permissions for new residential development, because amongst other considerations, the Council acknowledges that there is a need for new houses to be built, especially in the Urban Priority Areas (UPAs). Also, that it is important to the economy of the Borough to maintain the existing local building industry.
- 6.140 Furthermore, because of the number of dwellings which may be built as a result of existing permissions, and which will therefore affect the distribution of where new housing takes place, it will take a number of years before the policy will have the impact of directing development mainly to the UPAs. Nevertheless, it is my opinion that in the medium term, part 2 of policy H3 will increasingly become an effective mechanism for directing future housing to those areas, in line with the Spatial Development Framework of the RSS, and the core principles of the UDP. I discuss the desirability of seeking to do this later in this section of my report.
- 6.141 As I have discussed above, there is no established correlation between when a development is granted planning permission and when it is implemented, or indeed any certainty that every development permitted will be carried out. Partly for this reason, and also because it would exacerbate a likely and undesirable 'stop-go' effect on the local construction industry, I consider that it would be unreasonable and unworkable to grant planning permission for only 350 dwellings each year, as some Objectors suggest. In my opinion, the +20% threshold imposed by part 2 of policy H3 has been well considered, to strike a sensible balance between providing flexibility and ensuring that the RSS housing requirement is not significantly exceeded.
- 6.142 However, if the number of new dwellings built falls below the average annual requirement, I agree with the Council that it is not appropriate to set the lower threshold at 20% below the RSS requirement. I support the 10% threshold set out in the SPG, for determining when the restraint mechanism should cease to apply. However, for consistency I suggest that this lower threshold should also be referred to, either in the policy or its explanatory text.
- 6.143 **Issue (ii)** - Optoplast Manufacturing Company Ltd objected that at the FDD stage, policy H3 failed to reflect a fundamental objective to achieve sustainable development through the use previously developed sites. In

particular, it objected to the allocation of site H3.2 at Brewery Lane. However, at the RDD stage policy H3 was re-written by PC 6.15. Amongst other matters, this change clarified the preference for brownfield sites in sustainable locations. As a consequence, the site H3.2 allocation was deleted from the Proposals Map by PC reference PC 6.16. Thus, in my opinion, the objection has been met.

- 6.144 However, several other Objectors criticise the RDD version of policy H3, because in their view, it restricts the development of some brownfield sites and it arbitrarily introduces a geographical bias in the way that the housing requirement will met, which strongly favours development in south Sefton. They contend that this will have adverse social and economic consequences and that it is not supported by regional or national policy.
- 6.145 However, it is my view that policy H3 does not conflict with regional guidance in this regard. The over-riding aim of the RSS is to promote sustainable patterns of development and physical change, at a regional level. One of the ways by which it seeks to achieve this, is to focus a significant amount of new development and investment in the two regional poles of Manchester and Liverpool and their surrounding inner areas (RSS policy SD1). The south Sefton area, centred on Bootle, is included within the Liverpool regional pole. This area is acknowledged as urgently requiring urban renaissance and as being an area where new development resources should be focussed. In addition, although Southport falls outside this area, it is listed in RSS policy SD1, as falling within a complementary priority area.
- 6.146 As I have previously noted, housing completion rates in Sefton have historically and consistently exceeded the average annual provision rate set in the RSS, which has given rise to a need to restrain housing development. Thus, I consider that it is entirely appropriate that policy H3 and its corresponding SPG should seek to focus development in the UPAs, in accordance with regional spatial strategy, rather than to seek to identify allocations across the whole of the Borough.
- 6.147 PPG3 informs at paragraph 29, that it is for LPAs to decide which sites are the most suitable for housing development and the sequence in which it should take place. Paragraph 30 of the PPG goes to say that LPAs should seek only to identify sufficient land to meet the RSS housing requirement. I consider that the prioritisation of brownfield land, sought by H3, is consistent with this national guidance.
- 6.148 Mr D Barton is particularly concerned that the geographical bias of the policy appears to disregard local housing needs outside the UPAs, for example at Formby. However, as I report below, part 2 of policy H3 does permit exceptions to the restraint mechanism. Its criterion (ii) specifically identifies development that will meet an identified affordable or special housing need as being a permissible exception to the normal restraint mechanism of the policy. Thus, I consider that his objection is met.
- 6.149 **Issues (iii)-(iv)** – Part 2 of Policy H3 seeks to restrict new windfall development, when the RSS requirement is being exceeded, to sites in accessible locations. In addition to criterion (ii) that refers to provision for affordable or special housing need, other developments which may be

exceptionally permitted are: (i) those that will have significant urban regeneration benefits; or (iii) comprise the conversion of an existing building.

- 6.150 Some Objectors consider that greater clarification of these permitted exceptions should be given in the Plan. However, with regards to criterion (i), further guidance is provided in section 7 of the SPG - Regulating the Supply of Residential Land. It identifies two areas, one in south Sefton and another in Southport, where the Council considers that new housing will generally meet this requirement. It also lists examples of development that could result in significant economic or amenity benefits, which could exceptionally be permitted by criterion (i) of part 2 of policy H3. The list makes specific reference to opportunities in conservation areas that may not be seen as having urban regeneration benefits, but which could, nevertheless, have considerable amenity benefits.
- 6.151 In my opinion, it is appropriate to provide this information in the SPG rather than in the Plan itself. Not only is this more flexible and responsive to rapid change, if required, but as recommended by paragraph 3.14 of PPG12, *excessive detail should be avoided in Plans. Local authorities are advised to consider using supplementary planning guidance as a means of setting out more detailed guidance on the way in which the policies in the plan will be applied in particular circumstances or areas.*
- 6.152 Some Objectors observe that a well designed, new build proposal may have greater beneficial impact than the conversion of an unsuitable Victorian /Edwardian property. However, the reference to the conversion of existing buildings at criterion 2(iii) of policy H3 reflects the sequential approach to new development set out in policy DP1 of the RSS, which promotes the effective use of existing buildings within urban areas, before previously developed land. Only then may previously undeveloped land be developed, where this avoids areas of important open space and is well located in relation to houses, jobs, services, infrastructure, and is, or can be made accessible by public transport, walking or cycling. Furthermore, I consider that well designed conversions can make a valuable contribution to the range of available dwelling types and to the preservation of local distinctiveness.
- 6.153 However, in order to improve its clarity, amendments are proposed to criterion 2(iii) by means of PIC reference 1/PIC/06/07 and NAC reference NAC/06/04. They inform that the re-use (conversion) of unused buildings on urban greenspace is a permitted exception, provided that this does not affect the use or value of the greenspace involved.
- 6.154 I accept that other, previously unidentified exceptional circumstances that might justify planning permission being granted for a proposal may arise from time to time, but these would be considered on their own merits, as part of the development control process. In my opinion, it would weaken policy H3 to include a general 'catch-all' criterion, as suggested by some Objectors.
- 6.155 For all of these reasons, I do not consider that any of the objections, which raise these issues, justify further amendment being made to policy H3.
- 6.156 **Issue (v)** – In response to a criticism made by GONW, which I support, it is proposed to strengthen the proposed PIC, reference 1/PIC/06/07 to criterion

(iv) of part 2 of policy H3, by further amending it in accordance with NAC/06/05. These changes would require development, which is acceptable in principle, to be accessible, or be made accessible, by a choice of modes of travel including walking, cycling and public transport. GONW's objections have been conditionally withdrawn on the basis of this proposed change.

- 6.157 In addition, paragraph 6.19AB, is intended to be added by PIC reference 1/PIC/06/011, in order to define what the Council considers to be an accessible location in the Sefton context, because it is the aim of this criterion to promote the development of the most accessible sites first, in accordance with the requirements of paragraphs 30 and 31 of PPG3 and policy DP1 of the RSS, which are also incorporated into the UDP's Core Development Principles, in policy CS1 (vi).
- 6.158 However, some Objectors have cited paragraph 75 of PPG13 as being an indication that the Council's approach regarding the accessibility of sites is too restrictive. The PPG states that journeys of less than a 2-km distance have the greatest potential for replacing short car trips with walking. But I do not think that this can be taken to mean that development ought to be located up to 2km from services, since elsewhere in government guidance, much smaller distances are recommended in the context of the location of development, for example, in 'Planning for Sustainable Development: Towards Better Practice', PPG6 and the CABE Report, 'Better Places to Live'.
- 6.159 Most of the built up parts of Sefton are within 400 metres of a bus route, or within 800 metres of a train station. Therefore, in order to promote the development of the most sustainable locations first, I support the Council's view that it is logical to initially set preferred accessibility distances to 200 metres of a frequent bus route (i.e. served by a 15 minute service) and 400 metres of a train station. These standards are referred to in the SPG - Ensuring Choice of Travel. In addition, part 6 of the SPG - Regulating the Supply of Residential Land includes a table setting out the distances from particular facilities within which new housing developments should be located, based on the size of the development.
- 6.160 Nevertheless, as there is a possible shortfall in provision for a potential ten-year housing supply, I consider that it may be necessary for the Council to re-assess its very stringent accessibility requirements, in the long term, to enable more windfall sites to come forward post 2010. Therefore, I consider that it is good practice to include this information in SPG/SPD, in order that the Council can respond quickly, if those distances are found to be too onerous in regulating the flow at which sites are released for development. However, I conclude that it is unnecessary to make any further changes to the policy, or to paragraph 6.19 AB in response to these objections.

Key Issues Concerning Part 3 of Policy H3

- (i) Whether it is necessary for part 3 of policy H3 to refer back to part 2 of the policy.
- (ii) Whether the use of the term *sustained shortage* in part 3 of policy H3 should be defined.
- (iii) Whether policy H3 adequately reflects the sequential test for housing set out in PPG3, concerning the use of urban greenspace and greenfield land.

Inspector's Reasoning and Conclusions Concerning Policy H3 Part 3 Issues

- 6.161 **Issues (i) and (ii)** – In response to objections that raise the first of these issues it was proposed, by PIC reference 1/PIC/06/07, to delete reference to the need to refer back from part 3 of the policy to its part 2. In response to an objection made by Core Property Management and Consultancy that the term *sustained shortage* should be defined, further amendments are intended by NAC reference NAC/06/06. As a result of these changes, part 3 of the policy would state: *Planning permission will only be granted for the development of any greenfield site or urban greenspace if there is a lack of previously-developed sites or empty/underused buildings in an accessible location.* In my opinion, these changes would fully meet these objections, but I not fully endorse them for the reasons given below.
- 6.162 **Issue (iii)** – The application of the sequential test for greenfield or urban greenspace sites as set out in part 3 of policy H3 has given rise to objections. Several Objectors consider that it goes further that the guidance given in paragraph 32 of PPG3, by further restricting the use of urban greenspace, which may be previously developed land, and greenfield land.
- 6.163 In support of the policy, the Council argues that the UCS estimates that fewer than 2% of all housing on windfall sites will take place on greenfield sites. Given the small number of sites which may potentially come forward from this source, and the acknowledgement in paragraph 3.50 of the UCS that most of these sites are urban greenspace and could therefore only be redeveloped for housing if the requirements of policies G1 and G2 are met, it does not consider that it is unreasonable to give these sites a lower priority for development than other previously developed land.
- 6.164 Regarding greenfield sites, the Council cannot envisage any circumstance where brownfield sites in the urban area might perform so poorly in relation to the sustainability criteria listed in paragraphs 30 and 31 of PPG3 that it would preclude their use before any greenfield sites within the Plan period. It points out that after that time, a number of other circumstances will undoubtedly also have changed, and appropriate alterations could be made to the policy as part of the PMM approach.
- 6.165 Whilst I am inclined to agree with the Council that, in the Sefton context, it is unlikely that many brownfield sites would perform so unsatisfactorily, in relation to the criteria listed in paragraphs 30 and 31 of PPG3, so as to preclude their use for housing before a particular greenfield site, I am not convinced that it can be certain that there will be none. Nor do I consider that the same argument can be applied to all land designated as urban greenspace, especially as sites have been designated in the RDD as urban greenspace prior to the completion of a robust and up-to-date Open Space and Recreation Study. Thus, I support these objections and I conclude that part 3 of policy H3 should be amended to more closely reflect the guidance of PPG3 on this matter, rather than as proposed by 1/PIC/06/07 and NAC/06/06.

RECOMMENDATIONS

6.166 (a) I RECOMMEND that the UDP be modified by amending parts 1 and 2 of policy H3 in accordance with 1/PIC/06/07, and with NAC/06/04 and NAC/06/05, and by amending the first sentence of part 1 of policy H3 so that it states:

1. The housing requirement for the first five year period from 2005-2010 will be met from the following sources:

- (b) I RECOMMEND that the UDP be modified by amending the estimated capacity of sites listed in part 1 (i) of policy H3 and in Appendix 2 in accordance with the latest revised figures.
- (c) I RECOMMEND that the UDP be modified by amending the wording of part 3 of policy H3, which refers to greenfield and urban greenspace sites, to more closely reflect the guidance contained in paragraph 32 of PPG3 that sets out the sequential approach for the release of land for housing.
- (d) I RECOMMEND that the UDP be modified by amending paragraph 6.16B to reflect that the Sefton Urban Capacity Study was completed in 2004, and in accordance with NAC/06/07.
- (e) I RECOMMEND that the UDP be modified by amending paragraph 6.16C in accordance with 1/PIC/06/09.
- (f) I RECOMMEND that the UDP be modified by amending Figure 6.1 in accordance with NAC/6/C.
- (g) I RECOMMEND that the UDP be modified by adding paragraphs 6.19AA and 6.19AB, in accordance with 1/PIC/06/11 as revised by NAC/6/A.
- (h) I RECOMMEND that the UDP be modified by adding sites: H5.A Toprain Site, Hawthorne Road, Bootle; H5.B former Tannery Site, Hawthorne Road, Bootle and H5.C 511 Hawthorne Road, Bootle to the housing allocations listed in part 1 (i) of policy H3, and that the Proposals Map and Appendix 2 be amended accordingly.
- (i) I RECOMMEND that the UDP be modified by deleting sites: H5.A Toprain Site, Hawthorne Road, Bootle and H5.B former Tannery Site, Hawthorne Road, Bootle from policy H5, and that the Proposals Map, Appendix 3 and paragraph 6.27 be amended accordingly.
- (j) I RECOMMEND that the UDP be modified by deleting sites: EDT17.A Toprain Site, Hawthorne Road, Bootle and EDT17.B former Tannery Site, Hawthorne Road, Bootle from policy EDT17, and that the Proposals Map, Appendix 3 and paragraph 5.107 be amended accordingly.
- (k) I RECOMMEND that the UDP be modified by referring in part 2 of policy H3 or in its explanatory text to the 10% threshold that may trigger the suspension of the restraint mechanism of the policy and its associated SPG.

- (l) I RECOMMEND that the UDP be modified by making reference to the changed title and status of RPG13 since 28 September 2004.
- (m) I RECOMMEND no further modifications to the UDP in response to these objections.

H3 Explanation

Objections to Revised Deposit Draft

6.17/0049/0674	Barton
6.19/0118/0690	Bellway Homes – CW
6.19/0037/0728	House Builders Federation
6.20/0123/0753	Noble

Objections to Pre-Inquiry Changes

6.16D/0118/0917	Bellway Homes
6.16D/0032/0937	Wilson Connolly Lancashire
6.16D/0119/0956	Carrwood Homes Plc
6.16D/0142/0960	Newfield Jones Homes

Key Issues

- (i) Whether reference to the SPG - Regulating the Supply of Residential Land should be removed from the reasoned justification for policy H3, and not included in any form, until such time as the current legal challenge to the SPG has been resolved.
- (ii) Whether the continued operation of the restraint mechanism would be justified if new dwellings were not being built in the HMRI Pathfinder Area and the number of housing completions had fallen below the RSS requirement.
- (iii) Whether, in the absence of an Urban Capacity Study, the assumptions made in paragraph 6.17 of the UDP, that 80% of future housing needs will be provided on brownfield land, is unrealistic.
- (iv) Whether paragraph 6.19 of the UDP should be amended to clarify that planning permission for residential development will only be withheld in accordance with the SPG - Regulating the Supply of Residential Land, if the RSS housing is exceeded
- (v) Whether paragraph 6.19 of the UDP should include justification for the intended 70% on-site replacement housing and clarification of the term *beneficial impact*.
- (vi) Whether paragraph 6.20 of the UDP should be amended to state that monthly, rather than annual monitoring reports of the performance of the policy will be produced.
- (vii) Whether a sentence should be added to paragraph 6.20 of the UDP to state that *no housing restraints policy or breaking mechanism will apply to the release of housing land*.

Inspector's Reasoning and Conclusions

6.167 **Issue (i)** - The Council's decision to introduce the housing restraint mechanism in part 2 of policy H3 and the SPG - Regulating the Supply of Residential Land was the subject of an application for Judicial Review by

Redrow Homes (Lancashire) Limited. The application (CD/0158) was refused on 8th December, 2003 by Mr Justice Leveson who observed:

".... it cannot be right that the local authority cannot modify or expand upon its policy in the light of changing circumstance."

- 6.168 That refusal was not the subject of further challenge, or appeal by the Applicants. Thus, I consider that this matter has been satisfactorily resolved and that it is appropriate for the reference to this SPG to remain.
- 6.169 **Issue (ii)** – Paragraph 6.16D explains the role of the SPG - Regulating the Supply of Residential Land. Pre-Inquiry Change reference 1/PIC/06/10 proposes to amend the paragraph to reflect the adoption of the SPG, by the Council, since the production of the RDD. It would also add a sentence to the end of the paragraph, which would state: *If, however, new housing is not being built at the required rate within the Pathfinder area, the Council may not relax the 'restraint mechanism' even if the number of housing completions has fallen below the RPG requirement.*
- 6.170 Several objections have been made to this additional change, because it is thought inappropriate to introduce this extra dimension of housing restraint policy within the supporting text only. I support their objection on this matter. Firstly, as a matter of principle, I consider that this in an important aspect of policy, which if to be implemented should be included as an additional criterion of part 2 of policy H3. However, I would not actually support the criterion, because I consider that it would be contrary to regional and national housing policy to deliberately seek to resist the delivery of the RSS housing requirement. It could also have serious economic and social ramifications for the Borough. Therefore, I conclude that the additional sentence should not be added to paragraph 6.16D or inserted elsewhere within policy H3, or its associated text.
- 6.171 **Issue (iii)** – Proposed Change reference PC 6.17 replaced paragraph 6.17 of the explanatory text to policy H3. The new text informs that in the period 1996-2001, almost 80% of new dwellings were built on previously developed land (including conversions). Also, it is anticipated that this rate will continue during the period 2001-2011. In my opinion, the recently completed UCS demonstrates that this is a realistic estimate. Therefore, I do not support objections that suggest otherwise.
- 6.172 **Issue (iv)** – Bellway Homes suggest that paragraph 6.19 of the UDP should be amended to clarify that planning permission for residential development will only be withheld in accordance with the SPG - Regulating the Supply of Residential Land, if the RSS housing allocation is exceeded. In response to this objection, it is intended to amend paragraph 6.19 by NAC reference NAC/6/B. The NAC would change the final sentence of the paragraph to read: *Elsewhere, planning permission will be withheld unless the requirements of part 2 or part 3 are met.* I consider that this amendment satisfactorily meets the objection, which has been conditionally withdrawn on the basis of this proposed change.
- 6.173 **Issue (v)** – The House Builders Federation make two objections to paragraph 6.19 of the explanatory text to policy H3. Firstly, it seeks justification for the intended 70% on-site replacement housing, and

secondly, it requests clarification of the term *beneficial impact*. In my opinion, the first part of the paragraph adequately explains the reasons for the 70% on-site replacement figure. Further guidance on the meaning of *beneficial impact* is given in the SPG - Regulating the Supply of Residential Land, and I see no need to repeat that clarification in the policy text. I consider that neither aspect of this objection warrants any further change to paragraph 6.19 of the UDP.

6.174 **Issues (vi) and (vii)** – Mr Noble considers that annual monitoring reports, as referred to in paragraph 6.20, are too inflexible. In order to enable the Council to respond more quickly, in accordance with the PMM approach, he suggests that monthly monitoring reports should be provided. I partly agree with this objection. However, I consider that the production of quarterly monitoring reports would be sufficient, less onerous to produce and would reflect the intention stated paragraph 6.16D, as proposed to be modified by PIC reference 1/PIC/06/10 and at part 5 of the SPG - Regulating the Supply of Residential Land, that the rate at which new homes are being built will be monitored every three months.

6.175 I do not support the other suggestion of this objection, that a sentence should be added to paragraph 6.20, to indicate the removal of a restraints policy or braking mechanism. I consider that to do so would create an untenable internal contradiction within policy H3 and the majority of its explanatory text. Furthermore, I do not disagree with the principle of part 2 of policy H3, which sets out the restraints mechanism.

RECOMMENDATIONS

6.176 (a) **I RECOMMEND that the UDP be modified by amending paragraph 6.16D to include the abbreviation (*SPG*) before 'Regulating the Supply of Residential Land', to include reference to the *housing restraint* mechanism and that the build rate of new dwellings will be reviewed on a *quarterly*....**

(b) **I RECOMMEND that the UDP is not modified by adding a sentence to the end of paragraph 6.16D as proposed by 1/PIC/06/10 that informs that: *If, however, new housing is not being built...below the RSS requirement*. But for clarification, I RECOMMEND that all other changes proposed by 1/PIC/06/10 be made to the UDP.**

(c) **I RECOMMEND that the UDP be modified by adding a sentence to the end of paragraph 6.19 in accordance with NAC/6/B, which states that:**

Elsewhere, planning permission will be withheld unless the requirements of parts 2 or 3 of the policy are met.

(d) **I RECOMMEND that the UDP be modified by replacing the word annual in the first sentence of paragraph 6.20 with the word quarterly.**

(e) **I RECOMMEND no further modification to the UDP in response to these objections.**

Housing Sites Allocated by Policy H3

Site H3.1

Objections to First Deposit Draft

H3.1/0010/0051	West Lancashire District Council – CW
H3.1/0041/0151	Holly Brook Farm
H3.1.0064/0229	Westbury Homes Ltd NW Region & Nugent Care Society
H3.1/0108/0548	Hallam Land Management
H3.1/0109/0572	Langtree Property. Company Ltd

Key Issues

- (i) Whether the Town Lane site should be reserved for long term housing.
- (ii) Whether the development of site H3.1 (Town Lane) is feasible.
- (iii) Whether the Town Lane site is in a sustainable location.
- (iv) Whether the Town Lane site should be reduced in area, deleted or integrated with land at Hollybrook Farm, either as a housing development, or for mixed housing and commercial development.
- (v) Whether land at St Thomas Moore Centre should be allocated for housing instead of site H3.1.

Inspector's Reasoning and Conclusions

- 6.177 **Issue (i)** – As a result of PCs reference PC 6.15 and PC 6.16, policy H3 was re-written. One of the resulting changes was the deletion of site H3.1, at Town Lane Southport, from policy H3 and from the Proposals Map. Proposed Change reference PC 6.22 re-allocated the site under policy H4 to meet housing needs, which may arise after 2007. Proposed Change reference PC 6.16 made the consequential change to the Proposals Map. I consider that these changes partly meet the letter of these objections, although not their substance.
- 6.178 Later in this Chapter of my report I consider, in detail, objections to policy H4 and, therefore, to the allocation of land at Town Lane for post 2007 housing development. West Lancashire District Council has conditionally withdrawn its objection on the basis of these changes. However, at paragraph 6.422 of my report, I recommend that the site should not be developed before 2011.
- 6.179 **Issues (ii)-(iv)** – All of these issues have been raised in objections to policy H4, which I consider later in this Chapter of my report. Since the site is no longer allocated as a housing site under policy H3 I consider it more appropriate to consider them in the context of policy H4.
- 6.180 **Issue (v)** – I consider the merits of the site at St Thomas Moore Centre, which is suggested by Westbury Homes Ltd NW Region & Nugent Care Society as housing omission site later in this Chapter of my report, and also within Chapter 13 of report, where I consider its merits as an urban greenspace.

RECOMMENDATION

6.181 I **RECOMMEND** no modification to the UDP in response to these objections.

Housing Sites Allocated by Policy H3 **Site H3.2**

Objections to First Deposit Draft

H3.2/0017/0509	Optoplast Manufacturing Company Ltd
H3.2/0108/0549	Hallam Land Management
H3.2/0109/0573	Langtree Property Company Ltd - CW
H3/0017/0068	Optoplast Manufacturing Company Ltd

Objection to Revised Deposit Draft

H3/0061/0765	Nugent Care Society
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Key Issues

- (i) Whether site H3.2 at Brewery Lane, Formby is likely to come forward for development during the Plan period, and if not, whether it should be de-allocated.
- (ii) Whether, having regard to its greenfield nature, site H3.2 at Brewery Lane, Formby, should be deleted as a housing allocation.
- (iii) Whether land at Brewery Lane Formby, which comprises site H3.2 is brownfield land, and if so, whether it should be re-allocated as a housing site under policy H3.

Inspector's Reasoning and Conclusions

6.182 **Issue (i)** - The site at Clarence House Field, Brewery Lane, Formby was deleted as a housing site and re-designated as urban greenspace by PC references PC 6.15 and PC 6.16. Langtree Property Company Ltd conditionally withdrew its objection on the basis of these changes.

6.183 Prior to its de-allocation as a housing site, several objectors queried the likelihood of the site coming forward for development during the Plan period, taking into account that it has apparently been available for development in excess of fourteen years, it is allocated as a housing site in the 1995 adopted UDP and that it was also allocated in the FDD.

6.184 In response, Nugent Care Society indicate that in their opinion, the site is surplus to the requirements of Clarence House School, it has no public or recreational value and that importantly, from their point of view, its residential development would help fund urgently required modernisation of the school's educational facilities. The Society submitted an outline planning application in 2002 for the residential development of the site, which was refused by the Council.

6.185 I consider that these considerations, together with the facts that the Nugent Care Society has also objected to the de-allocation of the site for housing and to its re-allocation as urban greenspace, confirm the intention of the site owners that it be residentially developed in the near future. I am not aware of any physical constraints on the land that might prevent residential development taking place. Therefore, I do not consider that the genuine

availability of the site is uncertain. Consequently, I do not support those objections which contend otherwise.

- 6.186 **Issues (ii) and (iii)** – There is clearly a difference in opinion between some Objectors and the Council on the one hand, and the Nugent Care Society on the other. The former side take the view that the site is greenfield in nature and the other party are of the opinion that it is brownfield.
- 6.187 I saw that the site is overgrown. It contains a play pitch and mature trees. Although not apparently physically separated from the school buildings, it appears to be visually separate from the school. The Nugent Care Society contends that despite its appearance, the site forms part of the curtilage of the school and, therefore, that it falls within the definition of previously developed land, as defined in Annex C to PPG3. The Council argues that the site has blended back into the landscape and that it contains a playing field, which paragraph 14 of PPG17 and Annex C to PPG3 indicate may not be regarded as being previously-developed land.
- 6.188 From the evidence before me, and from my visual appraisal of the site, I consider that the whole of the objection site is within the curtilage of the school. However, part of it was evidently used as playing field associated with the school. Thus, in accordance with national guidance, I conclude that the part of the site which was previously used as a playing pitch may not be regarded as being previously developed land. However, I consider that the remainder of the site falls within that category.
- 6.189 For reasons that I have explained previously in this section of my report, I consider that the Plan clearly demonstrates that it makes satisfactory provision for a five-year housing land supply. Furthermore, I do not question that the thrust of the Plan should be to assist urban regeneration. The former site H3.2 does not fall within an UPA. Nor do I consider it to be in an accessible location, as defined by policy AD1 of the Plan. Therefore, for all of these reasons, I consider that the Council was correct to re-assess the designation of the site, as recommended by paragraph 34 of PPG3. I also support its decision to delete its allocation as a housing site under policy H3. I consider the merits of designating the site as urban greenspace in Chapter 13 of my report.

RECOMMENDATION

- 6.190 **I RECOMMEND no modification to the UDP in response to these objections.**

Housing Sites Allocated by Policy H3

Site H3.3

Objections to First Deposit Draft

H3.3/0108/0550
H3.3/0109/0574

Hallam Land Management
Langtree Property Company Ltd

Key Issue

Whether the site allocated as H3.3 at the former Penpoll Trading Estate, Hawthorne Road is likely to come forward during the Plan period, taking into account the physical constraints on the land and the market demand for housing in the area, and if not, whether the site should be de-allocated.

Inspector's Reasoning and Conclusions

- 6.191 The Penpoll Trading Estate is located adjacent to the Klondyke priority neighbourhood, where significant clearance and redevelopment is proposed. The site is around 2.2 hectares in area. I saw that it is currently used for a variety of industrial-type uses. However, the owner has previously submitted an outline planning application to redevelop the site for 69 dwellings, thereby demonstrating interest in alternative development of the land. Whilst the Council considered that the proposal was acceptable in principle, and that it was in accordance with its re-allocation, from being within the Primarily Industrial Area in the 1995 adopted UDP, to a housing allocation in the RDD (site H3.3), permission was refused due to the absence of adequate and appropriate remediation measures being proposed to deal with the known contaminants present on the site.
- 6.192 Negotiations are currently taking place with the site's owner and Bellway Homes, the Council's development partners for the Klondyke area, regarding its acquisition for development, with the intention that the site will be used to provide new homes for some of the people who will be displaced by the re-development of phase 1 of the Klondyke area. As part of the preparatory work being undertaken in the Klondyke area, Bellway Homes have undertaken a site investigation study of this site, to assess its suitability for housing and to ascertain the cost of remediation. This study is supported by English Partnerships.
- 6.193 Findings of the site investigation indicate that the whole of the site could be developed for housing at an economic cost. However, its housing yield may be reduced, because part of the site is identified in the SPG for the Klondyke area (CD/O170) as forming part of a new greenspace, which is proposed to be provided to serve this part of the Klondyke area. Part of the site has also been identified as a potential site for the provision of replacement local service facilities. Nevertheless, Table 4.2 of the SPG indicates that the redevelopment of this site will be required by 2008 and that its capacity is likely to be for 40 dwellings.
- 6.194 I am satisfied that the residential re-development of the site is technically and economically feasible and that it is the land-owner's intention for it to be released for housing. Therefore, I consider that there is sufficient certainty that site H3.3 will come forward for residential redevelopment within the next five years, to justify its allocation under policy H3. However, I consider that the table given in part 1 (i) of policy H3 and in Appendix 2 should be amended to show its reduced potential residential capacity of 40 dwellings, based on the findings of the latest site investigation and the possible requirements of parts of it to be used for non-residential purposes.

RECOMMENDATIONS

- 6.195 (a) I RECOMMEND that the UDP be modified by amending the table given in part 1 (i) of policy H3 and in Appendix 2 to show that the capacity of site H3.3 is for 40 dwellings.
- (b) I RECOMMEND no further modification to the UDP in response to these objections.

Housing Sites Allocated by Policy H3

Site H3.4

Objections to First Deposit Draft

H3.4/0108/0551
H3.4/0109/0575

Hallam Land Management
Langtree Property Company Ltd

Key Issue

Whether the site allocated as H3.4 at Pine Grove, Bootle is likely to come forward during the Plan period, taking into account the physical constraints on the land and the market demand for housing in the area, and if not, whether the site should be de-allocated.

Inspector's Reasoning and Conclusions

- 6.196 This site is currently occupied as a Council depot, for which a replacement site has been acquired on the Bridle Road Industrial Estate in Netherton. Subject to the necessary funding being obtained, work is due to start on the replacement site in late 2004.
- 6.197 Whilst site H3.4 is likely to be moderately constrained as a result of contamination associated with its current engineering use, the Council does not anticipate that this is likely to be sufficient to prevent it from being developed for housing, at an economic cost. I have no evidence to indicate otherwise.
- 6.198 I saw that the site is located in an area where attractive housing re-development has recently taken place. There is a school opposite. It is situated within the HMRI Pathfinder Area, but due to its relative distance from the priority areas of Bedford/Queens Road, and Klondyke, which are identified by the Council for early action, and its canal-side location, the Council now considers that it is a site which may be developed to provide new housing, in order to diversify the housing stock and to attract new residents into the area, rather than it being developed to re-house people whose homes are to be demolished.
- 6.199 From my visit to the site and the surrounding area, I entirely agree with the Council's assessment of its potential. I consider that the allocation of site H3.4 under policy H3 is appropriate and that it should be retained. However, I suggest that the footnote to part 1 (i) of policy H3 and to Appendix 2 should be amended to reflect that it is likely that it will accommodate housing that would contribute to the RSS housing requirement, because they presently indicate that the site is expected to provide for off-site clearance replacement housing.

RECOMMENDATIONS

- 6.200 (a) **I RECOMMEND that the UDP be modified by amending the footnote to part 1 (i) of policy H3 and in Appendix 2 to show that it is likely that site H3.4 will mostly accommodate housing that would contribute to the RSS housing requirement, rather than for off-site replacement dwellings.**
- (b) **I RECOMMEND no further modification to the UDP in response to these objections.**

Housing Sites Allocated by Policy H3

Site H3.A

Objections to Revised Deposit Draft

H3A/0117/0666
H3.A/0120/0710

Asda Stores Ltd – CW
Deveney

Objections to Pre-Inquiry Changes

H3.A & PM 0120/0893
H3A/0139/0904

Deveney
Rushton

Key Issues

- (i) Whether site H3.A at Ash Road/Beach Road, Litherland is required, suitable and viable for housing development.
- (ii) Whether the allocation of land at Ash Road/Beach Road, Litherland as housing site H3.A under policy H3 and its part designation as urban greenspace should be deleted, to reflect that the site now has planning permission for retail development.
- (iii) Whether the designation of land at Ash Road/Beach Road should be more flexible in the light of a possible future by-pass of the A5036 being constructed through the Rimrose Valley.

Inspector's Reasoning and Conclusions

- 6.201 **Issues (i) and (ii)** – This site was granted planning permission in 2001 for development as a major food store by the Secretary for State under appeal reference APP/M4320/V/01/000274 (CD/0082). Nevertheless, the site was allocated as housing site H.3.A by PC reference PC 6.15.
- 6.202 Part of the site (1.6 hectares of a potential 2.7 hectares) has been granted planning permission for the erection of 53 houses and 11 flats, which are now apparently under construction. Of these, 10 dwellings are intended for shared ownership, to contribute towards the decant requirements of people currently residing in phase 1 of the proposed Klondyke clearance area.
- 6.203 The Council considers that the balance of the site is also capable of being developed for housing, notwithstanding that the owner of part of the remainder objects to the housing allocation and, in preference, seeks the

allocation of the whole site for retail development, in order that the retail permission granted on appeal may be implemented.

- 6.204 However, paragraph 42 of PPG1 informs that it is essential that plan policies are realistic. In view of the fact that over half of the site has planning permission for residential development, which is apparently being implemented, I consider that it is highly improbable that the site will be developed for retail purposes. I am satisfied that the site is required to provide for off-site clearances and to contribute towards the delivery of housing required by the RSS. I have no reason to think that it is not viable or suitable for housing.
- 6.205 For these reasons, I do not support objections, which seek the re-allocation of the site for retail purposes. However, if the site were not developed for housing, the extant planning permission for retail development would be unaffected by its housing allocation. Asda Stores Ltd accepts that its objection to the allocation of the site for housing has been overcome by events and as a consequence, it has conditionally withdrawn its objection.
- 6.206 **Issue (iii)** – Mr and Mrs Rushton object that the designation of the site should be more flexible, in the light of possible future road proposals that may affect it. However, no such proposals are included in the UDP and in the absence of a firm commitment to build a by-pass for the A5036 through the Rimrose Valley, it is my opinion that it would be premature to reserve land for it, at this time. If the land was found to be necessary for highways works in the future, an amendment could be made to the Plan as part of its review. Therefore, I do not support the objection.

RECOMMENDATION

- 6.207 **I RECOMMEND no modification to the UDP in response to these objections.**

Objections Concerning Sites That Are Omitted As Housing Sites

Objections to First Deposit Draft

SP/0001/0001	(also under GBC1)	Mr K P Pittaras
SP/0002/0002	(also under GBC1)	Mr Davies
SP/0006/0007	(also under GBC1)	Mr Greenwood
NP/0008/0015	(also under GBC1)	Mr Yates
SP/0012/0054	(also under GBC1)	Mr Cook
SP/0013/0257	(also under GBC1)	Network Rail
SP/0017/0073	(also under EDT5)	Optoplast Manufacturing Company Limited
SP/0020/0090	(also under GBC1)	Mr Swift
SP/0021/0091	(also under GBC1)	Mr Cropper
SP/0023/0095	(also GBC1 & CPZ1)	Mr Rimmer
SP/0024/0096	(also under G1)	Hugh Baird College
SP/0024/0097	(also under G1)	Hugh Baird College
SP/0026/0102	(also under GBC1)	Wilson Connolly Northern
SP/0032/0114	(also under GBC1)	Wilson Connolly Lancashire
SP/0032/0115	(also under GBC1)	Wilson Connolly Lancashire
SP/0032/0122	(also under GBC8)	Wilson Connolly Lancashire
SP/0032/0123	(also under GBC1)	Wilson Connolly Lancashire

SP/0032/0124	(also under GBC8)	Wilson Connolly Lancashire
SP/0034/0127		Southport & Ormskirk Hospital Trust-CW
SP/0040/0149	(also under GBC1)	Morton's Dairies
SP/0048/0183	(also under GBC1)	Mr Storey
SP/0048/0184	(also under GBC1)	Mr Storey
SP/0049/0185	(also under GBC1)	Mr Barton
SP/0059/0212	(also under GBC1)	Redrow Homes (Lancs) Ltd
SP/0059/0215	(also under GBC1)	Redrow Homes (Lancs) Ltd
SP/0059/0216	(also under GBC1)	Redrow Homes (Lancs) Ltd
SP/0059/0217	(also under GBC1)	Redrow Homes (Lancs) Ltd
SP/0062/0222	(also under G1)	Liverpool Ramblers AFC
SP/0064/0227	(also under G1)	Westbury Homes Ltd NW Region & Nugent Care Society
SP/0064/0228	(also under G1)	Westbury Homes Ltd NW Region & Nugent Care Society
SP/0065/0231	(also under G1)	Environmental, Reclamation & Landscaping Services
SP/0072/0258	(also under GBC1)	Persimmon Homes (NW) Ltd & Countryside Residential
SP/0072/0263	(also under GBC1)	Persimmon Homes (NW) Ltd & Countryside Residential
SP/0077/0294	(also under GBC1)	Mrs Moonan
SP/0079/0296	(also under G1)	Maghull Construction Company
SP/0086/0323	(also under EDT5)	County Palatine - CW
SP/0087/0324	(also under G1)	SecondSite Property
SP/0091/0355	(also under GBC1)	Countryside Properties
SP/0093/0361	(also under GBC1& GBC3)	McComb
SP/0099/0486	(also under G1)	Geoff Clark & Associates
SP/0099/0488	(also under G1)	Geoff Clark & Associates
SP/0099/0489	(also under GBC1 & G8)	Geoff Clark & Associates
SP/0106/0528	(also under G1)	Mr Gribble
SP/0108/0539	(also under GBC8)	Hallam Land Management
SP/0108/0541	(also under GBC1)	Hallam Land Management
SP/0109/0563	(also under GBC8)	Langtree Property Company Ltd
SP/0109/0566	(also under GBC1)	Langtree Property Company Ltd
SP/0112/0612	(also under G1)	Parkhaven Trust

Objection to Revised Deposit Draft

G1/0119/0709	(also under G1)	Carrwood Homes PLC
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Introduction

6.208 This part of my report responds to those objections, which indicate that a site should be re-allocated for housing, from its current use within the Primarily Industrial Area (policy EDT5), urban greenspace (policy G1) or Green Belt (policy GBC1). Here, I consider the merits of the individual sites for residential development against the sequential approach to site selection advocated in PPG3 and in policy H3. I consider the merits of the sites for their designated purposes in other parts of my report, as cross-referenced against the objection reference number listed above. I have inspected all of these sites from publicly accessible land.

6.209 It is the Council's position that the Plan makes adequate provision for a five-year housing supply, from allocations and commitments within the built-up areas and that consequently, there is no need to allocate any further housing sites. From my conclusions and recommendations concerning policy H3, I

support its view on that matter. Thus, irrespective of the suitability of an individual omission site for housing, I do not recommend that any are allocated as a housing site under part 1 of policy H3, since to do so would result in an over-supply of housing land in relation to the requirement of the RSS.

- 6.210 However, I also conclude that there is a slight shortfall in the potential ten-year housing supply, amounting to around 279 dwellings. In some cases, I have concluded that a site's current designation as urban greenspace is inappropriate and that it is suitable, in principle, for residential purposes. In those cases, I have recommended that the site be re-designated as Primarily Residential Area. Thus, it could potentially be drawn upon as a windfall site, at such time as there may be a shortfall in the housing supply to satisfy the RSS requirement.
- 6.211 However, because of the very high proportion of future development that can take place on brownfield sites (approximately 98% of the supply to meet needs to 2011 and beyond), the Council has, through the introduction of sections 2 and 3 of policy H3, which I mainly support, eliminated the early development of brownfield sites which are not in the most accessible locations. However, if windfall sites in the most accessible locations do not come forward at the anticipated rate, the Council may need to re-assess its very stringent accessibility criteria to enable less, but nevertheless adequately accessible brownfield urban sites, to be developed.
- 6.212 Consistent with my conclusions concerning the Green Belt, which I set out in Chapter 10 of my report, I have not recommended that any land be taken out of the Green Belt for any purpose.
- 6.213 I have generally attempted to arrange my conclusions and recommendations concerning the omission sites by grouping them by settlement area. Within each area, the objection sites are mainly considered in accordance with the sequential approach. Therefore, I consider urban sites before urban extensions in rural areas, and brownfield sites before greenfield sites.

Sites in Maghull and Lydiate

Background

- 6.214 Maghull is primarily a commuter settlement, located in the east of the Borough. It is characterised by modern residential housing and it contains relatively little industrial or commercial development. It is my opinion that the removal of land within this area, from other allocations such as; the single Primarily Industrial Area, from urban greenspace or from the surrounding Green Belt, and its re-allocation for residential use, would not be sustainable, because the related population growth would result in an undesirable increase in commuter movement.
- 6.215 In general terms, it is my opinion that in this part of the Borough, the Green Belt performs the function of preventing Maghull from sprawling into the surrounding settlements of Ormskirk to the north, Kirkby to the south-east, and Aintree/Netherton to the south. It also prevents encroachment into the countryside.

Key Issue

Whether land off Old Racecourse Road should be allocated for housing in part, together with mixed uses on other parts of the site, in order to promote opportunities for environmental improvements.

Inspector's Reasoning and Conclusions

- 6.216 The objection site, which has an area of 2.55 hectares, is located within the built-up part of Maghull and it forms an integral part of the Sefton Lane Industrial Estate. There are dwellings to the south and east. The main access points to the site are from Old Racecourse Road, but there is a secondary access through the industrial estate.
- 6.217 The Sefton Lane Industrial Estate is the only Primarily Industrial Area in Maghull. It has one brownfield site, a former sewage works, available for further industrial development. The Council has approved proposals by a prospective developer, which would enable significant environmental improvements to be carried out, with assistance from the Sefton Village Partnership (CD/0194). I have considered the merits of the objection site as an industrial site in respect of the Objector's related objections EDT5/0017/0064 and SP/0017/0072, in Chapter 5 of my report, where I have concluded that it makes a valuable contribution to the employment land supply in Sefton generally, and in Maghull particularly.
- 6.218 With regards to its merits as a housing site, I acknowledge that the objection site comprises previously developed land within the urban area. However, it is not located in an accessible location, in the Sefton context. It is situated approximately 1 kilometre from a frequent bus route and Maghull town centre. The nearest railway station is a further kilometre away. From the information before me, I do not consider that the number of houses (approximately 77 assuming a development of 30 dph) that could be accommodated on the objection site would be sufficient to warrant the provision of a frequent bus route along Sefton Lane.
- 6.219 Woodend Primary School and Maghull Secondary School are located within 0.5 km of the objection site. However, there are no local shops in the vicinity of the site. Whilst there are employment opportunities on the Sefton Lane Industrial Estate, the range of employment opportunities available locally in Maghull is limited, and most residents commute into Bootle, Liverpool or Knowsley. I consider that the loss of this employment site would exacerbate this situation.
- 6.220 I am not aware of any inability of the existing infrastructure of the area to absorb further development, but there is not apparently a need for further housing in order to support local services and facilities in Maghull. Nor am I aware of any environmental or physical factors that would prevent the residential development of the objection site. Thus, I conclude that, except for its poor accessibility by public transport, the site performs well against the sustainability factors of paragraphs 30 and 31 of PPG3. However, this consideration is greatly outweighed by the need, which I have identified in Chapter 5 of my report, to retain it as an employment site.

6.221 I have taken into account that there is a potential conflict between the current industrial designation of the site and the residential properties on Old Racecourse Lane. However, a possible redevelopment of the site for a use falling within Class B1 of the Use Classes Order would be, by definition, compatible with the location of the objection site adjacent to a residential area. Therefore, it is my overall conclusion that there is no need to re-allocate this site for housing or to designate the rest of the industrial estate as a mixed use area, in order to secure environmental improvements.

RECOMMENDATION

6.222 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference SP/0079/0296 – Land at Melling Lane, Maghull

Key Issue

Whether land at Melling Lane, Maghull should be re-allocated for housing.

Inspector's Reasoning and Conclusions

- 6.223 The objection site comprises 1.23 hectares of open land located within the built up area. The Liverpool – Ormskirk railway forms its western boundary and Maghull station is located on Sefton Road, close to the site entrance. There is a 15 minute rail service to Liverpool and Ormskirk and a half hourly service to Preston via Ormskirk from the station. The station also forms the terminus for a frequent bus service into Maghull town centre. There is a proposal, under policy T3 to provide Park and Ride facilities at the station. Beyond the railway, the objection site is surrounded by housing to the west, south and east. The playing fields of Summerhill Primary School abut its northern boundary.
- 6.224 Local shops are also available on Station Road and Tree View Court, which are less than 200 metres from the site. There are three schools within 500 metres distance, and a further three which are located within a kilometre of the site. I am not aware of any inability of the existing infrastructure to absorb further development or of any physical constraints which would affect its deliverability, but nor is there a need for further development in order to support local services and facilities in the Maghull area.
- 6.225 Maghull Construction Company states that the objection site previously had the benefit of outline planning permission for residential purposes, granted in 1981. However, that permission pre-dates the 1995 adopted UDP, when the site was designated as urban greenspace. Paragraph 40 of PPG3 advises that all applications to renew permissions should be assessed by comparison with available previously developed sites against the criteria in paragraph 31, and in the light of the presumption in paragraph 32 of the PPG.
- 6.226 In my opinion the site's location is highly sustainable. However, it does not comprise previously developed land. I acknowledge that some greenfield sites may perform better, in terms of the sustainability criteria of paragraphs 30 and 31 of PPG3, than some previously developed sites or buildings. But, taking account of the very high proportion of future development that can

take place on brownfield sites in Sefton, I give substantial weight to this consideration.

6.227 Furthermore, the objection site is designated as a Site of Local Biological Interest (SLBI) and as urban greenspace. I consider the merits of the greenspace and nature conservation arguments put forward by the Objector in Chapter 13 of my report. Taking these factors into account, together with a lack of a pressing need to designate greenfield land for housing, in order to meet RSS housing land supply requirements, I conclude that the re-designation of the objection site for housing development would be inappropriate.

RECOMMENDATION

6.228 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference SP/0112/0612 – Land at Deyes Lane/Damfield Lane Maghull

Key Issue

Whether the objection site should be re-designated from urban greenspace to Primarily Residential Area.

Inspector's Reasoning and Conclusions

6.229 The objection site occupies the north-eastern corner of the Parkhaven Trust property at Deyes Lane, Maghull. The Trust notes that Maghull is the only sub-area of the Borough where there are no housing allocations or commitments. It considers that the re-designation of the site from urban greenspace to housing would enable the Plan to meet a perceived housing need in the locality.

6.230 Originally, the Objector sought the allocation of the site for housing, but at the informal hearing session concerning this objection, it was requested by the Trust that the site be re-designated Primarily Residential Area. I have considered and rejected the other element of the objection, that the urban greenspace designation of the site be removed, in Chapter 13 of my report. Having regards to the criteria of paragraphs 30 and 31 of PPG3 and policy H3 of the UDP, my assessment of the suitability of the site for housing is as follows.

6.231 The site is around 0.8 hectare in area and it is surrounded by residential development. It is situated more than 400 metres from a railway station, but a high frequency bus service runs along Deyes Lane. It is, therefore, in a relatively accessible location. I am not aware of any infrastructure, physical or environmental factors that would constrain the development of the land for housing, apart from its urban greenspace designation. But, I am not aware of a need to support new physical and social infrastructure in the area.

6.232 The objection site falls within the extensive curtilage of the Parkhaven Trust site and thus, in accordance with the guidance of Annex C to PPG3 it is defined as being previously developed land. However, for the reasons that I

give in Chapter 13 of my report, at paragraphs 13.149 and 13.150, I consider that the advice of note [2] to Annex C of PPG3, which indicates that it may not be appropriate for the whole area of the curtilage of a site to be built upon, applies to the objection site. Furthermore, I do not consider that residential development of the site would contribute towards the regeneration objectives of the Plan.

- 6.233 I give substantial weight to these considerations, which in my opinion greatly outweigh other favourable attributes of the objection site for residential development.
- 6.234 Consequently, I do not support the Objector's opinion that it should be re-designated as Primarily Residential Area.

RECOMMENDATION

- 6.235 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference NP/0008/0015 - Land adjacent to Turnbridge Road/ Greenbank Avenue, Lydiate

Key Issue

Whether land adjacent to Turnbridge Road/Greenbank Avenue, Lydiate should be allocated for housing.

Inspector's Reasoning and Conclusions

- 6.236 This objection site has an area of 1.18 hectares. It is located to the west of Maghull and is separated from the built up area by Maghull Brook to its south and the Leeds - Liverpool Canal to its east. It is surrounded by open countryside to both its east and west. The site is not situated within the built-up area. Nor, because of its physical separation, do I consider that it constitutes an extension to the urban area. The site is not previously developed land and it is located within the Green Belt. Therefore, its development for housing would not comply with policy H3.
- 6.237 Nevertheless, the objection site is located within a reasonably accessible location, as it is within 200 metres of a frequent bus route, which provides access to Maghull town centre (approximately 1 km distant), and also to the railway station which is about 2.5 km away. The site does not have access to any employment areas by means of transport other than the car, but it is located within approximately 300 metres from the nearest local shopping parade, on Liverpool Road. There are five schools within a 1 km of the site.
- 6.238 I am not aware of any inability of the existing infrastructure of the area to absorb further development, but nor is there a need for further development in the locality, in order to support local services and facilities in the Maghull area. As far as I am aware, the objection site does not suffer from any physical or environmental constraints which would affect its deliverability, except that it is located within the Green Belt.

6.239 My responses to the Green Belt arguments put forward by Mr Yates are contained in Chapter 10 of my report. I also conclude in that section of my report, that it is unnecessary for any Green Belt land to be released, in order for Sefton to make potential provision for a ten-year housing supply to meet RSS requirements. Pending a comprehensive review of the Green Belt, I consider that it would be premature to make significant changes to the Green Belt boundary in the Borough. For this reason, I do not support this objection, which seeks the re-allocation of land adjacent to Turnbridge Road/Greenbank Avenue, Lydiate for housing.

RECOMMENDATION

6.240 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference SP/0077/0294 - Land to the rear of 71 Lambshear Lane, Lydiate

Key Issue

Whether land to rear of 71 Lambshear Lane, Lydiate should be allocated for housing.

Inspector's Reasoning and Conclusions

6.241 The site has an area of 0.35 hectare and lies on the northern side of the settlements of Lydiate/Maghull. It is roughly triangular in shape and comprises part of an area to the rear of two ribbons of housing which lie to the east of Sandy Lane and north of Lambshear Lane. The Green Belt boundary runs along Lambshear Lane.

6.242 The site is not previously developed land. Therefore, its development for housing would not comply with policy H3. However, it is located within a reasonably accessible location, as Lambshear Lane is part of a frequent bus service route, which provides access to Maghull town centre (approximately 2 km distant), and also to the railway station which is over 3.5 kilometres away. The site does not have access to any local employment areas by means of transport other than the car. There are however, two schools located in close proximity, on Lambshear Lane. The site is approximately 500 metres away from the nearest shops and post office.

6.243 I am unaware of any inability of the existing infrastructure of the area to absorb further development, but nor is there a need for further development in order to support local services and facilities in the Maghull area. As far as I am aware, the objection site does not suffer from any physical or environmental constraints which would affect its deliverability. However, it is located within the Green Belt.

6.244 My response to the Green Belt arguments put forward by the Objector are contained in Chapter 10 of my report. I conclude in that section of my report that it is unnecessary for any Green Belt land to be released, in order for Sefton to make potential provision for a ten-year housing supply to meet the RSS requirement. I also conclude that pending a sub-regional review of the

Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough at this time. For this reason, I do not support the objection.

RECOMMENDATION

6.245 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference SP/0040/0149 - Land bounded by Northway, Kenyons Lane, and Liverpool Road, Maghull

Key Issue

Whether land bounded by Northway, Kenyons Lane, and Liverpool Road, Maghull should be allocated for housing.

Inspector's Reasoning and Conclusions

- 6.246 The objection site has an area of 8.40 hectares and lies on the northern side of the settlement of Lydiate/Maghull. It comprises part of an area to the rear of two ribbons of housing which lie to the east of Liverpool Road and north of Kenyons Lane. Northway, which is the A59 trunk road linking Liverpool to Preston via Ormskirk and Maghull, forms the site's eastern boundary. The Green Belt boundary runs along Kenyons Lane.
- 6.247 The site is not previously developed land. Therefore, its development for housing would not comply with policy H3. But, in my opinion, it is located in a reasonably accessible location. A frequent bus service runs close to the south-western corner of the site. This provides access to Maghull town centre (approximately 1.25 km distant), and also to the railway station which is around 2.2 kilometres away. The site does not have access to any employment areas by means of transport other than the car. However, the closest shopping parade, which also contains a post-office, is located approximately 500 metres from the site.
- 6.248 I am unaware of any inability of the existing infrastructure of the area to absorb further development, but there is no need for further development in order to support local services and facilities in the Maghull area. The objection site does not, apparently, suffer from any physical or environmental constraints which would affect its deliverability. However, it is located in the Green Belt.
- 6.249 My response to the Green Belt arguments put forward by the Objector are contained in Chapter 10 of my report. I also conclude in that section of my report that it is unnecessary for any Green Belt land to be released, in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement. Pending a review of the Green Belt, I consider that it would be premature to make significant changes to the Green Belt boundary in the Borough at this time. For this reason, I do not support the objection.

RECOMMENDATION

6.250 I **RECOMMEND no modification** to the UDP in response to this objection.

Objections References: SP/0020/0090, SP/0021/0091, SP/0026/0102, SP/0032/0122, SP/0032/0123, SP/0072/0258, SP/0091/0355, SP/0108/0539, SP/0108/0541, SP/0109/0563 and SP0109/0566 - Land East of Maghull

Key Issues

- (i) Whether there is a need to make a strategic release of development land from the Green Belt in order to meet the longer-term development needs of Sefton.
- (ii) Whether 2.44 hectares of land east of Maghull should be removed from the Green Belt to allow mixed development including housing and employment.
- (iii) Whether the land east of Maghull should be removed from the Green Belt and allocated for housing.
- (iv) Whether the land bounded by the M58, Maghull, School Lane and Poverty Lane is suitable as a strategic development site.

Inspector's Reasoning and Conclusions

6.251 Although these objections do not all cover the same area within the whole site, I consider that similar considerations apply to the whole area, which is agricultural land located in the Green Belt.

6.252 Objection SP/0091/0355 covers the area to the north of Poverty Lane, and relates to a site of 26.15 hectares. Objections SP/0026/0102, SP/0072/0258, SP/0108/0539, SP/0108 /0541, SP/0109/0563, SP/0109/0566 cover an area of 86.56 hectares, whilst objections SP/0020/0090, SP/0021/0091 also include land south of Poverty Lane across Melling Road to the Leeds - Liverpool Canal. This larger site has an area of 94.91 hectares. Objections SP/0032/0122 and SP/0032/0123 refer to the area between Melling Road and the canal, which has an area of 3.32 hectares.

6.253 No part of the objection sites comprises previously developed land. Therefore, their development for housing would not comply with policy H3. I do not consider that taken as a whole, they are similar to the land at Town Lane, Southport, which is allocated under policy H4 to meet possible long term housing needs. This is because I conclude that the Town Lane site is previously developed land, having been previously tipped upon and in need of remediation before it can be developed.

6.254 I consider that the objection site(s) is reasonably accessible, or could be made accessible to public transport. A frequent bus service runs along Foxhouse Lane, and from the railway station. This latter service provides access to Maghull town centre, which is approximately 1.25 km distant, and the railway provides regular access to Liverpool City Centre, Ormskirk and Preston. Furthermore, I consider that the considerable amount of

development that could potentially take place at the objection site(s) would be sufficient to justify the provision of a regular bus service for the area.

- 6.255 There is no need for further development in order to support local services and facilities in the Maghull area. However, it is my opinion that a development of this scale would likely require its own local services and facilities, such as schools. It would possibly also increase pressure for a larger supermarket to support Maghull's increased population, which could not readily be accommodated in the town centre.
- 6.256 Furthermore, when this area was suggested for development, as part of the *Sefton 2000+* process, a need to provide southern slip roads at junction 1 of the M58 motorway was identified. This was estimated to cost approximately £1.5 million. There were also concerns about whether the local road network in Maghull could cope with the additional volume of traffic that would be generated by a development of this significant size.
- 6.257 Thus, although this larger site could be regarded as being a logical extension to the Maghull area, and the motorway could provide a new, robust eastern boundary to the Green Belt, if a substantial amount of additional housing and employment land was needed to serve Sefton's needs in the future, significant transport issues would have to be firstly addressed.
- 6.258 The smaller area to the south of Poverty Lane is located approximately 600 metres from a railway station, with its associated bus connections into Maghull town centre. There is a school on Poverty Lane, but there are no local shops or other services to the east of the railway. On this basis, I consider that development in this location would be only moderately sustainable, unless it was developed as part of the whole site.
- 6.259 As far as I am aware, this smaller objection site does not suffer from any physical constraints that would affect its deliverability. However, it consists entirely of Grade 1 agricultural land, which in addition to its Green Belt status, places a considerable environmental constraint upon its development.
- 6.260 In Chapter 10 of my report I respond to the Green Belt aspects of these objections. There, I conclude that it is unnecessary for any Green Belt land to be released, in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement. Furthermore, that pending a sub-regional review of the Green Belt, I conclude that it would be premature to make significant changes to the Green Belt boundary in the Borough at this time.
- 6.261 In Chapter 5 of my report I conclude that although there is possibly a small qualitative deficiency in provision for a ten-year supply of employment land, this is not sufficient to justify an early release of Green Belt land. I also conclude that allowing any employment development in this area could undermine the regeneration activities taking place in south Sefton, which are seeking to regenerate both the local economy and the failing housing markets. These initiatives are of European, national and regional significance.
- 6.262 I consider that these considerations greatly outweigh the merits of the whole site for housing and employment development. For these reasons, I do not support the objections.

RECOMMENDATION

6.263 I **RECOMMEND no modification** to the UDP in response to these objections.

Sites in Formby

Background

6.264 Formby is an affluent commuter town located near the Sefton coast, between Bootle and Southport. It is characterised by large post-war dwellings and it contains relatively few industrial or commercial areas. The town has a centrally located, thriving retail centre. Other retail activity, including a large out-of-centre supermarket, is concentrated to the east of the Formby-bypass, on the Formby Industrial Estate.

6.265 Formby's population has increased significantly over the past 25 years and this has resulted in a large increase in commuter traffic from the town to Southport to the north, and to Bootle and Liverpool to the south. Although it has two railway stations, which predominantly serve the western half of Formby, I consider that increasing land for housing in the area would inevitably increase commuter flows.

6.266 I consider that the Green Belt surrounding the built-up areas in this part of the Borough has the important function of preventing Formby from sprawling into the surrounding settlements of Hightown to the south, Great Altcar to the east and Ainsdale to the North. It also prevents encroachment into the countryside.

Objection Reference SP/0048/0183 - Land west of Liverpool Road and Objection Reference SP/0048/0184 - Land south of Altcar Lane, Formby

Key Issues

- (i) Whether land west of Liverpool Road, Formby should be allocated as a housing site.
- (ii) Whether land south of Altcar Lane, Formby should be allocated as a housing site.

Inspector's Reasoning and Conclusions

6.267 These sites, which have an area of 0.07 and 0.7 hectare respectively, are located at the south-western corner of Formby. Access to the former site is via an existing access off Liverpool Road, which serves two dwellings, and will serve a further two if an extant permission is implemented. The larger site abuts the southern side of Altcar Lane.

6.268 Both sites comprise greenfield land but neither is in productive agricultural use, although I am not aware of any fundamental reason why this should be. Neither, therefore, comprises previously developed land. Thus, their development for housing would not comply with policy H3.

6.269 I consider that the sites are in a moderately accessible location, in the Sefton context. Formby is not served by a frequent (15 minute) bus service, and both sites are in excess of 1 km from Formby station. However, a regular bus service, which runs every 30 minutes along Liverpool Road, provides

access to the town centre that is approximately 1.25 km distant. The sites do not have access to any local employment areas by means of transport other than the car, apart from the small Mayflower Industrial Estate on Liverpool Road. There is also a small parade of shops on Liverpool Road, which includes a post office. There are no schools in the immediate vicinity of either site, the nearest primary school is situated at Little Altcar, some 800 metres to the east of Liverpool Road.

- 6.270 I am unaware of any inability of the existing infrastructure of the area to absorb further development, but neither is there a need for further development, in order to support local services and facilities in the Formby area. The objection sites do not suffer from any physical or environmental constraints which would affect their deliverability. Overall, I consider that the sites score moderately well in terms of the sustainability criteria of paragraph 31 of PPG3. However, they are located in the Green Belt.
- 6.271 My response to the Green Belt arguments put forward by Mr Storey is contained in Chapter 10 of my report. There, I also conclude that it is unnecessary for any Green Belt land to be released, in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement and that pending a comprehensive review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough.

RECOMMENDATION

- 6.272 **I RECOMMEND no modification to the UDP in response to these objections.**

Objections References: SP/0023/0095, SP/0059/0212 and SP/0059/0215 - Land at Marsh Farm and Raven Meols Farm

Key Issues

Whether land at Marsh Farm/Raven Meols Farm, Formby is suitable and required for housing development to meet a perceived shortfall in the five-year housing land supply.

Inspector's Reasoning and Recommendations

- 6.273 Mr Rimmer and Redrow Homes (Lancs) Ltd argue that land at Marsh Farm and Raven Meols Farm, to the south of Formby is surrounded on three sides by existing residential development, that it does not fulfil any important Green Belt function, nor is it necessary to include it within the Coastal Planning Zone. In their opinion, the objection site should be allocated for residential development, to meet their perceived shortfall in the five-year housing land supply for Sefton. I consider the contribution of the site to the Green Belt and the Coastal Planning Zone in detail, in the relevant Chapters of my report.
- 6.274 The site has an area of 11.2 hectares and is situated in the south-western part of Formby. It is not previously developed land. It is in agricultural use.

Therefore, its development for housing would not comply with policy H3. The site is located in one of the least accessible parts of Formby, with none of it being within 200 metres of a regular bus service. The nearest part of the site is over 500 metres away from Formby station. There are no local shops, and the site is over 1 km from Formby centre. The site is more than 3 km from the Formby Industrial Estate. There is, however, a primary school 300 metres north of the objection site, and a secondary school close to the site's south-western corner. Nevertheless, I consider that it performs poorly when assessed against the accessibility criteria of the Plan and PPG3.

- 6.275 As far as I am aware, the existing infrastructure of the area has the ability to absorb further development, but there is no need for further development in order to support local services and facilities in the Formby area. The objection site does not suffer from any physical constraints which would affect its deliverability.
- 6.276 However, it is located within the Green Belt and in the Coastal Planning Zone. I have concluded elsewhere in my report that these are appropriate designations for the site. I also conclude in Chapter 10 of my report that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement and that pending a sub-regional review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough at this time. For all of these reasons, I do not support the objections.

RECOMMENDATION

- 6.277 **I RECOMMEND no modification to the UDP in response to these objections.**

Objection Reference SP/0049/0185 – Land between the Formby By-Pass and Old Southport Road

Key Issue

Whether land at Southport Old Road, Formby should be designated as Primarily Residential Area.

Inspector's Reasoning and Conclusions

- 6.278 This objection site, which is in active agricultural use, has an area of 7.2 hectares. It is located to the east of the Formby by-pass, which effectively forms the eastern boundary of the settlement of Formby, and which in my opinion, is a robust Green Belt boundary.
- 6.279 The site does not comprise previously developed land; therefore, its development for housing would not comply with policy H3. In the Sefton context, it is moderately well served by public transport, having a regular bus route that runs along the site's western boundary, the Formby by-pass, which provides access to Southport, Formby centre (approximately 1.5 km's away) and local shops and schools. The two railway stations are located over 1.5 and 2.5 km away. But it is my opinion that the Formby by-pass would

present a significant barrier to pedestrian movement westwards to those facilities.

6.280 I am unaware of any inability of the existing infrastructure of the area to absorb further development, but there is no need for further development to support local services and facilities in the Formby area. The objection site does not suffer from any physical constraints which would affect its deliverability. However, it is located in the Green Belt.

6.281 My response to the Green Belt arguments put forward by the Objector is contained in Chapter 10 of my report. I also conclude in that section of my report that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement, and that pending a comprehensive review of the Green Belt it would be premature to make significant changes to the Green Belt boundary in the Borough at this time.

RECOMMENDATION

6.282 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference SP/0093/0361 – The Powerhouse, Hoggs Hill Lane, Formby.

Key Issue

Whether the Powerhouse site and the adjacent field to the north-east should be allocated for housing.

Inspector's reasoning and Conclusions

6.283 The objection site comprises the original Powerhouse site of approximately 5.2 hectares and an adjacent parcel of land fronting Hoggs Hill Lane, which has an area of about 2.0 hectares. The Powerhouse site contains very large buildings that are over 19 metres tall and which cover almost a third of the site area. In my opinion, the site and curtilage of the Powerhouse building fall within the definition of previously developed land. But, the adjoining paddock is a greenfield site that lies within the Tidal Floodplain. The justification given by the Objector for including this smaller parcel of land in the objection site is to, 'bring the area for development closer to the Lane and to leave land alongside the river as landscaped open space.'

6.284 From all of the evidence submitted to this Inquiry, I am satisfied that the Plan makes adequate provision for a five-year housing supply. Consequently, there is no need to allocate any additional sites for this purpose. The objection site is not located within an Urban Priority Area, where in order to assist the key urban regeneration objective of the Plan, development is given priority. Nor is it located in an urban area. I have no reason to think that the objection site would score significantly better than any of the allocated sites in terms of the sustainability criteria of the Plan, or as set out in PPG3. Thus,

in terms of the sequential test, I do not consider that the site is appropriate for allocation for housing development.

- 6.285 Nor do I consider that the site scores particularly well when assessed against the other sustainability criteria of UDP policy H3 and PPG3. I do not consider that the land is situated in an accessible location in the Sefton context. It is more than 200 metres from a frequent bus route and more than 400 metres from a railway station. Nor is it conveniently accessible to shops, schools or employment. I have no reason to think that the local infrastructure is insufficient to cope with residential development at the site, but nor is it suggested that development would promote local services. Part of the site falls within the Tidal Floodplain, and so is unsuitable for housing. Furthermore, I conclude in Chapter 10 of my report that the whole site serves important Green Belt purposes.
- 6.286 Consequently, my overall conclusion is that it would not be appropriate to designate the objection site as Primarily Residential Area. In reaching this conclusion I have taken into account that the Powerhouse building could be converted under the provisions of policy GBC3, as proposed to be modified by NAC/10/A, to up to 100 flats. The Council supports the principles of the conversion or the redevelopment of the Powerhouse building for residential purposes. I do not disagree, because in my opinion, such development could be exceptionally justified by environmental benefits that could thereby be gained. However, I do not consider that this argument could be used to potentially justify development over the whole of the objection site.
- 6.287 For all of these reasons I do not support this element of the objection. I consider associated parts of the objection in Chapter 10 of my report under GBC1 and GBC3.

RECOMMENDATION

- 6.288 **I RECOMMEND no modification to the UDP in response to this objection.**

Sites in Southport

Background

- 6.289 Southport is located in the north of the Borough on the Sefton coast. It is primarily a resort town with much of its employment linked to its tourist function. It also has important areas of commercial and industrial employment. The town has good transport links with Liverpool and Manchester and is served by many frequent bus routes.
- 6.290 Policy SD1 of the RSS identifies Southport as being a town *within the other parts of Greater Manchester and Merseyside...[where] priority will be given to development, complementary to the regeneration of the [regional poles], which will also enhance the overall quality of life within metropolitan towns ... where there are concentrations of social, economic and environmental problems.*
- 6.291 Although no longer in receipt of SRB funding, Central Southport is within an area which is eligible for Neighbourhood Renewal Funding. I support the Council's view that further investment in this area is required, in order to

ensure that the housing market here does not collapse. I consider that it is an area where further housing would aid regeneration.

Objections References: SP/0064/0227 and SP/0064/0228 – St Thomas Moore Centre, Liverpool Road, Birkdale

Key Issue

Whether part of the site at St Thomas Moore Centre, Liverpool Road, Birkdale, should be re-designated for housing development, whilst the western-most part of the site retains its designation as urban greenspace.

Inspector's Reasoning and Conclusions

- 6.292 The site of the St Thomas Moore Centre comprises around 4.1 hectares of land, which is currently designated as urban greenspace in the 1995 adopted UDP and is intended to remain so designated in this emerging UDP. I saw that the objection site exhibits two completely different characteristics, with its eastern part, nearest the Liverpool Road being built up, whereas the western half is open, comprising a former playing field. There is an open, tree covered area to the front of the site and a line of trees within the open field. Together with others at the site, these trees are covered by a Tree Preservation Order (TPO). The site is adjoined by residential properties on three sides. The cemetery adjoins to the west. Beyond the single row of housing which fronts Liverpool Road lies another cemetery and Birkdale High School, which are located in the Green Belt.
- 6.293 There is an extant planning permission for a children's home on the western part of the site, for which planning permission was renewed in December 2001, the original permission having been granted on appeal in 1995. However, the Objector has indicated that this home is probably no longer required.
- 6.294 In addition, outline planning permission was granted in 2004, with all matters reserved for future approval, for the erection of a two-storey residential home (a replacement for Crosby House) and associated accommodation comprising a pair of semi-detached houses, 41 residential units comprising 18 flats and 23 detached dwellings, and the provision of public open space on the eastern part of the site. However, the Council states that had this application been submitted after the imposition of the housing restraint mechanism, the proposed development would not have been granted permission, because in its opinion, it does not meet the requirements of policy H3.
- 6.295 Nevertheless, the permission is extant and it presumably counts towards the commitments that contribute towards Sefton's five-year housing land supply. Furthermore, I consider that the conversion of the existing buildings on the site, to residential use, would be acceptable in principle, under the provisions of part 2 of policy H3.
- 6.296 Westbury Homes Ltd NW Region and Nugent Care Society point out the majority of buildings on the site are now redundant, apart from Margaret Roper House (nursing home for the elderly) and Crosby House (rehabilitation facility for people recovering from mental illness). They argue that as a substantial part of the site is brownfield and the location of the site is within

a residential area, it would be entirely consistent with government policy to make best use of this previously developed land within the urban area. They consider that the brownfield part of the site should be re-designated as housing land.

- 6.297 It is my view that the entire site falls within the curtilage of the St Thomas Moore Centre. The eastern part of the site, upon which the buildings stand clearly comprises previously developed land. However, in accordance with the advice of paragraph 14 of PPG17, I consider that the part of the site that has been used as a playing field should not be regarded as previously developed land, as defined in Annex C of PPG3. I assess the value of the site as urban greenspace in Chapter 13 and conclude that only this part of the objection site, which includes the playing field, should be retained for that purpose.
- 6.298 I consider that the site is well served by public transport, as a frequent bus service runs along Heathfield Road. It is approximately 1.5 km from Ainsdale station, from where there is a frequent train service to Liverpool and the centre of Southport. It is close to a local primary school, and there are local shops and a post office nearby. Also, it is only about 0.6 km from the edge of Ainsdale centre. I am not aware of any inability of the infrastructure in the area to absorb further development, but there is no need for further development to sustain local services and facilities. Nor is the site affected by any physical or environmental constraints which would affect its development, except for it being designated as urban greenspace.
- 6.299 I conclude that the site performs well against the sustainability criteria of paragraphs 30 and 31 of PPG3. Given that the existing buildings on the site could, in principle, be converted to residential under the provisions of policy H3, and as a matter of fact, the western part of the site has the benefit of extant planning permissions for two different forms of residential development, I also conclude that the western part of the site has insignificant actual or potential urban greenspace value.
- 6.300 Taking all of these factors into account I conclude that it would be more appropriate to re-designate the entire site as a Primarily Residential Area. The provisions of PPG17 could preserve the playing field area as open space. The Tree Preservation Order would ensure that the mature trees growing on the site were retained and, together with the requirements of policy DQ3, the development control procedure could ensure that a meaningful area of open space was provided on the eastern part of the site. That area could possibly qualify as being urban greenspace in the future. By re-designating the site as Primarily Residential Area, I anticipate that the site would either be redeveloped as currently permitted, or else it would come forward as a windfall site, at the appropriate time.

RECOMMENDATION

- 6.301 **I RECOMMEND that the UDP be modified by re-designating land at St Thomas Moore Centre, Liverpool Road, Birkdale as Primarily Residential Area.**

Objection Reference SP/0034/127 – Land at Scarisbrick New Road, Southport

Key Issue

Whether land at Southport Infirmary, Scarisbrick New Road, Southport should be allocated for housing.

Inspector's Reasoning and Conclusions

6.302 This site was allocated as a housing site, Site H3.D in the RDD under policy H3 and on the Proposals Map, by PC references PC 6.15 and PC 6.16. The objection was conditionally withdrawn as a result of this allocation, which I have no reason to oppose.

RECOMMENDATION

6.303 I **RECOMMEND no modification to the UDP in response to this objection.**

Objections References: SP/0059/0216 and SP/0059/0217 - Land south of Moss Lane, Southport

Key Issue

Whether land at Moss Lane, Southport should be allocated for residential development.

Inspector's Reasoning and Conclusions

6.304 The objection site is a triangular piece of open, greenfield land with an area of about 41.6 hectares. It comprises farmland and a golf course, situated on the eastern edge of Southport. It abuts a residential area to the west, and the Crowland Street Industrial Estate lies to its south-west. The site is located in the Green Belt, which extends northerly towards the suburb of Churchtown, and to the east into West Lancashire. The western section of the objection site is designated as a Site of Local Biological Interest (SLBI).

6.305 I do not consider that the site is in an accessible location for public transport, since none of it is situated within 200 metres of a frequent bus route, or within 400 metres of a railway station. However, there is a primary school located adjacent to the site's western boundary. The Churchtown local centre is approximately 0.5 km away and the Crowland Street Industrial Estate is adjacent to the site's south-western corner, which provides some local employment opportunities.

6.306 I am not aware of any inability of the infrastructure in the area to absorb further development, nor of any need for further development to sustain local services and facilities. However, the site suffers from a number of physical and environmental constraints which, in my opinion, adversely affect its suitability for development.

6.307 In addition to its Green Belt location, the site is located in an area which is identified as being at risk of fluvial flooding. Also, part of the site comprises the best and most versatile agricultural land, which PPS7 recommends should be protected as a national resource, in accordance with the principles of sustainable development. Furthermore, the western half of the objection

site is designated as a SLBI under policy NC1. No objection has been lodged against this designation of the site.

6.308 Consequently, I conclude that the objection site is unsuitable for development, either for housing, or as part of a mixed development which would also include some employment provision.

RECOMMENDATION

6.309 I **RECOMMEND no modification to the UDP in response to these objections.**

Objection Reference SP/0006/0007 – Land East of Sandy Brook, Moor Lane, Ainsdale

Key Issue

Whether land east of Sandy Brook, Moor Lane Ainsdale should be allocated for housing.

Inspector's Reasoning and Conclusions

6.310 The objection site is located at the southern tip of the Ainsdale/Southport built-up area. It consists of an irregular shaped area of land located on the eastern bank of the Sandy Brook. It has an area of just less than 0.5 hectare. It surrounds a residential property known as 'the Kennels'. The land has a significant amount of tree cover, which makes it distinct from the agricultural land to its immediate north. A static caravan site is situated to the east of the site, which is located in the Green Belt. The objection site is surrounded on three sides by the Green Belt, with only the land on the western bank of the brook designated as part of the Primarily Residential Area.

6.311 The site has previously had the benefit of planning permission for the replacement of two bungalows with a bungalow and a detached house, which was approved by West Lancashire District Council (in whose jurisdiction the site was at that time) in 1992. This permission has expired and the bungalows have been demolished. Although the site was previously developed, an aerial photograph of the site contained in SMBC/108 Appendix 14 shows that it has naturally regenerated. Therefore, in my opinion, it no longer comprises previously developed land.

6.312 Furthermore, the site is not in an accessible location, as it is not situated within either within 200 metres of a frequent bus route or within 400 metres of a railway station. There are no shops or other local facilities in the immediate vicinity, nor is it located near to any local employment sources. In addition, the site is within an area which is identified as being at risk of fluvial flooding.

6.313 Therefore, I conclude that the site should not be allocated for housing, as it is would perform badly against the criteria of paragraphs 30 and 31 of PPG3. Nor would development at the site assist urban regeneration, which is an over-riding aim of the Plan. Furthermore, the objection site is situated in the Green Belt.

6.314 My response to the Green Belt arguments put forward by the Objector is contained in Chapter 10 of my report. There, I conclude that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement, and that pending a comprehensive review of the Green Belt it would be premature to make significant changes to the Green Belt boundary in the Borough at this time.

6.315 For all of these reasons, I do not support the objection.

RECOMMENDATION

6.316 **I RECOMMEND no modification to the UDP in response to this objection.**

Sites in Crosby/Waterloo/Thornton

Background

6.317 The settlements of Crosby, Waterloo and Thornton make up the largest built-up area in the central area of Sefton, between Southport and Bootle. The north of the area is bounded by Green Belt and it is separated from Bootle by the Rimrose Valley Country Park. These settlements contain a mixture of large Regency, Victorian and Edwardian housing and more recent semi-detached housing. Crosby and Thornton both contain some limited industrial and commercial employment, but as a result of the transport corridors which run between Liverpool and Southport, and their frequent bus and rail services, they have both increasingly become commuter settlements, providing employees for businesses in Bootle and Liverpool.

6.318 The Waterloo area falls within the auspices of several urban priority and regeneration programmes, including the Neighbourhood Renewal Fund, the Housing Market Renewal Pathfinder Initiative and the Single Regeneration Budget (SRB6). Church ward is within the 25% most deprived wards in the country. However, the rest of the area does not exhibit such problems. Parts of Crosby, especially Blundellsands and Moor Park are extremely affluent areas.

Objection Reference: SP/0062/0222 – Land at Moor Lane, Crosby

Key Issue

Whether land at Moor Lane Crosby should be allocated as a housing site.

Inspector's Reasoning and Conclusions

6.319 This objection site is located to the north-east of Crosby. It comprises the southern section of a school playing field and the Liverpool Ramblers AFC's recreation facilities, which include 5 tennis courts and a pavilion. The majority of the approximately 2.94 hectares site is greenfield, open and similar in appearance to the remainder of the school site, which is not the subject of the objection. The Green Belt abuts the site's northern boundary,

and residential properties adjoin its south-western and south-eastern boundaries.

6.320 The objection site is accessibly located for access to public transport, as a frequent bus route runs along its south-eastern boundary to Crosby centre, approximately 1 km away, and to Bootle and Liverpool. They also pass within 250 metres of Crosby railway station. There is a parade of shops located about 300 metres from the site, and it abuts the grounds of the Holy Family RC High School. I am not aware of any inability of the infrastructure in the area to absorb further development, but nor is there a need for further development to sustain local services and facilities.

6.321 However, the site is designated as urban greenspace which is, apparently, in active recreation use. I comment in greater detail about this use and all of the greenspace benefits of the site in Chapter 13 of my report. Notwithstanding the Objector's suggestion that alternate provision could be made to replace these facilities within the Green Belt, I do not consider that it is appropriate to recommend the development of this greenfield site when there is no pressing housing need to develop greenfield land in Sefton. Nor in my opinion, would residential development of the site assist urban regeneration. For all of these reasons, I do not support the objection.

RECOMMENDATION

6.322 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference SP/0013/0257 – Land at Hall Road West, Crosby

Key Issue

Whether land at Hall Road Depot, Crosby should be designated Primarily Residential Area.

Inspector's Reasoning and Conclusions

6.323 The objection site comprises a strip of land adjacent to the railway line immediately to the west of Hall Road Station. It is the site of a former Light Maintenance Depot and is around 1.1 hectares in area. It contains substantial buildings that have a cumulative floor space in excess of 2,000 square metres, and which have been redundant since 1997. The site is extensively fenced to prevent trespass and vandalism. The Green Belt boundary cuts through the site and one of the buildings, leaving the majority within the Green Belt, but with a small southern section within a Primarily Residential Area. The area to the south of the site is residential in nature. The adjoining Green Belt land contains a small group of house at the northern boundary of the site and a golf course to the west.

6.324 It is the opinion of the Objector that the Green Belt boundary, which cuts through the site, is illogical at this point. Therefore, Network Rail considers that this disused railway maintenance depot should be removed from the Green Belt and that the site would be more appropriately designated as a residential area. I turn now to consider that proposition in the light of local and national policy.

- 6.325 The site is brownfield in nature, but it is not located within an Urban Priority Area. Thus, sequentially it would not perform well in terms of the general regeneration objective of the Plan and policy H3. There are no facilities, such as shops or a primary school nearby, the closest being about 1km distant. The site is adjacent a railway station from which frequent services to Liverpool and Southport can be accessed, but it is about 1.5 km from the nearest frequent bus route. Thus, it is situated in an only moderately sustainable location within the Sefton context.
- 6.326 I have no reason to think that the development of the site would be constrained by infrastructure or any other physical constraints, but nor would the resulting small number of additional residents that could be housed at the site support the provision of additional local services.
- 6.327 My detailed response to the Green Belt arguments put forward by Network Rail is contained in Chapter 10 of my report. There I conclude that there are no exceptional circumstances in this case that justify a change to the Green Belt boundary in the vicinity. I also conclude in that section of my report, that it is unnecessary for any Green Belt land to be used in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement. Furthermore, that pending a sub-regional review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough at this time. Thus, the Green Belt designation of the site poses a significant environmental constraint to the possible residential development of the site.
- 6.328 I conclude that the objection site performs only moderately well against the criteria of PPG3 and that it would be inappropriate to re-designate it as Primarily Residential Area. Thus, I do not support this objection.

RECOMMENDATION

- 6.329 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference SP/0012/0054 – 71/73 Southport Road, Thornton

Key Issue

Whether land at 71-73 Southport Road, Thornton should be designated as Primarily Residential Area.

Inspector's Reasoning and Conclusions

- 6.330 The objection site comprises a small piece of greenfield land, around 0.21 hectare in extent, which is situated in the Green Belt, to the north-east of Thornton. In my opinion, the nature of the site is distinctive from both the agricultural land to the north and the residential areas to the south and west. The objection site comprises maintained grassland with shrubs and trees around its periphery, but in my view, it does not have an urban character in the same way as the neighbouring Primarily Residential Areas to the south and west.
- 6.331 I consider that it is located in a reasonably accessible location, as it is within 200 metres of a frequent bus route, which runs to Crosby centre,

approximately 2 kms away, and to Bootle and Liverpool, and which passes within 250m of Crosby railway station. There is a parade of shops located approximately 300 metres from the site and there are a number of primary and secondary schools in the Thornton area. The objection site is, therefore, well located in relation to local facilities. I am unaware of any inability of the infrastructure in the area to absorb further development, nor of any need for further development to sustain local services and facilities. The site is not affected by any physical constraints which would affect its suitability for development.

- 6.332 I consider that except for its greenfield nature it performs well against the criteria of paragraphs 30 and 31 of PPG3. However, I do not consider that its development would assist urban regeneration of the nearby priority areas of Bootle, Litherland and Netherton. Furthermore, it is located within the Green Belt.
- 6.333 My response to the Green Belt arguments put forward by Mr Crook is contained in Chapter 10 of my report, where I also conclude that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing supply, to meet the RSS requirement. I further conclude that pending a comprehensive review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough at this time.

RECOMMENDATION

- 6.334 **I RECOMMEND no modification to the UDP in response to this objection.**

Sites in Bootle / Litherland / Netherton

Background

- 6.335 Bootle and Litherland are situated in the south of the Borough and form the older urban core of Sefton. Traditionally, employment in the area was based around the port and manufacturing, and there is an abundance of industrial sites located throughout the area. More recently, there has been a growth in office-based employment, particularly located in Bootle, and to a lesser degree in Netherton.
- 6.336 Bootle and much of Litherland are characterised by late Victorian and Edwardian terraced housing, set in a grid pattern, large areas of which are deemed to be unsuitable for modern living through their size and the lack of choice because of the limited variety of housing types and the swathes of identical housing. The area suffers from a poor image, a weak housing market and has many of the social problems associated with inner urban areas. To help tackle these issues, part of the area has been designated as a Pathfinder Area under the Housing Market Renewal Initiative. This will include large scale clearance of much of the poorer and most unpopular housing stock.
- 6.337 Netherton lies to the north and east of Bootle and Litherland and was a post-war overspill estate for Liverpool and Bootle. It is characterised by lower

density, council housing and is bounded on its northern and eastern boundaries by the Green Belt.

Objection Reference SP/0086/0323 - Land between Kingfisher Business Park and Marsh Lane on the canal side of Hawthorne Road.

Key Issue

Whether land between Kingfisher Business Park and Marsh Lane on the canal-side of Hawthorne Road should be re-allocated for housing development

Inspector's Reasoning and Conclusions

6.338 The objection site covers 14.4 hectares and consists of a mixture of operational and redundant industrial land located between Hawthorne Road (A5090) and the Leeds-Liverpool canal. The site is within the Klondyke neighbourhood of the South Sefton Housing Market Renewal Area, where significant re-structuring and re-development is proposed.

6.339 At the RDD stage of the Plan, two parts of this site, EDT6.6 and EDT6.7, were re-allocated as Housing and Employment Opportunity Sites under policies EDT17 and H5, by PC references PC 5.20 and PC 6.25. In addition, a new policy H7A - Mixed Development Sites Incorporating Housing, was introduced. As a result, these changes permit residential use of the site. I consider that these changes meet this objection, upon which basis it has been conditionally withdrawn.

RECOMMENDATION

6.340 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference SP/0065/0231 – Land at Harris Drive, Orrell

Key Issue

Whether land at Harris Drive, Orrell should be re-allocated as a housing or housing opportunity site.

Inspector's Reasoning and Conclusions

6.341 The objection site comprises a long thin strip of land some 4.7 hectares in area, which runs along the southern edge of a disused railway. It is intended to restore this route, which is protected under policies T4 and T6. Planning permission was granted in 2001, on appeal, for the reclamation of the former railway cutting by the deposit of inert waste, but as far as I am aware, this permission has not been implemented. Approximately 1.9 hectares of the site is in use as allotments and the whole of the site is designated as urban greenspace. Residential properties adjoin the site to the north and south. A sketch plan submitted as part of the objection suggests the re-provision of the allotments and the creation of a new park adjacent to the former railway line.

6.342 I consider the justification for the designation of the site as urban greenspace in Chapter 13 of my report. I have considered related objections

H1/0065/0230 and H5/0065/0232 elsewhere in this Chapter of my report. Here I consider the merits of the site for residential development.

- 6.343 Annex C of PPG3 excludes allotments from the definition of previously developed land, but I consider that the remainder may be so defined. Most of the site is within 200m of a frequent bus route. The restoration of the North Mersey Line for passenger traffic would further increase its accessibility, as there is a proposal to site a new station approximately 1 km to the east. It is close to local shops and services and there are several primary schools nearby. The site is also opposite the Bridle Road Industrial Estate, where there are employment opportunities. Therefore, I consider that the objection site is in a sustainable location.
- 6.344 In addition to the remediation of the site from contamination, as much of it is in a railway cutting, it would need to be filled to bring it up to the surrounding ground level. In addition, although the Objector proposes to retain a green buffer between the proposed housing area and the former railway line, if this were reinstated for freight transport in accordance with Policy T6, it would undoubtedly have an adverse environmental impact on any housing built on this site. However, I do not consider that these matters would be insurmountable constraints to residential development at the site.
- 6.345 However, I have concluded that the UDP identifies ample land to provide the first five-year housing supply to meet the RSS requirement, through allocations and commitments. It would, therefore, be contrary to the advice of Paragraph 30 of PPG3 to allocate any more sites for housing purposes. Furthermore, I conclude in Chapter 13 of my report that the urban greenspace designation of the site is entirely justified and that it should be retained. In my opinion, the urban greenspace benefits of the objection site greatly outweigh its merits as a possible housing site. Consequently, I further conclude that it would be inappropriate to re-designate the objection site for housing purposes. Thus, I do not support the objection.

RECOMMENDATION

- 6.346 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference SP/0087/0324 – Linacre Lane Gas Works, Litherland Road, Bootle

Key Issue

Whether the objection site should be allocated as a Housing Opportunity Site, H5.3 and as an Employment Opportunity Site, EDT17.3.

Inspector's Reasoning and Conclusions

- 6.347 Second Site Property argue that the objection site at Linacre Lane Gas Works, which is allocated as urban greenspace in the UDP, was actively used when the gas works was in operation and that it is, therefore, previously developed land, as defined in Annex C of PPG3. I do not disagree. The Objector acknowledges that the site may have had some limited value for recreation by company employees, but it is now disused. Also, due to contamination of the ground, arising from the materials and processes

involved in making town gas from coal, extensive remediation and associated engineering operations will be needed to enable the wider area to be redeveloped. In the Objector's view, the remediation strategy will inevitably affect the objection site.

- 6.348 The Objector further points out that the area is private land and is not open, or generally visible to the public. In their opinion, its preservation as urban greenspace will substantially reduce the area of the whole site that can be beneficially redeveloped for Classes B1, B2 and B8 uses, and for housing. Consequently, they suggest that the urban greenspace designation should be deleted and that the whole site should be allocated as an Employment/Housing Opportunity Site, EDT17.3 and H5.3. They consider that open space considerations can be dealt with under the general policies of the UDP.
- 6.349 I consider the justification for the urban greenspace designation of the site in Chapter 13 of my report. Given the previous use of the objection site, I consider it to be suitable in principle, for employment uses. I turn now to consider the suitability of the objection site for housing.
- 6.350 It is around 1.44 hectares in area. It forms much of the canal-side boundary of the gas works site and it is contained within a larger Opportunity Site, which is itself located within a much larger industrial area that is surrounded by high density terraced housing. The objection site is situated less than half a kilometre from the Bootle Strand shopping centre and it is within convenient walking distances of a railway station and frequent bus routes. The site is adjacent to the Klondyke priority neighbourhood in the HMRI Pathfinder Area. I consider that the site performs well, when assessed against the criteria of paragraphs 30 and 31 of PPG3, and policy H3 of the UDP.
- 6.351 When deciding if to allocate the wider site as an Opportunity Site under Policies H5 and EDT17, the Council was mindful of a number of factors. Although discussions had taken place with the Objector about the potential redevelopment of the wider site for housing, there seemed to be uncertainty about when it would be available for redevelopment, and also whether the site would be too severely contaminated to enable it to be redeveloped for housing.
- 6.352 In addition the Council is committed to the economic, social and environmental regeneration of the Leeds - Liverpool Canal. Policy G4 of the Plan aims to achieve this by opening up the canal to exploit its amenity benefits. Specifically, criterion (vi) of policy G4 requires, amongst other considerations, that development adjacent to or on land adjoining the Leeds - Liverpool Canal should protect and enhance its nature conservation and recreation values. This factor, combined with a perceived shortage of open space in the area, led the Council to designate the objection site as urban greenspace.
- 6.353 For the reasons which I give in Chapter 13 of my report, I endorse that designation. Consequently, whilst I consider that the objection site is suitable, in principle, for employment or housing uses, I conclude that on balance those considerations do not outweigh the justification for designating the site as urban greenspace. Consequently, I do not support this objection.

RECOMMENDATION

6.354 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection References: SP/0024/0096 and SP/0024/97 – Hugh Baird College Site at Church Road, Litherland

Key Issue

Whether land at the Hugh Baird College Site at Church Road, Litherland should be allocated as a housing site.

Inspector's Reasoning and Conclusions

- 6.355 The objection site is designated as an urban greenspace in the RDD. The Objector disagrees with this designation because they consider that the designation excludes the potential for housing of this brownfield site (in their opinion), which is situated within an urban area. The Objector considers that allocation of the site for housing would ensure that sufficient land is available, in sustainable locations, to meet Sefton's housing needs.
- 6.356 I consider the Council's justification for designating the objection site as urban greenspace in Chapter 13 of my report. Here, I consider if it would be appropriate to alternatively allocate the site for housing, in the light of local, regional and national planning policy guidance.
- 6.357 The site is approximately rectangular in shape and it fronts the A5036 Church Road at Litherland. It contained the college building, areas of hard standing and playing fields. It is surrounded by residential development. However, the college building was destroyed by fire and vandalism and the site was subsequently cleared in 1998. The use of the playing fields ceased prior to this date. In my opinion, whilst the whole of the objection site comprised the curtilage of the College, it should not be interpreted as being previously developed land, in its entirety. Both PPG3 and PPG17 indicate that recreation grounds and similar recreational facilities should not be regarded as being previously developed land.
- 6.358 An up-to-date, comprehensive and robust assessment of recreational/open space needs and provision in Sefton has not been completed, in accordance with the guidance of PPG17, by either party. Thus, in the absence of conclusive evidence that the former playing fields are surplus to requirements, I consider that they should be considered as being greenfield, albeit that they were situated within the curtilage of previously developed land.
- 6.359 The site is conveniently situated for access to shops, schools, employment, health and leisure facilities, but it is not located within 200 metres of a frequent bus route, which is an accessibility criterion in the Sefton context. Nevertheless, I consider that the objection site is in a reasonably sustainable location, within an urban area. I am not aware of any infrastructure, physical or environmental constraints, apart from its urban greenspace designation and the former playing field use, which would prevent it from being developed for residential purposes.

- 6.360 My overall assessment is that the previously built-upon part of the site performs well against the site selection criteria of PPG3 and policy H3. The remainder of the site performs less well, but this could change if the Recreation and Open Space Study that is currently being carried out by the Council indicates that the site is not required for playing field provision. I consider that, although not within the HMRI Pathfinder Area, it is quite well related to the Klondyke Neighbourhood and it occupies a key site within the Dunnings Bridge Road Corridor. In my opinion, sensitive residential development of at least part of the site would promote the regeneration aspirations of the Plan to a greater degree than the preservation of the entire site as an urban greenspace.
- 6.361 I note from exchanges of correspondence between the Council and the College that the possibility of providing residential development on part of the site has been mooted. However, the knotty question that remains between the parties is how much of the site should be made available for housing development. In my opinion, the answer to that question lies in an objective appraisal of the findings of the Recreation and Open Space Study that is currently being carried out by the Council.
- 6.362 I am convinced by the evidence before me that the Plan identifies sufficient land to provide a five-year housing land supply, to satisfy the requirements of the RSS. I am also satisfied that adequate sites have been identified for off-site replacement of dwellings to be demolished in the Klondyke area. Consequently, I consider that there is inadequate justification for allocating the site as a whole or in part, for housing.
- 6.363 However, I have concluded previously in this Chapter of my report that there is likely to be a slight shortfall in the identification of a potential ten-year housing supply, based on current requirements. In these circumstances, it is my conclusion that the site should be re-designated as Primarily Residential Area. This would enable it to come forward as a windfall site, in due course, when it became sequentially preferable. National guidance would safeguard the former fields until such time as a pragmatic decision, informed by the findings of the Recreation and Open Space Study, may be made regarding their future use.

RECOMMENDATION

- 6.364 **I RECOMMEND that the UDP be modified by re-designating land at the Hugh Baird College Site, Church Road, Litherland as Primarily Residential Area.**

Sites in Aintree

Background

- 6.365 Aintree is located at the eastern side of the Bootle/Litherland settlement, close to the southern part of Maghull. Most of the housing in the area comprises post-war detached and semi-detached type dwellings. Although there have traditionally been a number of retail uses along the A59 Ormskirk Road, which have been largely replaced by modern retail parks, Aintree functions primarily as a commuter settlement. It is surrounded to the north,

east and south by land in the Green Belt, which is less than one kilometre wide in this area, and which separates Aintree from the nearby settlements of Fazakerley, Waddicar and Kirby. Aintree Racecourse lies immediately to the south of Aintree Village.

Objections References: SP/0032/0114, SP/0032/0115 and SP/0032/0124
– Land at Wango Lane, Aintree
Objection Reference SP/0072/0263 – Mill Farm/Bull Bridge Lane, Aintree

Key Issues

- (i) Whether the land at Wango Lane, Aintree should be allocated for housing development.
- (ii) Whether the Plan should allocate land for housing in the Aintree area, and if so, whether the land at Mill Farm/Bull Bridge Lane should be allocated for housing.

Inspector's Reasoning and Conclusions

- 6.366 These objection sites lie to the north and east of Aintree Village and comprise areas of land of around 1.77 hectares and just over 5 hectares respectively. The Leeds - Liverpool Canal lies immediately to their east and the River Alt to their north. They comprise greenfield, rough grassland, which is overgrown and unkempt. However, as paragraph 1.7 of PPG2 indicates, the quality of the landscape is not relevant to the inclusion of land within a Green Belt, or to its continued protection. Therefore, just because land may be in a poor and unattractive condition, this factor alone, does not justify its removal from the Green Belt.
- 6.367 The sites do not have good access to public transport in the Sefton context. Although there are regular bus services which run through Aintree Village, they do not constitute a frequent service (4 buses per hour). Old Roan station is located approximately 1.25 kms from the western edge of the site to which objection SP/0072/0263 relates, whilst the eastern edge of the Wango Lane site, to which objections SP/0032/0114 and SP/0032/0115 refer, is some 2 kms from this station and 1.25 kms away from Fazakerley station.
- 6.368 However, Aintree Village is well provided with local shops and services, and it has two primary schools. It is also situated close to local employment opportunities, as there are industrial estates to the rear of the retail parks which front on to Ormskirk Road, and there are industrial estates in nearby Netherton. In my opinion, the objection sites are, therefore, situated in reasonably sustainable locations, in terms of access to facilities. However, the north-eastern corner of the Mill Farm site is subject to fluvial flooding, and the whole of both sites comprise greenfield land situated within the Green Belt.
- 6.369 My response to the Green Belt arguments put forward by the Objectors is contained in Chapter 10 of my report. There, I conclude that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing land supply, to meet the RSS requirement. I also conclude that pending a sub-regional review of the Green

Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough, at this time.

6.370 Furthermore, these areas are located close to the Urban Priority Areas in south Sefton. It is my opinion that their development would compete with the brownfield sites within the south Sefton area and, as a consequence, would conflict with the over-riding aim of the Plan, which is to promote the urban regeneration of south Sefton. For these reasons, I do not support these objections, which seek the re-allocation of the sites for housing.

RECOMMENDATION

6.371 **I RECOMMEND no modification to the UDP in response to these objections.**

Objection Reference SP/0099/0489 – Wango Lane/Fazakerley Junction, Aintree

Key Issue

Whether limited development (assumed to be housing) should be allowed on this objection site in order to release funds to carry out environmental improvements to the land.

Inspector's Reasoning and Conclusions

6.372 This objection site lies to the west of the Aintree racecourse, between the Leeds - Liverpool Canal and the Liverpool – Kirby railway line. It has an area of around 7.8 hectares. It is designated as a Site of Local Biological Interest (policy NC1) and a Countryside Recreation Area (policy G8), as well as lying within the Landscape Renewal Area (policy GBC8), and being part of the Green Belt, which at this point is less than 150 metres wide.

6.373 Geoff Clark and Associates argue that the site comprises a degraded landscape reflecting its previous use, as a railway sidings. It is in private ownership with no known legal public access, and it has not benefited from any investment in recreational facilities or environmental improvements. Consequently, they consider that the land should be removed from the Green Belt, as it does not meet any of the five purposes of including land within it. Also, that it should be removed from the Country Park (now Countryside Recreation Area) designation, in order that funds may be released to carry out environmental improvements to the land.

6.374 I saw that although comprising former railway sidings, the site has naturally regenerated itself, and its former use appears to have blended into the landscape. Therefore, in my opinion, it can no longer be considered as being previously developed land, as defined in Annex C to PPG3. The site is separated from the adjacent residential areas by the Canal to its west and a railway line to its east, which prevents direct access to nearby bus routes.

6.375 Whilst there are a number of primary schools in Fazakerley to the south, there is no frequent bus route, or any other local services in the vicinity. In my opinion, the objection site does not score highly when assessed against the criteria of paragraphs 30 and 31 of PPG3. In addition, the site is identified as a Site of Local Biological Interest, which is an environmental

constraint to its development. The site is also proposed as a Countryside Recreation Area under policy G8. I consider this issue in more detail, in Chapter 13 of my report.

6.376 My response to the Green Belt arguments put forward by the Objector is contained in Chapter 10 of my report. There, I conclude that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing land supply, to meet the RSS requirement. Also, that pending a comprehensive review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough, at this time.

RECOMMENDATION

6.377 I **RECOMMEND no modification** to the UDP in response to this objection.

Sites in Other settlements

6.378 Hightown is a small town situated on the Sefton coast, located between Formby and Crosby, which functions primarily as a commuter town. This is due to its situation adjacent to the rail line from Liverpool to Southport. It is characterised by low density, post-war detached and semi-detached housing and it is surrounded by Green Belt. It is wholly within the Coastal Planning Zone. It has a primary school and small parade of shops, including a post office, but there are no bus services which serve Hightown.

Objection Reference G1/0119/0709 – Hightown Hotel, Hightown

Key Issue

Whether the Hightown Hotel bowling green site should be designated as Primarily Residential Area, in order that possible redevelopment of the site is not compromised.

Inspector's Reasoning and Conclusions

6.379 The site of the former bowling green is located within the curtilage of the Hightown Hotel, and is currently used as a beer garden. It is situated in the centre of Hightown, close to the railway station. It is a relatively small parcel of land, around 0.26 hectare that is surrounded by housing.

6.380 Carrwood Homes Plc argue that the Hightown Hotel bowling green is too small to serve any useful community purpose as urban greenspace and that it should be shown as part of the built-up area of Hightown, in order that the possible redevelopment of the site is not compromised. The Objector considers that re-designation would be consistent with PPG3 and the RSS.

6.381 It is the Council's opinion that, although within the curtilage of the Hightown Hotel, in accordance with the advice of paragraph 14 of PPG17, the site should not be classified as previously developed land. I endorse that view. Furthermore, I do not consider that Hightown is a sustainable location for further residential development. Although the site is located very close to a railway station, which has a frequent (15 minute) service to Liverpool and

Southport, there are very few local services and no local sources of employment.

6.382 Furthermore, this is one of only three areas of open space in Hightown available to the public. I do not consider that the redevelopment of this site for housing would promote the key regeneration initiatives of Plan. Furthermore, nor do I agree that the designation of the objection site as urban greenspace would compromise possible future redevelopment of the developed part of the site. Consequently, I conclude that the site should not be re-designated as Primarily Residential Area.

RECOMMENDATION

6.383 I **RECOMMEND no modification** to the UDP in response to this objection.

Objections References SP/0099/0486 and SP/0099/0488 – Kerslake Way, Hightown

Key Issue

Whether the site at Kerslake Way, Hightown should be re-designated as a Primarily Residential Area.

Inspector's Reasoning and Conclusions

6.384 The site lies at the northern end of Hightown adjacent to the Liverpool/Southport railway line. It is around 1.4 hectares in area and consists mainly of open land. There is residential development to the west of the site and across the railway to the east. The land to the north lies within the Green Belt.

6.385 I address and dismiss Geoff Clark and Associates contentions that the urban greenspace designation of the objection site should be removed in Chapter 13 of my report. Leaving aside those issues, for the reasons that I give in respect of the Hightown Hotel bowling green site, I do not consider Hightown to be in a sustainable location for further residential development, due to its lack of facilities, an absence of local employment opportunities and its relative remoteness. Furthermore, the objection site comprises greenfield land. Thus, in my opinion, it performs poorly in respect of the criteria of paragraphs 30 and 31 of PPG3. I conclude that the site should not be re-designated as a Primarily Residential Area.

RECOMMENDATION

6.386 I **RECOMMEND no modification** to the UDP in response to these objections.

Objection Reference SP 0106/528 – Land bounded by Bridges Lane and Brickwall Lane, Sefton Village

Key Issue

Whether land at Sefton Village bounded by Bridges Lane and Brickwall Lane should be re-designated as Primarily Residential Area.

Inspector's Reasoning and Conclusions

- 6.387 The objection site comprises two distinct, but linked pieces of land situated in Sefton Village. It is bounded by Bridges Lane and Brickwall Lane and it adjoins the site of a moated, scheduled ancient monument. The site is within a Conservation Area and it forms part of a Site of Local Biological Interest (SLBI). It is also designated as urban greenspace, objection to which I consider in Chapter 13 of my report.
- 6.388 The site has an area of around 0.9 hectare, including the village war memorial. In Mr Gribble's opinion, the site would be more appropriately designated as Primarily Residential Area. He considers that housing is the normal, natural and expected use and purpose of a village and he suggests a scheme for dwellings on the site. I now consider if the site is suitable, in principle, for residential development with reference to the criteria of paragraphs 30 and 31 of PPG3 and UDP policy H3.
- 6.389 The objection site comprises greenfield land in the centre of Sefton Village, which is a small inset village within the Green Belt, remote in the Sefton context, from the Urban Priority Areas of the Borough. The village contains no shops or school. It is not served by a frequent bus route, nor does it have a railway station. Therefore, I do not consider that the objection site is situated in a sustainable location.
- 6.390 Whilst I have no reason to think that the infrastructure of the village would not cope with a limited amount of new residential development, the number of potential additional new residents attracted by the development would not justify the provision of any additional facilities or services. Thus, occupiers of the suggested new dwellings would have to rely on the use of their private cars to travel to jobs, shops, schools and other facilities that would need to be accessed regularly in connection with such development.
- 6.391 The majority of the village and thus, the site lies within 250 metres of landfill sites, but I do not consider that this factor alone would prevent development. However, the site is located within a Conservation Area and any development would impact on the setting of St Helen's Church, which is a Grade 1 listed building, and also on the setting of a scheduled ancient monument, both of which are the subjects of statutory protection.
- 6.392 Taking all of these factors into account, I conclude that residential development at this site would not be sustainable, nor would it contribute towards the regeneration aspirations of the Plan. Consequently, I do not support this objection.
- 6.393 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference SP/0001/0001 – Land at St Helen's Gutter, Sefton Village

Key Issue

Whether land at St Helen's Gutter, Sefton Village should be allocated for housing development.

Inspector's Reasoning and Conclusions

- 6.394 The objection site is a rectangular parcel of land with an area of around 0.6 hectare. It is located in the north-western part of Sefton Village, just beyond its built-up part. The site lies within the Green Belt and it comprises grassland situated between a drainage ditch known as St Helen's Gutter and recreational facilities adjacent a Public House.
- 6.395 In Mr Pittaras' opinion, the objection site is an eyesore that serves no useful purpose. He considers that there is a need for more dwellings in Sefton Village, which could be provided at the objection site. I have previously concluded in this Chapter of my report that there is no need to allocate any more land within the Borough to make provision for the first five-year supply of housing land. I have identified a slight shortfall in the provision of a potential ten-year housing land supply, which could possibly be rectified by an increased supply of windfall housing sites.
- 6.396 My response to the Green Belt arguments put forward by Mr Pittaras is contained in Chapter 10 of my report, where I also conclude that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing supply, to meet RSS requirements. I further conclude that pending a comprehensive review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough, at this time.
- 6.397 Notwithstanding those conclusions I now consider if the objection site is suitable, in principle, for residential development with reference to the criteria of paragraphs 30 and 31 of PPG3 and UDP policy H3.
- 6.398 The objection site comprises greenfield land located within the Green Belt, at the edge of Sefton Village. In the Sefton context, it is remote from the Urban Priority Areas of the Borough. The village contains no shops or school. It is not served by a frequent bus route, nor does it have a railway station. Therefore, I do not consider that the site is situated in a sustainable location. I have no reason to think that the infrastructure of the village would not cope with a limited amount of new residential development, but nor would the number of potential additional new residents resulting from housing development at the site justify the provision of any additional facilities or services in the village. Thus, those residents would have to rely on the use of their private cars to travel to jobs, shops, schools and other facilities that would need to be accessed regularly.
- 6.399 The site lies within 250 metres of landfill sites, and it would be necessary for any development at the site to respect the setting of the adjacent Conservation Area. I do not consider that these factors are sufficient to prevent development at the site. But taking into account also its non-sustainable location within the Green Belt, I conclude that the objection site is unsuitable for residential development. Consequently, I do not support this objection.
- 6.400 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference SP/0002/0002 – Land at Spencers Lane, Melling

Key Issue

Whether land at Spencers Lane, Melling should be re-designated as Primarily Residential Area.

Inspector's Reasoning and Conclusions

- 6.401 The objection site and the row of residential properties in front of it are situated in Spencers Lane, Melling. The site lies within the Green Belt, halfway between Aintree and Waddicar. It is open in nature with some trees defining its border and separating it from the agricultural land, which adjoins to the north. The site comprises greenfield land. There are no frequent public transport services within convenient walking distance of the site, and the nearest services and facilities are located in Aintree and Waddicar. I consider that the site scores poorly against the criteria of paragraphs 30 and 31 of PPG3 and consequently, in my opinion, it is not situated in an area where further housing should be encouraged.
- 6.402 I saw that the objection site is unkempt and overgrown and that it is apparently being used as a dumping ground. Mr Davies argues that it costs money every year to clear the land and to have the grass cut. By taking the land out of the Green Belt and by putting it in the Primarily Residential Area, he considers that it could be cut on a regular basis and kept clean and tidy, and free from vermin. However, I am not convinced that such a re-designation of the land is necessary in order for the land to be regularly maintained, since mowing grass would not conflict with the Green Belt policies pertaining to the land.
- 6.403 My response to the Green Belt arguments put forward by Mr Davies is contained in Chapter 10 of my report, where I also conclude that it is unnecessary for any Green Belt land to be released in order for Sefton to make potential provision for a ten-year housing supply, to meet RSS requirements. I further conclude that pending a comprehensive review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough at this time.
- 6.404 I conclude that the site should not be re-designated as a Primarily Residential Area.

RECOMMENDATION

- 6.405 I **RECOMMEND no modification** to the UDP in response to this objection.

Policy H4 **Land at Town Lane Southport**

Objections to First Deposit Draft

H4/0010/0048
H4/0041/0153
H4/0049/0188

West Lancashire District Council
Hollybrook Farm
Barton

H4/0072/0270	Persimmon Homes (NW) Ltd & Countryside Residential - CW
H4/0091/0354	Countryside Properties
H4/0095/0388	Government Office North West - CW
6.25/0010/0050	West Lancashire District Council – CW

Objections to Revised Deposit Draft

H4/0108/0722	Hallam Land Management
H4/0041/0724	Hollybrook Farm
H4/0017/0771	Optoplast Manufacturing Company Ltd
H4/0064/0797	Westbury Homes Ltd NW Region & Nugent Care Society
H4/0136/0872	Beardsell
H4/0059/0876	Redrow Homes (Lancs.) Ltd
H4/0137/0878	Chanters Estates
6.22&6.23/0123/0758	Noble

Key Issues

- (i) Whether allocation of the site at Town Lane, Southport, in advance of an Urban Capacity Study is premature.
- (ii) Whether it is appropriate to allocate the Town Lane site, since it does not form part of the five-year housing supply.
- (iii) Whether the allocation of the site is necessary in the light of the Urban Capacity Study.
- (iv) Whether the development of the site should be delayed until after 2011.
- (v) Whether reference to the provision of affordable housing at the site requires clarification and amendment.
- (vi) Whether the technical constraints on the land render its development unlikely, and if so, whether its allocation should be deleted and land East of Maghull be allocated instead, for long-term residential development.
- (vii) Whether development of the site at Town Lane could potentially adversely impact on the open nature of the adjacent Green Belt.
- (viii) Whether the development of the site at Town Lane would adversely impact on the local highway network.
- (ix) Whether the site at Town Lane is brownfield in nature, and if not, whether it should be allocated for housing.
- (x) Whether it is appropriate, in the Sefton context, to allocate such a large site that amounts to almost two years supply of housing land, and which could hold back potentially more suitable brownfield sites.
- (xi) Whether it is appropriate to allocate for housing the site at Town Lane, which does not lie within an Urban Priority Area.
- (xii) Whether the location of the site at Town Lane is sustainable.
- (xiii) Whether the allocation of the site at Town Lane should be deleted or reduced, or alternatively integrated with the development of land at Hollybrook Farm.

Inspector's Reasoning and Conclusions

6.406 **Issues (i) – (iv)** – Mr Barton questions if, as a matter of principle, it is premature to consider the allocation of this site in advance of an Urban Capacity Study, as required by PPG3. However, since the UCS was completed in 2004, I consider that this objection has been met.

- 6.407 Proposed Changes references PC 6.16 and PC 6.22 removed the allocation of the site under policy H3 and re-allocated it as a long-term housing site. Consequential changes were also made to the wording of policy H4, to its explanatory text and to the Proposals Map. Following from these PCs, Objectors query the necessity to allocate the site at all, as it does not form part of the five-year housing supply. West Lancashire District Council questions if, in the light of the UCS, it would be desirable to delay development at the Town Lane site until after 2011.
- 6.408 However, current national guidance indicates that Plans should make provision for an actual five years supply and a potential ten years housing supply, post their forecast adoption date. The UCS indicates that it is likely that the site will be necessary to make up the required potential supply after 2011. From my calculations, I do not disagree. Therefore, I consider that in principle, the allocation of the site for long-term housing land accords with national housing policy.
- 6.409 It is clearly the Council's intention that the site should not form part of the first five years of housing land supply, but since it is likely that the UDP will be not be adopted until 2005, I consider that, as a matter of consistency with this intention, with national guidance and in the light of the findings of the UCS, the operative date of the policy should be amended to post 2011 and that the explanatory text at paragraph 6.22 should be amended accordingly.
- 6.410 **Issue (v)** – GONW points out that the wording of criterion (i) of the FDD version of policy H4 contains a loophole that could enable developers to avoid the provision of affordable housing at the site, if such provision would compromise the viability of the site. In my opinion, this has been rectified by the re-wording of the policy resulting from PC reference PC 6.22. Criterion (i) of the RDD version of the policy cross-references the requirement to provide affordable housing at the site in accordance with policy H2 - Requirement for Affordable and Special Needs Housing. I consider that the change satisfies this objection, which has been conditionally withdrawn.
- 6.411 **Issue (vi)** – Several Objectors question the viability of the site and the likelihood of it being developed. However, I am satisfied by the conclusions of the Town Lane Feasibility Study 2001, which is listed as a core document (CD/0068) of this Inquiry, and which is, therefore, a public document, that its remediation from contamination caused by its former use as a landfill tip is technically feasible. Also, that it is financially viable, as the value of the land is now estimated to be greater than would be the costs of its remediation and the provision of the necessary infra-structure. I see no reason why the site should not come forward for development, at the appropriate time. Persimmon Homes (NW) Ltd and Countryside Properties have now conditionally withdrawn their objection on this matter.
- 6.412 **Issues (vii) and (viii)** – West Lancashire District Council and others object that development at the Town Lane site could have adverse impacts on the open nature of the adjoining Green Belt land and on the local road network, including the Kew roundabout. I agree that those objections raise important considerations. But in my opinion, they are satisfactorily addressed by changes to policy H4 that have resulted from PC 6.22, and PC 6.16, which

introduce new criteria and an urban greenspace strip around the edge of the site.

- 6.413 In addition, new criterion (ii) requires development to have *the minimum impact on the surrounding local highway network* and the associated explanatory text informs, at paragraph 6.23, that *a further study is required to ensure that the development does not have an unacceptable impact on the adjacent rural highway network*. Criteria (iv) and (v) require the provision of urban greenspace and a landscaped buffer strip designed to reduce the impact of the development on the adjacent countryside. This strip is shown on the amended Proposals Map. West Lancashire District Council has subsequently withdrawn its objection on the basis of these changes.
- 6.414 **Issues (ix) – (xiii)** –The Town Lane site is around 22.5 hectares in area. As indicated in Figure 6.1 of the UDP, it is located just within the north-eastern boundary of the Borough, at the periphery of the built-up area of Southport. It is not situated within or adjacent to an Urban Priority Area. The site falls neither within 200 metres of a frequent bus route, nor within 400 metres of a railway station. Thus, it is not a preferred location for residential development, in terms of policy AD1.
- 6.415 I saw that the site is fairly level, uniform in character and that it is used as grazing land. Its north-eastern boundary abuts a housing estate and to the north-west is the Southport Business Park. Land to the south-east and south-west is open agricultural land situated in the Green Belt. In my opinion the Town Lane site is very prominent in the landscape and it appears contiguous with the adjoining Green Belt agricultural land, but as I have discussed above, required landscaping of the site could soften and help development to blend with the adjoining Green Belt countryside.
- 6.416 I understand why Objectors consider that the brownfield status of the site may be questioned, but I have insufficient evidence to conclude that provision for its restoration from its previous waste disposal use has been made through development control procedures. Thus, on balance I conclude that the site most probably falls within the definition of previously developed land, as given in Annex C to PPG3. I also consider that it would perform reasonably well when assessed against the other sustainability criteria of paragraphs 30 and 31 of PPG3. Criterion (iii) of policy H4 requires development to provide for public transport. The Feasibility Study concludes that the provision of all necessary infra-structure is both technically possible and economically viable. Furthermore, that the housing development of the site could promote the viability of the adjoining proposed extension to the Southport Business Park.
- 6.417 However, I consider that the site performs poorly when assessed against key objectives and principles of the UDP and also the RSS. Nor, as I have noted above, does the site satisfy the accessibility principles of policy AD1. Although improved access to a frequent bus route could potentially be provided as part of the development, the site will remain an inconvenient walking distance from a train station.
- 6.418 Given these shortcomings, it is of some concern to me the site has the potential to provide around two years supply of housing at the current RSS annualised rate. It is located in the north of the Borough remote from an

UPA. I do not consider that its development would aid urban regeneration, as required by the UDP and the RSS. Indeed, it is my opinion that if it was brought forward soon after 2011, it could have an adverse impact on the HMRI, by potentially holding back the development of more suitable brownfield sites within the Pathfinder Area.

- 6.419 I am not comforted on this matter by the proposed PIC reference 1/PIC/06/15, which, partly in response to an objection by Mr Noble, would add a sentence to explanatory text at paragraph 6.22 of the UDP to state: *It will only be brought forward for housing when it meets the requirements of Policy H3.* This because, for the reasons that I give above, I consider that development at the Town Lane site would fundamentally conflict with criterion 2(i) of policy H3, since it would not give rise to significant urban regeneration benefits. Furthermore, I do not consider that the site is located within an urban area. In my opinion, Figure 6.1 of the UDP shows it to be an urban extension site. Thus, I consider that 1/PIC/06/15 would introduce undesirable internal conflict within the Plan. Therefore, I do not support 1/PIC/06/15.
- 6.420 Notwithstanding these reservations, I nevertheless consider that it is desirable to retain the allocation of the Town Lane site, as a long-term housing site, in order to ensure that Sefton has a potential ten-year housing land supply. Also, because if sufficient, more appropriately located brownfield windfall sites do not come forward to meet the RSS requirement, I consider that its development would be preferable to the release of land from the Green Belt, in terms of the sequential test of PPG3. Therefore, in these circumstances, I consider that it would be prudent to add a caveat at the end of paragraph 6.22 that informs that *the site will only be brought forward for housing if it is required to satisfy the housing provision requirement of the RSS post 2011 and there are no other more suitable brownfield sites, or greenfield sites located within the urban areas, available to satisfy that demand.*
- 6.421 I have considered the merits of land at Maghull East as a housing omission site previously in this Chapter and at Chapter 10 of my report. I have concluded that it should not be developed in preference to the Town Lane site. Land at Hollybrook Farm lies outside Sefton Borough. Therefore, consideration of its merits as a housing omission site does not fall within the scope of this UDP Inquiry.

RECOMMENDATIONS

- 6.422 (a) **I RECOMMEND that the UDP be modified by changing the date given at the end of the first sentence of policy H4 to 2011.**
- (b) **I RECOMMEND that the UDP be modified by changing the date given at the second sentence of paragraph 6.22 of the explanatory text to policy H4, to 2011.**
- (c) **I RECOMMEND that the UDP is NOT modified in accordance with 1/PIC/06/15.**
- (d) **I RECOMMEND that the UDP be modified by adding the following sentence to the end of paragraph 6.22:**

The site will only be brought forward for housing if it is required to satisfy the housing provision requirement of the RSS post 2010 and there are no other more suitable brownfield sites, or greenfield sites located within the urban areas, available to satisfy that demand.

- (e) I **RECOMMEND no further modification** to the UDP in response to these objections.

Policy H5

Housing Opportunity Sites

Objections to First Deposit Draft

H5/0017/0069	Optoplast Manufacturing Company Ltd
H5/0049/0189	Barton
H5/0065/0232	Environmental Reclamation and Landscaping
H5/0072/0268	Persimmon Homes (NW) Ltd & Countryside Residential - CW
H5/0091/0349	Countryside Properties
H5/0095/0389	Government Office North West – CW
H5/0108/0552	Hallam Land Management
H5/0109/0576	Langtree Property Company Ltd
6.27/0100/0493	Tesco Stores Ltd – CW

Objections to Revised Deposit Draft

H5/0108/0723	Hallam Land Management
6.29/0123/0759	Noble

Objections to Pre-Inquiry Changes

H5/0120/0895	Deveney
H5&PM/0120/0891	Deveney

Key Issues

- (i) Whether it is premature to allocate housing sites in advance of an Urban Capacity Study.
- (ii) Whether the wording of part 2 of policy H5 accurately reflects the guidance of Circular 01/97.
- (iii) Whether the wording of policy H5 should be amended on the basis of sustainable, sequential approach criteria, in recognition that there may be other unidentified, constrained sites that may represent opportunities for brownfield housing development.
- (iv) Whether there is any necessity for policy H5, because if any of the sites allocated by it come forward, they would be classified as windfall sites permitted by other policies of the Plan.
- (v) Whether, having regard to their constrained nature and dual allocation for residential or employment purposes, the Housing Opportunity Sites designated by policy H5 will produce their anticipated yield of dwellings, and if not, whether they should count towards the housing land supply.
- (vi) Whether Appendix 3 of the UDP should quantify the sites allocated under policy H5, in order to inform policy H3.

- (vii) Whether site H5.2 should be re-allocated as a Housing Opportunity Site and whether all references to its dual allocation as an Employment Opportunity Site should be deleted from the UDP.
- (viii) Whether sites H5.C and H5.D should be allocated as Housing Opportunity Sites under policy H5.
- (ix) Whether all of the Housing Opportunity Sites identified in policy H5 are genuinely available and will provide the range of sites required by the housing market.

Inspector's Reasoning and Conclusions

- 6.423 **Issue (i)** – It is questioned if, as a matter of principle, it is premature to consider the allocation of Housing Opportunity Sites in advance of an Urban Capacity Study, as required by PPG3. However, the UCS was completed in 2004. Consequently, I consider that this objection has been met.
- 6.424 **Issue (ii)** –GONW objects that the phrase *contributes to the regeneration of the wider area*, in the second part of policy H5, is too vague and, therefore, that it fails to satisfy the tests of Circular 01/97. However, it is my opinion that the additional text added to paragraph 6.27 by PC reference PC 6.24, as proposed to be modified by PIC reference 1/PIC/06/16, together with the reference to the policy links to policies UP1 and H6 provide sufficient clarification and definition of this phrase. The objection has been conditionally withdrawn on the basis of these changes.
- 6.425 **Issues (iii) and (iv)** – I agree, and it is acknowledged by the Council, that there may be other brownfield sites that have not been allocated for housing, either under policy H5 or policy H3. But in my opinion, it is unnecessary to amend the wording of the policy on the basis of sustainable, sequential approach based criteria, as suggested by some Objectors, because these are set out in part 2 of policy H3. They exceptionally permit the residential development of brownfield sites within the urban areas and in specified circumstances, even when the RSS requirement has been exceeded.
- 6.426 In addition, policy H7 sets out general guidelines with which proposals for residential development should comply. Part 2 of policy H7 also permits sites in other areas to be redeveloped subject to three caveats. However, explanatory paragraph 6.39A of the UDP indicates that policy H7 is subservient to policy H3. Policy H7A (new), as proposed to be modified by PIC reference 1/PIC/06/34, also allows housing as part of a mixed use developments in the UPAs, subject to its criteria and the provisions of policy H3 being met.
- 6.427 In recognition of the flexibility afforded by this suite of policies towards the residential development of unidentified brownfield sites in urban areas, Hallam Land Management questions the purpose and necessity of the policy. I agree that it does, in some respects, duplicate the provisions of policies H3, H7 and H7A. However, I consider that it is worth retaining because, given the uncertainty of the future uses of the H5 sites, the policy highlights the Council's preferred direction for any future change in the uses of those sites. Thus, I do not support this objection, which suggests that the policy should be deleted.

- 6.428 **Issues (v) and (vi)** - The sites allocated as Housing Opportunity Sites are subject to several constraints concerning contamination, owners' future intentions for the sites and their dual allocation also as Employment Opportunity Sites. Thus, as some Objectors rightly point out, their residential yield is uncertain and their anticipated capacity should not be relied upon to count towards the housing land supply.
- 6.429 In response to these objections, PC reference PC 6.26 acknowledges these matters. In particular, the amended paragraph 6.29 states that *no allowance has been made in policy H3 for any contribution coming forward from them...* Persimmon Homes (NW) Ltd & Countryside Residential have conditionally withdrawn their objection on the basis of these changes.
- 6.430 Consequently, in view of the unreliability of these sites to the contribution they may make to the housing land supply, I do not support the objection that the anticipated residential yield of these sites should be quantified in Appendix 3 of the UDP.
- 6.431 **Issue (vii)** – In response to this objection made by Tesco Stores Ltd., the dual allocation of site H5.2 at Ash Road/Beach Road, Litherland was deleted, by PC 5.68 and PC 6.24, from policies EDT17 and H5, from the corresponding explanatory text and Appendices, and from the Proposals Map. It was re-allocated as housing site H3.5 by PC 6.15. I consider that these changes clarify the suitability of the site for housing and its unavailability for employment uses. In my opinion, they fully meet the objection, which has been subsequently conditionally withdrawn.
- 6.432 **Issue (viii)** – It is proposed to re-allocate land at 511 Hawthorne Road and Linacre Bridge (sites H5.C and H5.D) respectively, from employment sites under policy EDT6 to Employment/Housing Opportunity Sites under policies EDT17 and H5, by PICs references 1/PIC/05/08, 1/PIC/05/22 and 1/PIC/06/16, in the light of the emerging proposals for the HMRI in the Pathfinder Area. The SPG for the Klondyke area indicates that site H5.C is likely to be required to re-house people from the phase 1 clearance area, whilst site H5.D is in an area that will probably be retained and improved for industrial purposes. In view of this, I have recommended that sites H5.A, H5.B and H5.C be re-allocated as housing sites under part 1 (i) of policy H3.
- 6.433 However, as the proposals for the Klondyke area may be further refined, I consider that it is important that the Plan permits flexibility regarding the future uses of the other sites listed under this policy. For this reason, I mainly endorse 1/PIC/06/16, which allocates site H5.D as a Housing Opportunity Site, and I oppose objections that suggest that the sites should not be so designated. However, further reference should be made to my other recommendations concerning sites H5.A, H5.B and H5.C, both previously in this Chapter of my report and in Chapter 5.
- 6.434 **Issue (ix)** – Countryside Properties are concerned that the sites allocated as Housing Opportunity Sites by policy H5 may not provide the range of sites required by the housing market and that they focus heavily on the south of the Borough. They also question the genuine availability of those sites, particularly site H5.5 at Virginia Street, Southport, and the likelihood of them coming forward during the Plan period.

6.435 I do not disagree with the Objector that the sites allocated under policy H5 are constrained by a number of factors that are likely to affect their availability and yield for residential development. I also acknowledge that the owner's future intentions for some of these sites, including H5.5 are unknown. Nevertheless, I consider that the redevelopment of site H5.5 for housing would be appropriate, because in my opinion, the historic employment uses of the area are not fully compatible with surrounding residential areas. The allocation highlights the appropriateness of this alternative use of the site.

6.436 I also agree that the sites allocated as Housing Opportunity Sites may not reflect the full range of sites that are likely to be required by the housing market over the Plan period. But these sites will make up only a small fraction of the housing land supply and they are not even relied upon to make a contribution to that supply. For these reasons I do not support this objection.

RECOMMENDATIONS

6.437 (a) **I RECOMMEND that the UDP be modified by allocating site H5.D (Linacre Bridge, Linacre Lane) as a Housing Opportunity Site under policy H5, in part accordance with 1/PIC/06/16 and that corresponding changes be made in the explanatory text and on the Proposals Map.**

(b) **I RECOMMEND that the UDP is NOT modified by allocating site H5.C (511 Hawthorne Road, Bootle) as a Housing Opportunity Site under policy H5, in accordance with 1/PIC/06/16.**

(c) **I RECOMMEND no further modification to the UDP in response to these objections.**

Policy H6

Housing Renewal and Clearance

Objections to First Deposit Draft

H6/0037/0137

House Builders Federation

H6/0072/0273

Persimmon Homes (NW) Ltd & Countryside
Residential - CW

H6/0091/0347

Countryside Properties

Objections to Revised Deposit Draft

H6/0075/0813

Merseytravel

6.33/0121/0718

English Partnerships – CW

6.35/0037/0729

House Builders Federation

6.33/0037/0731

House Builders Federation

6.33/0075/814

Merseytravel

Objections to Pre-Inquiry Changes

6.32BA/0113/0979

Sport England

6.33/0032/0939

Wilson Connolly Lancashire

Key Issues

- (i) Whether further re-appraisal and clarification is required of the anticipated scale of housing clearance and its relationship to the RSS housing requirement over the next ten years.
- (ii) Whether policy H6 should include a quantified allowance for all demolitions occurring outside the clearance areas, to ensure that there is no net loss of housing, which should be reflected in the total housing requirement set out in policy H1 and the housing supply indicated in policy H3.
- (iii) Whether the rate of redevelopment on cleared sites should be reduced from 70% to 67% to reflect the replacement ratio used by other LPAs.
- (iv) Whether policy H6 and its explanatory text should clarify that both the densities and layout of the proposed replacement dwellings will facilitate public transport operations, and that all residential development in other areas should occur only at locations that are accessible by sustainable means of transport.
- (v) Whether the explanatory text to policy H6 should refer to the use of urban design frameworks in order to integrate new development with the existing built form, to assist the delivery of a quality sustainable environment.
- (vi) Whether the associated text to policy H6 should indicate that new development should have regard to existing open space and future open space needs.
- (vii) Whether policy H6 and its associated text should enable greater flexibility for the provision of replacement housing stock to other areas of regeneration need, including Aintree and Maghull.

Inspector's Reasoning and Conclusions

- 6.438 **Issues (i) and (ii)** - Parts 1 and 2 of Policy H6 were changed and part 3 of the policy was deleted by PC reference PC 6.31. Part 1 of the policy now clarifies that during the period 2001-2011 up to 2,500 unfit or unsatisfactory dwellings will be demolished. Since that change was made, the Council has continued to refine its proposals for regeneration within the Pathfinder Area. It has now approved SPG for the Klondyke and Bedford Road/Queens Roads areas, which contain detailed, phased clearance programmes for these areas. Whilst those documents indicate that the final number of dwellings that will be cleared is likely to be less than 2,000 dwellings, I see no particular need to change the figure given in the policy, since it indicates that up to 2,500 demolitions will take place.
- 6.439 Changes have also been made to policy H1 to that clarify that provision will be made for off-site replacement of some 500 of those dwellings to be demolished, in addition to the RSS housing requirement. I am satisfied that these changes to policies H1 and H6 are based on a robust re-appraisal of the anticipated scale of housing clearance and that they accord with the requirements and guidance of the RSS. Persimmon Homes (NW) Ltd and Countryside Residential have conditionally withdrawn their objection on the basis of these changes.

- 6.440 Policy UR7 of the RSS indicates that it is unnecessary to replace vacant dwellings that are demolished; so as to reduce the number of vacant dwellings overall, as part of the national drive to make more efficient use of the housing stock and to address low demand for some housing in the region. Thus, I consider that the Council is correct in not making an allowance for the replacement of such dwellings.
- 6.441 However, as I conclude in connection with objections to policies H1 and H3, I consider that, in order to ensure that there is no net loss of housing stock, an allowance should be made for miscellaneous demolitions that typically occur as a result of the redevelopment of windfall sites. I think that this is justified, especially because windfalls are anticipated to make a substantial contribution towards satisfying the RSS housing requirement in Sefton. Consequently, I have recommended at paragraph 6.62 of my report that policy H1 be amended to include a reference to miscellaneous demolitions and that a paragraph should be added to its explanatory text to clarify the anticipated scale and source of such demolitions.
- 6.442 **Issue (iii)** – It is my understanding that both the 70% figure of the Sefton UDP and the 67% figure of other Unitary Development and Local Plans, in the region, are estimates for on-site clearance replacement ratios. In the absence of evidence that clearly shows that the lower figure would also be appropriate to the Sefton context, I see no need to change the figure given in paragraph 6.33 of the RDD, or elsewhere in the Plan.
- 6.443 **Issue (iv)** – Merseytravel is concerned that all clearance replacement dwellings should be located and laid out in a manner that makes them conveniently accessible to sustainable forms of transport, including public transport. These are considerations which I entirely support. Whilst the Bedford/Queens Road area is in one of the most accessible locations in the whole of Sefton, for both frequent rail and bus services, the Council acknowledges that Hawthorne Road in the Klondyke area is less accessible. However, it is in discussion with Merseytravel to establish what improvements could be made to address this. The requirement that all development should provide a realistic choice of travel is included in policy AD2. I do not consider that it is necessary to repeat that requirement in policy H6.
- 6.444 With regards to the density and design issues raised by the Objector, in accordance with peoples' wishes, the vast majority of residents will be rehoused in their neighbourhood. The SPGs, which have been prepared for Klondyke, and Bedford/Queens Roads areas indicate that current densities will be reduced from 100-125 dph to around 50 dph, depending on the level of contamination present and the remediation strategy that will be adopted for each site. However, I see no reason why this lower density should not be sufficient to facilitate the provision of improved public transport in the Hawthorne Road area.
- 6.445 In the Bedford Road/Queens Road area, the proposed clearance area abuts Stanley Road, which is one of the main bus corridors between Liverpool City Centre and Bootle. It is, therefore, highly accessible by public transport. There are a significant number of vacant properties in this area, so the overall residential density and requirement for public transport are unlikely

to change. Thus, whilst I support these matters raised by the Objector, I do not consider that it is necessary to make any further changes to the Plan.

- 6.446 **Issues (v) and (vi)** – In response to an objection from English Partnerships, proposed PIC reference 1/PIC/06/22, as proposed to be amended by NAC reference NAC/06/09, intends to add a new paragraph 6.32BA to the introduction to policy H6, which refers to the desirability of producing Urban Design Frameworks or Neighbourhood Development Plans for each of the neighbourhood renewal areas. The paragraph would explain that these documents will *help integrate new development with the existing built form to assist the delivery of a quality sustainable environment*.
- 6.447 In addition, proposed PICs references 1/PIC/06/18 and 1/PIC/06/24 would add references to policy H6 and paragraph 6.33 respectively, to inform that redevelopment within the Pathfinder Area will be in accordance with Neighbourhood Development Plans. Those approved for the Klondyke, and the Bedford Road/Queens Road areas contain an extensive urban design framework, which includes provision for new open space and the enhancement of existing areas. In addition, new development should comply with all other relevant policies of the Plan and associated SPG, including policy DQ3 – Public Greenspace and Development, which specifies the required level of provision for open space within new housing development. In my opinion, it is unnecessary to repeat its requirements within policy H6.
- 6.448 I consider that these proposed changes meet these objections. That raised by English Partnerships has been conditionally withdrawn on their basis.
- 6.449 **Issue (vii)** – Wilson Connolly considers that policy H6 and its associated text should enable greater flexibility regarding the location of off-site clearance replacement dwellings, in areas such as Aintree and Maghull, to mitigate for any disparity that may occur between the number of homes cleared and the number of replacement dwellings built. However, the wide consultation exercise that has been carried out with people living in the Pathfinder Area has established that the vast majority of them wish to remain in their local areas. In my opinion, it is therefore essential that replacement homes are built within, or adjacent to the Pathfinder Area.
- 6.450 From the information before me, it seems unlikely that the provision of new homes beyond the clearance areas would satisfy most residents' wishes with regards to being re-housed. Evidence indicates that many people would be unable to afford the higher house prices in other parts of the Borough. Furthermore, the provision of new homes outside the clearance areas would compete with and could undermine the HMRI, especially as many of the people living in the Pathfinder Area who wished to be owner/occupiers would be unable to access the housing market elsewhere. For these reasons, I do not support this objection.

RECOMMENDATIONS

- 6.451 **(a) I RECOMMEND that the UDP be modified by amending policy H6 in accordance with 1/PIC/06/18.**
- (b) I RECOMMEND that the UDP be modified by adding new paragraph 6.32BA and its footnote in accordance with 1/PIC/06/22 and as added to by NAC/06/09.**

(c) I RECOMMEND that the UDP be modified by adding two sentences to the end of paragraph 6.33 in accordance with 1/PIC/06/24.

(d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy H6A

Redevelopment within the Pathfinder Area

Objections to Pre-Inquiry Changes

H6A/0115/0907
H6A/0095/0947

English Heritage (NW)
Government Office North West

Key Issues

- (i) Whether proposed new policy H6A should require development proposals in the Pathfinder Area to be informed by assessments of Areas of Local Distinctiveness, as defined in the Settlement Character Plans.
- (ii) Whether the historic and architectural character of Areas of Local Distinctiveness should be recorded and archived prior to clearance taking place.
- (iii) Whether the Neighbourhood Development Plans and Pathfinder Area Development Frameworks should be referenced as background papers to the policy.
- (iv) Whether the wording of policy H6A should be amended to make it less permissive towards development in the Pathfinder Neighbourhoods.

Inspector's Reasoning and Conclusions

- 6.452 **Issues (i)-(iii)** - It is proposed to add policy H6A and its associated text to the UDP by PIC reference 1/PIC/06/28, as amended by NAC reference NAC/06/12, in order to incorporate in the Plan the principles of the South Sefton Regeneration Strategy (CD/0086) for the Pathfinder Area and in order to give a clearer focus to the changes likely to take place there. It seeks to apply the principles set out in policy UP1 of the UDP.
- 6.453 In response to objections to this new policy made by English Heritage (NW), it is proposed to add text to proposed paragraph 6.32BA, by 1/PIC/06/22, as to be amended by NAC/06/09, which would clarify that *development proposals and physical improvements within the Pathfinder Area should be informed by the Design SPG which makes an assessment of the historic character and appearance of the local areas*. In addition, NAC reference NAC/06/10 intends to add reference to Neighbourhood Development Plans and Pathfinder Area Development Frameworks to the list of background documents to the policy.
- 6.454 There are no listed buildings or known sites of archaeological importance in the proposed clearance areas. Changes to such buildings or remains would, in any case, be subject to the provisions of policies contained in Chapter 14 of the UDP that refer to Heritage Conservation. Consequently, I consider that the above mentioned changes satisfy these objections and that no further modification is necessary.

6.455 **Issue (iv)** – In response to an objection by GONW, it is intended to qualify development that may be permitted by policy H6A, by NAC reference NAC/06/12, which would inform that only *appropriate* development proposals will be permitted in the Pathfinder Area. I consider that this change meets the objection.

RECOMMENDATIONS

6.456 (a) **I RECOMMEND that the UDP be modified by adding policy H6A and its associated text in accordance with 1/PIC/PM/03 and 1/PIC/06/28, as amended by NAC/06/12 and NAC/06/10.**

(b) **I RECOMMEND that the UDP be modified by adding new paragraph 6.32BA and its footnote in accordance with 1/PIC/06/22, as added to by NAC/06/09.**

(c) **I RECOMMEND no further modification to the UDP in response to these objections.**

Policy H6B

Hawthorne Road/Canal Corridor

Objections to Pre-Inquiry Changes

H6B/0120/0885	Deveney
6.37K/0120/0886	Deveney
PM&H6B/0120/0892	Deveney
H6B/0115/0908	English Heritage (NW)
H6B/0095/0948	Government Office North West

Key Issues

- (i) Whether proposed policy H6B should require development proposals in the Hawthorne Road/Canal Corridor to be informed by assessments of Areas of Local Distinctiveness, as defined in the Settlement Character Plans.
- (ii) Whether the Neighbourhood Development Plans and Pathfinder Area Development Frameworks should be referenced as background papers to the policy.
- (iii) Whether proposed policy H6B should be clarified by quantifying the areas of land for housing or the number of dwellings proposed and the areas of land that are proposed, or will be retained in employment uses.
- (iv) Whether reference to the Lanstar site should be deleted from the explanatory text at paragraph 6.37K and added to policy H6B, or alternatively, whether the area covered by policy H6B should be extended to include the Lanstar site.

Inspector's Reasoning and Conclusions

6.457 **Issues (i) and (ii)** - It is proposed to add new policy H6B and its associated text to the UDP by PIC reference 1/PIC/06/29, in order to incorporate in the Plan the principles of the South Sefton Regeneration Strategy (CD/0086) for the Pathfinder Area and in order to give a clearer focus to the changes likely to take place there. It seeks to apply the principles set out in policy UP1 to the Hawthorne Road/Canal Corridor, which relates to the redevelopment of

the Klondyke Neighbourhood. PIC reference 1/PIC/PM/01 would add the area covered by the policy to the Proposals Map.

- 6.458 In response to objections to this new policy made by English Heritage (NW), it is proposed to add text to proposed paragraph 6.32BA, by 1/PIC/06/22, as to be amended by NAC/06/09, which would clarify that *development proposals and physical improvements within the Pathfinder Area should be informed by the Design SPG which makes an assessment of the historic character and appearance of the local areas*. In addition, NAC reference NAC/06/11 intends to add reference to Neighbourhood Development Plans and Pathfinder Area Development Frameworks to the list of background documents to the policy. I consider that these additions would meet the objections.
- 6.459 **Issue (iii)** – At the time when policy H6B was written, the Council was unable to quantify the likely contribution of the Canal Corridor sites towards provision for off-site clearance replacements and for market diversification housing, nor consequently, the contribution that the sites may make to the supply of employment land. However, it now has more information concerning the extent of contamination of the sites, the condition of the existing housing stock and residents' wishes concerning housing and employment. As a result, the Council has been able to assign uses and densities to the various opportunity sites in the SPG for the Klondyke and Canal Corridor Neighbourhood Area.
- 6.460 From the additional information contained in the SPG, and from my conclusions concerning Sefton's provision for housing land, I consider that it is most unlikely that the residential yield of the Canal Corridor sites would result in an over-supply of dwellings, which would warrant the de-allocation of housing sites allocated under policy H3. However, I consider that the transparency of the Plan would be improved if a further Appendix was added that provided similar information for the Hawthorne Road/Canal Corridor sites as provided in Appendix 3 concerning Opportunity Sites.
- 6.461 **Issue (iv)** – GONW objects to a key regeneration objective for the area, which refers to the use of the Lanstar site (policy R9), being listed in paragraph 6.37K of the Plan. That reference indicates that the Lanstar site will provide a major food retail development that will create a key gateway to south Sefton. GONW also has an outstanding objection to that allocation under policy R9 of the Plan. This reference in paragraph 6.37K is also objected to by Mr Deveney, because mention of a major food store is not also made in policy H6B.
- 6.462 The Council argues that following the recent commencement of residential development at the Ash Road/Beach Road site, which indicates that the site is not now available for retail development, the Lanstar site now represents the sequentially best site to meet an identified need for a large food store to serve south Sefton. In Chapter 7 of my report, I explain why I concur with the Council's conclusions on this matter.
- 6.463 Since the Lanstar site adjoins the northern boundary of the Hawthorne Road/Canal Corridor, I consider that it is appropriate to refer to the retail allocation in the explanatory text to policy H6B, because in my opinion, it is inevitable that major development at that site would have an impact on the

Canal Corridor area. However, I see no need to make reference to the Lanstar site in policy H6B, or to extend the area covered by policy H6B on the Proposals map, to include the Lanstar site, because it is the subject of its own policy R9.

RECOMMENDATIONS

- 6.464 (a) I RECOMMEND that the UDP be modified by adding policy H6B and its associated text in accordance with 1/PIC/06/29 and 1/PIC/PM/01, as amended by NAC/06/11.
- (b) I RECOMMEND that the UDP be modified by adding a new Appendix, which would provide similar information for the Hawthorne Road/Canal Corridor sites as provided in Appendix 3 concerning Opportunity Sites.
- (c) I RECOMMEND that the UDP be modified by adding new paragraph 6.32BA and its footnote in accordance with 1/PIC/06/22, as added to by NAC/06/09.
- (d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy H7

Residential Development and Development in Residential Areas

Objections to First Deposit Draft

H7/0095/0390	Government Office North West – CW
H7/0108/0553	Hallam Land Management
H7/0109/0577	Langtree Property Company Ltd
SP/0092/0360	Lenton
SP/0111/0626 (see policy G1)	Formby Civic Society - CW

Objections to Revised Deposit Draft

H7/0118/0693	Bellway Homes– CW
H7/0017/0772	Optoplast Manufacturing Company Ltd
6.39A/0118/0869	Bellway Homes - CW
6.39A/0119/0708	Carrwood Homes Plc

Objection to Pre-Inquiry Changes

PM/0120/0889	Deveney
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Key Issues

- (i) Whether the purpose of policy H7 is so unclear that the policy should be deleted.
- (ii) Whether the text of policy H7 is inconsistent with its title, its explanation given at paragraph 6.39A and the SPG - Regulating the Supply of Residential Land and should, therefore, be amended.
- (iii) Whether the phrase contained in paragraph 6.43 of the UDP, which states that *...the land is not required for the purpose for which it is allocated...* is sufficiently important to be included within the policy.

- (iv) Whether policy H7 should be more flexible, in order to also permit changes of use and residential development outside the Primarily Residential Areas.
- (v) Whether land between Dunnings Bridge Road and Dover's Brook, Maghull should be removed from the designated Primarily Residential Area.
- (vi) Whether policy H7 should seek to ensure that its application does not result in an over-supply of residential land.
- (vii) Whether the explanation to policy H7, given at paragraph 6.39A is inconsistent with national guidance concerning the desirability of maximising the re-use of previously developed land and whether, in any case, the policy duplicates policy H3, and should be deleted.
- (viii) Whether there is a typographical error in the table entitled 'Amendments to Proposals Map & Figures' which refers to policy R4 instead of H7 in connection with the Canal Corridor, and which should be corrected.

Inspector's Reasoning and Conclusions

- 6.465 **Issues (i) – (iii)** – Policy H7 has been changed significantly since the FDD, by PC reference PC 6.34. Substantial changes to the explanatory text were also made by PC reference PC 6.35. It is proposed to make further changes to the policy, its title and its associated text by PICs references 1/PIC/06/30, 1/PIC/06/31, 1/PIC/06/32 and 1/PIC/06/33, and by NAC/06/13. These changes would result in the title of the policy being changed to clarify that it refers to *Residential Development and Development in Residential Areas*. They split the policy into three parts, add further explanation to the policy and make changes to the policy links and its background documents.
- 6.466 Amongst other matters, the additional criteria added to policy H7, by PC 6.34, inform that development will only be permitted by the policy if *the land is not required for the purpose for which it is designated* and that it is *compatible with the residential character of the area*. Additional explanatory text proposed to be added by PIC reference 1/PIC/06/31 also advises that development permitted by policy H7 should not result in a net loss of employment land.
- 6.467 I consider that these changes strengthen and clarify the policy considerably. They also rectify internal inconsistencies between the policy, its title, its associated text and the SPG - Regulating the Supply of Residential Land. In my opinion, policy H7 provides general, but nevertheless important guidelines, to assist developers and decision makers concerning residential development and proposals within residential areas that are not provided elsewhere in the Plan. I consider that policy H7, as proposed to be further amended, should be retained.
- 6.468 Consequently, I do not support objections that seek its deletion. Furthermore, it is my opinion that the proposed changes to the policy and its text, which I endorse, satisfy objections made by GONW and Bellway Homes, which have been conditionally withdrawn on the basis of these changes, and also those made by Hallam Land Management and Langtree Property Co.
- 6.469 **Issues (iv)-(v)** - Optoplast Manufacturing Company Ltd considers that policy H7 should be more flexible, in order to permit new residential development in areas outside the Primarily Residential Areas. However, I do not consider that any further changes are required to the policy in response

to this objection. In its proposed amended form, the title clarifies that the policy refers to both residential development and development in residential areas. In addition, part 2 of the policy informs that subject to caveats, *housing will also be permitted in other areas*. Thus, I do not consider that in principle, this policy would restrict residential development outside the Primarily Residential Areas.

- 6.470 Nor, with reference to Mr Lenton's objection to policy H7, do I think that in principle, it prevents changes of use or the redevelopment of non-residential sites that happen to be located within a Primarily Residential Area, provided that such alternative uses and development associated with it would comply with the caveats contained within the policy itself, and in its explanatory text. Part 3 of the policy, as amended, specifically allows for such development, provided that it would not have an unacceptable impact on residential amenity and that it would be otherwise compatible with the residential character of the area.
- 6.471 Thus, I see no need to remove the Primarily Residential Area designation from the land situated between Dunnings Bridge Road and Dover's Brook in Maghull, in order to retain flexibility concerning possible alternative employment uses of the site. Furthermore, I consider that it would be inappropriate to re-allocate it as an employment site, because some employment uses would be incompatible with the residential character and amenity of the adjoining residential area. For these reasons, I do not support this objection.
- 6.472 **Issues (vi) and (vii)** – GONW was concerned that a weakness of the FDD version of policy H7 was that its application could compromise regeneration initiatives in the urban core and the need to regulate the supply of housing land. But, as I report above, it has conditionally withdrawn its objection, which includes this concern, on the basis of the proposed PICs to the policy.
- 6.473 However, Carrwood Homes Plc objects to paragraph 6.39A, inserted by PC reference PC 6.35 and proposed to be amended by PIC reference 1/PIC/06/31, which covers the regeneration and over-supply issues raised by GONW, because the Plc considers that the provisions of the paragraph are arbitrary and incorrectly interpret PPG3. Also, that the text unnecessarily repeats the requirements of policy H3 and the SPG - Regulating the Supply of Residential Land.
- 6.474 With reference to my detailed consideration of policy H3 earlier in this section of my report, I do not consider that the mechanisms for regulating the supply of housing land contained in policy H3 and in the SPG - Regulating the Supply of Residential Land conflict with the advice of PPG3, when considered in the specific context of Sefton. Furthermore, in order to address the objections raised by GONW with regards to policy H7, which I support, and to avoid possible conflict with policy H3, I consider that there should be a reference to the housing restraint mechanism within the explanatory text of policy H7. Thus, I do not support this objection, by Carrwood Homes Plc.
- 6.475 **Issue (viii)** – The policy reference referred to is a typographical error, which the Council agrees should be changed. However, since the mistake has not been transferred to the Proposals Map, as intended to be amended by

PIC reference 1/PIC/PM/01, I do not consider that further changes are required to the UDP in response to this objection.

RECOMMENDATIONS

6.476 (a) I RECOMMEND that the UDP be modified by amending the title of policy H7 in accordance with 1/PIC/06/30, as further amended by NAC/06/13.

(b) I RECOMMEND that the UDP be modified by amending the text of policy H7 in accordance with 1/PIC/06/30.

(c) I RECOMMEND that the UDP be modified by amending and adding a sentence to the end of paragraph 6.39A in accordance with 1/PIC/06/31.

(d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy H7A

Mixed Development Sites Incorporating Housing

Objections to Revised Deposit Draft

H7A/0017/0773
H7A/0075/0845
6.44E/0118/0696

Optoplast Manufacturing Company Ltd
Merseytravel
Bellway Homes – CW

Key Issues

- (i) Whether the application of policy H7A should be restricted only to Urban Priority Areas.
- (ii) Whether the explanatory text to policy H7A given at paragraph 6.44E is unnecessary and ambiguous, and if so, whether it should be deleted.
- (iii) Whether the phrase contained in criterion (iv) of policy H7A, which states: *be in a location which is accessible by means of transport other than the car*, should be replaced by: *be in a location which is accessible to a range of sustainable modes of transport including public transport*.

Inspector's Reasoning and Conclusions

6.477 **Issues (i)-(iii)** – Amendments to policy H7A and to its explanatory text are proposed by PICs references 1/PIC/06/34 and 1/PIC/06/35. These changes would enable the policy to be applied to mixed development schemes throughout the Borough, and not just in the UPAs. They would also ensure compliance of proposals permitted by policy H7A with the requirements of parts 2 and 3 of policy H3. In addition, amended criterion (iv) would provide a clearer definition of what is meant by *accessibility* in the context of this policy.

6.478 In response to the objection by Optoplast Manufacturing Company Ltd., it is also proposed to add a policy link to proposed new policy EDT17A - The Retention of Local Employment Opportunities, by PIC reference 1/PIC/06/38. In addition, and in response to the objection by Bellway Homes, which has subsequently been conditionally withdrawn, it is intended to delete

paragraph 6.44E, by PIC reference 1/PIC/06/36. I support these changes, which I consider add to the clarity of the policy and which also adequately address all of these objections.

RECOMMENDATIONS

- 6.479 (a) I RECOMMEND that the UDP be modified by amending the text of policy H7A in accordance with 1/PIC/06/34.
- (b) I RECOMMEND that the UDP be amended in accordance with 1/PIC/06/35.
- (c) I RECOMMEND that the UDP be modified by deleting paragraph 6.44E in accordance with 1/PIC/06/36.
- (d) I RECOMMEND that the UDP be modified by adding a policy link to proposed new policy EDT17A in accordance with 1/PIC/06/38.
- (e) I RECOMMEND no further modification to the UDP in response to these objections.

Policy H8

Residential Density

Objections to First Deposit Draft

H8/0037/0138
H8/0995/0391
H8/0108/0554
H8/0109/0578
H8/0111/0592

House Builders Federation
Government Office North West – CW
Hallam Land Management
Langtree Property Company Ltd
Formby Civic Society- CW

Key Issues

- (i) Whether policy H8 should be re-drafted to encourage, where appropriate, the lowest permissible densities, in order to ensure a good mix of house types throughout the Borough, to safeguard residential amenity and to preserve the character of areas of local distinctiveness, including in Formby.
- (ii) Whether policy H8 should be amended to give more positive and rigorous guidance to developers concerning acceptable levels of residential density.

Inspector's Reasoning and Conclusions

6.480 **Issue (i)** – Planning Policy Guidance Note 3: Housing clearly advises at paragraphs 57 and 58 that LPAs should avoid the inefficient use of land by avoiding densities of less than 30 dph. However, Objectors argue that this advice does not reflect the housing context of much of the north-west of England, including Sefton, which has a legacy of very high density, low demand housing. They also contend that housing of a density in excess of 30 dph can have an adverse impact on residential amenity and that it can fail to preserve the local distinctiveness of some sub-urban areas, such as in Formby.

- 6.481 However, whilst the need to provide substantially more new homes is not as pressing in the North-West as it is in the South-East, I am not convinced that this should justify an inefficient use of land. High quality, innovative design, which is encouraged by PPG3, can ensure the preservation of residential amenity and local distinctiveness at the residential densities required by the Government.
- 6.482 Nevertheless, policy H8 does exceptionally permit residential development having a density of less than 30 dph, for example, on certain sites in conservation areas. Such proposals would be judged on their own merits and against the criteria of policy DQ1. Formby Civic Society has subsequently conditionally withdrawn its objection.
- 6.483 **Issue (ii)** - In response to this objection by GONW, changes were made to policy H8 by PC reference PC 6.37, and to its explanatory text at paragraphs 6.46 and 6.47, by PC 6.38. The change to the policy text is to its part 3. It informs that densities higher than 30-50 dwellings per hectare will be permitted in appropriate locations.
- 6.484 In order to remove the potential confusion that a density lower than 30 dph would be acceptable over large areas of the Borough, the amendment to paragraph 6.46 clarifies that this may be acceptable only *on certain sites in Conservation Areas*. The amendment to paragraph 6.47 encourages densities higher than 30-50 dph in locations well served by local services and with good access to the public transport network.
- 6.485 I consider that these changes achieve improved consistency between the policy and its associated text and they result in the policy better reflecting the guidance of PPG3. I also consider that they meet the objection by GONW, which has been conditionally withdrawn on the basis of these changes.

RECOMMENDATION

- 6.486 I **RECOMMEND** no modification to the UDP in response to these objections.

CHAPTER 7 - RETAIL DEVELOPMENT

General

Objection to First Deposit Draft

NP/0009/0030

The Countryside Agency

Key Issue

Whether the Plan should contain a policy, which seeks to retain local shops and other community facilities in settlements outside the urban areas.

Inspector's Reasoning and Conclusions

- 7.1 The Countryside Agency points out that in rural areas, local shops provide important facilities that can reduce the need to travel and can contribute to a settlement's vibrancy. However, the Council disagrees that a policy, which seeks to retain local shops and other community facilities in settlements outside the urban areas is necessary, for two reasons.
- 7.2 Firstly, because the Plan aims to create a sustainable Sefton, with the regeneration of the Urban Priority Areas being a key objective. Secondly, that all of the smaller settlements outside the urban areas in Sefton are within 3-km of an urban area. Therefore, in view of this relatively short distance to travel to an urban area, it considers that there is no need to protect any local shops and other community facilities in the rural areas.
- 7.3 However, I support the Countryside Agency on this matter. Three kilometres greatly exceeds the convenient travel distance for walkers and cyclists advocated in national policy and in Chapter 15, of the UDP – Accessible Development. Most parts of the rural areas in Sefton are poorly served by public transport. Thus, loss of any existing retail or community facilities would increase the need for people living in the rural areas to rely upon private transport, thereby reducing the sustainability of the rural communities in the Borough. This would be contrary to the objectives of PPG13. Furthermore, since such a policy would be seeking the retention of existing, rather than the provision of new facilities, I do not consider that it would detract from the fundamental urban regeneration thrust of the Plan.
- 7.4 I conclude that this is a matter that the Council should reconsider as a matter of high priority for early review when it comes to prepare its LDD.

RECOMMENDATION

- 7.5 **I RECOMMEND no modification to the UDP in response to this objection**

Introduction

Objections to First Deposit Draft

7.2/0094/0365

B & Q PLC

7.3/0074/0274

Tesco Stores Ltd

Objection to Revised Deposit Draft

Key Issues

- (i) Whether the Council should regularly monitor the need for additional retail warehouse floor space in Sefton, and if so, whether paragraph 7.2 of the UDP should be amended to make reference to this.
- (ii) Whether paragraph 7.2A of the UDP should be changed to recognise that retail warehousing will be permitted, where it can be proven that there is a need for it.
- (iii) Whether the hierarchy of retail centres should be re-examined and amended to properly reflect the retail offer in Sefton.

Inspector's Reasoning and Conclusions

- 7.6 **Issues (i) and (ii)** – From the information before me, I have no reason to doubt that sufficient capacity already exists in Sefton to meet the retail warehousing needs of the Borough to 2011 and beyond. Policies R1 and R8 set out the basis upon which new retail proposals will be assessed. Any proposal for larger scale out-of-centre retail development will be required to satisfy the tests of retail need and sequential location, as part of a retail impact assessment that should accompany the planning application for the proposal.
- 7.7 Nevertheless, the Council accepts that assessments of the need for retail floor space can change over time and will require careful monitoring, in order to inform a future review of the Plan. To clarify this, it proposes NAC reference NAC/7/B, which would add new paragraph 7.2AA as part of the explanation to policy R1. The paragraph would state: *Notwithstanding the above, it is accepted that assessments of the need for retail floor space can change over time and accordingly the Council will monitor the situation on a regular basis.* I consider that this change would meet the objection of B&Q PLC.
- 7.8 **Issue (iii)** – Tesco Stores Ltd argue that in certain cases, existing retail parks and stand-alone food stores can be seen to perform a district/local centre function, which should be reflected in Sefton's hierarchy of centres.
- 7.9 However, I disagree with that view. It is my opinion that the identification of the retail parks and stand-alone food stores in Sefton, as district or local centres in their own right, would potentially seriously undermine the existing defined centres. In addition, it is my opinion that such a designation would reduce the Council's ability to control the scale and nature of further retail development in these mainly, out-of-centre locations, where *need* would not have to be demonstrated. Nor would the Council be able to restrict the range of goods sold from the retail parks, in accordance with policy R8. Thus, I do not support this objection.

RECOMMENDATIONS

- 7.10 (a) I **RECOMMEND** that the UDP **be modified** by **adding** new paragraph 7.2AA in accordance with NAC/7/B.
- (b) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy R1 - Retail Development Strategy

Objections to First Deposit Draft

R1/0060/0219	Land Securities – CW
R1/0068/0246	British Land Corporation Ltd – CW
R1/0069/0248	Aldi Stores Ltd – CW
R1/0070/0252	Sainsbury's Supermarkets Ltd – CW
7.5/0082/0306	Somerfield Stores Ltd – CW
R1/0094/0363	B & Q Plc – CW
R1/0095/0392	Government Office North West – CW
R1/0100/0501	Tesco Stores Ltd - CW

Objections to Revised Deposit Draft

R1/0075/0815	Merseytravel
R1/0117/0667	Asda Stores Ltd
7.5/0122/0735	IKEA Properties Investments Ltd

Key Issues

- (i) Whether the sequential approach for the location of new retail development, as set out in policy R1, clearly reflects that given at paragraph 1.11 of PPG6, and in subsequent Ministerial statements.
- (ii) Whether policy R1, which sets a further sequential tier, that principally directs out-of-centre development to identified retail warehouse parks, conforms to the guidance of PPG6.
- (iii) Whether part 4 of policy R1, which precludes the sale of food and non-bulky goods from a retail park, conflicts with the guidance of PPG6, and if so, whether it should be deleted from the policy.
- (iv) Whether the term 'non-bulky goods', which is referred to in part 4 of policy R1 should be defined in the explanatory text.
- (v) Whether sites allocated for retail development should be afforded priority in the sequential test of policy R1 over edge-of-centre, district and local centre sites.
- (vi) Whether policy R1 should clarify that the sequential approach towards the location of retail development should be applied on the understanding that sites, irrespective of their locations, will only be considered suitable for retail development if they are well served by sustainable modes of transport, including public transport.

Inspector's Reasoning and Conclusions

- 7.11 **Issues (i) – (iv)** – Objectors argue that the sequential approach of policy R1 towards the location of retail development does not reflect that given in paragraph 1.11 of PPG6, in that it gives preference to district and local centres over edge-of-town centres. Also, that it sets a further sequential tier regarding the location for retail warehouse parks, which is not contained in PPG6. In addition, they argue that policy R1 gives preference to a site within an existing out-of-centre retail park, as opposed to other out-of-centre sites. Furthermore, that part 4 of policy R1, which precludes the sale of food and non-bulky goods from a retail park, conflicts with PPG6. It is also argued that policy R1 fails to take account of the appropriateness of shopping centres to accommodate retail development with regards to the scale of possible retail proposals.
- 7.12 In response to these objections, PC reference PC 7.5 significantly changed and simplified policy R1 by amending its part 2 to accord with paragraph 1.11 of PPG6, so that the preferred sequence for the location of retail development

is stated to be: *Town Centre, followed by Edge of Town Centre, followed by District and Local Centre, followed by Out-of-centre locations*. This amended order excludes any reference to retail parks in the sequential approach.

- 7.13 In addition, PC 7.5 has deleted the first sentence of part 3 and all of part 4 of policy R1. Since part 4 of the policy has been deleted. I consider that there is no need to define the term 'non-bulky goods' in the explanatory text, as requested by Somerfield Stores Limited.
- 7.14 I consider that these amendments bring policy R1 in line with PPG6, with the Caborn statement dated 11 February 1999 and the McNulty statement of 19 June 2003, neither of which Ministerial statements, in fact, change the preferred sequence of locations, as set out in paragraph 1.11 of PPG6. In my opinion, the changes made to policy R1 also overcome these objections, which have all, except for that made by Asda Stores Limited and Ikea Properties Investments Ltd, been conditionally withdrawn on the basis of PC 7.5.
- 7.15 Ikea Properties Investments Ltd request that the sequential approach of policy R1 be modified to recognise that retail development should only be encouraged to locate in retail centres where that development is appropriate in scale and function, and where it is suitably located to meet the proposed catchment. The Objector refers to recent Ministerial statements to support its argument. These statements on retail policy clarify the sequential approach of PPG6, but in my interpretation, they do not change it. Paragraph 1.11 of the PPG refers to the prioritisation of locations, whereas its paragraph 1.13 refers to the sensitivity of the scale of development at some centres. In my opinion, this later aspect could be appropriately considered through the development control process. Therefore, I do not consider that amendment to the policy is necessary in response to this objection.
- 7.16 **Issue (v)** – GONW points out that not all of the allocated retail sites in the UDP are in edge-of-centre locations and should not, therefore, be given priority in the sequential test over edge-of-centre, district and local centre sites.
- 7.17 However, PC 7.5 overcomes this objection by the re-wording of part 2 of policy R1, which deletes reference to *a site allocated for retail development* from the sequential approach. The objection has been conditionally withdrawn on this basis.
- 7.18 **Issue (vi)** – I do not consider that any modification to the UDP is necessary in response to the objection which raises this issue, because in Sefton, town centre, edge-of-town centre, and district and local centre sites are all well served by sustainable modes of transport, including public transport. With regards to out-of-centre sites, part 3 of policy R1 cross-refers to policy R8, which in my opinion, adequately addresses this matter in its part 2 (i) and (ii), where accessibility requirements and the need to consider reduction of travel patterns and car use as part of the assessment of any out-of-centre retail development proposal, are set out.

RECOMMENDATION

- 7.19 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy R1 - Explanation

Objections to First Deposit Draft

7.5/0082/0307	Somerfield Stores Ltd – CW
7.5/0094/0364	B & Q PLC
7.5/0100/0502	Tesco Stores Ltd
7.5/0100/0505	Tesco Stores Ltd
7.5/0100/0506	Tesco Stores Ltd
7.6/0082/0308	Somerfield Stores Ltd - CW

Objections to Revised Deposit Draft

R1/0122/0732	IKEA Properties Investments Ltd
7.5/0100/0789	Tesco Stores Ltd
7.5&7.5A/0075/0819	Merseytravel

Objections to Pre-Inquiry Changes

7.5A/0120/0887	Deveney
7.5A/0100/0927	Tesco Stores Ltd
7.5A/0095/0949	Government Office North West
7.5A/0117/0965	Asda Stores Ltd

Key Issues

- (i) Whether the explanatory text to policy R1, given at paragraph 7.5 of the Plan, should be amended to reflect the sequential approach of PPG6.
- (ii) Whether, for the avoidance of doubt, paragraph 7.5 of the explanatory text to policy R1 should refer specifically to the TAVR site, Bootle and the Lanstar site, Litherland, which are allocated in the UDP for retail development.
- (iii) Whether paragraph 7.5 of the UDP should be amended to recognise that retail 'need' can take many forms and, where appropriate, those aspects of need that are accepted by the Council should be specifically referred to within this paragraph, or elsewhere within the Plan.
- (iv) Whether paragraphs 7.5 and 7.5A of the explanatory text to policy R1 should clarify that the sequential approach towards the location of retail development should be applied on the understanding that sites, irrespective of their locations, will only be considered suitable for retail development if they are well served by sustainable modes of transport, including public transport.
- (v) Whether paragraph 7.5 of the UDP should clarify that the TAVR site, Bootle, is suitable only for food retail development.
- (vi) Whether paragraph 7.5A of the UDP should be expanded to advise that the Lanstar site, Litherland has been identified under policy R9 as being the preferred site for an out-of-centre supermarket, in order to partly address an identified need for such development in the south Sefton area, in line with the sequential approach set out in policy R1.
- (vii) Whether paragraph 7.5A of the UDP should omit reference to major new food retail development on the Lanstar site, Litherland.
- (viii) Whether paragraph 7.5A of the UDP should be expanded to advise that the Ash Road/Beach Road site has been identified under policy R9 as being the preferred site for an out-of-centre supermarket to partly address an identified retail need in the south Sefton area.

- (ix) Whether paragraph 7.6 of the UDP should be amended to read: ...will need to satisfy the principles of need, impact, *the sequential test and accessibility by a choice of means of travel.*

Inspector's Reasoning and Conclusions

- 7.20 **Issue (i)** - In response to several objections, which suggest that paragraph 7.5 of the FDD should be amended to reflect the sequential approach of PPG6, the paragraph was substantially amended by PC reference PC 7.6. Its revised wording reflects the sequential approach of paragraph 1.11 of PPG6. Proposed Change reference PC 7.6 also added a new paragraph 7.5A, which states that: *If no edge-of-town centre, district and local centre sites are available, then out-of-centre sites will be considered.* On the basis of this change Somerfield Stores Ltd conditionally withdrew its objection.
- 7.21 **Issue (ii)** – The re-worded paragraph 7.5 refers to the TAVR site, Bootle as being the Council's first preference to meet need for retail development that cannot be accommodated at suitable sites within the Bootle town centre. Pre-Inquiry Change reference 1/PIC/07/01 intends to add clarification to paragraph 7.5A that sites should be ...*suitable and available*.... Also, together with NAC references NAC/07/01 and NAC/7/A, the PIC intends to add reference to the Lanstar site in paragraph 7.5A. I consider that these are the appropriate places to refer to the TAVR and Lanstar sites allocations, rather than within the policy itself. Consequently, I endorse the proposed amendments to paragraph 7.5A, which I consider meet the objections, although not in the precise manner sought.
- 7.22 **Issue (iii)** – In order to take account of recent Government statements on considerations that may amount to retail need, it is intended, by PIC references 1/PIC/07/05 and 1/PIC/07/06, to amend paragraph 7.44 of the UDP and to add new paragraph 7.44AA. These PICs clarify the weight that will be given to various aspects of need, such as qualitative, regeneration and employment need for retail development, when assessing proposals for edge-of-centre and out-of-centre sites. I support these intended changes, which I consider would meet this objection raised by Tesco Stores Ltd.
- 7.23 **Issue (iv)** - I do not consider that any modification to the UDP is necessary in response to the objection which raises this issue concerning the accessibility of new retail development, because in Sefton, town centre, edge-of-town centre, and district and local centre sites are all well served by sustainable modes of transport, including public transport. With regards to out-of-centre sites, part 3 of policy R1 cross-refers to policy R8, which in my opinion, adequately addresses this matter in part 2 (i) and (ii) of that policy. I see no need to repeat reference to sustainable modes of transport, including public transport, in paragraphs 7.5 and 7.5A of the UDP.
- 7.24 **Issue (v)** – Ikea Properties Investments Ltd object that the explanatory text at paragraph 7.5 of the Plan implies that the TAVR site is suitable for either food or non-food development. It requests that it should be clarified that the site is suitable only for food retail development.
- 7.25 However, I do not consider its suggested modification is supported by the findings of the Retail Strategy Review 2001 (CD/0075), which recommends at section 6.7 that the *Council explore opportunities within or on the edge of Bootle Town Centre to accommodate the need for up to 6,000 sq m of non-*

food retail floor space. The identified 'need' is in addition to the need to also identify a site for a major food store within or on the edge of Bootle Town Centre.

- 7.26 Consistent with this advice, as sequentially the best non-town centre site, the TAVR site is allocated in the UDP for both food and non-food retail development. I have not been provided with any evidence that convinces me that the TAVR site is inappropriate for non-food retail development. Thus I do not support this objection.
- 7.27 **Issues (vi) – (viii)** – In response to an objection by Tesco Stores Ltd, it is intended, by NAC reference NAC/7/A to add an additional sentence to paragraph 7.5A that would state: *In this regard, the Council's preferred site is the Lanstar site (Policy R9), which will address part of the balance of identified need in South Sefton and has been identified in line with the sequential approach.*
- 7.28 However, GONW, Asda Stores Limited and J M Deveney object to the allocation of the Lanstar site under policy R9. GONW and Asda simply request that reference to the Lanstar site not be added to the explanatory text of policy R1, at paragraph 7.5A, as intended by PIC reference 1/PIC/07/01 and NAC reference NAC/7/A. Mr Deveney considers that land at Ash Road/Beach Road, which has the benefit of an extant planning permission for a major food retail store should be promoted instead of the Lanstar site.
- 7.29 However, for reasons which I give in consideration of objections to policy R9 later in this chapter of my report, I consider that it would be inappropriate for the Ash Road/Beach Road site to be alternatively allocated in the UDP for retail development. Therefore, I do not support Mr Deveney's objection, or the suggested amendment to paragraph 7.5A.
- 7.30 I also explain, in my consideration of objections to policy R9, the reasons why I support the allocation of the Lanstar site for retail development. In my opinion, it is entirely appropriate to make reference to the allocation of the Lanstar site in the supporting text to policy R1, in order to promote certainty for developers and to aid the transparency of the Plan. Thus, I support the objection by Tesco Stores Ltd that paragraph 7.5A should be expanded by confirming preference for the Lanstar site.
- 7.31 **Issue (ix)** – In order to avoid repetition with policy R8 and paragraph 7.42, and in response to this objection made by Somerfield Stores Ltd, paragraph 7.6 was deleted by PC reference PC 7.7. Its objection was conditionally withdrawn on the basis of this change.

RECOMMENDATIONS

- 7.32 (a) **I RECOMMEND that the UDP be modified by amending paragraph 7.5A in accordance with 1/PIC/07/01.**
- (b) **I RECOMMEND that the UDP be modified by amending paragraph 7.5A in accordance with NAC/07/01.**
- (c) **I RECOMMEND that the UDP be modified by amending paragraph 7.5A in accordance with NAC/7/A.**
- (d) **I RECOMMEND that the UDP be modified by amending paragraph 7.44 in accordance with 1/PIC/07/05.**

(e) I RECOMMEND that the UDP be modified by adding paragraph 7.44AA in accordance with 1/PIC/07/06.

(f) I RECOMMEND no further modification to the UDP in response to these objections.

Policy R2 - Southport Town Centre

Objection to First Deposit Draft

R2/0018/0075

Thornfield Properties

Key Issue

Whether part 1 of policy R2 should be re-worded to give explicit support to the development of additional retail facilities within Southport Town Centre, to enable it to compete effectively with other major centres and to deliver qualitative improvements to its overall shopping offer and environment.

Inspector's Reasoning and Conclusions

7.33 Part 1 of policy R2 informs that the preferred location for new retail development in Southport is within the defined Town Centre, which is shown on the Proposals Map. In response to this objection, PC reference PC 7.13 added a sentence to the end of paragraph 7.13, which states that: *In particular, proposals will be permitted which seek to improve the quality of Southport's shopping role to enable it to compete more effectively with major centres elsewhere.*

7.34 Whilst this change is not exactly that sought by the Objector, I consider that it addresses their concern.

RECOMMENDATION

7.35 I RECOMMEND no modification to the UDP in response to this objection.

Policy R2A - Southport Station Complex

Objection to First Deposit Draft

NP/0018/0074

Thornfield Properties

Key Issues

Whether the UDP should include a policy that specifically supports mixed-use development including new retail and leisure facilities, at Southport railway station and the surrounding lands, in addition to transport improvements.

Inspector's Reasoning and Conclusions

7.36 In response to this objection new policy R2A – Southport Station Complex and its associated text were added to the UDP, by PC reference PC 7.15. Paragraph 7.16B of that explanatory text informs that a Development Brief will be prepared for the site, which will contain specific details of how it may be brought forward for development. I consider that the change addresses this objection.

RECOMMENDATION

7.37 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy R4 - Edge of Centre Retail Development: TAVR Site, Strand Road, Bootle

Objections to First Deposit Draft

R4/0046/0181	Iceland Foods Plc
R4/0047/0182	Somerfield Stores
R4/0100/0495	Tesco Stores Ltd – CW
7.24/0100/0496	Tesco Stores Ltd – CW

Objection to Revised Deposit Draft

7.25A/0117/0668	Asda Stores Ltd
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Key Issues

- (i) Whether the allocation of an edge-of-centre retail development at the TAVR site, Strand Road, Bootle, under policy R4, is premature pending the determination of a planning application on land at Hawthorne Road, Litherland (Lanstar Site).
- (ii) Whether any perceived shortfall in retail convenience shopping in the Borough can be accommodated in Bootle town centre.
- (iii) Whether there is quantitative and other need for the allocation of the TAVR site for retail development.
- (iv) Whether retail development at the TAVR site would have an unacceptable impact on the vitality and viability of Bootle town centre.
- (v) Whether the TAVR site is suitable for redevelopment for a major retail development, taking into account its location in relation to Bootle town centre and its proximity to dwellings.
- (vi) Whether redevelopment of the TAVR site as a major retail development would contribute towards the regeneration objectives of the Plan.
- (vii) Whether policies R4 and EDT18 (R9) should be merged to form a joint policy that deals with both of the retail sites allocated in the Plan.
- (viii) Whether the explanatory text to policy R4, given at paragraph 7.24 of the UDP, should be amended to acknowledge that both the Lanstar and TAVR sites will meet the identified need for two large food stores in south Sefton.
- (ix) Whether paragraph 7.25A of the UDP, which refers to the need to provide urban greenspace at the TAVR site, should be deleted.

Inspector's Reasoning and Conclusions

7.38 **Issue (i)** – The Objectors' argument concerning pre-maturity of the allocation of the TAVR site for retail development was based on the premise that a decision was awaited on a planning application by Tesco Stores Ltd, on land at Hawthorne Road, Litherland (referred to in the Plan as the Lanstar site). The application was the subject of a public inquiry in 2001. It is argued that if this 'called-in' planning application were approved, then the impact of a store in an out-of-town centre location should be assessed before any additional sites are allocated outwith town centre or district centre locations.

- 7.39 The Secretary of State (in pursuance of section 77 of the Town and Country Planning Act 1990), upon consideration of the Inspector's report concerning proposed Class A1 retail stores at Ash Road /Beach Road and the Lanstar site at Hawthorne Road, Litherland, granted outline planning permission for the former site (APP/M4320/V/01/000274), but refused planning permission for the latter Lanstar site (APP/M4320/V/01/000256) in 2002. Thus, since the awaited decision has been made, I consider that the matter of pre-maturity raised by the Objector has been overcome by events.
- 7.40 **Issues (ii-iv)** - Objectors have argued that as the TAVR site is situated in an edge-of-centre location, there is a clear requirement, in accordance with PPG6, to apply its tests, as clarified by Richard Caborn in his Ministerial Statement of 11 February 1999, and to demonstrate need, in terms of both quantitative and other need. In paragraph 7.2 of the RDD, as amended by PC reference PC 7.3, reference is made to the Retail Strategy Review (RSR) 2001, which examined the need for new retail development in Sefton. It confirms a requirement for two major supermarkets in the south of the Borough and need for further provision of non-food floor space within Bootle town centre, by 2011.
- 7.41 Objectors have commented, and the Council acknowledges, that since the RSR was carried out, the recommended method of calculating retail capacity and need has changed. Nevertheless, from the several calculations before me, which use different methodologies, I am satisfied that there is a clear requirement for two major food supermarkets in the south of the Borough and for further provision for non-food floor space within Bootle town centre, by 2011. In their written representations and at an informal hearing session of the Inquiry, Objectors have subsequently stated that they do not disagree with the quantitative need stated in the UDP, for additional convenience retail floor space in south Sefton.
- 7.42 However, it is the opinion of Iceland Foods PLC and Somerfield Stores that the identified need would best be provided for at a site in Bootle town centre, together with the Lanstar site allocated by policy R9. They referred to several potential town centre sites in their original submissions, but at the informal hearing session they conceded that, except for the Bootle Central Area Opportunity Site allocated as EDT12.2, there are no suitable sites available in the town centre.
- 7.43 However, from the written and oral evidence before me, I consider that site EDT12.2 is unsuitable to accommodate a major convenience retail store that would satisfy the identified quantitative and qualitative retail need of south Sefton. It is my opinion that although probably suitable, amongst a range of other town centre uses, for a medium sized convenience store, the site is the subject of numerous physical constraints that would render it unsuitable for a food superstore development.
- 7.44 I am persuaded by the evidence that there are likely to be severe technical problems concerning development of the site as a food superstore, in terms of access and egress, which could only be overcome at an unviable financial cost, and which would involve measures that would give rise to adverse traffic and environmental impacts, such as the backing up of traffic on the already strained local highway network, inconvenience to other businesses in the adjoining part of the Strand Shopping Centre and to occupiers of nearby

dwellings. In addition, I consider that the limited size of the site and its irregular shape would amount to physical constraints, which would compromise the ability of the site to accommodate a suitably sized store that would compete effectively with the dominant food superstores in the area, and in particular, with the Asda store at Aintree.

- 7.45 Furthermore, I consider that from a retailer's perspective, the site is likely to be unattractive and unacceptably problematic in terms of its internal layout. For example, accessing the several levels that would make up the retail, parking and servicing areas, and on-site and off-site construction costs. I am unaware of any retailer interest in this site as a food superstore, which adds weight to my concerns about this matter.
- 7.46 Thus, whilst the most recent national retail planning policy requires retailers to be flexible regarding the format of their stores, I consider that site EDT 12.2 would fail to reflect legitimate operator requirements. For these reasons, I do not consider that the town centre site can be realistically regarded as being suitable for a convenience superstore development. Consequently, I endorse the statements of paragraph 7.24 of the RDD, as amended by PC reference PC 7.19, which inform that there are no suitable sites available, or likely to become available within Bootle town centre for such development.
- 7.47 Turning now to consider objections made to the TAVR site, Iceland Foods PLC and Somerfield Stores object to its allocation for several reasons. They note that the success of the Strand Shopping Centre has resulted in a decline of Stanley Road as the principal retail thoroughfare. In their opinion, the location of a food superstore in Strand Road (TAVR site) is likely to accelerate that decline. There are no retail or commercial properties in Strand Road and in their opinion, pedestrian access between Strand Road and Stanley Road is poorly defined and in excess of 400 metres.
- 7.48 These Objectors acknowledge that the TAVR site allocated under policy R4 is located just in excess of 200 metres from the Strand Centre and that it is classified as an edge-of-centre location, as defined in PPG6. However, they point out that it is not visible from the Strand Shopping Centre, because it is obscured by a high railway embankment. They consider that pedestrian access to the town centre, passing under the railway bridge, is unattractive, and that there is no commercial linkage between the TAVR site and the Strand Shopping Centre. As a consequence, it is their opinion that the site does not represent a logical extension of the retail function of Bootle town centre.
- 7.49 The Objectors conclude that as a result of the physical and visible separation of the TAVR site from the town centre, it would be unable to provide shared or integral car parking facilities with the town centre. Thus, that it would actually function as an out-of-centre site that would be primarily favoured by car-borne shoppers. Consequently, that it would not encourage linked trips and that it would, therefore, detract from rather than contribute to the vitality and viability of the town centre, which is a pre-requisite of PPG6 and the emerging PPS6.
- 7.50 I conclude that the TAVR site is an edge-of-centre site, by virtue of there being a distance of just in excess of 200 metres from the edge of the allocated site to the nearest point of the Strand Shopping Centre. This

classification is referred to in the explanatory text to policy R4, at paragraph 7.24.

- 7.51 I am satisfied that the Council has undertaken a robust appraisal of alternative sites of the size required for a Class A1 food superstore, in and around Bootle town centre, which indicates that there are no suitable sites. This study, carried out in 2001, was firmly endorsed by the Inspector reporting upon the 'called-in' planning applications for sites at Ash Road/Beach Road and at Hawthorne Road. From additional evidence presented to this Inquiry, I am convinced that site unavailability has not changed since then. Consequently, I consider that the TAVR site represents the sequentially best available and suitable site, in terms of the approach set out in PPG6, to meet approximately half of the need for additional convenience retail floor space in south Sefton.
- 7.52 I consider that the careful positioning of a store on the eastern part of the TAVR site, closest to Bootle town centre, in order to minimise the walking distance to the Strand Shopping Centre, would encourage linked trips. In this regard, I note that improvements have recently taken place to the pedestrian underpass between the two locations. Further improvements could be sought as part of the development control process, in the consideration of a planning application for the TAVR site.
- 7.53 The TAVR site is within 180 metres of Bootle bus station and within 300 metres of the Merseyrail New Strand Station. Thus, I consider that it is conveniently located for access to public transport. I see no reason why it would not attract a high proportion of non-car borne shoppers, bearing in mind that the car ownership ratio of people living within the retail catchment area of the town centre is proportionally lower than the national average.
- 7.54 Therefore, although the TAVR site is both physically and visually separated from the Strand Shopping Centre, I am satisfied that it would function as an edge-of-centre site, and not as an out-of-centre site as contended by some Objectors. The proposed allocation of TAVR site would also provide an opportunity for some non-food retail development. In so doing, it is my opinion that the development of the site could broaden the quality and range of the retail offer in Bootle town centre and thereby strengthen its vitality and viability.
- 7.55 I turn now to consider Objectors' concerns regarding their estimation of the impact of a large food store at the TAVR site on the trade of existing convenience businesses, namely of Iceland, Kwik Save and Tesco, situated in Bootle town centre.
- 7.56 They anticipate that this would involve a loss of trade in excess of 30%. I agree that retail development at the TAVR site would probably result in some loss of trade at existing food stores in Bootle town centre. However, I am satisfied that the retail development of the TAVR site would also result in 'claw back' of trade from the dominant Asda store at Aintree. Given that the Aintree store is situated on an out-of-centre site, I consider that by 'clawing back' trade to an edge-of-centre location, the potential to generate additional 'linked trip' expenditure with other facilities within Bootle town centre is likely to be significant. Therefore, whilst some trade would inevitably be drawn from existing convenience stores within Bootle town centre, I consider that it

would most probably be compensated for by the significant expenditure that would be attracted to other facilities within the town centre via 'linked trips'.

- 7.57 In addition, I am satisfied by the available evidence that existing food stores within Bootle town centre are over-trading significantly, due to the lack of convenience facilities within the south of the Borough. Therefore, even if those stores lost around 30% of their trade, they would still be trading well above their companies' average turnover. Thus, I consider that if the trade diversion was as high as some Objectors suggest, this would be unlikely to undermine the future operation of the existing convenience stores within Bootle town centre.
- 7.58 Furthermore, given the precise nature of the identified need for main food shopping facilities within the southern part of the Borough, I consider that the majority of the trade diverted from stores outside Bootle town centre would be from the existing large, out-of-centre food stores. Therefore, although Objectors identify a number of smaller Kwik Save stores throughout the catchment area, I consider that the trade draw from these discount stores would be limited. In this regard, I note that this was also the conclusion of the Inspector appointed for the 'called-in' inquiry into the two proposed large food stores at Litherland, who also acknowledged that there is a need for two additional, large convenience shopping destinations, to challenge the dominance of the Asda superstore at Aintree.
- 7.59 For these reasons, I consider that Objectors' anxieties concerning impact on retail trade are misplaced. In my opinion, the allocation under policy R4 will help to reinforce the future vitality and viability of Bootle town centre and it will assist in 'clawing back' lost expenditure from over-trading at out-of-centre stores such as the Asda store at Aintree. Consequently, it is my conclusion that the allocation of the TAVR site will assist the future economic well-being of Bootle town centre. For these reasons I do not support these objections.
- 7.60 **Issues (v)-(vi)** – Concerns have also been raised that retail development at the TAVR site could detract from the residential amenity of the occupiers of nearby dwellings and that the removal of the existing industrial premises at the site would be contrary to the regeneration objectives of the Plan.
- 7.61 But it is my opinion that the requirement of policy R4 that a retail re-development of the site should include an area of greenspace, together with the general development control criteria of the Plan and associated SPG, would ensure that residential amenity was not significantly, adversely affected. I also consider that the boost to the vitality and viability of Bootle town centre that is likely to result from the retail development of the TAVR site would more than compensate, in economic terms, for the loss of existing industrial buildings occupying part of the site. I conclude that the allocation is unlikely to detract from residential amenity or from the regeneration objective of the Plan.
- 7.62 **Issues (vii) and (viii)** – Tesco Stores Ltd objects that the TAVR site and the Lanstar sites are not considered against a consistent policy background, for example, regarding the requirement of the Lanstar retail development to be matched in floor space by industrial development, but the absence of this requirement at the TAVR site. To rectify this, they consider that policies R4 and EDT18 (R9) should be merged to form a joint policy that deals with both

of the allocated retail sites. The Company also considers that corresponding changes should be made to the explanatory text to policy R4, at paragraph 7.24.

- 7.63 At the FDD stage of the Plan the allocation of the TAVR site was made under policy R4 and that of the Lanstar site was made under policy EDT18. However, as a result of PC reference PC 5.71, policy EDT18 was deleted and the Lanstar site was allocated as a food retail site under policy R9, by PC reference PC 7.31. As a result of these changes, Tesco Stores Ltd has conditionally withdrawn its objections.
- 7.64 **Issue (ix)** - Asda Stores Ltd has objected to the urban greenspace requirement of policy R4. The TAVR site has two boundaries that adjoin Primarily Residential Areas, albeit that the southern boundary is partly separated from residential development by Strand Road. It is for this reason that the policy requires separation of the residential properties to the north from the proposed food store, by the provision of a suitably defined urban greenspace buffer, which will also act as a pleasant pedestrian walkway to facilitate linkage (and linked trips) to and from Bootle town centre.
- 7.65 I saw that the existing greenspace at the site serves as an informal recreational area for local residents. I consider that the retention of part of it, in association with future retail development at the site, is both necessary and reasonable, in order to safeguard the amenity of people living close to and visiting the TAVR site. Thus I do not support the objection which requests the deletion of the urban greenspace designation on the Proposals Map and its policy requirement in policy R4.

RECOMMENDATION

- 7.66 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy R5 - Development in District and Local Shopping Areas

Objections to First Deposit Draft

R5/0030/0110	BT Group Plc
R5/0095/0393	Government Office North West – CW
SP/0100/0499	Tesco Stores Ltd
SP/0100/0500	Tesco Stores Ltd
SP/0078/0295	Livock & Edwards - CW
SP/0028/0106	The City Of Liverpool Investment Company Ltd - CW
SP/0019/0078	Melbourne Woods - CW

Objections to Revised Deposit Draft

R5/0117/0669	Asda Stores Ltd
R5/0120/0711	Deveney
R5/0100/0788	Tesco Stores Ltd

Key Issues

- (i) Whether the first sentence of policy R5 should be amended, in order to clarify the purpose of the policy.
- (ii) Whether part 2 of policy R5 should be amended to allow more flexibility, to enable retail development or appropriate uses to be created adjacent to the District and Local Shopping Centres.
- (iii) Whether the Crosby District Centre should be extended to include 60-74 Coronation Road, Crosby.
- (iv) Whether the area allocated as the Seaforth Local Shopping Centre on the Proposals Map has been correctly defined.
- (v) Whether the boundary of the Seaforth Local Shopping Centre should be amended to include the Dibro site on Wellington Road and the shopping frontages at Bridge Road/Sefton Street.
- (vi) Whether the shopping frontages at Bridge Road/Sefton Street should be allocated as a Local Shopping Centre in their own right.
- (vii) Whether properties situated in Seaforth Road should be deleted from the designated area of the Seaforth Local Centre.

Inspector's Reasoning and Conclusions

- 7.67 **Issue (i)** – In response to the suggestion made by GONW concerning the wording of the first sentence of policy R5, it has been amended by PC reference PC 7.21, by the addition at the end of the sentence, of the words: *to serve local needs*. I consider that this change meets this objection, which has been conditionally withdrawn on its basis.
- 7.68 **Issue (ii)** - BT Group PLC generally supports the content of policy R5, but it considers that an element of flexibility should be included in the policy to enable retail development, or appropriate uses to be located adjacent to the centres and to encourage uses that would enhance their vitality and viability. The Objector refers to the boundaries of a number of the centres being tightly drawn and the unlikelihood of sites within the defined centres becoming available to meet all of the required demands for these sites.
- 7.69 The Objector does not specify which centres they consider have tightly drawn boundaries. However, the UDP proposes that the defined areas of the Seaforth Local Centre and the Crosby District Centre be extended to reflect, what the Council considers to be, a more accurate reflection of their retail function. I comment on these changes later in this section of my report.
- 7.70 With regards to flexibility, I consider that policy R5 is appropriately worded to provide certainty, to ensure that the district and local shopping centres remain the focus for retail development to serve local needs, in accordance with the guidance of PPG6. However, part 2 of the policy informs that proposals for new retail development should *preferably* be located within the Primarily Retail Frontages shown in Figure 7.2. Paragraph 7.28 of the explanatory text to policy R5 explains that if no sites are available within the Primarily Retail Frontages then retail development should be located elsewhere in the District Centre. In Local Centres, retail development should be located within the Local Centre boundary.
- 7.71 I consider that this approach will enable the most 'visible' retail areas of the centres to remain fully occupied and thus promote an active local centre that would be attractive to visitors and investors. In contrast, it is my opinion that any greater flexibility permitted by the policy could result in retail development, which would otherwise take place within the centres, occurring

outside the centres. I consider that this would potentially undermine their vitality and viability. For these reasons, I do not support the objection.

- 7.72 **Issue (iii)** – The City of Liverpool Investment Company and Livock & Edwards generally support the hierarchy of shopping centres in Sefton. However, they seek an amendment to the boundary of the Crosby District Centre to include 60-70 Coronation Road, which includes several well-established retail units and a car dealership, and also the inclusion of 72-74 Coronation Road, which contains the former Livock and Edwards’s site. The 1995 approved UDP includes this latter site within the District Shopping Centre, but it is excluded in the FDD version of the Plan. From my visits to the sites, I agree that both should be included.
- 7.73 In response to these objections, PC reference PC 7.22 amends the Proposals Map by including the properties at 60-74 Coronation Road, Crosby within Crosby District Shopping Centre. Both objections have been conditionally withdrawn on the basis of this change.
- 7.74 **Issues (iv)-(vii)** – Melbourne Woods and Tesco Stores Ltd suggest extensions to the Seaforth Local Shopping Centre, to include the Dibro site at Wellington Road and the shopping frontages at Bridge Road/Sefton Street, in order to define the centre, as it is currently used. In response to these objections, the boundary of the Seaforth Local Centre was extended by PC reference PC 7.23, to include the Dibro site, Wellington Road and shops at Bridge Road. Melbourne Woods conditionally withdrew its objection on the basis of this change.
- 7.75 Tesco Stores Ltd also welcomes the inclusion of Wellington Road and the shops at Bridge Street, but the Company considers that the change does not go far enough to meet their objection. In their opinion, the strongest retail frontages in the Seaforth area are those at Sefton Street/Bridge Road. They consider that the Centre should be yet further extended to include these areas, or they should be designated as a Local Centre in their own right. The Churchtown Local Centre is cited as an example of a Local Centre that is split into two parts. In addition, Tesco Stores Ltd considers that the Seaforth Road should be deleted from the designated area of the Centre.
- 7.76 Others object to the extension of the Seaforth Local Centre resulting from PC 7.23. They regard it as an attempt to bring the Local Centre closer to the Lanstar site, in order to support its allocation under policy R9, as an out-of-centre food retail site. The rejection of the proposed extension of the Centre, by the Secretary of State, in connection with appeals references APP/M4320/V/01/00256 and APP/M4320/V/01/000274 is also referred to (CD/0082). It is the opinion of Asda Stores Ltd that the extension of the Centre is unjustified and that it would result in an incoherent boundary to the Centre. They also consider that the planning purpose of the extension is unclear, given the declining vitality of the existing Local Centre.
- 7.77 I am not convinced by Objectors’ contentions that the Council’s intentions to extend the Centre are a devious ploy to justify the allocation of the Lanstar site, because the UDP clearly acknowledges that it would be an out-of-centre site, even if the Seaforth Local Centre were extended. Furthermore, this argument does not progress the consideration of the extension to the Centre, on its own merits. The reference made by the Secretary of State to the area that is now proposed to be included was made in the context of the possible

impact of retail development at the Lanstar site on the Centre, which I consider to be a separate issue from the appropriateness of extending the Centre.

- 7.78 With regards to the justification for the extension, I think that there is some logic in including the Dibro site, which has planning permission for a small food store and a food drive-through, within the Centre. But the planning permission may not be implemented. Also, there have recently been a number of functional changes in the Bridge Street area, which have resulted in an increased footfall that has resulted in increased vitality of the proposed extension area.
- 7.79 I also saw that the additional areas at Sefton Street/Bridge Road, suggested by Tesco Stores Ltd for inclusion to form an even larger Local Centre, include all of the facilities typical of a Local Centre listed in Annex A of PPG6. I observed that the area in question contains a number of multiples, including a Nat West Bank, a post office, Stanley Racing, Moss Racing, in addition to a small general store, a day nursery, doctor's surgery, hairdressers, florist, sandwich shop, off-licence and bakery. I noticed that there is new paving, planting and street furniture in the area and that it is apparently well used. At my visits, this area appeared to be more vibrant than the currently designated Local Centre.
- 7.80 On this basis, I consider that there is equal theoretical justification for including these Local Shopping Parades within the extended Seaforth Local Centre, as those identified in the UDP. I consider that there is reasonable connectivity for access by visitors to the various parts. That they do not comprise a single continuous area is less important, in my opinion.
- 7.81 However, I have to question the appropriateness of any extension of the Centre in the absence of detailed proposals to manage the obvious, continuing decline of the current Seaforth Local Centre. In this connection, Tesco Stores Ltd objects to the retention of the Seaforth Road area within the designated area. During the hearing session of the Inquiry, at which Tesco Stores Ltd objections to alterations to the designated area of the Seaforth Local were discussed, the Council conceded that the western part of the Seaforth Road should be deleted from the Local Centre designation.
- 7.82 In consideration of this matter, I entirely concur with the findings of the Council's recently completed District Centres, Local Centres and Shopping Parades Study (CD/0157), which acknowledges the poor state of repair and the high number of vacant units and floor space in the Seaforth Road part of the Seaforth Local Centre and within the purpose built Stella Precinct retail development. The Study concludes that given the extremely vulnerable position that Seaforth Road finds itself in, a comprehensive restructuring of the Seaforth Local Centre should take place. The Council intends to undertake a further study in the near future, which would be used as a basis for informing the future extent, nature and role of the Seaforth Local Centre.
- 7.83 Furthermore, I consider that if the Lanstar site is developed for retail purposes, it will have a significant impact on the Local Centre and the nearby Local Shopping Parades. In my opinion, the wider Bridge Road and Wellington Street areas are likely to become increasingly vibrant, because they are situated between the Lanstar site and the railway station. Whereas, the decline of the Seaforth Road and the Stella Precinct area would probably be

exacerbated, because in my opinion, the distance between the two locations is too great to promote linked trips.

7.84 My overall conclusions on these issues are that in order to reflect current and potential retail activity at sites close to the currently designated Local Centre, and to manage the decline of Seaforth Road and Stella Precinct areas, in accordance with paragraph 2.7 of PPG6, changes should be made to the boundaries of the designated Local Centre. However, in the absence of a detailed impact assessment associated with the possible development of the Lanstar site for a major food store, and in advance of an intended further investigation, by the Council, of the comprehensive restructuring of the Seaforth Local Centre, including possible alternative uses for the Stella Precinct, I conclude that any boundary changes would be premature.

7.85 Consequently, I conclude that proposals to alter the boundaries of the Seaforth Local Centre should be deferred until a future review of the Local Plan, as part of the LDF process, when all of the above mentioned information is available and a fully considered decision can be made.

RECOMMENDATIONS

7.86 (a) I **RECOMMEND** that the UDP **is modified** by making **NO CHANGES**, at this time, to the boundaries of the Seaforth Local Centre.

(b) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy R8 - Edge-of-Centre & Out-of-Centre Retail Development and Key Town Centre Uses

Objections to First Deposit Draft

R8/0060/0218	Land Securities
R8/0068/0245	British Land Corporation Ltd
R8/0069/0249	Aldi Stores Ltd
R8/0070/0253	Sainsbury's Supermarkets Ltd
R8/0070/0254	Sainsbury's Supermarkets Ltd
R8/0082/0311	Somerfield Stores Ltd – CW
R8/0094/0366	B & Q PLC – CW
R8/0095/0394	Government Office North West – CW
R8/0100/0503	Tesco Stores Ltd
R8.2i/0075/0282	Merseytravel – CW
7.42/0094/0367	B & Q PLC – CW

Objections to Revised Deposit Draft

R8/0117/0670	Asda Stores Ltd
R8/0122/0734	IKEA Properties Investments Ltd
R8/0100/0790	Tesco Stores Ltd
R8/0075/0816	Merseytravel

Key Issues

- (i) Whether policy R8 goes beyond the guidance of PPG6 by introducing a further sequential tier concerning the location of out-of-centre retail development.
- (ii) Whether policy R8 goes beyond the guidance of PPG6 by restricting the sale of food and non-bulky goods from retail parks.

- (iii) Whether the preference given in policy R8 for the location of out-of-centre retail development at an allocated retail site, should be deleted from policy R8.
- (iv) Whether the wording of parts 2 (ii) and 5 should be amended to strengthen and improve the clarity of policy R8.
- (v) Whether the criteria of part 2 of policy R8 should also apply to edge-of-centre sites, in order to simplify the policy and to bring it more into line with PPG6.
- (vi) Whether references in policy R8 to the requirement for retail sites to be accessible and well served by public transport should be strengthened.

Inspector's Reasoning and Conclusions

- 7.87 **Issues (i) and (ii)** - Several Objectors argue that in order to accord with PPG6, proposals for all types of retail development must meet the sequential test set out in paragraph 1.11 of the PPG. Therefore, in certain circumstances, where sites within, or on the edge of a defined centre are not genuinely available, suitable or viable for the development and there is a clearly defined need, then an out-of-centre site may be acceptable. This applies to all types of retail development, including retailing for food and non-bulky goods. They acknowledge that this approach is generally reflected in policy R8.
- 7.88 However, they object that part 3 of policy R8 then goes on to set a further sequential tier, that out-of-centre development should be directed, principally to identified retail parks. Furthermore, that criterion 4 of the policy precludes the sale of food and non-bulky goods from retail parks. They consider that those restrictions are outwith the guidance of PPG6. I partly support the thrust of these objections, although not exactly the reasons for them.
- 7.89 In my opinion, paragraph 1.17 of PPG6 provides national planning policy support for the direction of new out-of-centre retail developments towards specified out-of-centre Retail Parks, in preference to any other out-of-centre location, because the PPG refers to the appropriateness of combining major travel-generating uses, which cannot be accommodated in, or on the edge of existing centres, with existing out-of-centre developments. The reason given for this preference is to maximise access by means of transport other than by car, and to increase the ability for single trips to serve several purposes. Thus, I generally support the inclusion of part 3 of policy R8. I also agree that such proposals for new out-of-centre retail developments should meet the criteria of parts 1 and 2 of the policy.
- 7.90 However, I also agree with Objectors that national policy does not preclude the sale of food or non-bulky goods from retail parks, although it should be acknowledged that paragraph 3.11 of PPG6 highlights that out-of-centre retail developments can change their composition over time and that such change may be unacceptable, in terms of that impact, particularly on the viability of an existing centre. The PPG indicates that planning conditions are an appropriate means of controlling such change. In my opinion, part 3A of the policy adequately controls unacceptable change, in this case.
- 7.91 However, I am not convinced that the Council's argument concerning the character and role of its retail parks, as set out in paragraph 7.44B of the UDP (introduced by PC 7.27), provides sufficient justification, on its own, to prevent food and non-bulky retail sales from such sites. In my opinion, a

more important consideration is the possible adverse impact of proposals for food and non-bulky retail development at these sites, on the vitality and viability of existing centres. This is a matter which would be addressed by the proposed amendment to paragraph 7.44B, by PIC reference 1/PIC/07/07.

- 7.92 But in my opinion, the possible adverse impact of food and non-bulky goods sales from edge-of-centre, out-of-centre and retail park sites would be more appropriately assessed against part 5 of policy R8, and hence also against its parts 1 and 2. I note that GONW has withdrawn its objection following the insertion of explanatory paragraph 7.44B, but I remain of the opinion that part 4 of policy R8 is unsubstantiated and superfluous and should be deleted.
- 7.93 In addition, I consider that as a result of the inclusion of part 4 in the policy, the whole of policy R8 lacks logic, when read together with its parts 3 and 5, and furthermore that it creates inconsistencies with policy R1 and more particularly with policy R9. I consider firstly the inconsistencies that I consider that part 4 of policy R8 creates with other retail policies of the Plan.
- 7.94 A key element of the Council's retail policy, as set out in Chapter 7 of the UDP, is a requirement to make provision for a need that has been identified by its Retail Strategy Review 2001 (CD/0075) for two major food stores to serve south Sefton. In the Council's assessment, which I endorse, there are no suitable and available town centre sites. It, therefore, considers that it is necessary to make provision for accommodating this identified need at an edge-of-centre site and an out-of-centre site respectively.
- 7.95 In accordance with policy R8, which refers specifically to both these types of retail sites, the preferred location for the out-of-centre site for the specific retail need that has been identified by the Retail Strategy would be at one of the retail parks, as specified in part 3 of policy R8. However, part 4 of that policy expressly precludes food retail development. The Plan then circumvents this policy difficulty by allocating the Lanstar site (policy R9) to accommodate a major element of identified retail need in the Borough. This seems to me to be illogical and lacking in transparency.
- 7.96 I consider that part 4 of policy R8 is also inconsistent when read together with parts 3 and 5 of the policy. On the one hand, part 3 directs out-of-centre retail development to retail parks and part 5 informs that such retail development will, quite properly in my opinion, be assessed against the criteria of parts 1 and 2. Part 3A restricts the range of goods to be sold from the retail park, where deemed necessary. But on the other hand, part 4 of the policy places a blanket restriction on food retail development at the Council's stated preferred locations for out-of-centre retail development.
- 7.97 Thus to summarise, it is my opinion that part 4 of the policy creates muddle and inconsistency when read together with parts 2 and 3 of the policy, and it makes policy R9 illogical. I find no basis in national guidance that supports part 4 of the policy, the intentions of which I consider are duplicated in, and would be better achieved by parts 3A and 5 of the policy.
- 7.98 I consider that the deletion of part 4 of policy R8 would rectify these inconsistencies and would thereby strengthen the policy, and the Council's retail strategy. In my opinion, the control over the possible adverse impact of the sale of food and non-bulky goods from out-of-centre sites, including at

retail parks could be effectively controlled by other parts of policy R8. For consistency paragraph 7.44B should also be amended.

- 7.99 **Issue (iii)** – Proposed Change reference PC 7.26 made significant amendments to policy R8. One of these was to delete criterion (iii) of part 1 of the policy, in which section the reference to *an allocated retail site* was contained. It was replaced by the phrase: *the proposal satisfies the sequential approach set out in Policy R1*. For consistency, a similar amendment was made to paragraph 7.42. In addition, as I have reported above, policy R1 has also been amended to accord with the sequential approach set out in PPG6. Therefore, it is my opinion that objections concerning this matter have been met. Somerfield Stores Limited and B & Q PLC have conditionally withdrawn their objections on the basis of this change.
- 7.100 **Issue (iv)** – GONW suggests that the word *or* should be removed from the end of part 2 (ii) of policy R8, as the requirement for development to make a positive contribution to regeneration in the Urban Priority Areas should always be an important consideration in the Sefton context. GONW also suggests that the last sentence of part 5 of policy R8 should refer back to parts 1 *and* 2 of the policy. Both of these suggested changes were made as part of amendments resulting from PC 7.26. Thus, I consider that this aspect of the objection is met.
- 7.101 **Issue (v)** – Tesco Stores Limited object that the wording of policy R8 is over-complicated and that the policy does not accurately reflect the guidance of PPG6. It suggests that it should be amended by applying the criteria of accessibility and travel patterns to both out-of-centre sites and edge-of-centre sites.
- 7.102 I agree that policy R8 is lengthy, but I do not think that it is over-complicated, nor do I consider that it departs from the guidance of PPG6 with regards to the considerations that should be applied to proposals for edge-of-centre retail development. In line with PPG6, I consider that the policy correctly places a greater onus on developments in out-of-centre locations to be accessible by walking, cycling and public transport, and to reduce overall travel patterns and car use. I consider that this approach is supported by paragraphs 4.6-4.8 of PPG6.
- 7.103 I also consider that PPG6 quite clearly emphasises, at paragraph 1.16, that the key considerations for out-of-centre developments include accessibility by a choice of means of transport and the likely effect on overall travel patterns. Furthermore, paragraph 4.6 of PPG6 indicates that edge-of-centre sites are generally accessible by a choice of means of travel. Therefore, I do not consider that the amendment suggested by Tesco Stores Limited is necessary. For similar reasons, neither do I support the objection of Merseytravel that part 1 (iii) of policy R8 should be amended to include the requirement that any retail site must be adequately served by sustainable modes of transport, including public transport.
- 7.104 **Issue (vi)** – Amongst other changes, PC reference PC 7.26 amended part 2 (i) of policy R8 to make specific reference to the need for out-of-centre sites to be accessible by walking, cycling and public transport. Merseytravel's objection was conditionally withdrawn on the basis of this change.

7.105 However, Ikea Properties Investments Ltd object to the precise wording of the criterion, because they consider that it fails to take proper account of PPG6, which recognises that out-of-centre sites may be acceptable having regard to transport considerations, where they are currently, or are capable of being made accessible by a choice of modes of transport. In response, the Council proposes to add reference to capability to part 2 (i) of policy R8, by PIC reference 1/PIC/07/03, as to be amended by intended NAC reference NAC/07/03. I consider that this latter change would strengthen the wording of the proposed addition, in response to a counter objection by GONW.

7.106 Thus, as a result of these changes, the amended criterion 2(i) would read: *are accessible, or will be made accessible, by walking, cycling and public transport*. I support these changes, which I consider meet these objections.

RECOMMENDATIONS

7.107 (a) I RECOMMEND that the UDP be modified by deleting part 4 of policy R8.

(b) I RECOMMEND that the UDP be modified by deleting the last two sentences of paragraph 7.44B of the UDP.

(c) I RECOMMEND that the UDP be modified by adding the words *within or outside the Borough* to the end of the second sentence of paragraph 7.44B, in accordance with 1/PIC/07/07.

(d) I RECOMMEND that the UDP be modified by changing part 2 (i) of policy R8 in accordance with 1/PIC/07/03, as further amended by NAC/07/03.

(e) I RECOMMEND no further modification to the UDP in response to these objections.

Policy R8 - Explanation

Objections to First Deposit Draft

7.44/0094/0368	B & Q PLC
7.44/0103/0520	Highways Agency –CW

Objections to Revised Deposit Draft

R8/0105/0864	Lancashire County Council
7.42/0075/0846	Merseytravel
7.44/0100/0791	Tesco Stores Ltd
7.44A/0117/0671	Asda Stores Ltd
7.44A/0075/0817	Merseytravel
7.44B/0105/0635	Lancashire County Council

Objections to Pre-Inquiry Changes

R8/0095/0950	Government Office North West
7.42/0100/0928	Tesco Stores Ltd
7.42/0117/0966	Asda Stores Ltd
7.44/0120/0888	Deveney
7.44AA/0100/0929	Tesco Stores Ltd

Key Issues

- (i) Whether paragraph 7.42 should refer to the consideration of sub-dividing schemes into smaller components to enable them to be accommodated on sites in town centre or on the edge-of-town centres, before allowing them at out-of-centre locations.
- (ii) Whether paragraph 7.42 is unnecessary and repetitive, and should, therefore, be deleted.
- (iii) Whether the explanatory text to policy R8 at paragraphs 7.42 and 7.44A should be amended to refer to the accessibility of out-of-centre retail sites by public transport.
- (iv) Whether the first bullet point of paragraph 7.44, which requires demonstration of need for a retail development at edge-of-centre and out-of-centre sites, accurately reflects current national retail policy.
- (v) Whether paragraph 7.44AA is unnecessary and repetitive, and should, therefore, be deleted.
- (vi) Whether Chapter 7 of the UDP should include a reference that developers will be required to demonstrate that the highway infrastructure can reasonably cope with the levels of traffic likely to be generated by the retail development proposed.
- (vii) Whether the combining of out-of-centre developments with an existing retail warehouse park, as described in paragraph 7.44A, accords the Sefton retail hierarchy and national planning policy.
- (viii) Whether paragraph 7.44B should make reference to the importance of assessing the impacts of retail development on centres outside Sefton, in addition to those within the Borough.

Inspector's Reasoning and Conclusions

7.108 **Issues (i) and (ii)** – Lancashire County Council considers that paragraph 7.42 should refer to the consideration of sub-dividing schemes into smaller components to enable them to be accommodated on sites in town centre or at edge of town centre sites, before allowing them at out-of-centre locations. This is an approach that is clearly advocated by the Government, as set out in the McNulty statement. In response to this Ministerial guidance and to the objection, it is proposed to amend the wording of paragraph 7.42 by PIC reference 1/PIC/07/04, as further revised by NAC reference NAC/07/02, by making specific reference to this requirement. This latter NAC would add the words: *the majority of*, in front of the word 'goods' towards the end of the last sentence of the added text. I consider that it meets the objection of Asda Stores Limited, which raised this point.

7.109 However, Tesco Stores Ltd objects to the addition of this text because it considers that it is an unnecessary duplication of Ministerial guidance and conflicts with PPG12, which advises the avoidance of over detailed development plans. I do not support that view. In my opinion, this is an important aspect of retail planning policy that is not referred to elsewhere in the Plan. I consider that it adds clarity to Policy R8 and should be retained.

7.110 **Issue (iii)** – Both paragraph 7.42 and 7.44A refer to the requirement for out-of-centre retail sites to be accessible by a choice of means of transport. This accurately reflects the guidance given at paragraph 1.16 of PPG6 and I see no need to go beyond its advice, by highlighting public transport. Therefore, I do not consider that the UDP should be amended in accordance with this objection by Merseytravel.

- 7.111 **Issues (iv) and (v)** – Objections have been made to paragraph 7.44 regarding the need for developers to demonstrate that there is both a qualitative and quantitative need for a retail development, since this does not, in their opinion, accord with recent Ministerial statements made on the matter.
- 7.112 In acknowledgement of this discrepancy, the paragraph was firstly changed by PC reference PC 7.27 so that the first bullet point refers *to a quantitative and qualitative and other need for the proposal*. It is intended to revise this further by PIC reference 1/PIC/07/05, which would refer to *quantitative or other need*. In addition, it is proposed to add new paragraph 7.44AA, by PIC reference 1/PIC/07/06, which explains that less weight will be given to qualitative need than to quantitative need. I consider that these changes reflect current national retail policy and that they address the changes sought by the Objectors.
- 7.113 However, Tesco Stores Ltd objects to the addition of this text at paragraph 7.44AA because it considers that it is an unnecessary duplication of Ministerial guidance and conflicts with PPG12, which advises the avoidance of over detailed development plans. But in my opinion, this is an important aspect of retail planning policy that is not referred to elsewhere in the Plan. I consider that it adds clarity to Policy R8 and should be retained.
- 7.114 **Issue (vi)** – The Highways Agency objects that Chapter 7 of the UDP does not include a reference that retail developers will be required to demonstrate that the highway infrastructure can reasonably cope with the levels of traffic likely to be generated by the development proposed.
- 7.115 In response to this objection, PC reference PC 7.27 added an additional bullet point to paragraph 7.44, which says: *the highway infrastructure can accommodate the levels of traffic likely to be generated by the development*. The PC also added a new policy link to policy AD3 - Transport Assessments and new paragraph 7.44A, which clarifies that consideration, must be given to the likely effect, on overall travel patterns, of any out-of-centre retail proposal. The objection has been conditionally withdrawn on the basis of this change.
- 7.116 **Issue (vii)** – Paragraph 7.44A encourages the location of out-of-centre retail proposals at existing retail parks rather than at free-standing locations, to enable combined trips in order to reduce unnecessary car journeys. However, the Objector considers that this approach does not accord with the retail hierarchy in Sefton, or with national retail policy.
- 7.117 I disagree. I consider that it is entirely consistent with paragraph 1.17 of PPG6, which refers to the appropriateness of combining major travel-generating uses, which cannot be accommodated in, or on the edge of existing centres, with existing out-of-centre developments. The reason given is to maximise access by means of travel other than by car, and to increase the ability for single trips to serve several purposes. Consequently, I recommend no modification to the UDP in response to this objection.
- 7.118 **Issue (viii)** – In response to Lancashire County Council's objection that paragraph 7.44B should make reference to the importance of ensuring that retail developments do not undermine the role of existing retail centres outside Sefton, in addition to those in the Borough, it is proposed by PIC

reference 1/PIC/07/07 to add the words: *within or outside the Borough* to the end of the second sentence of the paragraph. I consider that this change satisfactorily addresses this concern.

RECOMMENDATIONS

7.119 (a) I RECOMMEND that the UDP **be modified** by **amending** paragraph 7.42 in accordance with 1/PIC/07/04, as further revised by NAC reference NAC/07/02.

(b) I RECOMMEND that the UDP **be modified** by **amending** paragraph 7.44 in accordance with 1/PIC/07/05.

(c) I RECOMMEND that the UDP **be modified** by **adding** paragraph 7.44AA in accordance with 1/PIC/07/06.

(d) I RECOMMEND that the UDP **be modified** by **amending** paragraph 7.44B in accordance with 1/PIC/07/07.

(e) I RECOMMEND **no further modification** to the UDP in response to these objections.

Policy R9 - Lanstar Site, Church Road, Litherland

Objections to First Deposit Draft

R9/0070/0255	Sainsbury's Supermarkets Ltd – CW
R9/0082/0312	Somerfield Stores Ltd
R9/0100/0497	Tesco Stores Ltd – CW

Objections to Revised Deposit Draft

R9/0095/0656	Government Office North West
R9/0075/0663	Merseytravel
R9/0117/0672	Asda Stores Ltd
R9/0120/0712	Deveney
R9/0070/0769	Sainsbury's Supermarkets Ltd
R9/0082/0777	Somerfield Stores Ltd
R9/0117/0665	Asda Stores Ltd

Key Issues

- (i) Whether policy EDT18 and policy R4 should be merged to form a joint policy that deals with both of the allocated retail sites. Alternatively, whether the Lanstar site should be allocated for retailing within Chapter 7 of the UDP.
- (ii) Whether all reference to retail development in policy EDT18 should be deleted.
- (iii) Whether policy EDT18 should be deleted.
- (iv) Whether the allocation of the Lanstar site for retail development, by policy R9 is justified and PPG6 compliant, when the Plan acknowledges that the Ash Road/Beach Road site is sequentially preferable.
- (v) Whether the allocation of the Lanstar site for retail development, by policy R9 accords with the retail and economic strategies of the Plan.
- (vi) Whether policy R9 should be deleted and replaced by a criterion based policy that recognises the quantitative and qualitative need for a retail superstore to serve south Sefton, and which would enable other food

store opportunities to be identified and tested against the requirements of PPG6.

- (vii) Whether the Lanstar site should be re-allocated for industrial or mixed use purposes including housing.
- (viii) Whether retail development at the Lanstar site would adversely impact on the Seaforth Local Centre.
- (ix) Whether an addition should be made to policy R9, which would require that any development at the Lanstar site contributes to appropriate public transport initiatives.

Inspector's Reasoning and Conclusions

- 7.120 **Issues (i)-(iii)** - The majority of the Lanstar site at Church Road/Hawthorne Road, Litherland was allocated in the FDD, under EDT18, for the erection of a retail store (ClassA1) together with the erection of an equal amount of industrial floor space. A small section of the southern part of the site was allocated for industrial use under policy EDT6.14. These allocations were made prior to the Secretary of State's decisions on the 'called-in' planning applications for proposals for retail development at the Lanstar site and the nearby Ash Road/Beach Road site. (Planning inquiry references APP/M4320/V/01/000256 and APP/M4320/V/01/000274 respectively).
- 7.121 Tesco Stores Ltd support the retail allocation of the Lanstar site, but it objects to the dual retail and industrial allocations, because the quantity of the industrial floor space cumulatively required by the allocations would be considerably more than it had anticipated and it would result in the planning application (APP/M4320/V/01/000256), considered by the Secretary of State, being out of conformity with the proposed UDP allocations. Furthermore, the Company considers that the Council's approach towards the Lanstar site is inconsistent with its stance towards the TAVR site, which is allocated for retail purposes, under retail policy R4.
- 7.122 The Objector suggests that policy EDT18 and policy R4 should be merged to form a joint policy that deals with both of the allocated retail sites, or alternatively, that the Lanstar site should be allocated for retailing within Chapter 7 – Retail Development, of the UDP. Sainsbury's Supermarkets Ltd and Somerfield Stores Ltd object to the allocation of the site for retail purposes, because in their opinion, the allocation would be contrary to the sequential approach of PPG6 and the retail strategy for Sefton, as set out in the FDD.
- 7.123 Notwithstanding that the Secretary of State refused planning permission for retail development at the Lanstar site, it remains the Council's preferred site to accommodate an out-of-centre food superstore to serve the Litherland area, because in its opinion, the development of the Ash Road/Beach Road by housing would better promote the regeneration initiatives of the Housing Market Renewal Initiative. I have no reason to disagree with the Council's conclusions on that matter.
- 7.124 In response to objections by Tesco Stores Ltd, policy EDT18 was deleted from the FDD and the Proposals Map by PCs references PC 5.71 and PC 5.72 and the allocation of part of the site as EDT6.14 was deleted by PCs references PC 5.20 and PC 5.21. The whole site was re-allocated under policy R9, for the erection of a food retail store (Class A1), together with the erection of an

equivalent amount of industrial floor space (Class B1), by PC reference 7.31. The Proposals Map was changed accordingly, by PC reference PC 7.32.

- 7.125 I consider that the objections that refer to policy EDT18 are overcome by these changes. Both Tesco Stores Ltd and Sainsbury Supermarkets Ltd have conditionally withdrawn their objections to policy EDT18 on their basis.
- 7.126 **Issues (iv)-(viii)** – From all of the written and oral evidence before me, I consider that there is a clear quantitative and other need for two large food stores in south Sefton, in order to meet a shortfall of main food shopping destinations within this part of the Borough. This is a matter that was accepted by both the Inspector and the Secretary of State at the ‘called-in’ Public Inquiry in 2001 (CD/0082).
- 7.127 In reaching my conclusion on this matter, I have taken into account the changes in food store provision that have taken place in the Borough since 2001 and the different methods of calculating ‘need’, which have been referred to by Objectors and the Council. I have also carefully considered, but rejected the proposition of Asda Stores Ltd that additional food store provision should be made in the Crosby area, instead of at the Lanstar site.
- 7.128 I am entirely satisfied that the Council has made a robust search for appropriate town centre sites that would satisfy the identified need. As acknowledged by the Secretary of State and the Inspector who reported on the ‘called-in’ retail planning applications, I accept that there are none available in Bootle town centre, despite the assertions of Somerfield/Iceland regarding the merits of the Post Office site (EDT12.2) in Bootle town centre, which I have previously reported upon in this chapter of my report, in the context of policy R4.
- 7.129 There, I also conclude that the Council has appropriately addressed part of the convenience retail need by allocating the edge-of-centre TAVR site, Bootle, under policy R4, for a Class A1 food store. I consider that this allocation is consistent with its status as being the sequentially best available site in south Sefton, following my adverse conclusions on the merits of other sites in Bootle town centre.
- 7.130 In order to meet the balance of identified quantitative and other need for a further convenience superstore in south Sefton, and in recognition that there are no other suitable town centre sites available, the Council has identified the Lanstar site, in accordance with policy R9, as being the sequentially next best available site, after the TAVR site, to meet those needs. Several Objectors, including GONW consider that this is not the case, because the Lanstar site was rejected by the Secretary of State, who considers that the site at Ash Road/Beach Road is sequentially the next best site, albeit that it is in an out-of-centre location.
- 7.131 Notwithstanding that the Ash Road/Beach Road site was granted planning permission for retail development, it is not the Council’s preferred location for a convenience superstore. Thus, the site was designated as both a Housing Opportunity Site (policy H5) and an Employment Opportunity Site (policy EDT17) in the FDD, and as an allocated housing site (policy H3) in the RDD. It also has the benefit of an outline planning permission for residential development that was granted on 29 October 2001 and two full planning permissions for residential development, one granted to Bellway Homes for

53 dwellings, and the other to Oakglade Property for 11 dwellings in February 2004. Remediation works, apparently pursuant to these residential planning permissions commenced shortly afterwards. The Council are confident that housing development will be completed in accordance with these planning applications in the near future. I do not doubt that will be the case.

- 7.132 I have no reason to depart from the Secretary of State's conclusion that in terms of retail development, the Ash Road/Beach Road site is locationally better than the Lanstar site for retail development. However, at paragraph 42, PPG1 requires the policies and proposals of a development plan to be realistic. The approach of the Council to the various competing retail sites has been to have proper regard to the degree of realism to be attached to the likelihood of their development.
- 7.133 Events have moved on significantly since the Secretary of State granted planning permission for a major food store at the Ash Road/Beach Road site. I consider that it is highly probable that over half of the site will soon be developed for housing, in accordance with the residential planning permissions granted at the site. Given its intended housing allocation, I consider that it is very likely that the remainder of the site will be similarly developed. Thus, in practical terms, it is my opinion that the site is no longer available for retail development and that it cannot be developed for a superstore, in accordance with the extant, retail planning permission.
- 7.134 I conclude that the Lanstar site is the next best available location for a retail superstore to serve the identified convenience needs of south Sefton, taking account of the search sequence set out in paragraph 1.11 of PPG6. In addition, I consider that retail development at the site would provide a significantly beneficial impetus to the regeneration of the Klondyke and Canal Corridor areas.
- 7.135 However, the Council has not sought to revoke the retail planning permission granted by the Secretary of State. Therefore, it is possible, but in my opinion highly unlikely given the time lapse since the decision was made, that the retail planning permission will be implemented. Consequently, I consider that it would be prudent to safeguard against a potential over-provision for convenience shopping in south Sefton, in the event of the Ash Road/Beach Road retail planning permission being implemented, by referring policy R9 back to policy R8 via a policy link, if policy R8 is amended by deleting its section 4 in accordance with my recommendation concerning that policy, given at paragraph 7.107 above.
- 7.136 Objectors refer to the potentially detrimental effect which the retail development of the Lanstar site could have on the Seaforth Local Centre. GONW also considers that retail development on the Lanstar site could potentially undermine the prospects for improving the retail profile in Bootle in particular.
- 7.137 For its part, the Council acknowledges that the development of the Lanstar site for a superstore would have an effect on the Seaforth Local Centre, but in its opinion, part of that impact would be positive. However, it is the Council's intention that, should the allocation of the Lanstar site for a superstore be confirmed, it would insist upon positive linkages with the Seaforth Local Centre being put in place, in order to benefit the latter, as far as possible.

- 7.138 It is my opinion that with the provision of such improved linkages, which I consider should be referred to in the explanatory text of policy R9, retail development at the Lanstar site would most probably benefit the part of the Seaforth Local Centre which is nearest to the Lanstar site, and especially the proposed extension to the Seaforth Local Centre. But I consider that it would be likely to have a negative effect on those retail premises farthest away, at Seaforth Road and at the Stella Precinct.
- 7.139 Thus, I anticipate that the centre of gravity of the Seaforth Local Centre would shift towards that part of the Local Centre which is nearest to the Lanstar site. However, it is my opinion that such a managed structural change to the Local Centre would be consistent with the guidance of PPG6, and that it would be in the longer-term best interests of the Seaforth Local Centre. In this regard, the Council intends to commission a further study to examine how best the Seaforth Local Centre could function in the future, given the investment that would be achieved through the implementation of the Lanstar proposal and the wider HMRI.
- 7.140 GONW's particular concern that the policy R9 allocation potentially undermines the prospects for improving the retail profile in Bootle is, in my opinion, unjustified. The evidence indicates to me, that an influential reason why there is currently a serious shortfall of main food shopping destinations within this part of the Borough is because the retail profile in south Sefton is inadequate. I consider that any attempt to positively address this would go some way to improving the retail profile in Bootle, by retaining local convenience expenditure currently being lost to the local area, and by meeting needs in a sustainable way within the local area where they arise, and not the reverse.
- 7.141 The objections put forward by Mr Deveney and others argue that the Lanstar site is strategically important in the Dunnings Bridge Road Corridor, and that its development for employment purposes would assist the improvement and restructuring of the Hawthorne Road area. I agree with this proposition and consistent with this, policy R9 requires that part of the site be developed for Class B1 purposes.
- 7.142 I have concluded in Chapter 5 of my report that in quantitative terms, there is sufficient employment land available in Sefton without the need for this site to contribute to employment land provision. However, the industrial development of part of the site for industrial purposes, as required by policy R9 would contribute to the slight qualitative shortfall in employment land that I have identified. Thus, whilst I agree that the site in its entirety would be suitable for industrial development, I consider that the need to allocate part of it retail purposes is more pressing. I consider that similar arguments apply to a suggestion that the site should be re-allocated as a mixed industrial/housing site.
- 7.143 Furthermore, I consider that a suitably positioned retail development on the Lanstar site, which could be achieved through the development control process, could ensure that it made a dynamic contribution to development at the Dunnings Bridge Road Corridor. Thus, I do not consider that the allocation of the site is at odds with the economic strategy for the Borough. However, as I have remarked in connection with policy R8, there are

inconsistencies in the Council's retail strategy, which could be rectified by minor modifications to policy R8.

7.144 I do not support the suggestion that the policy R9 should be deleted and replaced by a criterion based policy, because in my opinion, policy R8 serves that purpose with regards to edge-of-centre and out-of-centre retail development. If policy R8 were modified, as I have recommended, it could provide the policy context for all such proposals for future retail development in the Borough, including for convenience goods. I consider that another such policy would be an unnecessary duplication. Nor do I consider that it would be appropriate to merge policies R4 and R8, because policy R4 is an edge-of-centre site specific policy relating to the TAVR site, where similar, but not identical considerations apply.

7.145 **Issue (ix)** - Merseytravel have objected to policy R9 because it considers that there should be an added requirement for any development at the Lanstar site to contribute to appropriate public transport initiatives, such as the construction of a station on any reinstated Aintree/Bootle railway alignment. But it is my opinion that public transport requirements of this nature should be addressed through the application of policies AD2 and AD3, which respectively refer to Ensuring Choice of Travel and Transport Assessments. However, I consider that there should be links to these policies in the explanatory text to policy R9. That amendment would also encompass a requirement for retail development at the Lanstar site to make provision for improved pedestrian linkages between the retail development and the Seaforth Local Centre.

RECOMMENDATIONS

7.146 (a) I **RECOMMEND** that the UDP **be modified** by **adding** a reference in the explanatory text of policy R9 'Policy Links' to policies AD2 and AD3.

(b) I **RECOMMEND** that the UDP **be modified** by **adding** a reference in the explanatory text of policy R9 'Policy Links' to policy R8, **if** part 4 of policy R8 is deleted.

(c) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy R9 - Explanation

Objection to Revised Deposit Draft

7.49A/0100/0784

Tesco Stores Ltd

Key Issue

Whether the wording of the explanatory text to policy R9 given at paragraph 7.49A should be amended to delete reference to the words 'out-of-centre' and to the refusal of planning permission by the Secretary of State for retail development on the Lanstar site.

Inspector's Reasoning and Conclusions

7.147 The description of the Lanstar site as being 'out-of-centre' and the reference to the 'called-in' Lanstar planning application reference

APP/M4320/V/01/000256, are matters of fact and, in my opinion, are appropriately referred to in paragraph 7.49A. Therefore, I do not support this objection, which requests their deletion.

RECOMMENDATION

7.148 I RECOMMEND no modification to the UDP in response to this objection.

CHAPTER 8 - TRANSPORT INFRASTRUCTURE

General

Objections to First Deposit Draft

GenCh8/0009/0080
GenCh8/0103/0534
NP/0043/0162

The Countryside Agency – CW
Highways Agency – CW
General Aviation Awareness Council

Key Issues

- (i) Whether the UDP should contain more analysis of the rural transport problem.
- (iii) Whether the term, 'sustainable transport network' requires clarification.
- (iv) Whether it would be useful to measure modal split for trips other than those to school or work.
- (v) Whether reference should be made in the UDP to the Highways Agency being the highways authority for trunk roads.
- (vi) Whether the UDP should contain a policy that sets out guidelines for the consideration of aviation proposals, including the provision of landing strips and heli-pads.

Inspector's Reasoning and Conclusions

- 8.1 **Issue (i)** - The UDP does not aim to provide a comprehensive strategy to address all transport issues within Sefton. Its purpose is to provide general principles applicable to the transport infrastructure for both the rural and urban parts of the Borough, which aim to address the land use implications of proposals contained in the Merseyside Local Transport Plan (LTP), and the transport implications of proposed new development.
- 8.2 A comprehensive ten-year transport strategy and a five-year investment programme for transport infrastructure, for the whole of the Merseyside area including Sefton, are set out in the LTP and its associated documents. The LTP considers rural issues, and where infrastructure is proposed, they are included in its programme. However, other than Park and Ride proposals, it does not identify any specific infrastructure proposals to serve the rural areas of Sefton. The UDP reflects this position. Thus, I disagree with the Countryside Agency that more analysis of rural transport issues should be contained in the UDP.
- 8.3 **Issue (ii)** - The Countryside Agency also considers that the term, 'sustainable transport network', the safeguarding and promotion of which is the main objective of the UDP transport policies, should be clarified in the Plan. In response to this objection, PC reference PC 8.3 amended paragraph 8.3 of the UDP to say: This chapter sets out land-use policies and proposals for developing a sustainable transport network- *a network which seeks to increase the proportions of trips made by walking, cycling and public transport* - in line with the strategy set out in the Merseyside Local Transport Plan. The Countryside Agency has conditionally withdrawn this part of its objection on this basis.
- 8.4 **Issue (iii)** - Congestion and pollution caused by work and school trips at peak hours are a focus of the transport strategy of the LTP, which also measures other types of trips made. In my opinion, a comprehensive monitoring of the modal split of all types of trips is more appropriately

undertaken as part of the LTP, rather than the UDP. Therefore, I do not support this objection.

- 8.5 **Issue (iv)** - The Highways Agency objects that no reference is made in the UDP to it being the highways authority for trunk roads in the area. In response, PC reference PC 15.6 added new paragraph 15.23A at Chapter 15 of the UDP. It states that the Highways Agency is the Highways Authority for the Trunk Road Network. In addition, PC reference PC 15.8 added new policy AD5 to Chapter 15 of the Plan, which makes specific reference to the Highway Agency's trunk road network. In my opinion, these two changes make adequate reference to the Highways Agency being the relevant highways authority for trunk roads within Sefton. The objection was conditionally withdrawn on their basis.
- 8.6 **Issue (v)** - The General Aviation Awareness Council request that a new policy be included in the UDP, which sets out criteria against which proposals for the provision of a landing strip or a heli-pad within the Sefton area may be assessed. However, I endorse the Council's view that it is neither practical nor desirable to provide specific policies for every development possibility. I consider that the Core Strategy and General Development policies of the Plan provide an adequate framework for the consideration of 'one-off' proposals, such as that referred to by the Objector.

RECOMMENDATIONS

- 8.7 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy T1 - Transport Network Priorities

Objections to First Deposit Draft

T1/0108/0544	Hallam Land Management Ltd
SP/0108/0543	Hallam Land Management Ltd
SP/0109/0567	Langtree Property Company Ltd
T1/0109/0568	Langtree Property Company Ltd
NP/0075/0290	Merseytravel

Key Issues

- (i) Whether land at Junction 1 of the M58 motorway should be safeguarded for the construction of south facing slip roads.
- (ii) Whether land at Switch Island should be considered as a potential Park and Ride site.

Inspector's Reasoning and Conclusions

- 8.8 **Issue (i)** - Both Hallam Land Management Ltd and Langtree Property Company Ltd consider that in order to make more efficient use of Sefton's existing transport infrastructure, and to alleviate traffic congestion in Maghull and at J7 of the M57 motorway, consideration should be given to the construction of south facing slip roads at Junction 1 of the M58 motorway.

- 8.9 However, the Highways Agency, which is responsible for motorways and their accesses, does not have any proposals for a south facing slipway at Junction 1 of the M58 motorway. I have no evidence to indicate that there is a realistic chance of such a proposal coming forward within the Plan period. Furthermore, the land in question lies within the Green Belt and so, it is unlikely that it would, in any case, be developed in a manner that would prejudice any future proposals for a south facing slip road at the motorway Junction. For these reasons, I consider that it is inappropriate and unnecessary to safeguard the land for this purpose. Consequently, I do not support the objection.
- 8.10 **Issue (ii)** - In its Northern Corridor Study undertaken in 1996, the Council concluded that a Park and Ride Site at Switch Island is unjustified. Its opinion on this matter remains unchanged and I am not aware of any evidence produced by Merseytravel that may indicate that an alternative view should be taken. Thus, I consider that protection of land at Switch Island for a potential Park and Ride site is unnecessary.

RECOMMENDATION

- 8.11 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy T1 - Explanation

Objection to First Deposit Draft

8.6/0111/0627

Formby Civic Society

Key Issue

Whether a policy supporting a scheme for the pedestrianisation of Chapel Lane, Formby should be retained.

Inspector's Reasoning and Conclusions

- 8.12 Paragraph 8.6 of the RDD informs that pedestrianisation schemes at Southport, and Formby and Churchtown have been deleted from the Council's transport programme. However, the Formby Civic Society considers that the scheme at Formby should be maintained as a long-term option. But the Chapel Lane scheme, to which it refers, was abandoned following a consultation exercise that failed to generate sufficient support for the scheme. As the scheme is no longer included within the LTP there is no realistic chance of such a proposal coming forward during the Plan period. Consequently, I agree with the Council that a policy supporting a similar possible future proposal would be inappropriate.

RECOMMENDATION

- 8.13 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy T2

Walking and Cycling

Objections to First Deposit Draft

Key Issues

- (i) Whether policy T2 should be positively worded in order to achieve benefits to the walking and cycling networks, from development proposals.
- (ii) Whether or not planning conditions should be used to gain sustainable transport benefits.
- (iii) Whether policy T2 should make specific reference to the LTP and to cycling and walking strategies.
- (iv) Whether clarification/definition of routes referred to in policy T2 should be provided in its explanation.
- (v) Whether paragraph 8.17 of the UDP, which identifies the potential need for routes identified in policy T2, should be included within the policy.

Inspector's Reasoning and Conclusions

- 8.14 **Issue (i)** - The purpose of policy T2 is to protect the developing pedestrian and cycling networks in the Borough. The Countryside Agency considers that it should be positively worded, in order to achieve benefits for these facilities, from development proposals. However, it is my opinion that this would duplicate the purpose of Policy AD2, which aims to secure appropriate support for on site walking and cycling facilities, from development or through planning conditions/legal agreements. I also consider that the requested change would weaken the Council's ability to safeguard the potential development of these networks. Nevertheless, paragraph 8.17 of the UDP, as proposed to be expanded by PC reference PC 8.7, informs that contributions may be sought for the improvement and maintenance of the area's walking and cycling networks.
- 8.15 **Issue (ii)** - Policy AD2 and SPG - Ensuring Choice of Travel aim to secure sustainable transport benefits, by seeking to ensure a choice of method of travel to each development. They inform that, where necessary associated public transport, walking or cycling improvements are not provided within the site, those benefits may be secured through planning conditions or legal agreements. I consider that it would be inappropriate to duplicate this requirement within policy T2, which is negatively framed, or to limit the process for obtaining sustainable transport benefits to planning conditions only.
- 8.16 **Issue (iii)** - Policy T2 seeks to support the delivery of the Council's pedestrian and cycling programmes. It is the view of Merseytravel that policy T2 should, therefore, make specific reference to the LTP and to the Council's cycling and walking strategies. However, it is my opinion that the wording of the policy clearly indicates that its provisions apply to all pedestrian and cycling routes that are included within the Council's programmes and strategies, which are current during the Plan period. Therefore, I consider that it is unnecessary to list them within the policy. In my opinion, the specific reference to some, but not all of the Council's cycling and walking programmes and strategies, which may be approved during the Plan period, would be inconsistent and could give rise to uncertainty. Furthermore, the Merseyside Cycling Strategy document has not yet been published, so I

consider that it would be inappropriate to refer to it specifically within policy T2.

- 8.17 However, the Merseyside Walking Strategy and the Sefton Cycling Strategy documents are listed as background documents to policy T2, and for consistency and clarity, the Council intends, through NAC reference NAC/08/01, to also list the LTP as a background document to the policy. In my opinion, this reference would appropriately draw attention to those particular strategies in the context of policy T2, without excluding others that may arise during the life of the Plan. For these reasons I do not support this objection, but I endorse the proposed NAC.
- 8.18 **Issue (iv)** - GONW considers that criteria (v) and (vi) of policy T2 provide insufficient clarity as to what are the 'routes to schools' etc. and which other existing or proposed pedestrian and cycle routes are of local importance, since a great proportion of the roads within the Borough could fall into those categories.
- 8.19 In recognition of this weakness of the policy, PC reference PC 8.6 deleted paragraphs 8.14 – 8.16 of the FDD and replaced them with a new paragraph 8.13A, which details more specifically the walking and cycling networks outlined in Policy T2. It also refers to documents where further information can be found. I consider that this change provides the necessary clarity to policy T2. GONW has conditionally withdrawn its objection on its basis.
- 8.20 **Issue (v)** GONW also considers that explanatory text given at paragraph 8.17 of the UDP, which identifies the potential need for routes identified in the policy to be supported by development proposals, should be included in the policy. However, it is my opinion that this requirement is set out in policy AD2. I do not consider that there is a need to duplicate it in Policy T2. Furthermore, it is my opinion that the requirement for developer's support for improving and maintaining walking and cycling routes is now adequately highlighted at paragraph 8.17 of the UDP.

RECOMMENDATIONS

- 8.21 (a) I RECOMMEND that the UDP be modified in accordance with NAC/08/01, which lists Merseyside Local Transport Plan, 2001 as a Background document to Policy T2.
- (b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy T3

Pedestrian Priority On Chapel Street, Southport

Objection to First Deposit Draft

T3/0075/0284

Merseytravel

Key Issue

Whether the UDP adequately promotes sustainable forms of development within Southport town centre.

Inspector's Reasoning and Conclusions

- 8.22 The intention of policy T3 is to restrict development that would impede the implementation of a scheme, which would give priority to pedestrians on Chapel Street, Southport. The explanatory text to the policy given at paragraph 8.19 of the UDP informs that priority for pedestrians is promoted in the 'Southport Transport Strategy: Transis 2010', and in the LTP, which are listed as background documents to policy T3. Cross reference is also made by policy links to policy EDT13, which sets out development principles for Southport Central Area that include the requirement to provide *safe and convenient access to and within the central area for pedestrians, cyclists and public transport users...*
- 8.23 In addition, policy T1 sets out the Council's transport delivery priorities, including the Southport Transport Strategy, which seeks to promote sustainable forms of transport within Southport town centre. Paragraph 8.9 of the explanatory text to policy T1 also cross-refers to policy EDT13. By these means, it is my opinion that the UDP appropriately promotes sustainable forms of transport within Southport town centre.

RECOMMENDATION

- 8.24 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy T4

Safeguarding the Public Transport Network

Objections to First Deposit Draft

T4/0009/0033	The Countryside Agency
T4/0075/0285	Merseytravel
T4/0075/0289	Merseytravel
T4/0111/0625	Formby Civic Society

Key Issues

- (i) Whether greater consideration should be given to public transport in the rural areas, by setting targets for increasing public transport in those areas.
- (ii) Whether policy T4 should include a reference to a possible future rail station to serve the Southport Eastern Park and Ride site.
- (iii) Whether the stations listed in part 4 of policy T4, for proposed development or improvement of Park and Ride facilities, differs from that given in the LTP. Specifically, whether reference to Hall Road Station should be deleted and reference to Seaforth and Litherland Station added.
- (iv) Whether Freshfield Station should be added to the list of interchange sites.

Inspector's Reasoning and Conclusions

- 8.25 **Issue (i)** - It is not the purpose of the UDP to provide a comprehensive transport strategy addressing all transport issues, be they in the urban or rural areas. These are set out in the LTP. The intention of policy T4 is to provide general principles to address the land use implications of transport infrastructure proposals contained within the transport strategy. The LTP

seeks to increase public transport in rural areas, but except for Park and Ride proposals, it does not identify any specific transport infrastructure proposals to serve the rural areas of Sefton. In these circumstances, I consider that it would be inappropriate for the UDP to include targets for increasing public transport in the rural areas, as requested by the Countryside Agency.

- 8.26 **Issues (ii)-(iv)** - These issues raised by Merseytravel and Formby Civic Society all refer to sites listed in policy T4 that will be safeguarded, in order to develop the public transport network to help it function effectively. However, at this time, there are no proposals for a rail halt at the Southport Eastern Park and Ride. Consequently, I consider that in the absence of a realistic prospect that one would be delivered within the Plan period, it would be inappropriate to include reference to such a proposal in the UDP. With regards to Hall Road Station; this is still an aspiration of Merseytravel. Thus, in my opinion, it is appropriate that it is listed in policy T4.
- 8.27 Freshfield Station is already a Park and Ride/bus/rail interchange. The development of the Park and Ride facility at Seaforth and Litherland station has also been completed. As such, I consider that it is unnecessary to include reference to those stations in policy T4. However, for clarity and completeness, PC reference PC 8.4 shows modifications to Figure 8.1 of the UDP. The revised Figure 8.1 includes annotations for Seaforth and Litherland, and Freshfield Stations. I consider that this change to Figure 8.1 meets these objections.

RECOMMENDATION

- 8.28 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy T4 - Explanation

Objections to First Deposit Draft

8.23/0075/0286
8.24/0095/0397

Merseytravel – CW
Government Office North West – CW

Key Issues

- (i) Whether the rationale and/or the implications of paragraph 8.23 of the UDP are sufficiently clear.
- (ii) Whether paragraph 8.24 of the UDP should be modified to take into account the advice of Circular 01/97 - Planning Obligations.

Inspector's Reasoning and Conclusions

- 8.29 **Issue (i)** - The purpose of paragraph 8.23 of the FDD was to ensure the maximum use of an opportunity site at the Aintree Curve, and to avoid any proposed land use and/or layout resulting in the sterilisation of that land because of access issues. However, the Council now considers that it is unlikely that the site will be developed in a manner that would involve realignment of the rail line, or result in access problems, which could sterilise the land. Thus, paragraph 8.23 was deleted from the RDD by PC reference PC 8.10. Merseytravel has conditionally withdrawn its objection on this basis.
- 8.30 **Issue (ii)** - In response to GONW's objection that paragraph 8.24 of the UDP did not correctly reflect Circular 01/97, the wording of its second sentence

was amended by PC reference PC 8.13, by replacing the word *required* with the word *sought*, in regard to its reference to financial contributions from developers. The objection has subsequently been conditionally withdrawn.

RECOMMENDATION

8.31 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy T5

New Car Parks in Designated Areas

Objections to First Deposit Draft

T5/0009/0034
T5/0018/0076
T5/0095/0398

The Countryside Agency
Thornfield Properties
Government Office North West – CW

Key Issues

- (i) Whether the Plan gives sufficient consideration to people living in the rural areas for facilities such as strategic bus/rail/car interchanges.
- (ii) Whether policy T5 should be re-worded to reflect a need to provide new car parks to serve new development or to meet a need identified in the Council's parking strategy.
- (iii) Whether clarification should be given in the explanation to policy T5 on what constitutes 'a designated area'.

Inspector's Reasoning and Conclusions

- 8.32 **Issue (i)** - Policy T5 aims to limit the provision of new car parks within the central areas of Southport and Bootle and in other designated areas, in order to encourage the use of alternative modes of travel to the car, regardless of whether the visitor lives in an urban or rural area. I do not consider that it would be appropriate to mention other infrastructure proposals in this policy because they are dealt with by policy T4. Furthermore, the Park and Ride sites in Sefton are intended to serve the needs of rural, as well as urban dwellers.
- 8.33 **Issue (ii)** - In line with the LTP, it is the intention of policy T5 to limit car parking provision to that required to meet the operational needs of new development, in line with the Council's current car parking standards and its SPG - Ensuring Choice of Travel. However, the policy exceptionally permits proposals for new car parks where they would meet a need identified in the Council's parking strategy.
- 8.34 In my opinion, policy T5 as modified by PC reference PC 8.14 is entirely reasonable and consistent with the aim of promoting sustainable development. I see no benefit in modifying it further, as suggested by the Objector.
- 8.35 **Issue (iii)** – In response to an objection by GONW that, for the avoidance of doubt, clarification should be given in the explanatory text, as to what constitutes a 'designated area' in the context of policy T5, PC reference PC 8.15, added a phrase to paragraph 8.26 of the UDP, which informs that: other 'designated areas' are *200m from the boundaries of the following local centres identified* in the Supplementary Planning Guidance (SPG) Note

'Ensuring Choice of Travel'; Maghull, Crosby, Waterloo and Formby. The objection was conditionally withdrawn on the basis of this change.

RECOMMENDATION

8.36 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy T5 - Explanation

Objection to First Deposit Draft

8.27/0018/0077 Thornfield Properties

Key Issue

Whether paragraph 8.27 should be re-worded to permit new pay and display car parks where justified under policy T5

Inspector's Reasoning and Conclusions

8.37 In the interests of achieving sustainable development and sustainable transport modes, policy T5 seeks to encourage alternatives to the car, by limiting the amount of parking in the Southport and Bootle Central Areas, in line with the LTP. In my opinion, the re-wording of the explanatory text at paragraph 8.27 suggested by Thornfield Properties PLC is not sufficiently restrictive in emphasis. I conclude that it would, as a result, weaken the policy. Therefore, I do not support their objection.

RECOMMENDATION

8.38 **I RECOMMEND no modification to the UDP in response to this objection.**

CHAPTER 9 – ENERGY, MINERALS & WASTE

Objectives

Objections First Deposit Draft

ObjCh9/0095/0399	Government Office North West
GenCh9/0009/0081	The Countryside Agency -CW
ObjCh9/0009/0082	The Countryside Agency – CW

Key Issues

- (i) Whether the second bullet point of the objectives for Chapter 9 policies of the UDP should acknowledge that the need for the winning and working of minerals should also be consistent with national policy guidance.
- (ii) Whether the third bullet point of the objectives for Chapter 9 policies of the UDP should refer to the *no net loss* or *Quality of Life Capital* approach in the consideration of development proposals.

Inspector's Reasoning and Conclusions

- 9.1 **Issue (i)** - It is proposed, by NAC reference NAC/09/01, to add the words *national policy guidance* between the words *with* and *strategic* in bullet point 2 of the Objectives for Chapter 9. I endorse this minor change, which I consider meets the objection of GONW.
- 9.2 **Issue (ii)** - Paragraph 3.3A was inserted into Chapter 3 – Strategic Policies of the UDP by PC reference 3.3, in order to clarify the meaning of the *Quality of Life Capital* approach and how policies CS1-CS3 and other Part 1 policies of the Plan are intended to assist in making judgements on the relative weight that should be attached to social, environmental and economic objectives, when considering development proposals.
- 9.3 In addition, the third bullet point of the Objectives for the Chapter 9 policies has been amended by PC reference PC 9.4 to read: *To ensure that waste is dealt with in a manner that does not allow any net losses to social and environmental interests*. Also, paragraph 9.2 has been amended and paragraph 9.2A has been added by PC reference PC 9.5 to clarify that the policies in Chapter 9 should be read together with the relevant Part 1 policies. The objections have been conditionally withdrawn on the basis of these changes, which I consider adequately clarify that waste should be managed in a sustainable manner.

RECOMMENDATIONS

- 9.4 (a) I RECOMMEND that the UDP **be modified** by **amending** bullet point 2 of the Objectives for Chapter 9 in accordance with NAC/09/01.
- (b) I RECOMMEND **no further modification** to the UDP in response to these objections.

General

Objection to First Deposit Draft

GenCh9/0105/0522

Lancashire County Council

Key Issue

Whether the policies of the UDP that refer to the winning and extraction of minerals should include environmental criteria against which such proposals will be assessed.

Inspector's Reasoning and Conclusions

9.5 A sentence has been added to paragraph 9.2 in the Introduction to Chapter 9 of the Plan, by PC reference PC 9.5, which informs that: *All policies in the Chapter must be read together with and in conjunction with policy CS2 - Restraint on Development and Protection of Environmental Assets, with policy CS3 - Development Principles and with policy EP1 - Managing Environmental Risk.* New paragraph 9.2A also added by PC reference PC 9.5 goes on to advise that these policies provide the environmental and amenity criteria against which proposals, including for mineral extraction, will be assessed. Together, these paragraphs provide the environmental context for all policies in Chapter 9. I consider that these changes meet the objection and that there is no necessity to introduce additional mineral policies that would duplicate this consideration.

RECOMMENDATION

9.6 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy EMW1

Prudent Use of Resources

Objection to First Deposit Draft

EMW1/0095/0400

Government Office North West

Key Issue

Whether policy EMW1, which is a Part 1 policy of the Plan should be reworded in order to make it less aspirational, and to improve its clarity.

Inspector's Reasoning and Conclusions

9.7 The policy has been amended, by PC reference PC 9.6 in part response to this objection, by removing the words *aim to* between the words *should* and *minimise*, thus better reflecting the strategic land-use nature of this Part 1 policy. However, I agree with GONW that the policy would be further improved by replacing the words *methods of construction* with the word *design*, because I consider that *design* is a more inclusive word, which encompasses methods of construction and other resources.

RECOMMENDATION

9.8 **(a) I RECOMMEND the UDP be modified by rewording part (i) of policy EMW1 as follows:-**

(i) adopting forms of development and *design* which are energy efficient and use renewable sources of materials and energy wherever practicable; and

(b) I RECOMMEND no further modification to the UDP in response to this objection.

Policy EMW2

Renewable Energy Infrastructure

Objections to First Deposit Draft

EMW2/0009/0035

The Countryside Agency

EMW2/0095/0401

Government Office North West

Key Issues

- (i) Whether the third bullet point of the Objectives for policy EMW2 should refer to the *no net loss* or *Quality of Life Capital* approach in the consideration of development proposals.
- (ii) Whether criterion (ii) of part 2 of policy EMW2 implies that proposals for renewable energy infrastructure will result in an adverse impact on local land uses and, if so, whether the policy should be more criteria based and allow for mitigation measures informed by local character assessment.
- (iii) Whether the policy should identify broad locations or specific sites for various types of renewable energy installations.

Inspector's Reasoning and Conclusions

- 9.9 **Issue (i)** - This issue has also been raised by the Objector in representations references GenCh9/0009/0081 and ObjCh9/0009/0082, in response to which I recommend in paragraph 9.4 of my report that the UDP be modified by amending bullet point 2 of the Objectives for Chapter 9 in accordance with NAC/09/01. I conclude that this objection would also be met by that proposed change.
- 9.10 **Issue (ii)** - I consider that, by its nature, it is possible that some renewable energy infrastructure may have harmful impacts on local land-uses, which are nevertheless outweighed by the national and Sefton-wide benefits that the proposal would bring. In my opinion, criterion (ii) of policy EMW2 is intended to secure measures that will minimise any adverse impacts of such development proposals. Furthermore, paragraph 9.11 of the explanatory text to the policy has been expanded, by PC reference PC 9.7, to clarify that these potential adverse impacts are likely to be acceptable if they are minor or if wider environmental benefits would be gained from the proposed development. I see no need to refer to landscape character in this policy because, in my opinion, that matter is adequately covered by policies CS2 and GBC5 of the Plan.
- 9.11 **Issue (iii)** - I acknowledge that there is not, at present, a regional strategy that includes Sefton and details what and where renewable energy infrastructure facilities are required. Nevertheless, I consider that policy EMW2 accords with guidance contained in paragraph 6 of PPS22, which informs that renewable energy projects should be assessed against criteria-based policies.

RECOMMENDATIONS

- 9.12 (a) I RECOMMEND that the UDP be modified by amending bullet point 2 of the Objectives for Chapter 9 in accordance with NAC/09/01.
- (b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EMW3

Proposals for Mineral and Aggregate Developments

Objections to First Deposit Draft

EMW3/0095/0402
EMW3/0105/0523

Government Office North West – CW
Lancashire County Council

Objections to Revised Deposit Draft

9.201/0105/0637
EMW3/0105/0638
EMW3/0116/0650

Lancashire County Council
Lancashire County Council
Quarry Products Association

Key Issues

- (i) Whether the extraction of aggregates should be covered by a separate policy from that referring to minerals.
- (ii) Whether some statements made in paragraphs 9.19A and 9.20H of the explanatory text of the UDP should be included within policy EMW3.
- (iii) Whether the key factors listed in paragraph 9.21 of the explanatory text of the FDD should be incorporated into policy EMW3 or another policy of the Plan, in order to clarify that the UDP contains a shared commitment to the agreed regional apportionment for providing minerals and aggregates.
- (iv) Whether the scope of policy EMW3 should be reconsidered regarding its application to mineral exploration and appraisal operations.
- (v) Whether the need for minerals should be demonstrated in all cases of proposals for their extraction.
- (vi) Whether restoration and aftercare considerations should be added to policy EMW3.
- (vii) Whether part 1(i) of policy EMW3 duplicates policy EMW2A, and if so, whether it should be deleted.
- (viii) Whether part 2A of policy EMW3 should be altered to distinguish between planning conditions and legal agreements.

Inspector's Reasoning and Conclusions

- 9.13 **Issue (i)** - Aggregates are minerals specifically associated with materials required by the construction industry. Therefore, I consider that it is appropriate to refer to both terms within the policy. In my opinion, the introduction of separate policies for each would lead to unnecessary duplication.
- 9.14 **Issue (ii)** - Paragraphs 9.19A and 9.19B refer to constraints imposed on the extraction of workable aggregate minerals. In addition, new policy EMW2A, introduced by PC reference PC 9.15 and part 2A of Policy EMW3, inserted by PC reference PC 9.16 apply to the consideration of issues concerning the protection of mineral resources, or the possible environmental harm of proposals for mineral and aggregate developments.

- 9.15 In recognition of Sefton's role as a consultee on proposals for marine won aggregate dredging, it is proposed by PIC reference 1/PIC/09/04 and NAC reference NAC/9/B, to re-write paragraph 9.20H. These intended changes inform that proposals for marine won aggregate dredging are subject to the 'Government View' procedure operated by the ODPM and that licenses for marine aggregate extraction are issued by the Crown Estate. The new paragraph further explains that where an application is made for a license, the Council will encourage an assessment of the cumulative effect of the development on physical processes and on European designated coastal sites of nature conservation importance. The use or otherwise of the docks for landing may be taken into account in the consideration of a license application.
- 9.16 I consider that these intended changes to the supporting text adequately reflect the concerns of Lancashire County Council on these matters. I conclude that, in order to retain the flexibility and application of policies EMW2A and EMW3 to a variety of proposals for mineral extraction, it would be undesirable to make the further policy changes suggested by the Objector.
- 9.17 **Issue (iii)** - Paragraph 9.21 of the FDD has been deleted by PC reference PC 9.23. It was replaced by paragraph 9.20I (PC reference PC 9.22). The new paragraph informs that factors which will be taken into account in considering proposals for the extraction of minerals including aggregates, include amongst other considerations, how the proposal will assist Merseyside's contribution to the North West's regional share of; providing minerals, providing aggregates as set out DMPG Note 6 and the need to maintain a land bank of permitted reserves of minerals and aggregates within the Merseyside/Greater Manchester area.
- 9.18 In addition, PIC reference 1/PIC/09/05 proposes a new paragraph 9.20J, which would identify and explain the role of the North West Regional Aggregate Working Party (NWRAP). The Draft Minerals Planning Policy Guidance Note 6 is referred to in the list of background documents for the minerals section of the Chapter. I consider that paragraphs 9.20I and 9.20J fully address this aspect of the GONW objection, which has been conditionally withdrawn and also the similar objections of Lancashire County Council.
- 9.19 **Issues (iv) and (v)** - In response to objections, which point out that many mineral exploration and appraisal operations benefit from permitted development rights, and that it may not be a requirement for need to be demonstrated in all cases, policy EMW3 and its associated explanatory text have been re-written, by PCs references PC 9.16-PC 9.22. The criteria of the re-worded policy and text concern a range of environmental concerns. References to *need* and *market demand* are now deleted from the policy. I consider the objections are met by these changes.
- 9.20 **Issue (vi)** - Re-written policy EMW3 includes a requirement, at its section 2A Procedures, that through the use of planning conditions or legal agreements, restoration and aftercare plans are complied with, to ensure that the site can be returned to beneficial use. I consider that these changes to policy EMW3 satisfy the objections summarised as issues (iv), (v) and (vi).
- 9.21 **Issue (vii)** - NAC reference NAC/9/A proposes that part 1(i) be deleted from policy EMW3, because the protection of winnable minerals and aggregate resources is the subject of policy EMW2A. I support this proposed change,

which eliminates unnecessary duplication and which, in my opinion, would satisfy this part of the objection made by Quarry Products Association.

- 9.22 **Issue (viii)** - I disagree that part 2A of policy EMW3 should be amended to distinguish between planning conditions and legal agreements, because there is clear Government guidance contained in Circular 11/95 concerning the appropriate use of conditions and legal agreements. I see no necessity to change the word 'used' to *sought*, because a legal agreement, by definition, requires the consent of all relevant parties.

RECOMMENDATIONS

- 9.23 (a) I RECOMMEND that the UDP be modified by rewriting paragraph 9.20H in accordance with PIC 1/PIC/09/04 and NAC/9/B.

(b) I RECOMMEND that the UDP be modified by adding new paragraph 9.20J in accordance with PIC 1/PIC/09/05.

(c) I RECOMMEND that the UDP be modified in by deleting part 1(i) of policy EMW3 in accordance with NAC/9/A.

(d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy EMW 3 - Explanation

Objections to Revised Deposit Draft

9.20E/0095/0657	Government Office North West – CW
9.20F/0095/0658	Government Office North West
9.20H/0095/0659	Government Office North West

Key Issues

- (i) Whether paragraph 9.20E of the UDP should be strengthened by replacing the word 'encourage'.
- (ii) Whether paragraph 9.20F of the UDP should be amended to clarify that conditions concerning the aftercare of sites where minerals have been extracted, which extend beyond five years, should be negotiated rather than required.
- (iii) Whether paragraph 9.20H of the UDP should be deleted since the extraction of marine won sand is not controlled through the land-use planning system.

Inspector's Reasoning and Conclusions

- 9.24 **Issue (i)** - In response to this objection, proposed PIC reference 1/PIC/09/02 intends to amend the first sentence of paragraph 9.20E by replacing the word 'encourage' with the word *achieve*. In my opinion, this proposed change strengthens the requirement for a restoration and aftercare plan, to ensure that the site is restored to an appropriate beneficial use. GONW has conditionally withdrawn their objection on the basis of this proposed change.

- 9.25 **Issue (ii)** - In response to an objection concerning explanatory text given at paragraph 9.20F of the UDP, proposed PIC reference 1/PIC/09/03 proposes its amendment to clarify that aftercare conditions relating to the

management and maintenance of the site will be for a minimum of five years. Also, that the period of aftercare will be agreed between the authority and the developer, and may extend beyond five years. I endorse this change, which I consider satisfies the objection.

- 9.26 **Issue (iii)** – It is intended to re-write paragraph 9.20H of the explanatory text of the UDP in accordance with PIC reference 1/PIC/09/04 and NAC reference NAC/9/B. As a result, reference to marine won aggregates would be deleted from the text. I support these changes, which in my opinion would satisfy the thrust of the objection which raises this issue.

RECOMMENDATIONS

- 9.27 (a) I RECOMMEND that the UDP be modified by replacing the word *encourage* with *achieve* in the first sentence of paragraph 9.20E in accordance with 1/PIC/09/02.
- (b) I RECOMMEND that the UDP be modified by amending paragraph 9.20F in accordance with 1/PIC/09/03.
- (c) I RECOMMEND that the UDP be modified by rewriting paragraph 9.20H in accordance with PIC 1/PIC/09/04 and NAC/9/B.
- (d) I RECOMMEND no further modification to the UDP in response to these objections.

Figure 9.2

Mineral and Aggregate Developments – Operations Statement

Objection to First Deposit Draft

Fig9.2/0097/0441

Environment Agency – CW

Key Issue

Whether Figure 9.2 of the UDP should be amended to reflect the impact of minerals and aggregates development on groundwater flow and levels.

Inspector's Reasoning and Conclusions

- 9.28 In response to this objection, the fourth bullet point of Figure 9.2 of the UDP was amended by PC reference PC 9.25, to refer to the impact of minerals and aggregates development on ground water and surface resources, including pollution. I consider that this change satisfies the objection, which has been conditionally withdrawn.

RECOMMENDATION

- 9.29 I RECOMMEND no modification to the UDP in response to this objection.

Figure 9.3

Mineral and Aggregate Developments - Restoration and Aftercare Plan

Objection to First Deposit Draft

Fig9.3/0095/0403

Government Office North West – CW

Key Issues

- (i) Whether the first sentence of the second paragraph of Figure 9.3 of the UDP should be revised to accord with national policy guidance on aftercare contained in MPG7.
- (ii) Whether reference should be made to MPG7 in the background documents referred to in Figure 9.3.

Inspector’s Reasoning and Conclusions

9.30 The first sentence of the second paragraph of Figure 9.3 of the UDP has been deleted by PC reference PC 9.28 to bring it into conformity with national policy guidance on aftercare contained in MPG7. In addition, reference to the MPG has been added to the list of background documents for the Figure, by PC reference PC 9.29. The objection has been conditionally withdrawn on the basis of these changes.

RECOMMENDATION

9.31 **I RECOMMEND no modification to the UDP in response to this objection.**

Figure 9.3A

Estimated Number of Facilities and Residual Landfill Requirements for Municipal Waste in Merseyside 2000-2020

Objections to Revised Deposit Draft

Fig9.3A/0007/0645

Mersey Waste Holdings

Fig9.3A/0095/0661

Government Office North West – CW

Key Issues

- (i) Whether reference should be made to the source of information given in Figure 9.3A of the UDP.
- (ii) Whether Figure 9.3A of the UDP should give the capacity range of energy from facilities as being 200,000 tonnes per year

Inspector’s Reasoning and Conclusions

9.32 **Issues (i) and (ii)** - Since the publication of the RDD, the North West Regional Assembly has published a new Draft Regional Waste Strategy. This provides an updated assessment of the number of facilities for landfill requirements needed up to 2020. It has been established by the Strategy that the capacity of ‘Energy from Waste’ (EfW) facilities is estimated to be 200,000 tonnes per year, not the 20,000 tonnes per year shown in Figure 9.3A.

9.33 Proposed PIC reference 1/PIC/09/08 would amend Figure 9.3A to reflect these changes, by replacing the first three words of the title with the word *Estimated*, by changing the figure in the third line of the table to *200,000* tonnes per year and by adding the source of the information at the foot of the Figure. I support these changes, which in my opinion overcome these objections, and upon the basis of which, GONW has conditionally withdrawn its objection.

RECOMMENDATION

9.34 (a) I RECOMMEND that the UDP be modified by amending Figure 9.3A in accordance with 1/PIC/09/08.

(b) I RECOMMEND no further modification in response to these objections.

Policy EMW5

Waste Management Strategy

Objections to First Deposit Draft

EMW5/0007/0009	Mersey Waste Holdings – CW
EMW5/0095/0404	Government Office North West – CW
EMW5/0096/0429	Mersey Waste Disposal Authority
EMW5/0105/0525	Lancashire County Council

Key Issues

- (i) Whether, in the absence of a Merseyside/Regional Waste Management Strategy, policy EMW5 provides appropriate short-term guidance for waste management proposals that promote sustainable forms of waste management facilities, in order to meet Government and EC targets.
- (ii) Whether policy EMW5 should place greater emphasis on ensuring that waste management facilities meet statutory targets.
- (iii) Whether the North West Regional Waste Strategy, which is referred to in policy EMW5, will provide a sufficiently detailed context for the policy.

Inspector's Reasoning and Conclusions

- 9.35 **Issue (i)** - In response to this objection, policy EMW5 has been expanded, by PC reference PC 9.32, to include reference to the need to consider either an approved regional or sub-regional waste management framework or strategy. This amendment requires proposals to be assessed, prior to the formal adoption of a waste management strategy, against other accepted frameworks or strategies, for example, the North West Regional Assembly Draft Regional Waste Strategy - July 2003 (NWRWS), which is intended, by proposed PIC reference 1/PIC/09/9, to be referred to as a background document to the policy.
- 9.36 In addition, policy EMW5 requires the waste management facility to provide the best environmental option for dealing with the particular type of waste. I consider that the expanded policy meets these objections, which have been withdrawn.
- 9.37 **Issue (ii)** - Paragraph 9.35 of the explanatory text to policy EMW5 sets out the Government's targets for the recycling or composting of household waste by 2005. I consider that policy EMW5, as now worded, together with its additional explanation, added by PC reference PC 9.31, will ensure that waste management facility developments take place within the framework of the emerging strategy for Merseyside and regional waste management facilities. I do not, therefore, consider that any further amendment is required to the policy.

9.38 **Issue (iii)** - The NWRWS has provided some estimates for the facilities that will be required to deal with municipal waste in Merseyside up to 2020. These details are set out in Figure 9.3A of the Plan, as intended to be amended in accordance with 1/PIC/09/08. The Figure informs that Sefton will need to contribute its share of those facilities, alongside the other districts in the Merseyside area. In addition, policy EMW5 requires that such proposals demonstrate that there is a need for the facility, and paragraph 9.38 of the explanatory text requires that key factors of the National Waste Strategy are taken into account. These include that the proposal can be supported in terms of self-sufficiency and the proximity principle. I consider that this context provides sufficient detail to ensure that satisfactory provision is made for waste facilities in the area. Consequently, I do support this objection.

RECOMMENDATIONS

9.39 (a) I RECOMMEND that the UDP be modified by including reference to the North West Regional Assembly Draft Regional Waste Strategy (July 2003) as a background document to policy EMW5, in accordance with 1/PIC/09/9.

(b) I RECOMMEND that the UDP be modified by amending Figure 9.3A in accordance with 1/PIC/09/08.

(c) I RECOMMEND no further modification to the UDP in response to these objections.

Policies EMW5 and EMW6 - Explanation

Objections to First Deposit Draft

9.36/0007/0008	Mersey Waste Holdings Ltd
9.36/0096/0431	Mersey Waste Disposal Authority

Objection to Revised Deposit Draft

9.40/0007/0646	Mersey Waste Holdings Ltd
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Key Issues

- (i) Whether paragraph 9.36 of the UDP is factually correct in its identification of the production of Energy from Waste (EfW) solely with incineration and in the differentiation that it makes from other waste management facilities, by specifying that the UDP does not provide for EfW facilities.
- (ii) Whether paragraph 9.40 of the UDP is grammatically poor and unclear, and as a result, could be incorrectly read to differentiate composting and EfW facilities from other types of waste management facilities.
- (iii) Whether paragraph 9.37 of the UDP, which refers to the principle of Best Practicable Environmental Option (BPEO), should be amended to provide greater emphasis on the need to consider emerging technologies in dealing with waste management solutions.

Inspector's Reasoning and Conclusions

9.40 **Issues (i) and (ii)** – In response to these objections, paragraph 9.36 of the UDP was deleted by PC reference PC 9.34. Paragraph 9.40 has been amended, by PC reference PC 9.36 and is intended to be further clarified by

minor grammatical alterations proposed by PIC reference 1/PIC/09/10, to clarify that the paragraph refers to different types of waste management facilities, including EfW. A footnote to the paragraph, which was introduced by PC reference PC 9.36, explains that the definition of EfW includes other forms of energy recovery in addition to incineration. I consider that these changes meet this objection.

- 9.41 **Issue (iii)** - The objection refers to paragraph 9.36 of the UDP, but it is my interpretation that it does in fact relate paragraph 9.37. Paragraph 9.37 of the Plan refers to the Best Practicable Environmental Option (BPEO) principle, which promotes the waste management approach, or mix of approaches that provides the most benefits, or the least damage to the environment as a whole. This is reflected in part (iii) of policy EMW5, which requires the facility to provide the best practicable environmental option for dealing with the particular type of waste. In my opinion, the policy and its explanation is likely to provide sufficient flexibility to deal with new waste management solutions, including the production of EfW. Thus, I do not support this objection which seeks greater flexibility.

RECOMMENDATIONS

- 9.42 **(a) I RECOMMEND that the UDP be modified by amending paragraph 9.40 in accordance with 1/PIC/09/10.**
- (b) I RECOMMEND no further modification to the UDP in response to these objections.**

Policy EMW6

Waste Management Facilities

Objections to First Deposit Draft

EMW6/0009/0036	The Countryside Agency
EMW6/0095/0405	Government Office North West – CW
EMW6/0096/0430	Mersey Waste Disposal Authority
EMW6/0097/0442	Environment Agency – CW
EMW6/0105/0526	Lancashire County Council
EMW6.2/0007/0010	Mersey Waste Holdings Ltd
EMW6.5/0007/0012	Mersey Waste Holdings Ltd – CW

Key Issues

- (i) Whether policy EMW6 should be amended to incorporate a reference to Landscape Character and the 'net gain' approach.
- (ii) Whether policy EMW6 should include reference to EfW facilities in line with PPG10.
- (iii) Whether policy EMW6 should include reference to sustainable transport considerations, in accordance with PPG10.
- (iv) Whether policy EMW6 inappropriately restricts the location of civic amenity and other 'bring' sites that may be suitable within the vicinity of dwellings.

- (v) Whether policy EMW6 or its associated explanatory text should be amended to indicate that it is a priority for the Council to ensure that proposals meet the criteria of the emerging Waste Management Strategy for Merseyside.
- (vi) Whether policy EMW6 should be amended to allow the storage of clean, baled materials outside an existing or proposed facility.
- (vii) Whether policy EMW6 adequately recognises that there will be residual waste from re-cycling and from the production of EfW.
- (viii) Whether policy EMW6 considers the impact of the location of waste facilities on the environment.
- (ix) Whether the waste management policies of the UDP should include environmental criteria against which proposals will be assessed.
- (x) Whether part 2 of policy EMW6 should enable proposals to be assessed against measurable, rather than perceived impacts which may be raised by objectors to a particular scheme.

Inspector's Reasoning and Conclusions

- 9.43 **Issue (i)** - Amongst other matters, paragraph 3.3A of Chapter 3 of the Plan, which contains the strategic policies of the UDP, emphasises the 'net gain' objective of the UDP. It also clarifies that all Part 1 policies, including policies CS1-CS3 and GBC5 are intended to inform judgements made about the relative weights to be given to social, environmental and economic objectives in decisions on all development proposals. Policies CS2 and GBC5 particularly refer to Landscape Character, so I see no need to duplicate this consideration in policy EMW6. For this reason, I do not support this objection of the Countryside Agency.
- 9.44 **Issue (ii)** - Paragraph 33 of PPG10 requires UDPs to include policies for the consideration of proposals for all options for managing waste. The footnote to paragraph 9.40 of the UDP, which was added by PC reference PC 9.36, clarifies that the term 'waste management facilities' includes EfW. The term 'waste management facilities' is referred to several times in the policy and by implication it should be interpreted in terms of the explanatory text at paragraph 9.40. Hence, the policy also makes reference to EfW. Consequently, I consider that the policy accords with PPG10 in this respect.
- 9.45 **Issue (iii)** – Paragraphs A13 to A22 of Annex A to PPG10 refer to transport issues arising from waste management facilities. Paragraph A13 summarises the key problems related to potential disturbance from the large number of vehicles using the facilities. The other paragraphs put forward solutions and/or mitigation. The Objector is of the opinion that these measures should be referred to in policy EMW6.
- 9.46 However, transport and access issues relating to all types of development are set out in Chapter 15 – Accessible Development of the Plan. Reference is also made in Chapters 8 – Transport Infrastructure and 16 – Design and Environmental Quality. There is a clear policy link from policy EMW6 to policy AD1 – Location of Development, which was added by PC reference PC 9.41. This policy refers to several of the considerations mentioned in paragraphs A13-A22 of Annex A to PPG10. In addition, part 2 of policy EMW6 seeks to safeguard residential amenity by restricting the siting of waste management

facilities. Also, part 7 of policy EMW6 refers to the need for planning applications to be accompanied by an Operations Statement. Figure 9.4 of the Plan sets out the information which these should include; such as details of access, hours of working, vehicle movements and provision for adequate vehicle parking.

- 9.47 Thus, I consider that together, all of these aspects of the Plan adequately address most of the matters referred to in paragraphs A13-A22 of Annex A to PPG12, with regards to sustainable transport considerations. The objection has been conditionally withdrawn.
- 9.48 **Issue (iv)** - Paragraph 9.40 of the explanatory text to policy EMW6, as amended by PC reference PC 9.36, states that waste management facilities include civic amenity and 'bring' sites. As such, they will be treated in the same manner as other types of waste management facilities, in accordance with the criteria of policy EMW6. Part 2 of the policy does not prohibit waste management sites close to residential areas, but in the interests of residential amenity, it seeks to prevent the location of such development in very close proximity to dwellings. I consider that this is entirely reasonable and I see no reason why lesser standards should be accepted for civic amenity or 'bring' sites. I consider that the policy partly meets the objection and I do not recommend further changes in response to it.
- 9.49 **Issue (v)** - With reference to paragraph 9.35 of my report, I consider that policy EMW5 and its associated text recognise the necessity for proposals for waste management facilities to be considered in accordance with the emerging framework that will be provided by the NWRWS. I see no necessity to duplicate that requirement in policy EMW6.
- 9.50 **Issue (vi)** – I consider that exceptionally, the external storage of clean baled materials may be acceptable. These cases should be considered on their individual merits at the time of consideration of the planning application. However, in the interests of environmental amenity I do not support changing the policy to allow such storage, as a matter of course.
- 9.51 **Issue (vii)** – As a result of PC reference PC 9.43 a new sentence prefaces paragraph 9.49 of the UDP, which acknowledges that even if more waste is re-cycled or re-used, there will still be a need for landfill sites to dispose of residual waste. In my opinion this change meets this aspect of the objection made by Merseyside Waste Disposal Authority concerning re-cycling. Mersey Waste Holdings Limited has conditionally withdrawn its similar objection concerning residual waste from EfW production.
- 9.52 **Issues (viii) and (ix)** - Policy EMW6 does not explicitly consider the locational impact of waste facilities on the environment. However, a sentence has been added to the end of paragraph 9.2 of the Plan, by PC reference PC 9.5. It informs that all policies of Chapter 9 must be read together and in conjunction with policy CS2 - Restraint on Development and Protection of Environmental Assets, Policy CS3 - Development Principles and with policy EP1 - Managing Environmental Risk. They provide the environmental context for all Chapter 9 policies, including policy EMW6. I consider that this change meets these objections. The Environment Agency has conditionally withdrawn its objection on this basis.

9.53 **Issue (x)** - Part 2 of policy EMW6 has been revised, by PC reference PC 9.35 to include the word *significantly* in front of the word 'harm'. In my opinion, it is most probable that any proposal for a waste management facility would cause some measurable harm to the operating environment of nearby industrial premises. Thus, I do not consider that the change suggested by Mersey Waste Holdings Limited is practical. However, I consider that by prefacing 'harm' by the word 'significantly', the policy provides greater certainty to developers as to the level of impacts that may be considered acceptable. In my view, the policy now strikes an appropriate balance between accepting a small amount of harm, which waste management facilities may cause, against the overall need to provide such facilities.

RECOMMENDATION

9.54 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy EMW6 - Explanation

Objections to First Deposit Draft

9.42/0096/0433	Mersey Waste Disposal Authority
9.43/0007/0013	Mersey Waste Holdings Ltd

Key Issues

- (i) Whether the explanatory text at paragraph 9.43 of the UDP incorrectly states that the Environment Agency does not allow open air composting facilities within 250 metres of a workplace or a residential boundary.
- (ii) Whether the footnote to paragraph 9.43 of the UDP, which refers to bio-aerosols as being gasses, is incorrect.

Inspector's Reasoning and Conclusions

9.55 **Issue (i)** – It is considered by the Objector that the explanatory text given at paragraph 9.43 of the Plan incorrectly states that the Environment Agency does not allow open air composting facilities within 250 metres of a workplace or a residential boundary. However paragraph 9.43 has been amended by PC reference PC 9.37 to clarify requirements for proposals for open air composting facilities. It states that in addition to planning permission for such facilities, a waste management license is also required from the Environment Agency. Such a license will not normally be issued if the facility proposed is within 250 metres of a workplace or a residential area. To gain a license for a facility within that distance a risk assessment is required, which provides clear scientific evidence that the safety risk to adjacent uses would be minimal. I consider that this change meets these objections.

9.56 **Issue (ii)** - Footnote 3 to paragraph 9.43 has been amended by PC reference PC 9.37 to explain that bio-aerosols are micro-organisms and/or other tiny biological particles suspended in air. I consider that this change satisfies the objection.

RECOMMENDATION

9.57 **I RECOMMEND no modification to the UDP in response to these objections.**

Figure 9.5

Waste Management Facilities - Restoration and Aftercare Plan

Objection to First Deposit Draft

Fig9.5/0098/0475

English nature (Cheshire to Lancashire Team) –
CW

Objection to Revised Deposit Draft

Fig9.5/0007/0647

Mersey Waste Holdings Ltd

Key Issues

- (i) Whether Figure 9.5 of the UDP should be amended to address the potential to restore, enhance and create wildlife habitats as part of a waste management facilities restoration and aftercare plan.
- (ii) Whether the footnote to Figure 9.5 of the Plan is correct with regards to its definition of leachates.

Inspector's Reasoning and Conclusions

9.58 **Issue (i)** - In response to this objection, a sixth bullet point was added to Figure 9.5, by PC reference PC 9.40 to address nature conservation interests. The objection was conditionally withdrawn on this basis.

9.59 **Issue (ii)** - Proposed PIC reference 1/PIC/09/11 intends to amend the footnote to Figure 9.5. It would define leachates as being: *Water that has become contaminated by percolating through waste or other materials used in waste management operations.* I support this change, which I consider meets the objection.

RECOMMENDATIONS

9.60 (a) I **RECOMMEND** that the UDP **be modified** by **amending** the footnote to Figure 9.5 in accordance with 1/PIC/09/11.

(b) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy EMW7

Landfill Sites

Objections to First Deposit Draft

EMW7/0096/0434

Mersey Waste Disposal Authority

EMW7/0105/0527

Lancashire County Council

Key Issues

- (i) Whether policy EMW7 should be amended to place greater emphasis on the need for landfill sites to meet statutory targets.
- (ii) Whether details should be provided of the scale of waste operations taking place in Sefton and of the numbers of facilities existing or required.

Inspector's Reasoning and Conclusions

- 9.61 **Issue (i)** - Policy EMW5 recognises the framework that will be provided by the emerging Waste Management Strategy for Merseyside. Since landfill sites are an aspect of waste management that is covered by policy EMW5, I see no reason to refer to this again in the context of policy EMW7. Therefore, I do not support the change sought by the Objector.
- 9.62 **Issue (ii)** - Figure 9.3A of the UDP provides abroad estimates of the waste management facilities that are likely to be required for the whole of Merseyside up to 2020. Sefton is expected to meet its share of these facilities. However, I concur with the Council that it is difficult to isolate accurate figures for the Sefton area. Furthermore, since the UDP is expected to provide guidance for development for the next ten years, the production of data of existing facilities and capacity would frequently become outdated, and consequently would be of limited practical use. For these reasons, I do not support this objection, which requests that details of these matters be provided in the Plan.

RECOMMENDATION

- 9.63 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy EMW7 - Explanation

Objections to First Deposit Draft

9.50/0007/0014

Mersey Waste Holdings Ltd – CW

9.50/0095/0406

Government Office North West - CW

Key Issues

- (i) Whether paragraph 9.50 of the UDP is inaccurate concerning its inference that all forms of waste management facilities, including composting, are a form of energy recovery.
- (ii) Whether the term 'temporary restoration scheme' should be defined within the Plan to aid clarity.

Inspector's Reasoning and Conclusions

- 9.64 **Issues (i) and (ii)** - Paragraph 9.50 has been re-written, by PC reference PC 9.43. Amongst other matters, the amended paragraph differentiates between composting and energy recovery, it clarifies that it is not the case that all waste management facilities will incorporate energy recovery operations. Proposed Change reference PC 9.43 explains that: *Temporary restoration schemes are needed because when filling stops, it takes time for material to break down biologically and to settle.* I consider that the re-worded paragraphs 9.50 and 9.51 meet these objections, which have been conditionally withdrawn.

RECOMMENDATION

- 9.65 **I RECOMMEND no modification to the UDP in response to these objections.**

CHAPTER 10 - GREEN BELT AND COUNTRYSIDE

General

Objections to First Deposit Draft

GenCh10/0089/0339	Formby Hall Golf and Country Club
GenCh10/0089/0628	Formby Hall Golf and Country Club
OBJp79/0009/0037	The Countryside Agency
NP/0089/0330	Formby Hall Golf and Country Club
NP/0095/0424	Government Office North West - CW
NP/0009/0028	The Countryside Agency

Key Issues

- (i) Whether the objectives of the Council's Green Belt policy, as set out in Figure 10.1 and in policy GBC1, ignore the positive effects that development can bring to communities living in the Green Belt, and are too restrictive by not allowing opportunities for farm and rural diversification, and the re-use of rural buildings.
- (ii) Whether the UDP should include a new policy that supports rural diversification and the conversion of rural buildings for employment uses.
- (iii) Whether the Countryside Agency should be included as a 'Key Partner'.
- (iv) Whether Chapter 10 of the UDP, which contains the Council's policies for development in the Green Belt, should make more explicit reference to recreation, especially golf facilities and golf tourism, as being an essential component of community infrastructure and the local economy.
- (v) Whether the UDP should include a new policy that supports the development of golf courses and related facilities in the Green Belt.

Inspector's Reasoning and Conclusions

- 10.1 **Issues (i)-(iii)** – The objectives for the use of land in the Green Belt, as set out in Figure 10.1 of the UDP, closely reflect the objectives of Green Belt given in paragraph 1.6 of PPG2. The overall objectives for Chapter 10 of the Plan reflect that the Council's economic priority is for urban regeneration. In my opinion, it is appropriate that this should be stressed in this part of the Plan, given that over half of the area of the Borough falls within the Green Belt.
- 10.2 Nevertheless, the Council's intends, by PIC reference 1/PIC/05/03, to add paragraphs 5.6DA and 5.6DB to Chapter 5 of the UDP (Economic Development and Tourism). These new paragraphs, which I endorse, acknowledge that farm diversification may be necessary, in some cases, to maintain the strength of the agricultural and rural economy, and to maintain farm incomes.
- 10.3 In the specific context of Sefton, where the priority is to secure urban regeneration, I consider that these references to rural and farm diversification are sufficient. In my opinion, a new policy that specifically promotes those interests, as suggested by the Countryside Agency and GONW, would be inappropriate because it would run contrary to the main

thrust of the Plan. GONW accepts this point, because it conditionally withdrew its objection on the basis of this change.

- 10.4 Part 2 of policy GBC2 permits the re-use of rural buildings in the Green Belt, provided that it does not have a materially greater impact than the present use, on its openness and the purposes of including land within it. The Countryside Agency was added as a Key Partner by PC reference PC 10.3. Thus, I do not consider that further modifications are required to the UDP in response to these elements of the Countryside Agency's objections.
- 10.5 **Issues (iv) and (v)** – Formby Hall Golf and Country Club is concerned that Chapter 10 of the UDP is virtually silent on the need for recreation facilities, especially those associated with golf. It suggests that a new golf related policy should be added to the UDP. However, I consider that their concerns are adequately addressed by paragraph 5.6C of the UDP, which was added by PC reference PC 5.3, and which acknowledges that golf tourism is a growth sector in Sefton's economy. In my opinion, stronger references such as the inclusion of a golf related policy, could conflict with the main urban regeneration thrust of the Plan and with the guidance of PPG2, which seeks to strictly limit development in the Green Belt. For these reasons, I do not support these objections made by the Formby Hall Golf and Country Club.

RECOMMENDATIONS

- 10.6 (a) **I RECOMMEND that the UDP be modified by adding paragraphs 5.6DA and 5.6DB to Chapter 5 of the Plan in accordance with 1/PIC/05/03.**
- (b) **I RECOMMEND no further modification to the UDP in response to these objections.**

Policy GBC1

The Green Belt (policy wording)

Objections to First Deposit Draft

GBC1/0009/0038	The Countryside Agency
GBC1/0020/0088	Swift
GBC1/0021/0092	Cropper
NP/0022/0093	P Wilson & Company
GBC1/0023/0094	Rimmer
GBC1/0049/0186	Barton
GBC1/0059/0211	Redrow Homes (Lancs) Ltd
GBC1/0091/0357	Countryside Properties
GBC1/0072/0269	Persimmon Homes (NW) Ltd & Countryside Residential (NW) Ltd - CW
GBC1/0107/0529	Dilworth
NP/0108/0537	Hallam Land Management
NP/0109/0561	Langtree Property Company Ltd
GBC1/0108/0538	Hallam Land Management
GBC1/0109/0562	Langtree Property Company Ltd

Key Issues

- (i) Whether policy GBC1, which states that there will be no changes to the general extent of the Green Belt, at least until 2011, reflects Regional Guidance on this matter.
- (ii) Whether the Green Belt boundary should be reviewed to provide sufficient flexibility to meet development needs for at least the next 20 years.
- (iii) Whether the UDP should make provision for safeguarded land set aside for long-term development needs, and if so, whether a new policy should be included in the UDP to address this matter.
- (iv) Whether the Green Belt should contribute more to sustainability objectives, particularly regarding opportunities for employment and social inclusion. In particular, whether part 2 of policy GBC1 should be deleted and replaced by the words: Forms of development, including changes of use of land, will be permitted provided they maintain openness and do not conflict with the purposes of including land in the Green Belt.
- (v) Whether policy GBC1 lacks transparency and precision and that, as a consequence, it may be open to different interpretations.

Inspector's Reasoning and Conclusions

- 10.7 **Issues (i) and (ii)** – Several Objectors are concerned that policy GBC1 does not reflect the need for a review of the Merseyside and Halton Green Belt, as highlighted in the draft version of RGP13. In their view, the policy is too prescriptive in stating that there will be no changes to the general extent of the Sefton Green Belt until 2011 at the earliest. More specifically, some Objectors consider that the Green Belt boundary is too tightly drawn and that as a consequence, it may impede development needs over the period of the Plan. In their opinion, making adjustments to the Green Belt boundary at this review of the UDP would make its boundaries more robust and defensible in the future.
- 10.8 Regional Planning Guidance for the area (now RSS) was approved in 2003. Its policy SD5 provides a policy framework for substantial changes to be made to the Green Belt boundary, and it notes the need for a *strategic study* of the extent of the Green Belt across Merseyside and Halton. This study has commenced and it will determine the need, if any, for any changes in the broad extent and location of Green Belt boundaries in that area, to accommodate likely development requirements to 2021 and beyond. However, the regional guidance itself does not endorse a strategic review of the Green Belt, the need for which would be determined by the results of the strategic study. Thus, it is my opinion that policy GBC1 of the UDP generally reflects approved regional guidance on this matter.
- 10.9 If any changes to the broad extent of the Merseyside and Halton Green Belt are proposed by any such strategic review, I consider that the appropriate time to consider the local implications within Sefton would be at the next review of the UDP, which would aim to guide development within the Borough post 2011. Therefore, I support the purpose of policy GBC1, which informs that there will no changes to the general extent of the Green Belt until at least 2011. I consider that this is a clear policy statement that will ensure that the permanence of the Green Belt boundaries in the area is upheld, in accordance with the guidance of PPG2. Consequently, I do not support these objections.

- 10.10 **Issue (iii)** - Hallam Land Management and Langtree Property Company Ltd question if the UDP should make provision for safeguarded land, set aside for long term development needs, and if so, whether a new policy should be included in the UDP to address this matter.
- 10.11 At an early stage in the preparation of the UDP two areas within the Green Belt, to the east of Southport and to the east of Maghull, were identified in the Sefton 2000+ Final Report 1998 (CD/0036) for possible designation as safeguarded land for future employment use. However, the Council subsequently decided not to proceed with those designations, because it concludes that all of Sefton's housing and employment land requirements can be accommodated within the urban areas without the need to safeguard land in the Green Belt for those purposes.
- 10.12 In Chapters 5 and 6 of my report, where I conclude and make recommendations upon employment and housing matters respectively, I identify a possible, slight shortfall in both types of land requirements towards the latter part of the Plan period, post 2011. However, I also conclude that there is not a pressing urgency for these matters to be fully addressed in the context of this current review of the UDP. Thus, that there is no necessity to release land from the Green Belt, for housing or employment purposes, in the context of this Plan.
- 10.13 I further conclude that these issues should form part of the next review of the Plan, when post 2006 housing requirements for the Borough have been reviewed at the regional level. It is likely also, that there may be a sub-regional review of the Green Belt boundaries around that time. Thus, the updated housing allocation for the Borough would inform a decision on whether or not there would be a requirement to release or safeguard Green Belt land for future development. For these reasons, I conclude that there is no necessity to make provision for safeguarded land at this stage. Consequently, I do not support these objections.
- 10.14 **Issue (iv)** – The Countryside Agency request that part 2 of policy GBC1 be deleted and replaced with an alternative description of the forms of development that may be acceptable within the Green Belt, but which would, in its opinion, more fully support sustainability objectives, particularly regarding opportunities for employment and social inclusion in the rural areas.
- 10.15 In my opinion, the wording of part 2 of the policy reflects that decisions on proposals for development in the Green Belt will be made in line with the guidance of PPG2. The particular types of development that may be considered appropriate are detailed in policy GBC2, which mainly reflect those categories of development described in PPG2 as being appropriate in the Green Belt. I do not consider that either policy is prejudicial to the considerations referred to by the Countryside Agency. Thus, I see no need to amend policy GBC1 in response to their objection.
- 10.16 Furthermore, I consider that it would be inappropriate to include detailed statements of suitable development within this strategic, Part 1 Policy. For these reasons, I do not support this objection.
- 10.17 **Issue (v)** – Mr Dilworth objects that the UDP generally, does not provide enough information to explain how its various policies were arrived at. In

particular, he objects that policy GBC1 is worded in such a way that the Council is able to interpret the policy inconsistently, to suit the circumstances of different development proposals. However, from the information before me, I am satisfied that this review of the UDP included a survey of current national and regional planning policy guidance, and extensive public consultation. I am satisfied that the Plan is in general conformity with national and regional guidance. Where it is not, I have made recommendations in my report for modifications to be made. In the case of policy GBC1, I consider that the policy is clearly and unambiguously worded and that no further changes to it are required. I do not support this objection.

RECOMMENDATION

10.18 I RECOMMEND no modification to the UDP in response to these objections.

Policy GBC1

The Green Belt (site specific objections)

Objections to First Deposit Draft

SP/0001/0001	(also under policy H3)	Pittaras
SP/0002/0002	(also under policy H3)	Davies
SP/0006/0007	(also under policy H3)	Greenwood
SP/0012/0054	(also under policy H3)	Cook
SP/0013/0257	(also under policy H3)	Network Rail Infrastructure Ltd (Railtrack PLC)
SP/0020/0090	(also under policy H3)	Swift
SP/0021/0091	(also under policy H3)	Cropper
SP/0109/0566	(also under policy H3)	Langtree Property Company Ltd
SP/0023/0095	(also policy H3 and CPZ1)	Rimmer
SP/0026/0102	(also under policy H3)	Wilson Connolly Northern
SP/0027/0104		O'Neil
SP/0031/0113		Tatton Property Investments
SP/0032/0114	(also under policy H3)	Wilson Connolly Lancashire
SP/0032/0116		Wilson Connolly Lancashire
SP/0033/0118		S Rostron Ltd
SP/0033/0120		S Rostron Ltd
SP/0040/0149	(also under policy H3)	Mortons Dairies
SP/0048/0183	(also under policy H3)	Storey
SP/0048/0184	(also under policy H3)	Storey
SP/0049/0185	(also under policy H3)	Barton
SP/0059/0212	(also under policy H3)	Redrow Homes (Lancs.) Ltd
SP/0059/0217	(also under policy H3)	Redrow Homes (Lancs.) Ltd
SP/0072/0258	(also under policy H3)	Persimmon Homes (NW) Ltd and Countryside
SP/0072/0269		Persimmon Homes (NW) Ltd and Countryside
SP/0072/0263	(also under policy H3)	Persimmon Homes (NW) Ltd and Countryside
SP/0077/0294	(also under policy H3)	Moonan
SP/0080/0301		Central Southport Partnership
SP/0091/0356		Countryside Properties
SP/0093/0361	(also policy H3 & GBC3)	McComb
SP/0104/0521		Duna Ltd
SP/0108/0540		Hallam Land Management
SP/0108/0541	(also under policy H3)	Hallam Land Management
SP/0109/0564		Langtree Property Company Ltd
SP/0092/0582	(also under policy G8)	Lenton

SP/0032/0115	(also under policy H3)	Wilson Connolly Lancashire
SP/0032/0123	(also under policy H3)	Wilson Connolly Lancashire
SP/0059/0215	(also under policy H3)	Redrow Homes (Lancs) Ltd
SP/0059/0216	(also under policy H3)	Redrow Homes (Lancs) Ltd
SP/0091/0355	(also under policy H3)	Countryside Properties
SP/0099/0489	(also under policy H3 & G8)	Geoff Clark & Associates
NP/0008/0015	(also under policy H3)	Yates

Introduction

- 10.19 PPG2 notes that once the general extent of Green Belt has been approved it should be altered only in exceptional circumstances, or if a strategic review has been endorsed, which in the context of Sefton would be found in regional guidance. PPG2 further states that *detailed Green Belt boundaries defined in adopted local plans or earlier approved development plans should be altered only exceptionally*. At paragraph 2.1 PPG2, also identifies that the essential characteristic of the Green Belts is their permanence. It states that: *Their protection must be maintained as far as can be seen ahead*.
- 10.20 Policy SD5 of the RSS provides a policy framework for substantial change to the Green Belt. As I have discussed above, this policy notes the need for a strategic study of Green Belt across Merseyside and Halton, which was commissioned in March 2004 and was due to report in September 2004. This will determine the need, if any, for changes in the broad extent and location of Green Belt boundaries to accommodate likely development requirements to 2021 and beyond. To justify a change to the Green Belt at this stage, the Objector would, therefore, have to demonstrate exceptional circumstances.
- 10.21 Many of the objections that I consider in this part of my report request not only that land should be removed from the Green Belt, but also that it should be allocated for housing, employment or both. However, with reference to my conclusions and recommendations on provision for employment and housing land supplies given in Chapters 5 and 6 respectively of my report and above, I conclude that there is no need to remove land from the Green Belt for such uses, or to safeguard land for such future requirements, based on current RSS requirements.
- 10.22 I consider the merits of the specific sites for housing and or employment development in Chapters 5 and 6 of my report. Here I consider if there are any other exceptional circumstances that justify the removal of the objection sites from the Green Belt designation, or if the land should be safeguarded for future development, having particular regard to their individual contribution to the purposes and objectives of the Green Belt, as set out in PPG2 and the RDD.

The Context for Objection Sites at Maghull

- 10.23 Maghull is primarily a commuter settlement, located in the eastern part of the Borough. It is characterised by modern residential housing and contains relatively little industrial or commercial development. It is my opinion that the Green Belt in this area serves the purposes of preventing Maghull from sprawling into the open countryside, of safeguarding the countryside from urban encroachment, and of preventing the surrounding settlements (Ormskirk to the north, Kirkby to the South-East, and Aintree and Netherton to the south, and Crosby and Ince Blundell to the west) from coalescing.

10.24 I also, support the Council's view that this part of the Green Belt is of sub-regional significance, because it plays a key role in aiding urban regeneration. In my opinion, further development in Maghull, where the sites are mainly greenfield and unconstrained, would adversely affect the early regeneration of the nearby Bootle and Netherton areas, which have been identified in policy UP1 of the RDD as the main areas for urban regeneration, in accordance with European, national and regional programmes and priorities.

Objections References: GBC1/0072/0269, SP/0020/0090, SP/0021/0091, SP/0072/0258, SP/0108/0541 and SP/0109/0566 – Land East of Maghull

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection sites from the Green Belt and their allocation/safeguarding as employment/housing uses.

Inspector's Reasoning and Conclusions

10.25 A number of objections have been made in respect of land east of Maghull. These six are very similar in content. They request the removal of the sites from the Green Belt and the allocation or safeguarding of the land for either, housing, employment or both. However, I consider that this land to the east of Maghull has important functions as Green Belt, because it prevents the encroachment of the town of Maghull into the countryside to the east and it assists in urban regeneration in Sefton as a whole, by encouraging the recycling of derelict and other previously developed land, especially in the Urban Priority Areas.

10.26 I have concluded previously in my report that there is no pressing need to allocate land in the Green Belt for employment or housing needs, especially before 2011, based on an extrapolation of current RSS housing requirements. Therefore, in my opinion there is no urgent need to remove these objection sites from the Green Belt for such uses, or to safeguard land in the Green Belt for these purposes. There will be a review of the housing requirements in the region, in the near future, well before the end date of this UDP. I consider that the appropriate time to review Green Belt boundaries in the area would be after the RSS housing requirements for the Borough have been reviewed.

10.27 The indications are that this review is imminent and will take place long before the end date of the UDP. Furthermore, it is likely that it will approximately coincide with a sub-regional review of the Green Belt boundaries in Merseyside and Halton. Therefore, I consider that substantial amendment to the Green Belt boundaries in Sefton is both unnecessary and premature in the context of this review of the UDP.

10.28 Furthermore, I consider that if these objection sites were to be allocated for employment use, it is likely that they would be developed in preference to the brownfield sites situated along the A5038 Dunnings Bridge Road Corridor, thus conflicting with sustainability criteria and the Council's urban regeneration objectives, which are the focus of the UDP.

10.29 I am not aware of any other matters that constitute exceptional circumstances in these cases. Thus, I do not support the objections and I conclude that the Green Belt designation should be retained, in each case.

RECOMMENDATION

10.30 I RECOMMEND no modification to the UDP in response to these objections.

Objection Reference: SP/0026/0102 – Land East of Maghull (bounded by School Lane, M58 and Railway)

Key Issue

Whether the objection site should be re-designated as safeguarded land in the Green Belt.

Inspector's Reasoning and Conclusions

10.31 This objection site is also situated to the east of Maghull. In this case, it is argued that there is a need to make a strategic release of development land from the Green Belt in order to meet longer-term development needs. It is argued that strategic development sites need early commitment to allow the extensive forward planning for essential infrastructure provision and improvements to the public transport network. It is contended that development of such strategic sites can be controlled through safeguarding policies, which prevent the land from being released until it is required. Wilson Connolly Northern suggests that such an approach also has a beneficial effect of safeguarding other areas of Green Belt, by clearly identifying which land will be developed to meet future needs.

10.32 However, as I have previously concluded, I do not consider that there is a need to safeguard land within the Green Belt during the Plan period. In my opinion, the need for and the location of land to be removed from the Green Belt and safeguarded for future development should only be determined as a consequence of the sub-regional Green Belt Study that is currently being carried out. This will determine the need for and the location of any such releases, as part of the future RSS and LDD review processes.

10.33 It is my opinion that the land which comprises this objection site serves the same Green Belt functions as the land that is the subject of the previous objections. That is, the safeguarding of the countryside from encroachment and assisting in urban regeneration.

10.34 I am not aware of any other matters that constitute exceptional circumstances in this case. Thus, I do not support the objection and I conclude that the Green Belt designation of the site should be retained.

RECOMMENDATION

10.35 I RECOMMEND no modification to the UDP in response to this objection.

Objections References: SP/0091/0355 & SP/0091/0356 – Land at Poverty Lane, Maghull.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation as safeguarded land for future development purposes.

Inspector's Reasoning and Conclusions

10.36 Countryside Properties raise similar arguments as the objections that I have considered previously in this section of my report, but in relation to a smaller piece of land, which comprises the southern section of land at Poverty Lane, Maghull. It is my opinion that this objection site serves the same Green Belt functions as the land that is the subject of the previous objections. That is, the safeguarding of the countryside from encroachment and assisting in urban regeneration.

10.37 I am not aware of any other matters that constitute exceptional circumstances in these cases. Thus, I do not support the objections and I conclude that the Green Belt designation should be retained.

RECOMMENDATION

10.38 I **RECOMMEND no modification to the UDP in response to these objections.**

Objections Reference: NP/0008/0015 - Land adjacent to Turnbridge Road/Green Bank Avenue, Lydiate

Key Issue

Whether the objection site should be allocated as land safeguarded for future development.

Inspector's Reasoning and Conclusions

10.39 It is requested on behalf of Mrs Yates that this objection site, at Turnbridge Road, Maghull, should be designated as land safeguarded for housing, if there is a shortfall in the long-term housing land supply. The Objector points out that the site has an existing access and that its servicing would be relatively straightforward. Its development would not require any improvements to the infrastructure of the area, or the provision of any extra services. It is further argued that the site would be particularly suitable for affordable housing, and that it is within easy reach of local services such as schools, shops, medical facilities and public transport. For these reasons, the Objector requests that the site be safeguarded for future housing provision.

10.40 I do not dispute the residential merits of the site. However, I fully endorse the opinion of the Council that this land at Turnbridge Road helps to check the westward sprawl of Maghull and that it protects the countryside from encroachment in that vicinity. I consider that the Green Belt designation of the site also helps the regeneration initiatives of the Council, by directing development to previously developed land. In my opinion, the designation of the site as safeguarded land would erode the certainty of the permanence of

the Green Belt boundary in this vicinity. Therefore, I conclude that the objection site should remain within the Green Belt.

10.41 I have taken into account that the land is not categorised as most versatile agricultural land and that it is not of significant landscape value, but in my opinion, these considerations do not justify the re-designation of the site in the absence of a certain development need. Therefore, I do not support this objection.

RECOMMENDATION

10.42 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0040/0149 – Land at Kenyons Lane, Maghull

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

10.43 The objection site is bordered by Northway, Kenyons Lane and Liverpool Road, Maghull. It is currently used for agricultural purposes. However, due to the poor quality of the land, it is no longer required for this use. Part of the land that fronts on to Liverpool Road already contains residential buildings. It is the opinion of Mortons Dairies that there is a shortage of housing land in the area and that this site would be best suited for housing, to help meet that shortage. Therefore, it is requested that the site be removed from the Green Belt and allocated for residential use.

10.44 Planning Policy Guidance: Green Belts (PPG2) informs that the most important attribute of the Green Belt is its openness, and that it has five main purposes. These are listed in paragraph 1.5 of the PPG. The quality of agricultural land is not specified in any of these five purposes, nor does it affect the openness of the Green Belt. Neither does the contention that the objection site may no longer be suitable for agricultural use alter its purpose of being designated in the Green Belt.

10.45 The objection site comprises a substantial section of the Green Belt, which defines the north-eastern boundary of Maghull. I consider that the particular purposes that it fulfils are to contain the suburban sprawl of Maghull and to help ensure that Maghull remains separate and distinct from Aughton in West Lancashire, and from other nearby villages.

10.46 I have previously concluded that there is no necessity to release Green Belt land in Sefton in order to satisfy the Borough's required supply of housing land. I have also concluded in Chapter 6 of my report that this objection site is situated in only a moderately sustainable location. I do not consider that the other matters cited by the Objector amount to exceptional circumstances. Therefore, I conclude that this land should not be removed from the Green Belt.

RECOMMENDATION

10.47 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference: SP/0027/0104 – Land North of Lollies Bridge, Lydiate.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt.

Inspector's Reasoning and Conclusions

- 10.48 Mr O'Neil objects that, in his opinion, the Council has failed to fully implement Green Belt policy in this area. As a result, inappropriate development has taken place at a number of sites. This has significantly changed the character of the area, to the extent that it no longer meets the test of openness, which is the most important attribute of Green Belts. For these reasons, and to ensure consistency of decisions made on future proposals for the area, the Objector considers that the land should be taken out of the Green Belt.
- 10.49 The objection site is situated on the northern side of the Leeds - Liverpool Canal and in my opinion, although it contains several buildings and may be described as being semi-rural in character and appearance, it has a distinctly different nature from the built-up part of Lydiate situated on the other side of the Canal, to the south-east. It is not usual for areas of Green Belt to contain a significant number of buildings and in my opinion, the objection site retains the essential characteristic sense of openness.
- 10.50 I consider that the Leeds-Liverpool Canal, which defines the northern boundary to this part of the Green Belt and which separates it from Lydiate, provides an extremely clear and robust Green Belt boundary. In my opinion, the alternative boundary suggested by the Objector would, in contrast, appear contrived and it would be difficult to defend against possible requests for further re-alignment. I consider that this part of the Green Belt serves a very clear and important purpose of checking the westwards and northerly sprawl of Lydiate.
- 10.51 I have considered all of the evidence provided by Mr O'Neil and the counter arguments of the Council concerning the Objector's claims that it has been inconsistent in its decision making and that it has failed to control inappropriate development in the area. But it would be out of place for me to comment in detail on those allegations, within the context of this Inquiry, which is to consider objections to a review of the Sefton Unitary Development Plan. Given the important function of this part of the Green Belt, I do not consider that even if I supported Mr O' Neil's contentions on those matters, the appropriate remedy would be to remove the objection site from the Green Belt.
- 10.52 For these reasons, I conclude that there are no exceptional circumstances pertaining to the objection site which justify its removal from the Green Belt. Consequently, I do not support this objection.

RECOMMENDATION

10.53 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference: SP/0077/0294 – Land at rear of Lambshear Close, Lydiate.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

10.54 It is contended that the objection site lies derelict and that it is used for fly-tipping and anti-social activities. Also that it is a security hazard, which makes the adjoining dwellings a target for burglars. For these reasons, it is requested that the land be taken out of Green Belt with a view to building on it.

10.55 The objection site is situated at the rear of the properties on Lambshear Road, which define the north-eastern boundary of Lydiate and the Green Belt. I consider that the removal of the site from the Green Belt would weaken the effectiveness of its purposes in this location, which I consider to be particularly sensitive in this area. The removal of the Green Belt designation from the site could enable encroachment into the countryside by urban sprawl and a narrowing of the gap between Lydiate/Maghull and Aughton, which is less than 2km wide in most parts.

10.56 Paragraph 1.7 of PPG2 advises that the quality of land is not a relevant factor when considering its inclusion in the Green Belt. Furthermore, I consider that there are likely to be other solutions to the problems identified by the Objector that would not require the removal of the land from the Green Belt.

10.57 I conclude in Chapter 6 of my report that the site is reasonably well located to local services and public transport. However, I also conclude that it is unnecessary for any Green Belt land to be released, in order for Sefton to make potential provision for a ten-year housing supply, to meet current RSS requirements, and that pending a comprehensive review of the Merseyside/Halton Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough. I do not consider that the anti-social use of the objection site amounts to exceptional circumstances sufficient to justify the removal of its Green Belt designation. Therefore, I do not support the Objector's view that the site should be alternatively allocated for residential development.

RECOMMENDATION

10.58 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference: SP/0104/0521 – Land at Switch Island, Maghull.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for recreation, tourism and associated uses.

Inspector's Reasoning and Conclusions

- 10.59 Duna Ltd consider that the land at Switch Island, Maghull should be taken out of the Green Belt and alternatively allocated for development as a sporting/leisure facility, taking into account their perceived lack of such provision in the area. In support of their objection, they refer to existing transport links and the potential for their improvement through increased bus services and the re-location of the existing rail station. The Objector accepts that the land is situated within the Green Belt, but since it forms a very narrow gap at this point, between the suburbs of Maghull and Aintree, they consider that the provision of a designation for leisure purposes would provide a sustainable facility, which would be of benefit to the communities as a whole, without resulting in the coalescence of the two urban settlements.
- 10.60 I disagree. I consider that this land at Switch Island is vital for maintaining the separation of Maghull, Aintree and Melling. The Objector acknowledges that the Green Belt at this point forms a very narrow gap between the suburbs of Maghull and Aintree. In my opinion, its removal from the Green Belt for any development would severely compromise this function.
- 10.61 Built recreational facilities have similar land use characteristics to retailing units, and as such, should be subject to the locational sequential test, set out in PPG6. I do not consider it to be appropriate to consider removing land from the Green Belt for such uses, prior to a strategic study being undertaken, especially since the Objector does not argue that no suitable, alternative sites exist within town centres or in the built-up areas.
- 10.62 Furthermore, it is my opinion that the objection site is constrained by significant accessibility issues when considering its use for leisure. It is ideally situated for access by private car, but it is located in an area that is not easily accessible for pedestrians or cyclists. The site also has poor access to public transport, particularly at key periods, such as in the evening and at weekends. There is no guarantee that leisure development at the site would be accompanied by a significant improvement in conveniently accessible public transport facilities. For these reasons, I am unconvinced that there are exceptional circumstances that justify the removal of this land from the Green Belt.

RECOMMENDATION

- 10.63 I **RECOMMEND no modification to the UDP in response to this objection.**

Objections References: SP/0108/0540 and SP/0109/564 – Land at Ashworth Hospital, Maghull.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing and employment uses.

Inspector's Reasoning and Conclusions

- 10.64 It is argued that the site at Ashworth Hospital, Maghull is extensively developed and, in the opinion of the Objectors, it does not perform the functions of its Green Belt designation. Nor does the Plan itself engender permanence of the Green Belt boundaries in Sefton, as a consequence of a perceived under-provision for housing and employment land during the Plan period. The site is physically connected to the settlement of Maghull and further built development is proposed at the objection site over the Plan period, which will further add to the built form in the locality. For these reasons, it is requested that the land and buildings at Ashworth Hospital be removed from the Green Belt.
- 10.65 I consider the merits of the objection site for employment and housing purposes in Chapters 5 and 6 respectively of my report. I now consider if there are exceptional circumstances which justify the removal of the objection site from the Green Belt.
- 10.66 Although Ashworth Hospital consists of many buildings, the site plan and aerial photograph contained in the Council's Appendices SMBC/108 indicate that a significant part of the hospital land is open. I saw that the hospital grounds are surrounded by Green Belt land. In my opinion, the objection site performs the very important Green Belt function of assisting in the prevention of Maghull encroaching into the surrounding countryside.
- 10.67 However, in recognition of the nature of the development at the site, it is designated as a Major Developed Site within the Green Belt, under policy GBC4 of the RDD. This policy permits limited infill development, subject to the criteria of that policy being met. However, land to the east of the hospital buildings became redundant in 2003. In response to this, and to a change in the use of a part of the site, the Council intends by NAC reference NAC/10/B, to take Ashworth Hospital out of the policy GBC4 designation and to make it the subject of a new policy GBC3A, which would allow similar limited development as GBC4, but would also permit limited redevelopment of redundant parts of the site. I comment further on this new policy later in this Chapter of my report.
- 10.68 Policies GBC4 and GBC3A are aimed at retaining the viability of the existing developments in the Green Belt without compromising the Green Belt functions of the sites in which they are located. Whilst this proposed Non-Advertised Change, which I support, does not fully meet these objections, I consider that it represents a sensible acknowledgement of the particular circumstances of the objection site, without necessitating changes to the Green Belt boundary. I conclude that the objection site should remain within the Green Belt.

RECOMMENDATIONS

10.69 (a) I RECOMMEND that the UDP be modified by deleting Ashworth Hospital from policy GBC4 and by making it the subject of a new policy GBC3A, which allows similar limited development as GBC4, but which also permits limited redevelopment of redundant parts of the site, in accordance with NAC/10/B.

(b) I RECOMMEND no further modifications to the UDP in response to these objections.

Objection Reference: SP/0092/0582 – Land at Dunnings Bridge Road, Maghull.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt.

Inspector's Reasoning and Conclusions

10.70 Mr Lenton requests that land at Dunnings Bridge Road, Maghull should be partly or wholly removed from the Green Belt and the Countryside Recreation Area designation of policy G8, in order to facilitate the viability of the nearby car and van business, or for the land to be designated Primarily Residential Area. I conclude in Chapter 13 of my report that the Countryside Recreation Area designation of the site should not be removed.

10.71 With regards to its Green Belt designation, I saw that the objection site forms part of the Green Belt which separates Maghull from Netherton. The Green Belt is very narrow at this point. It is only around 700-800 metres wide. Therefore, it is my opinion that any encroachment into this land would seriously damage the effectiveness of the Green Belt in maintaining the distinct separation of these two towns. I consider that the retention of this separation is more important than 'upgrading' a gateway image at this site.

10.72 I conclude in Chapter 5 of my report that there is likely to be a slight qualitative shortfall in the supply of employment land in the Borough, towards the end of the Plan period, but I do not consider this to be sufficient to justify the removal of the objection site from the Green Belt for such use, or to safeguard land in the Green Belt for future employment requirements. I reach similar conclusions concerning housing land supply requirements in Chapter 6 of my report.

10.73 No detailed evidence has been submitted to indicate that the Green Belt designation of the objection site is a significant impediment to the viability of the adjacent commercial site, since the site access improvements referred to in the Objector's representations would also apparently affect third party land. I am not aware of any other exceptional circumstances that justify the removal of this land from the Green Belt. Therefore, I do not support this objection.

RECOMMENDATION

10.74 I RECOMMEND no modification to the UDP in response to this objection.

Objections References: SP/0032/0116 and SP/0032/0123 – Land at Melling Lane, Maghull.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

- 10.75 Wilson Connolly Lancashire argue that there is a need for the release of some Green Belt land in order to meet the housing requirement of the Plan period. As such, land at Melling Lane, Maghull should be allocated for housing development.
- 10.76 The objection site comprises part of the Green Belt at the south-eastern boundary of the town of Maghull. Apart from checking the sprawl of the built development and its encroachment into the countryside, I consider that the site performs the important Green Belt function of maintaining the gap between Maghull and the village of Melling. This is one of the key purposes of national Green Belt policy cited at paragraph 1.5 of PPG2.
- 10.77 I have concluded in Chapter 6, and previously in this Chapter of my report, that there is no need to release any Green Belt land to meet current RSS housing requirements. I am not aware of any other exceptional circumstances that justify the removal of the objection site from the Green Belt. Consequently, I do not support these objections.

RECOMMENDATION

- 10.78 I **RECOMMEND no modification to the UDP in response to these objections.**

The Context for Objection Sites at Formby and Adjacent Areas

- 10.79 Formby is an affluent commuter town located near the Sefton coast, between Bootle and Southport. It is characterised by large, post-war dwellings. The town has experienced a significant increase in its population over the past twenty-five years, which has resulted in a large increase in commuter traffic from the town to either Southport, in the north, or to Bootle/Liverpool, in the south.
- 10.80 Locally, the Green Belt serves the purposes of preventing Formby from sprawling into the open countryside, safeguarding the countryside from urban encroachment, and preventing the surrounding settlements at Hightown to the south, Great Altcar in the east and Ainsdale to the north, from coalescing.
- 10.81 However, I consider that the Green Belt around Formby is also of sub-regional significance, because it has a key role in aiding urban regeneration. It is my opinion that development in Formby, where the sites are mainly greenfield and unconstrained, would adversely affect the regeneration of both the Bootle and Netherton area to the south, and Southport to the north, which have been identified in policy UP1 of the RDD, as the main areas for urban regeneration, in accordance with European, national and regional programmes and priorities. Furthermore, given the sufficiency of brownfield

land elsewhere in the Borough, I do not consider that it would be sustainable to remove Green Belt land from around Formby for residential use.

Objection Reference: SP/0023/0095 – Land at Marsh Farm and Raven Meols Farm.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

10.82 The objection site comprises land at Marsh Farm and Raven Meols Farm, which is situated to the south of Formby. It is surrounded on three sides by existing residential development and, in the opinion of Mr Rimmer, it does not fulfil any important Green Belt functions. Neither does he think that it is necessary to include the site within the Coastal Planning Zone. Therefore, he requests that the site be deleted from the Green Belt and from the Coastal Planning Zone and allocated instead, for residential development. I consider the Coastal Planning Zone issue in Chapter 12 of my report and the suitability of the site for housing in Chapter 6.

10.83 Turning to Green Belt considerations, it is my opinion that the Green Belt to the south of Formby serves an important function of protecting the surrounding countryside from encroachment. In remaining tightly drawn around Formby, it also serves the important purpose of helping to prevent the two distinct settlements of Formby and Hightown from coalescing.

10.84 I do not consider that the fact that the area is surrounded on three sides by residential development makes the Green Belt designation any less valid. Nor do I think that it constitutes an exceptional circumstance that would justify the removal of the objection site from the Green Belt. I conclude that the Green Belt boundary should not be amended in response to this objection.

RECOMMENDATION

10.85 I **RECOMMEND no modification to the UDP in response to this objection.**

Objections References: SP/0059/0212 and SP/0059/0215 – Land at Marsh Farm and Raven Meols Farm.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its use for development purposes.

Inspector's Reasoning and Conclusions

10.86 Redrow Homes (Lancs) Ltd considers that the Green Belt boundary is too tightly drawn and that it does not enable development needs to be met within the Plan period. Hence, it is requested that the site at Marsh Farm and Raven Meols Farm be removed from the Green Belt in order to help meet those needs. These objections refer to the same general area of land that was the subject of the previous objection, but the precise site boundaries are different.

10.87 I consider that the Green Belt to the south of Formby serves important functions in that it protects the surrounding countryside from encroachment from built development and it prevents the two distinct settlements of Formby and Hightown from merging. I also support the Council's view that premature removal of the land from the Green Belt could compromise the urban regeneration objectives of the RDD in other parts of the Borough.

10.88 I have concluded elsewhere in my report that there are no urgent requirements for Green Belt land to be released for housing or employment purposes, nor am I aware of any exceptional circumstances that justify the removal of the objection site from the Green Belt. Therefore, I do not support these objections.

RECOMMENDATION

10.89 I **RECOMMEND no modification to the UDP in response to these objections.**

Objection Reference: SP/0031/0113 – Land adjacent 109/111 Liverpool Road, Formby.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its use for development purposes.

Inspector's Reasoning and Conclusions

10.90 The objection site adjoins land at 109/111 Liverpool Road, Formby, which has recently been granted planning permission for a leisure/A3 development. The permission includes an area of car parking which is laid out, surfaced, landscaped and used to serve an adjoining leisure unit. In these circumstances, it is considered by Tatton Property Investments that it would be appropriate to remove the Green Belt designation from the site. Taking into account the location, size and physical attributes of the land adjacent to 109/111 Liverpool Road, it is their opinion that the removal of this land from the Green Belt would not be detrimental to its function, furthermore, that it would provide a firmer, more certain and defensible Green Belt boundary for the future.

10.91 I have visited the site and taken into consideration the implications of recent development there, together with the background context that led to the Council's decision to grant the planning permission. In my opinion, there are exceptional circumstances in this case that justify the removal of the objection site from the Green Belt.

10.92 I consider that the appearance of the site indicates quite clearly that it relates to the adjoining commercial use. It is located at the southern-most extremity of the built-up part of Formby and in my opinion, clearly forms part of it. I saw that the adjoining land to the south and east, which is agricultural in character, is quite different in nature. Although the objection site is devoid of buildings, as a result of cars parked on it, I do not consider that it appears open. Nor do I consider that it now serves any of the purposes of Green Belt, as set out in paragraph 1.5 of PPG2. Furthermore, I support the view of the Objector that the exclusion of the objection site from the Green Belt would result in a much more robust and defensible Green Belt boundary.

10.93 For these reasons, I conclude that the objection site should be removed from the Green Belt and designated on the Proposals Map as part of the Primarily Residential Area. In reaching this conclusion, I accept that at such time as the housing restraint mechanism of policy H3 may be lifted, it may be difficult for the Council to resist proposals for residential development at the site. Similarly, proposals for other forms of development may be made. But it is my opinion that development at this site would not be harmful to this part of the Green Belt.

10.94 I conclude that the circumstances cited by the Objector are exceptional and justify the removal of the land from Green Belt.

RECOMMENDATION

10.95 I **RECOMMEND** that the UDP **be modified by amending the Proposals Map to show land adjacent 109/111 Liverpool Road, Formby removed from the Green Belt and re-designated as Primarily Residential Area.**

Objections References: SP/0033/0118 and SP/0033/0120 – Land North and South of Formby Industrial Estate.

Key Issue

10.96 Whether there are exceptional circumstances that justify the removal of the objection sites from the Green Belt and their allocation for employment purposes.

Inspector's Reasoning and Conclusions

10.97 S Rostron Ltd contends that there is insufficient employment land in Sefton as a whole, and particularly in Formby, where employment land is inadequate to meet the needs of the local community. It is their view that this leads to high levels of commuting from Formby. They consider that industrial development at the objection sites would accord with national planning policy concerning sustainable development. Therefore, the Objector seeks the allocation of land north and south of the Formby Industrial Estate, Altcar Road, Formby as Primarily Industrial Area under Policy EDT5, in order to create a more comprehensive employment area, rather than the piecemeal development that currently exists in Formby. I consider these related objections in Chapter 5 of my report.

10.98 With regards to Green Belt considerations, it is my opinion that the objection sites form part of a robust Green Belt strip, which helps to define the eastern boundary of Formby. I consider that the Green Belt in this area assists in checking the sprawl of the built development at Formby. It also protects encroachment into the nearby countryside and it helps to maintain the gap between Formby and the villages to its east, such as Great Altcar.

10.99 I conclude in Chapter 5 of my report that there may be a slight shortfall in the qualitative need for employment land in Sefton towards the end of the Plan period. I also acknowledge that there is only one employment site currently available in Formby. But in my opinion, these considerations do not justify the removal of these objection sites from the Green Belt. Consequently, I do not support the objections.

RECOMMENDATION

10.100 I RECOMMEND no modification to the UDP in response to these objections.

Objections References: SP/0048/0183 and SP/0048/0184 – Land West of Liverpool Road and South of Altcar Lane, Formby.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection sites from the Green Belt and their allocation for housing purposes.

Inspector's Reasoning and Conclusions

10.101 Mr Storey considers that the removal from the Green Belt, of land west of Liverpool Road and south of Altcar Lane, Formby would provide a logical rounding off of its boundary on the southern edge of Formby. Also, that there is a lack of housing land in Formby, which the release of this site would help alleviate. The Objector considers that the land is suitable for housing allocation as it is in a sustainable location, it does not comprise productive agricultural land, nor would development there add to urban sprawl.

10.102 However, I do not agree with those opinions. The Green Belt boundary in the area to the south of Formby is consistent with that contained in the 1995 adopted Unitary Development Plan. In my opinion, it serves the important Green Belt purposes of protecting the surrounding countryside from encroachment and it helps to prevent the two distinct settlements of Formby and Hightown, which at their narrowest are less than 2km apart, from merging. I have concluded previously in this Chapter, and in Chapter 6 of my report that Green Belt land is not required to satisfy current RSS housing requirements during the Plan period. Furthermore, I consider that allocation of this greenfield land for housing would compromise the urban regeneration objectives of the RDD in other parts of the Borough.

10.103 I conclude that there are no exceptional circumstances in these cases that justify the removal of these objection sites from the Green Belt. Therefore, I do not support the objections.

RECOMMENDATION

10.104 I RECOMMEND no modification to the UDP in response to these objections.

Objection Reference: SP/0049/0185 – Land between the Formby-by-Pass and Southport Old Road.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its designation as Primarily Residential Area.

Inspector's Reasoning and Conclusions

10.105 Mr Barton considers that the objection site, which is situated between the Formby-by-pass and Southport Old Road, is only included as part of the

Green Belt because it is detached from the built-up part of Formby by the by-pass. He requests that this land be removed from the Green Belt and re-designated as Primarily Residential Area.

10.106 However, I do not agree with this objection. In my opinion, this open site does not portray any characteristics of a Primarily Residential Area. Nor would residential development be sustainable in this area, Furthermore, I consider that housing development at the objection site would compromise the urban regeneration initiatives of the RDD.

10.107 Furthermore, I consider that the Formby by-pass provides a robust Green Belt boundary on the eastern edge of Formby, which prevents the town from encroaching into the nearby countryside. It is my view that if this site were to be removed from the Green Belt and designated as Primarily Residential Area, it would be difficult to define another alternative, robust Green Belt boundary in the vicinity. In my opinion, this could potentially damage the integrity of the Green Belt in this location. For these reasons, I do not support this objection and I conclude that the objection site should remain within the Green Belt.

RECOMMENDATION

10.108 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0093/0361 – The Powerhouse, Hoggs Hill Lane, Formby.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation as a housing site.

Inspector's Reasoning and Conclusions

10.109 It is the Objector's opinion that the site does not fulfil a Green Belt function and that it should, therefore, be allocated for housing development. The Powerhouse building is substantial in terms of its scale and massing and it is over 19 metres high. It stands within a site area of about 5.0 hectares. The whole of the objection site, including the adjoining paddock, amounts to a total area of around 7.2 hectares. The now redundant building is approached along a private drive and it has extensive areas of associated hard standing. The surrounding landscape is flat. Consequently, the building dominates and significantly impacts upon the landscape over a wide area. In Mr McComb's opinion, the building adds to urban sprawl and makes no contribution to the openness of the area. It should, therefore, be removed from the Green Belt. In support of the objection, the removal of the Asda Store at Switch Island from the Green Belt is cited as a precedent.

10.110 I acknowledge that the Powerhouse site has a lawful employment use and, as I discuss in the sections of my report that consider policy H3 and GBC3 objections, the substantial building at the site has significant conversion/redevelopment potential. However, I do not support the contention that the site does not serve any of the purposes of Green Belt. I saw that except for the Powerhouse building, the majority of the site is open. When viewed from the A565 Trunk road and the Liverpool to Southport

railway line there appears to be a clear gap of countryside between the building and the nearest dwellings. I agree with the conclusions of the Inspector who considered this site at the Public Local Inquiry concerning objections to the 1995 adopted Unitary Development Plan that the area south of Hoggs Hill Lane, which contains the objection site, is quite different in character and appearance to the extensive, built up area to the north.

10.111 In my opinion, Hoggs Hill Lane provides a logical, robust and defensible boundary to this part of the Green Belt and that the predominantly open area to the south helps to contain the southwards sprawl of Formby. I consider that the removal of the site from the Green Belt would ultimately result in a significant southwards extension of development, which would be difficult to contain in an easterly direction and which would erode the gap between the built-up areas of Formby and Hightown.

10.112 I do not think that it is unusual for a Green Belt to contain large buildings and/or inappropriate uses. Indeed, this is expressly acknowledged in PPG2 by the concept of Major Developed Sites, as described in Annex C to the PPG. I acknowledge in Chapter 6 and later in this Chapter of my report, under policy GBC3, that the site of the Powerhouse, excluding the adjacent meadows, has some housing conversion/redevelopment potential. But that potential is not specifically required to contribute to either a short or long term housing supply in order to meet current RSS requirements.

10.113 For all of these reasons, I do not support the objection and it is my conclusion that the both the Powerhouse site and the adjacent paddock should remain within the Green Belt.

RECOMMENDATION

10.114 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0013/0257 – Land at Hall Road West, Crosby.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its designation as Primarily Residential Area.

Inspector's Reasoning and Conclusions

10.115 The objection site comprises a strip of land adjacent to the railway line immediately to the west of Hall Road Station. It is the site of a former Light Maintenance Depot and is around 1.1 hectares in area. It contains substantial buildings that have a cumulative floor space in excess of 2,000 square metres, which have been redundant since 1997. The Green Belt boundary cuts through the site and one of the buildings, leaving the majority of the site within the Green Belt, but with a small southern section within a Primarily Residential Area. Network Rail considers that this boundary is illogical and that taking into account also that the site is now redundant for railway use, it would be more appropriate if the whole of the site were designated Primarily Residential Area.

- 10.116 The Green Belt boundary in the vicinity of the site is drawn tightly around the curtilages of residential properties on the northern side of Hall Road West and Spinney Crescent on the eastern side of the railway line. Included within this part of the Green Belt, in addition to the disused railway depot, are a small group of dwellings immediately to the north of the depot and a golf course club house. In my opinion, that represents a clear and robust Green Belt boundary, albeit that the very small length that runs through the objection site is not defined by a physical feature. It is not unusual for Green Belt boundaries to cut through property boundaries or buildings. Furthermore, as PPG2 advises at paragraph 1.7, neither land use nor the quality of the landscape is a relevant factor in the consideration of inclusion of land within the Green Belt, or to its continued protection.
- 10.117 I accept that the exclusion of the objection site would also result in the creation of a strong Green Belt boundary in the vicinity, but I do not consider that it would be significantly more defensible than the existing. I conclude that the factors cited by the Objector do not amount to exceptional circumstances that justify a change to the Green Belt boundary to exclude the objection site from the designation.
- 10.118 With regards to the Objector's suggestion that the site would be more appropriately designated as Primarily Residential Area, I conclude in general terms that it is unnecessary for any Green Belt land to be used in order for Sefton to achieve a potential provision for a ten-year housing supply, to meet current RSS requirements and that pending a review of the Green Belt, it would be premature to make significant changes to the Green Belt boundary in the Borough. Specifically, I also conclude in Chapter 6 of my report that the objection site performs only moderately well against the sustainability criteria of PPG3 and that it would be inappropriate to re-designate the site as Primarily Residential Area.
- 10.119 For all of these reasons, I do not support this objection.

RECOMMENDATION

10.120 I **RECOMMEND no modification to the UDP in response to this objection.**

The Context for Objection Sites at Aintree

10.121 Aintree is primarily a residential commuter suburb to the north of Liverpool and north-east of Bootle. It has little scope for employment for its residents and, as such an increase in population would result in an increase in the need for commuter travelling, which would be exacerbated by its relatively poor public transport links to and from the area.

Objections References: SP/0032/0114, SP/0032/0115 and SP/0099/0489 – Land at Wango Lane, Aintree.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing development.

Inspector's Reasoning and Conclusions

10.122 Objectors consider that there is a need to release some Green Belt land to meet the housing requirement of the Plan period and that land at Wango Lane, Aintree should be allocated for residential development. It is contended that the purpose of the designation of the land at Wango Lane and Fazakerley Junction as Green Belt was originally to protect Aintree Racecourse from development pressures, by linking it to the larger area of the Green Belt land to the east of Wango Lane. No specific policy had previously been formulated for the racecourse. Such a policy is now proposed as policy G9, to which no objections have been received. Therefore, it is considered that the need to retain this area of degraded railway land as Green Belt is of little relevance.

10.123 However, I disagree with the Objectors' assessment of the importance of the Green Belt designation of the objection site. I consider that Wango Lane and the existing residential development helps form the eastern boundary of the suburb of Aintree and prevents the encroachment of development into the surrounding countryside. In particular, the Green Belt in this area maintains a distinct buffer between Aintree and Waddicar/Kirkby and it assists in preventing the coalescence of these two settlement areas. The Green Belt here is only approximately 600-700 metres wide and, in my opinion, any reduction would seriously compromise this function.

10.124 I have concluded elsewhere in my report that there is no pressing need to release Green Belt land for housing development and I do not consider that other matters cited by the Objectors amount to exceptional circumstances that justify the removal of the objection site from the Green Belt. For these reasons, I do not support these objections.

RECOMMENDATION

10.125 **I RECOMMEND no modification to the UDP in response to these objections.**

Objection Reference: SP/0072/0263 – Land at Mill Farm/Bull Bridge Lane, Aintree.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

10.126 Persimmon Homes (NW) Ltd and Countryside Residential object that the Plan has failed to allocate any land for housing in the Aintree area. In their opinion, Aintree has excellent facilities and transport links and the land at Mill Farm/Bull Bridge Lane should be removed from the Green Belt and allocated instead, for housing. However, I do not consider that there is a proven need to release Green Belt land for residential development during the Plan period. Nor do I consider that development at the objection site would assist the key urban regeneration objective of the Plan.

10.127 The north-eastern boundary of the suburb of Aintree is well defined by the existing residential development and in my opinion, the Green Belt designation of the land prevents its encroachment into the surrounding

countryside. I also consider that it assists in the maintenance of a distinct buffer between Aintree and Waddicar/Kirkby and that it thereby helps to prevent the merger of these two settlement areas. The Green Belt at this point is only approximately 600-700 metres wide and, in my opinion, any reduction would seriously compromise this function.

10.128 I have taken into account the Objector's argument that the residential development of the land could help secure the River Alt Strategic Path sought under policy G7, the indicative route of which crosses private land to which there is currently no public access. However, I consider that neither this nor any of the other matters raised by the Objector amount to exceptional circumstances sufficient to justify the removal of this land from the Green Belt. For the reasons that I have given, I conclude that the retention of the Green Belt designation of the objection site is fully justified. Consequently, I do not support this objection.

RECOMMENDATION

10.129 I **RECOMMEND no modification** to the UDP in response to this objection.

Objection Reference: SP/0002/0002 – Land at the rear of Spencers Lane, Melling.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its designation as Primarily Residential Area.

Inspector's Reasoning and Conclusions

10.130 Mr Davies complains that the objection site, which is situated at the rear of the houses on Spencers Lane, Melling is unkempt and overgrown and that it is being used as a dumping ground. It costs him money every year to clear and maintain the land. He considers that by taking it out of the Green Belt and by designating it Primarily Residential Area, it can be cut on a regular basis and kept clean, tidy and free from vermin.

10.131 However, the objection site is located approximately 300 metres inside the Green Belt boundary. Therefore, its designation as Primarily Residential Area would create an 'island' within the Green Belt. As PPG2 explains at paragraph 2.11, only villages should be 'washed over' by the Green Belt designation, if nothing more than minor development would be allowed. Thus, the proposal would conflict with national policy in this regard. Furthermore, I consider that the Green Belt designation of land in this part of the Borough, which is only 700 metres wide at this point, importantly helps to maintain the buffer between the settlements of Aintree and Waddicar/ Kirkby.

10.132 I consider that there are other ways of remedying the problems referred to by the Objector. In my opinion, the reasons given for the removal of the land from the Green Belt do not amount to exceptional circumstances that would justify the removal of the designation. But even if the land were removed from the Green Belt and placed in the Primarily Residential Area, policy H3 of the RDD would prevent its development for housing at the current time, because the site is not situated within an Urban Priority Area, where housing

is permitted whilst the housing restraint mechanism of Policy H3 is in operation.

10.133 For these reasons I do not support the objection.

RECOMMENDATION

10.134 I RECOMMEND no modification to the UDP in response to this objection.

Objections Concerning Sites in Other Areas of the Borough

Objection Reference: SP/0006/0007 – Land East of Sandy Brook, Moor Lane, Ainsdale.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

10.135 The objection site is located east of Sandy Brook, Moor Lane, Ainsdale. The Objector states that there were previously a number of houses on it, which have been demolished. Also, that planning permission was subsequently granted to rebuild houses on the site. That permission has lapsed, but Mr Greenwood would like to re-apply. He considers that as the site adjoins an existing "new housing" site and already contains one house, development at the site can be considered as being "infill" as well as being an acceptable completion of "ribbon development" before the Green Belt area. Therefore, he considers that the objection site should be removed from the Green Belt and allocated for housing.

10.136 However, the objection site is surrounded on three sides by Green Belt land. Thus, in my opinion it cannot be considered as being an infill site. I do not consider that significant weight should be given to the fact that the land was once developed and had planning permission for residential development. The land is now open, and in my opinion, it serves Green Belt purposes, as set out in paragraph 1.5 of PPG2. I consider that the objection site helps to prevent the eastward sprawl of the town of Ainsdale and that it protects the countryside from encroachment.

10.137 In addition, paragraph 2.9 of PPG2 states that where appropriate, readily recognisable features should be used to define the boundaries of the Green Belt. I consider that in this instance, Sandy Brook clearly defines the western extent of the Green Belt to the east of Formby.

10.138 I conclude, therefore, that the matters raised by the Objector do not constitute exceptional circumstances sufficient to warrant removal of the land from the Green Belt.

RECOMMENDATION

10.139 I RECOMMEND no modification to the UDP in response to this objection.

Objection Reference: SP/0012/0054 – Land in front of 71 Southport Road, Thornton.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its designation as Primarily Residential Area.

Inspector's Reasoning and Conclusions

- 10.140 The objection site comprises land in front of No. 71 Southport Road, Thornton which is currently used as an established garden. There is a private access off Southport Road, which used to be the continuation of Southport Road. The boundary of the Green Belt indents to include this area. The Objector points out that the site does not have the same character as the adjacent agricultural land that is also within the Green Belt. It is his opinion that since the land is clearly being used for residential amenity, it should be removed from the Green Belt and designated as part of the Primarily Residential Area.
- 10.141 Paragraph 1.2 of PPG2 advises that the most important attribute of Green Belts is their openness. This is a characteristic of the objection site. It is not a requirement of national or local Green Belt policy that Green Belt land should be in agricultural use. The Green Belts contain many residential properties. Thus, the fact that the objection site is used as residential garden does not detract from the value of its inclusion in the Green Belt.
- 10.142 In my opinion, the inclusion of the objection site in the Green Belt helps to define the north-eastern boundary of the Crosby and Thornton suburbs. I consider that the Green Belt in the vicinity not only helps to check the spread of the sub-urban sprawl into the countryside, but it also helps to maintain the relative isolation and distinctiveness of the historic villages of Sefton, Lunt and Homer Green.
- 10.143 The objection site is separated from the adjacent agricultural land by a line of trees, and from the nearby housing, by a road. Mr Cook considers that the inclusion of the site within the Green Belt results in an irregular boundary that is illogical. But it is my opinion that the current Green Belt boundary, which is formed by the road on the south-western side of the site, provides a robust boundary to the designated area, which should be retained.
- 10.144 I conclude that there are no exceptional circumstances in this case that justify the removal of the objection site from the Green Belt. Therefore, I do not support the objection.

RECOMMENDATION

- 10.145 **I RECOMMEND no modification to the UDP in response to this objection.**

Objections References: SP/0059/0216 and SP/0059/0217 – Land South of Moss Lane, Southport

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt in order that sufficient land is made available to satisfy development needs arising during the Plan period.

Inspector's Reasoning and Conclusions

- 10.146 Redrow Homes (Lancs) Ltd consider that the Green Belt boundary is too tightly drawn around Sefton and that, as a consequence, it does not enable development needs, particularly for housing, to be met within the Plan period. They consider that this could compromise the defensibility of the Green Belt. As such, it is their opinion that the land south of Moss Lane, Southport should be removed from the Green Belt.
- 10.147 As a general statement, I agree that the Green Belt boundaries are tightly drawn around the Borough as a whole, and that all of the rural areas of Sefton are contained within the Green Belt. But the Green Belt is not drawn as tight around Southport as it is around some of the other smaller towns within the Borough. Indeed, significant opportunities for housing and employment development in Southport are provided in the RDD, including the allocation of housing sites at Scarisbrick New Road and at Town Lane, and the allocation of an extension to the Southport Commerce Park.
- 10.148 I am satisfied that sufficient land has been identified within the urban areas, mostly on brownfield land to meet at least the next five years housing land requirement. I see no reason why development pressures in this, or any other part of the Borough, would result in an overwhelming demand for the release for development of Green Belt sites on a fragmented basis during the Plan period, or prior to a comprehensive review of housing, employment and the Green Belt, as part of the RSS and LDF processes.
- 10.149 Furthermore, I consider that it is necessary to maintain a robust Green Belt boundary in order to encourage regeneration within the Urban Priority Areas, where the greatest degree of social and economic deprivation is experienced. Policy UP1 of the RDD identifies two wards in Southport that have such problems. In my opinion, the early release of land within the Green Belt would run counter to the fundamental thrust of the UDP, which seeks to promote urban regeneration within the Urban Priority Areas of the Borough.
- 10.150 In addition to this purpose of assisting in urban regeneration, I consider that the land south of Moss Lane also serves the purposes of safeguarding the countryside from encroachment and checking the eastward sprawl of development in the locality. I conclude that the objection site at Moss Lane fulfils valid Green Belt purposes and that the objections made do not highlight any exceptional circumstance to justify the removal of this land from the Green Belt.

RECOMMENDATION

- 10.151 I **RECOMMEND** no modification to the UDP in response to these objections.

Objection Reference: SP/0080/0301 – Land between the Esplanade and the Coastal Road, Southport.

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its designation as Southport Seafront Area, under policy EDT15.

Inspector's Reasoning and Conclusions

10.152 Central Southport Partnership considers that the inclusion of the land between the Esplanade and the Coastal Road, Southport within the Seafront Area could offer an opportunity for environmental tourism, possibly linked to the Eco-centre and the Information Centre on the Pier. It requests that the objection site be removed from the Green Belt and designated as Southport Seafront Area.

10.153 The site is designated as a Local Nature Reserve under policy NC1, in addition to its Green Belt designation. Those designations will ensure that the openness of the area, which is located next to the coast, is maintained. In my opinion, development of the type allowed under policy EDT15 within the Seafront Area, which could include leisure/recreation built facilities and residential uses, would compromise this openness and would be inconsistent with the nature conservation value of the site. Consequently, I conclude that such alternative designation of the objection site would be inappropriate.

10.154 Southport is a traditional Victorian Seaside Resort and the Seafront Area contains many fine examples of Victorian architecture. I consider that the Green Belt in this area serves the important purpose of preserving the historic setting and special character of the resort area, and should be retained. Therefore, I do not support this objection.

RECOMMENDATION

10.155 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0001/0001 – Land at St Helens Gutter, Sefton Village

Key Issue

Whether there are exceptional circumstances that justify the removal of the objection site from the Green Belt and its allocation for housing.

Inspector's Reasoning and Conclusions

10.156 In Mr Pittaras' opinion, the objection site is an eyesore that serves no useful purpose. He considers that there is a need for more dwellings in Sefton Village, which could be provided at the objection site. Furthermore, he considers that the exclusion of the site would result in a more logical boundary to the Green Belt.

10.157 However, I have previously concluded in this Chapter and in Chapter 6 of my report, that there is no need to release any Green Belt land to meet

current RSS housing land supply requirements. I have also concluded in Chapter 6 of my report that the objection site is unsuitable for housing development because it is unsustainably located.

10.158 Furthermore, I consider that the site serves several important Green Belt purposes. Sefton Village contains the only Grade 1 listed building in the Borough; St Helens Church, and it contains a moated, scheduled ancient monument. I consider that these features, together with its rural setting, give the village a distinctive identity, which should be preserved. I consider that the Green Belt in this area serves the purposes of preserving that historic setting and the special character of the village, and it safeguards the countryside from encroachment.

10.159 In addition, it is my opinion that the preservation of the extent of the Green Belt and the strict control over development within it also serves to direct new development to the urban areas, and in this way assists in urban regeneration. Furthermore, I consider that the objection site appears to be part and parcel of the surrounding countryside and that it is logically included within the Green Belt.

10.160 I conclude that there are no exceptional circumstances in this case, which justify the removal of the objection site from the Green Belt. Consequently, I do not support this objection.

RECOMMENDATION

10.161 I **RECOMMEND no modification** to the UDP in response to this objection.

Policy GBC2 and Explanation

Development in the Green Belt

Objections to First Deposit Draft

GBC2/0039/0141	Capricorn Group PLC
GBC2/0073/0261	Roger Jenkins Architects
GBC2/0089/0329	Formby Hall Golf & Country Club
GBC2/0107/0530	Dilworth
GBC2/0009/0039	The Countryside Agency
10.16/0095/0408	Government Office North West –CW

Objections to Pre-Inquiry Changes

10.16A/0140/0906	The Altcar Estate
10.16A/0095/0951	Government Office North West – CW

Key Issues

- (i) Whether policy GBC2 should be amended to allow for infill and redevelopment within villages 'washed over' in the Green Belt.

- (ii) Whether provision for Park and Ride facilities in part 4 of policy GBC2 should be the subject of a separate new policy.
- (iii) Whether policy GBC2 lacks transparency and precision and that, as a consequence, it may be open to different interpretations.
- (iv) Whether further clarification should be given in the explanatory text to policy GBC2 concerning acceptable essential facilities for outdoor sports and recreation.
- (v) Whether the supporting text to policy GBC2, given at paragraph 10.15 of the UDP, should be amended to ensure that new uses do not harm the openness or the purposes of the Green Belt.
- (vi) Whether there is a typographical error concerning the cross reference to small-scale composting at paragraph 10.16 of the UDP.
- (vii) Whether the supporting text to policy GBC2 given at paragraph 10.16A of the UDP including proposed Pre-Inquiry Changes, concerning the re-use of buildings for farm diversification, should be amended to be less restrictive regarding appropriate alternative uses.

Inspector's Reasoning and Conclusions

- 10.162 **Issue (i)** – The inclusion of whole villages within the Green Belt, and the consequential prohibition of infill development within those villages is objected to. It is argued that there are derelict areas within villages in the Borough that are unlikely to be developed as green spaces and that their size and location often precludes them from making a significant contribution to the Green Belt. It is requested that the policy be amended to allow for limited infill of up to three new dwellings and redevelopment within villages 'washed over' as Green Belt.
- 10.163 At paragraph 2.11, PPG2 gives guidance on several ways that development in Green Belt villages may be treated. One of these is to carry the Green Belt designation across the village, that is, to 'wash over' it. In such cases, no new building, except that listed in the first three categories of paragraph 3.4 of PPG2 and of policy GBC2, is permitted. This is the way in which many of the smaller villages in the Borough are treated in the UDP. Many are situated in unsustainable locations. I consider that to allow the same amount of development within them, as in urban areas, would detract from the urban regeneration priorities of the Plan, as well as resulting in the loss of openness within the Green Belt, which is its most important attribute.
- 10.164 For these reasons, I do not support this objection and recommend no change to the policy.
- 10.165 **Issue (ii)** – Formby Hall Golf & Country Club supports the proposal for a Park and Ride facility at Maghull North Station, which is referred to in part 4 of policy GBC2, but it considers that the policy should not contain site specific proposals. However, I support the Council's stance on this matter. This part of the policy informs that making a material change of use of land within the Green Belt may be appropriate, provided that the openness of the Green Belt is maintained and that there is no conflict of the use with the purposes of including the land within it. I consider that reference to the Park and Ride facility both highlights this particular proposal and clarifies the types of changes of use that might be appropriate. In my opinion, this is a suitable place within the UDP to make such a reference. Therefore, I do not support the objection.

- 10.166 **Issue (iii)** – Mr Dilworth reiterates his objection regarding the clarity of the Green Belt policies of the UDP in respect of policy GBC2 also. But I do not support his objection. In my opinion, policy GBC2 clearly sets out the limited categories of development that may be appropriate within the Green Belt. These mainly reflect those listed in paragraph 3.4 of PPG2.
- 10.167 I consider that the conformity of the policy with national Green Belt policy gives adequate transparency to policy GBC2 and it provides certainty to developers regarding what may, or may not, be allowed in the Green Belt.
- 10.168 **Issue (iv)** – The Capricorn Group PLC request that an additional paragraph of explanatory text be provided to policy GBC2 to indicate that, amongst other matters, proposals that seek to broaden the range of appropriate sport and recreational opportunities, or to enhance existing facilities locally, and which are in sustainable locations, well related to the urban area will be encouraged, where there is a proven need for them.
- 10.169 However, I disagree that further explanation to part 1 (ii) of policy GBC2 is necessary, because such clarification is given at paragraph 3.5 of PPG2. In my opinion, it is unnecessary to repeat this guidance in the UDP. Furthermore, I consider that the new explanatory paragraph suggested by the Objector goes beyond the scope of PPG2, in terms of the recreational facilities that may be acceptable within the Green Belt. I do not consider that such non-conformity of the policy with Government guidance would be acceptable. Therefore, I do not support this objection.
- 10.170 **Issue (v)** – The Countryside Agency considers that further guidance should be given in the explanatory text of paragraph 10.15 to clarify that, in order to be acceptable, extension, alteration or replacement of a dwelling in the Green Belt should maintain the openness of the Green Belt and the purposes of including the land within it.
- 10.171 Paragraph 3.6 of PPG2 provides guidance on the scale of development that may be acceptable for these types of development. But I agree with the Objector that it would aid clarity, if the explanatory text at paragraph 10.15 of the UDP was expanded to inform that such development should maintain the openness and the purposes of the Green Belt. I also suggest that it would be helpful if these requirements, together with an indication of the appropriate scale of those works were included in an early review of SPD for Development in the Green Belt, since the current SPG appears to be silent on these matters.
- 10.172 **Issue (vi)** – GONW points out that there is a typographical error in paragraph 10.16 of the explanatory text of policy GBC2, concerning the cross-reference to policy EMW6 that concerns Waste Management Facilities, for proposals for composting facilities. This error was rectified by PC reference PC 10.6, which changes the cross-reference to paragraph 9.42. The objection was conditionally withdrawn on the basis of this change.
- 10.173 **Issue (vii)** – Both the Altcar Estate and GONW object to part of the new explanatory text at paragraph 10.16A, concerning farm diversification, which the Council intends to add by PIC reference 1/PIC/10/01. The Altcar Estate considers that the paragraph is unduly restrictive and it suggests amendments. GONW's objection is to the fifth sentence of the new paragraph, which would state that: *Proposals for industrial uses, crafts not*

directly linked to the agriculture on the farm, storage and distribution, haulage and other uses which are urban in nature are neither appropriate nor acceptable in Sefton's Green Belt. However, this sentence has subsequently been discussed and agreed with the Council, and GONW has conditionally withdrawn its objection.

10.174 I do not consider that the paragraph is unduly restrictive in the Sefton context. Given that the main thrust of the Plan is to promote urban regeneration, I consider it appropriate that the Council should seek to restrict businesses in the rural area, which are more appropriately located in the urban areas and where they would assist regeneration. However, I consider that the paragraph and the references to the background documents for the policy should reflect that PPG7 has been mostly replaced by PPS7.

RECOMMENDATIONS

10.175 (a) I RECOMMEND that the UDP **be modified** by **adding** a phrase to the end of the first sentence of explanatory text given at paragraph 10.15 to state that:

Limited extension, alteration or replacement of dwellings in the Green Belt is acceptable in principle, *provided that such development would maintain the openness of the Green Belt and the purposes of including land within it.*

(b) I RECOMMEND that the UDP **be modified** by **adding** paragraph 10.16A as explanatory text to policy GBC2 in accordance with 1/PIC/10/01, but by **replacing** the reference to PPG7 with ***PPS7***.

(c) I RECOMMEND that the UDP is **NOT modified** in accordance with NAC/10/02. **Instead**, reference should be made to ***Planning Policy Statement 7: Sustainable Development in Rural Areas***, in the Background Documents to policy GBC2.

(d) I RECOMMEND **no further modification** to the UDP in response to these objections.

Policy GBC3

Redevelopment of a Major Developed Site in the Green Belt – The

Powerhouse, Hoggs Hill Lane, Formby

Objections to First Deposit Draft

GBC3/0102/0514

Little Altcar Parish Council – CW

SP/0093/0361 (also policy H3 & GBC1) McComb

Key Issues

- (i) Whether policy GBC3 should be amended to permit the conversion of the existing building to an alternative use, such as residential.
- (ii) Whether the boundary of the site should be amended on the Proposals Map to include land fronting Hoggs Hill Lane.

- (iii) Whether criteria (ii) and (iii) of policy GBC3 accord with national policy given in paragraph C4 of Annex C to PPG2.

Inspector's Reasoning and Conclusions

- 10.176 **Issue (i)** – In response to the objection of Little Altcar Parish Council that provision should be made for the Powerhouse building to be converted and re-used, as an alternative to redevelopment, the Council intends among other changes to policy GBC3, to permit the re-use of the building, by NAC reference NAC/10/A. The NAC would also amend the explanatory text to the policy at paragraph 10.22, to state that conversion of the Powerhouse for residential purposes may be appropriate. On the basis of this change, the Parish Council has conditionally withdrawn its objection.
- 10.177 I consider that it is necessary to include reference within the policy, to re-use of the Powerhouse building, as an alternative to redevelopment, because as indicated at paragraphs 3.7 and 3.8 of PPG2, the re-use of an existing building which has a form, bulk and general design that is not in keeping with its surroundings, may be inappropriate development within the Green Belt. It is my opinion that the form and bulk of the Powerhouse building is not in keeping with its surroundings, but not to the extent that its retention and conversion should be prevented.
- 10.178 **Issue (ii)** – As an element of his objections to policy GBC3, Mr McComb contends that the paddock fronting Hoggs Hill Lane, which adjoins the Powerhouse site, should also be designated as part of the Major Developed Site. However, I disagree. Both the Council's and the Objector's evidence indicate that this adjoining 2.0 hectares parcel of paddock land has never formed part of the curtilage of the Powerhouse site, although both sites are owned by the Objector. The paddock site is open, and the only justification which the Objector gives to support his proposition that it should be released from the Green Belt is that: *the land adjoining Hoggs Hill Lane is needed to bring the area for development (at the Powerhouse site) closer to the Lane and to leave land along side the river as landscaped open space.*
- 10.179 In my opinion, the 5.2 hectares area of the Powerhouse site provides an ample site area in which to provide a landscaped setting for any development proposals at the current Powerhouse site. I see no justification for including additional land within the designated area of the Major Developed Site. Therefore, I do not support this aspect of the objection.
- 10.180 **Issue (iii)** - Objection to criteria (ii) and (iii) was made at the FDD stage of this review of the UDP, because it is considered that they do not reflect the guidance of paragraph C4 of Annex C to PPG2, which set out criteria for the redevelopment of Major Developed Sites in the Green Belt. Amendments to the criteria are proposed by NAC reference NAC/10/A, in recognition of and in response to this concern, which I consider to be justified. These proposed Non-Advertised Changes were discussed at the informal Hearing session into the objection. However, the proposed amendments to the criteria were not fully agreed by the Objector, who also objects to the intended additional explanatory text to be inserted within paragraph 10.23 of the UDP, by the NAC.
- 10.181 But it is my opinion that the amended criteria (ii) and (iii) would very closely reflect criteria (c) and (d) of paragraph C4 of PPG2. The only

significant difference is that the revised UDP criterion (ii) would specify that the redevelopment should be lower in height than the existing building, whereas the corresponding criteria of PPG2 advises that redevelopment should not exceed the height of the existing buildings. I consider that in the particular case of the Powerhouse building, which is around 19 metres tall, this deviation from PPG2 is acceptable and justified.

10.182 With regards to the proposed amendment to paragraph 10.23 of the UDP by NAC reference NAC/10/A, I consider that it is entirely reasonable to limit the additional amount of land required for redevelopment to the minimum necessary to secure a viable scheme, in order to preserve the openness of the Green Belt. However, I do not consider that it is either reasonable or desirable to similarly restrict the number of residential units that may be created in a conversion scheme, because concerns about associated car parking could be addressed through the development control procedure, in the context of general Green Belt policies. Restricting the number of flats created by a conversion scheme could also result in the inefficient use of this large building. Therefore, I conclude that the phrase; *or the number of flats proposed*, should be deleted from the NAC.

RECOMMENDATIONS

10.183 (a) I **RECOMMEND** that the UDP **be modified** by amending policy GBC3 in accordance with NAC/10/A, except that the phrase; *or the number of flats proposed*, should be deleted from the third sentence of the proposed amendment to paragraph 10.23 of the explanatory text to the policy.

(b) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy GBC4

Infill Development on Major Developed Sites in the Green Belt

Objections to First Deposit Draft

GBC3/0090/0344	Pontins Ltd
GBC4/0090/0345	Pontins Ltd
NP/0090/0343	Pontins Ltd
GBC4/0107/0531	Dilworth
SP/0107/0532	Dilworth
SP/0108/0555	Hallam Land Management

SP/0109/0579	Langtree Property Company Ltd
GBC4/0026/0103	Wilson Connolly Northern
GBC4/0063/0225	Mersey Care NHS Trust - CW
10.26/0063/0226	Mersey Care Trust - CW
SP/0090/0346	Pontins Ltd

Objection to Revised Deposit Draft

Map10a/0063/0811	Mersey Care Trust
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Key Issues

- (i) Whether policies GBC3 and GBC4 should be merged to form a single policy relating to Major Developed Sites in the Green Belt.
- (ii) Whether policy GBC4 should be deleted, in order to ensure that no further development takes place in the Green Belt until all brownfield land in the Borough has been used.
- (iii) Whether the Major Developed Site designation should be removed from the Woodvale Airfield site.
- (iv) Whether the Ashworth Hospital complex and the neighbouring built up areas should be excluded from the Green Belt.
- (v) Whether policy GBC4 and its associated explanatory text should be amended to allow for partial or complete redevelopment of existing buildings at the Ashworth Hospital site.
- (vi) Whether the boundary of the Ashworth Hospital Major Developed Site designation should be reinstated to its previous position, as shown in the First Deposit Draft of the UDP.
- (vii) Whether the Southport Holiday Centre in Ainsdale should be designated as a Major Developed Site, under policy GBC4.

Inspector's Reasoning and Conclusions

10.184 **Issue (i)** – Pontins Ltd consider that policies GBC3 and GBC4 should be merged into a single policy relating to Major Developed Sites in the Green Belt. In their opinion, a single policy that permitted infilling and/or redevelopment would reflect guidance contained in Annex C to PPG2, which they argue, makes no such separation.

10.185 However, I do not consider that the approach of the Council conflicts with national guidance on development at Major Developed Sites in the Green Belt. Both paragraphs C3 and C4 of the PPG, which respectively refer to infilling and redevelopment, inform that local planning authorities may identify sites and set out policies for infilling and for redevelopment. This indicates to me that it is appropriate to have separate policies for the two types of this development.

10.186 The Powerhouse site at Formby is quite different in nature to the three other sites identified in the UDP as Major Developed Sites. Its future

development potential is in redevelopment or conversion of the substantial building that dominates the site. In contrast, I consider that limited infill development would more appropriately promote the future use and viability, together with respecting the Coastal Planning Zone location, to which policy CPZ1 applies, of the Altcar Rifle Range site, Hightown and Woodvale Airfield, Formby. However, in my opinion, the Ashworth Hospital site is suitable for both types of future development, and this is to be reflected by a hybrid policy GBC3A (NAC/10/B), of the type suggested by the Objector.

- 10.187 I consider that this suite of policies that apply to Major Developed Sites in the Green Belt are appropriately tailored to reflect the specific opportunities and constraints of the individual sites to which they refer. For this reason, I do not support the objections, which suggest that the four sites should be subject to a single policy.
- 10.188 **Issue (ii)** – The purpose of policy GBC4 is not to encourage development, but to provide a framework that allows limited, mainly ancillary development at the designated sites, in a way that would result in no greater impact on the openness of the Green Belt and the purposes of including land within it, than the existing development. This is clarified in paragraph 10.26 of the UDP and in my opinion, the policy reflects the guidance given in Annex C to PPG2 on this matter.
- 10.189 Since relatively little development would be permitted by the policy and it would be mainly ancillary to the existing use, I do not consider that such development permitted by policy GBC4 would be an alternative to new development on brownfield sites. Thus, it would not detract from the urban regeneration objectives of the Plan. I do not support this objection. I conclude that policy GBC4 should be retained.
- 10.190 **Issue (iii)** – In addition to the above objection, Mr Dilworth considers that the Major Developed Site designation should be removed from Woodvale Airfield. However, I do not share his opinion on this matter for the following reasons.
- 10.191 I support the Council's view that limited infilling at this site could help to ensure the continued viability of the activities on this site, whilst at the same time, ensuring that the development will no have a greater impact on the purposes of including the site within the Green Belt than the existing development. I consider that in designating a small part of Woodvale Airfield as a Major Developed Site, policy GBC4 sets out clear criteria in relation to acceptable infill development, which would limit the impact of such development on the Green Belt. I conclude that the designation should be retained.
- 10.192 **Issues (iv) and (v)** – Several Objectors are of the opinion that the Ashworth Hospital complex and the neighbouring built up areas should be excluded from the Green Belt designation. They consider that the site is an extensively developed area that is physically joined to Maghull and that it has none of the openness that is the fundamental attribute of Green Belts. Objections concerning the same site are also made in respect of GBC1. I make recommendations in response to those objections within that section of my report above.

- 10.193 I do not share the Objectors' assessment of the nature of the site. Although Ashworth Hospital consists of many buildings, the site plan and aerial photograph contained in the Council's Appendices SMBC/111 indicate that a significant part of the hospital land is open. I saw that the hospital grounds are surrounded by Green Belt land. In my opinion the objection site serves the purpose of assisting in the prevention of Maghull's encroachment into the surrounding countryside. For this reason, I do not support the spirit of these objections.
- 10.194 Furthermore, PPG2 advises at paragraph 2.6, that once the general extent of a Green Belt has been approved, it should be altered only in exceptional circumstances, or if a strategic review has been endorsed, which in the context of Sefton would be found in regional guidance. PPG2 also states that detailed Green Belt boundaries that are defined in adopted local plans or earlier approved development plans should be altered only exceptionally.
- 10.195 Policy SD5 of the RSS provides the policy framework for making substantial changes to the Green Belt boundaries in Sefton. The policy notes the need for a strategic study of the Green Belt in Merseyside and Halton, which has now commenced. The study will determine the need, if any, for a strategic review of Green Belt boundaries to accommodate likely development requirements to 2021 and beyond. If changes to the broad extent of the Green Belt in Sefton are proposed by any such strategic review, then I consider that the appropriate time to consider the local implications would be at the next review of the UDP. I consider that to make substantial changes to the Green Belt boundaries at this time would pre-empt the findings of the sub-regional study and would, therefore, be premature.
- 10.196 Quite rightly, in my opinion, the designation of the Ashworth Hospital site as a Major Developed Site within the Green Belt acknowledges that limited development associated with the uses of the site may be appropriate. However, in response to other objections, which consider that partial or complete redevelopment should also be permitted to provide flexibility regarding future development at the Hospital site, it is intended by NAC reference NAC/10/B, to make the site the subject of a separate policy GBC3A. I endorse this policy, but as a point of detail, I consider that reference to the objection site should be deleted from policy GBC4. Thus, in this respect I support the word, but not the intentions of those Objectors who seek the de-designation of the Ashworth Hospital site as a Major Development Site. Mersey Care NHS Trust has conditionally withdrawn its objections on this matter, on the basis of this proposed change.
- 10.197 **Issue (vi)** - However, Mersey Care NHS Trust objects that the proposed boundary of the Ashworth Hospital complex does not relate to the operational extent of the hospital or to the curtilage of the site. It requests that the boundary is reinstated to its previous position, as shown in the FDD.
- 10.198 In accordance with PC reference PC 10.8 the boundary of the designated area of the Major Developed Site was tightened to more closely follow the main concentration of development within the existing hospital complex and the security walls and fences along the northern and western boundaries. I consider that this decision to reduce the extent of the designated site accords with the guidance of paragraph C4 of PPG2, which indicates that local planning authorities may define *the boundary of the present extent of*

development and set(ing) out a policy for limited infilling for the continuing use within this boundary. Taking into account the Green Belt context for the site and the over-arching objective of Green Belt policy, which seeks to strictly limit the amount of new development within it, in order to maintain the openness and the purposes of Green Belt, I consider that it is entirely appropriate that the site boundary should exclude peripheral structures such as lighting columns and land now in separate use and ownership.

10.199 In my interpretation of national policy, there is no explicit or implicit requirement for the boundary of a Major Developed Site to be coincidental with land ownership boundaries. Nor has the Council been inconsistent in this regard, because the boundaries of the Altcar Rifle Range and the Woodfield Airfield sites are similarly tightly drawn.

10.200 I have taken into account that in order to satisfy reviewed security requirements at the Hospital development outside the designated site boundary may be considered necessary, but in those circumstances it may be possible to demonstrate that very special circumstances prevail. But for the reasons which I have given, I do not support this objection.

10.201 **Issue (vii)** – Pontins Ltd consider that the Southport Holiday Centre in Ainsdale represents a Major Developed Site in the Green Belt and should be identified as such. I do not disagree that the use occupies a large Green Belt site, at which the owner may consider future infilling or redevelopment desirable. But in addition to the Green Belt designation of the land, there are other significant environmental constraints that, in my opinion, make a Major Development Site designation of the objection site impractical and, therefore, inappropriate.

10.202 The site lies within the Coastal Planning Zone. It is bounded to the north, north-west and to the south by sites of international importance for nature conservation. To the north and south there is a Special Area of Conservation and to the north-west a Special Protection Area. Both of these are also Ramsar sites. The objection site is also bounded on its eastern side by a Site of Special Scientific Interest.

10.203 I consider that there is little scope for infill development at the site, and as a consequence of these nature conservation designations, severe constraints would be imposed on redevelopment of the site, by both national and international legislation. I consider that the development potential of the objection site is also restricted by its coastal location, because it is situated in an area that is unprotected against coastal flooding and it could be subject to coastal erosion. For these reasons, I do not support the view that the Southport Holiday Centre should be designated a Major Development Site in the Green Belt.

RECOMMENDATIONS

10.204 **(a) I RECOMMEND that the UDP be modified by adding new policy GBC3A and explanatory text in accordance with NAC/10/B.**

(b) I RECOMMEND that the UDP be modified by deleting reference to Ashworth Hospital, Maghull in policy GBC4.

(c) I RECOMMEND no further modification to the UDP in response to these objections.

Policy GBC5

Landscape Character

Objections to First Deposit Draft

GBC5/0009/0040	The Countryside Agency
GBC5/0107/0533	Dilworth

Key Issues

- (i) Whether the landscape character approach should inform the whole Plan rather than being the subject of a separate, stand-alone policy.
- (ii) Whether reference should be made in policy GBC5 to the SPG Note on Landscape Character.
- (iii) Whether policy GBC5 should be more clearly worded to prevent further development taking place in the Green Belt.

Inspector's Reasoning and Conclusions

10.205 **Issues (i) and (ii)** – The Countryside Agency is concerned that policy GBC5 implies that the consideration of landscape character only applies in certain circumstances, rather than informing the whole Plan. To overcome this, it suggests that reference should be made to landscape character in the Core Strategy policies CS2 and CS3. The Agency also considers that the Council's SPG Note on Landscape Character should be specifically referred to in policy GBC5.

10.206 However, I consider that it is clear that the landscape character approach does form one of the main bases of the Plan. Core Strategy policy CS2 – Restraint on Development and Protection of Environmental Assets, refers to rural landscape character and it applies to all of the Borough's rural areas. Furthermore, policy GBC5 is itself a Part 1 strategic policy. The SPG Note Landscape Character deals with the detail of Sefton's approach to landscape character and in accordance with good practise, reference to it was added to the explanatory text to the policy, in paragraph 10.31, by PC reference PC 10.9. Consequently, I do not consider that further modification is required to the UDP in response to these objections.

10.207 **Issue (iii)** – I disagree with Mr Dilworth's opinion that GBC5 is worded in such a way that its interpretation is ambiguous, or that it could enable inappropriate development within the Green Belt. In my opinion, policy GBC2, which seeks to strictly control development within the Green Belt, accords with national Green Belt policy, as set out in PPG2. Policy GBC5 is intended to give further protection to the particular character of the rural landscape of the area in which development proposals are situated. This approach is supported by PPS7 that has recently replaced PPG7, and which at paragraph 15 indicates that local planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where

possible, enhanced. I suggest that this reference should be amended in the Background documents to the policy and throughout the UDP.

10.208 I consider that policy GBC5 is transparent in that it reflects national countryside policy, it has been the subject of extensive consultation and it should be read together with policy GBC2. Collectively, I consider that they give clear guidance to developers on what may, or may not be permitted within the rural areas of the Borough, which are entirely designated as Green Belt.

RECOMMENDATION

10.209 I **RECOMMEND no modification** to the UDP in response to these objections.

Policy GBC7

Equestrian Development

Objections to First Deposit Draft

GBC7/0022/0163

P Wilson and Company

GBC7/0095/0410

Government Office North West

GBC7/0101/0512

The National Trust – CW

Key Issues

- (i) Whether policy GBC2 provides adequate control over inappropriate equestrian development and, therefore, renders policy GBC7 unnecessary.
- (ii) Whether policy GBC7 is overly restrictive and unenforceable.
- (iii) Whether references to commercial livery or commercial equestrian activities should be deleted from policy GBC7 and explanatory text given at paragraph 10.39, on the basis that these are likely to be large scale activities that would be unlikely to fit the description of 'small stables' given at paragraph 3.5 of PPG2.
- (iv) Whether part 1 (iii) of policy GBC7 should be amended to clarify that the coastal area at Formby is accessible by permit only.

Inspector's Reasoning and Conclusions

10.210 **Issues (i) and (ii)** – Paragraph 32 of PPS7 advises that local planning authorities should set out policies for supporting equine enterprises that maintain environmental quality and countryside character. In my opinion policy GBC7 reflects that advice.

10.211 I consider that the policy is necessary in order to seek to ensure that equestrian related development does not harm the landscape character or the openness of the Green Belt. Nor do I consider that policy GBC7 is overly prescriptive in terms of the criteria given in its part 1. In my opinion, non-compliance would be clearly apparent from a visual inspection of the site. For

these reasons, I consider that the policy should be neither amended nor deleted.

10.212 **Issue (iii)** – GONW questions if part 2 of policy GBC7, which refers to commercial livery or commercial, equestrian activities is compatible with the guidance given concerning ‘small stables’, at paragraph 3.5 of PPG2.

10.213 However, I support the Council on this matter. I do not consider that such development is necessarily incompatible with PPG2, which refers to *small stables for outdoor sport and recreation*, because the commercial activities concerned may be small in scale. Furthermore, I consider that the propensity of such development is also likely to be limited by the fact that the policy additionally requires that such development should be located near to existing dwellings, or buildings that can be converted into a dwelling, in order to minimise the impact of any commercial livery or equestrian development on the Green Belt. I conclude that references to commercial livery and commercial equestrian activities should be retained in policy GBC7 and in the explanatory text given at paragraph 10.39 of the UDP.

10.214 **Issue (iv)** – In response to the objection of the National Trust that policy GBC7 should be amended to clarify that the coastal area at Formby may be accessed by permit only, part 1 (iii) of the policy was amended by PC reference PC 10.11 to state that: *there is easy access to bridleways*. In addition, new paragraph 13.9A was added to the explanatory text of policy GBC7, by PC reference PC 10.12. It informs that permission must be sought for access to bridleways that are not public Rights of Way. I consider that these changes meet this objection, which has been conditionally withdrawn on their basis.

RECOMMENDATION

10.215 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy GBC8

Landscape Renewal Areas

Objections to First Deposit Draft

GBC8/0016/0061	National Farmer's Union
GBC8/0091/0353	Countryside Properties
SP/0032/0124	Wilson Connolly Lancashire
SP/0108/0539	Hallam Land Management
GBC8/0009/0083	The Countryside Agency
SP/0109/0563	Langtree Property Company Ltd
SP/0032/0122	Wilson Connolly Lancashire

Key Issues

- (i) Whether policy GBC8 is too restrictive and will, as a consequence, unduly limit opportunities for farm diversification.
- (ii) Whether an additional criterion should be added to policy GBC8 that would seek to promote the regeneration of the rural economy.
- (iii) Whether policy GBC8 should be deleted on the basis that it appears to be a statement of intent with no indication of how its objectives may be achieved.
- (iv) Whether the Landscape Renewal Areas designation of policy GBC8 should be removed from land at Wango Valley, Aintree.
- (v) Whether the Landscape Renewal Areas designation of policy GBC8 should be removed from land at Melling Lane, Maghull.
- (vi) Whether the Landscape Renewal Areas designation of policy GBC8 should be removed from land at School Lane/Poverty Lane, Maghull.
- (vii) Whether the explanatory text to policy GBC8 should be amended to indicate how the specific benefits of the Mersey Forest will be achieved.

Inspector's Reasoning and Conclusions

10.216 **Issues (i) and (ii)** – Through the designation of Landscape Renewal Areas, policy GBC8 aims to promote the improvement of degraded or derelict land, much of which is in high profile, highly accessible areas. The policy specifically refers to farm diversification proposals, which in my opinion should be the subject of the same requirements to make a positive contribution to the landscape as other forms of development. I do not consider that this requirement is unduly onerous or restrictive.

10.217 Furthermore, the promotion of suitable farm diversification schemes is proposed by PIC reference 1/PIC/10/01, which would add paragraph 10.10A to the explanatory text of policy GBC2. I consider that these references to this type of development are sufficient. Given that the main thrust of the Plan is to promote urban regeneration, I do not consider that it would be appropriate to add a further criterion to policy GBC8 that would aim to promote the regeneration of the rural economy.

10.218 **Issue (iii)** – I do not support the opinion of Countryside Properties that policy GBC8 appears to be merely a statement of intent, with no indication of how its objectives may be achieved. In my opinion, paragraph 10.42 of the explanatory text to the policy, which was revised by PC reference PC 10.19, clearly informs developers that it is expected that their proposals will make a positive contribution to environmental regeneration. I consider that this policy adds to Green Belt policy because it requires development to actively improve the Landscape Renewal Area, rather than to just maintain the openness and the purposes of the Green Belt.

10.219 **Issues (iv) and (v)** - Wilson Connolly Lancashire maintain that there is a need to release land within the Landscape Renewal Area to meet the housing requirement of the Plan. They suggest that land at Wango Valley, Aintree and at Melling Lane, Maghull should be released from the designated area in order to help meet that need. I have considered their similar objections in respect of policies H3 and GBC1 earlier in my report. I have concluded that the sites are not required for housing purposes during the Plan period and that they should be retained in the Green Belt.

Consequently, the removal of the Landscape Renewal Area designation would not enable the land to be used for residential development.

- 10.220 Nevertheless, in response to this and other similar objections, the boundary of the Landscape Renewal Area has been significantly amended on the Proposals Map by PC reference PC 10.16, to match that within the 1995 adopted UDP, which includes the M57/River Alt Corridor and the Rimrose Valley/Buckley Hill Landscape Renewal Areas. The Area is specifically named in new explanatory text paragraph 10.40A, which was added by PC reference PC 10.17.
- 10.221 As a result of this change, the designation of the Landscape Renewal Area has been removed from the Melling Lane objection site. Consequently, I consider that objection reference SP/0032/0122 has been met by this change.
- 10.222 However, the designation is retained in respect of land at Wango Valley. I consider that this is an appropriate designation of this site and any consequential improvements to the land would be particularly beneficial given its urban fringe location. Thus, I do not support the objection that refers to this site.
- 10.223 **Issue (vi)** - Hallam Land Management and Langtree Property Company Ltd have also made related objections under policies H3, GBC1 and GBC8 concerning land east of Maghull, between School Lane and Poverty Lane, which they consider should be safeguarded for future long term development. In their opinion, the objection site is not degraded, derelict or in need of environmental regeneration. It has been managed by the landowner within the context of modern farming and land management practises. As such, the Objectors consider that the designation of the site is inappropriate, arbitrarily applied and unlikely to serve any purpose with regards to this land.
- 10.224 In response to this and other similar objections, the boundary of the Landscape Renewal Area has been significantly amended on the Proposals Map by PC reference PC 10.16 to match that within the 1995 adopted UDP, which includes the M57/River Alt Corridor and the Rimrose Valley/Buckley Hill Landscape Renewal Areas. The Area is specifically named in new explanatory text paragraph 10.40A, which was added by PC reference PC 10.17.
- 10.225 As a result of this change, the designation of the Landscape Renewal Area has been removed from the objection site. Consequently, I consider that these objections have been met. It should be noted, however, that the Green Belt designation of the objection site is retained.
- 10.226 **Issue (vii)** – The Countryside Agency considers that it would be helpful if either policy GBC8, or its supporting text provided details of how the specific benefits of the Mersey Forest will be achieved. However, there are seventeen aims and objectives of the Mersey Forest Plan. In my opinion, it would be inappropriate to repeat them in the UDP. I consider that the references to the Mersey Forest in the explanatory text of policy GBC8, at paragraph 10.46 and as a Background document, is sufficient. Therefore, I do not support this objection.

RECOMMENDATION

10.227 (a) I RECOMMEND no modification to the UDP in response to these objections.

CHAPTER 11 - NATURE CONSERVATION

General

Objection to First Deposit Draft

ObjC11/0097/0443

Environment Agency – CW

Key Issue

Whether the Objective for policies contained in Chapter 11 of the Plan adequately recognises the importance of habitat protection and management.

Inspector's Reasoning and Conclusions

11.1 The Objective for the nature conservation policies of the Plan was amended in the RDD, by PC reference PC 11.1, which added the word *habitats* after the word *sites*. The Objective of Chapter 11 now reads: *To protect, enhance and encourage the positive management of Sefton's sites, habitats and species of nature conservation value*. In my opinion, this change gives appropriate recognition to the importance of habitat protection and management, and it overcomes the objection, which has been conditionally withdrawn.

RECOMMENDATION

11.2 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy NC1

Site Protection

Objections to First Deposit Draft

NC1/0016/0060

National Farmer's Union – CW

NC1/0098/0484

English Nature (Cheshire to Lancashire Team) – CW

SP/0098/0470

English Nature (Cheshire to Lancashire Team) – CW

SP/0033/0117

S Rostron Ltd

SP/0103/0557

Highways Agency - CW

Objection to Revised Deposit Draft

NC1/0097/0857

Environment Agency

Key Issues

- (i) Whether the grouping together and lack differentiation between different levels of designation (local, national and international) conflicts with national Planning Policy Guidance Note 9: Nature Conservation (PPG9).
- (ii) Whether the inclusion of section 2A within policy NC1 weakens the weight of protection afforded to nationally important sites.
- (iii) Whether the Proposals Map lacks clarity regarding international and national nature conservation designations.
- (iv) Whether the boundary given in Figure 11.1 of the UDP omits to show that the pSPA, pRamsar and cSAC sites now include the Crosby foreshore.
- (v) Whether, in the absence of evidence of any nature conservation interest at land north of Altcar Road, Formby, its nature conservation designation should be removed.

- (vi) Whether the designation of land at Switch Island, Maghull (M57 junction) should be removed, in the light of plans for improving this road junction.

Inspector's Reasoning and Conclusions

- 11.3 **Issues (i) and (ii)** – Paragraph 18, in particular, of PPG9 advises that Local Planning Authorities should have regard to the relative significance of international, national, local and informal designations in considering the weight to be attached to nature conservation interests. In response to this advice and to objections to the FDD, part 2 of policy NC1 has been subdivided into two sections by PC reference PC 11.4. Part 2 of the policy refers to sites designated for their international importance and to the strict protection that is afforded them. Whereas part 2A of the policy refers to designated sites of national importance, together with the special scrutiny to which development proposals affecting them are subject. Part 3 of the policy concerns local sites.
- 11.4 However, the Environment Agency is concerned that this change weakens the protection given to nationally important sites, which in their view, should be the same as for international sites. I disagree for the following reasons. Paragraph 20 of PPG9 informs that specific advice on nature conservation issues in development plan preparation is available from English Nature. The wording of part 2A of policy NC1 reflects that suggested by English Nature. Furthermore, I do not consider that the revised wording of the policy weakens the protection given to nationally important sites. Rather, I consider that it provides clarity to the policy.
- 11.5 I conclude that policy NC1 now satisfactorily reflects national guidance and that it overcomes those objections made to the FDD, which have subsequently been conditionally withdrawn.
- 11.6 **Issues (iii) and (iv)** – In my opinion, it would be impractical to show on the Proposals Map the difference between the considerable number and levels of designations of sites of nature conservation value that are concentrated within the coastal area of the Borough. However, I consider that this information is clearly provided by reading the Proposals Map together with the text of the Plan.
- 11.7 The designation that refers to sites of international and national nature conservation importance on the Proposals Map is cross-referenced to policy NC1. The explanatory text to the policy informs that these sites are identified in Figures 11.1, 11.2 and 11.3 of the Plan. In my opinion, these Figures are clearly linked to the Proposals Map, and they are of sufficient clarity to indicate if a proposal would be likely to affect a site of international or national importance. Therefore, I see no need to amend the Proposals Map in response to this objection.
- 11.8 However, the boundaries of Figure 11.1 of the UDP have been changed by PCs references PC 11.10, PC 11.11 and PC 11.12, to show that the pSPA, pRamsar and cSAC sites now include the Crosby foreshore. The objection which referred to this omission in the FDD has been conditionally withdrawn on the basis of these changes.
- 11.9 **Issue (v)** - In response to an objection that land north of Altcar Road, Formby is not of notable nature conservation value, the Council has provided

information, which I consider supports the designation of the land as a Site of Local Biological Interest (SLBI).

- 11.10 The land is a mix of pasture and arable field lines with drains and areas of reed bed adjacent to the A565 Formby by-pass. Part of the site has been subject to land fill in the past. The draft SLBI citation for Formby Moss informs that the objection site has been evaluated against the guidelines approved by the Council in 2000, for the selection of SLBIs. It indicates which parameters the Council considers are met by the site, that cumulatively justify the designation of the land. They include; 8 habitats containing 1 UK Biodiversity Action Plan (BAP) priority habitat (reed bed), 1 locally uncommon habitat of cultivated/disturbed ground with an unusual assemblage of species and a total of 58 plant species, 94.8% of which are native to the Borough and 1 of which is a locally rare species; *Persicaria bistorta* (common bistort).
- 11.11 I note that the citation is still undergoing final validation by the Council's SLBI Review Group. Nevertheless, I am satisfied that there is sufficient nature conservation interest at this site to justify its designation as a SLBI. I do not, therefore, support the objection that the designation should be removed.
- 11.12 **Issue (vi)** – In response to an objection by the Highways Agency concerning the designation of land at Switch Island, it is proposed by NAC reference NAC/PM/A to amend the boundaries of the SLBI designation of land at the M57 road junction, in order to allow committed highway improvements to proceed.
- 11.13 Those works would result in compensatory improvements to the intended remaining area of the SLBI. I support the pragmatic approach of this intended NAC, upon which basis the objection has been conditionally withdrawn.

RECOMMENDATIONS

- 11.14 (a) I **RECOMMEND** that the UDP **be modified** by **amending** the boundary of the designated Site of Local Biological Interest at Switch Island in accordance with NAC/PM/A.
- (b) I **RECOMMEND** **no further modification** to the UDP in response to these objections.

Policy NC2

Protection of Species

Objection to First Deposit Draft

NC2/0098/0485

English Nature (Cheshire to Lancashire Team)

Key Issue

Whether the first part of policy NC2 should be re-worded to ensure that sufficient weight is afforded species protected by law, as well as those that are not.

Inspector's Reasoning and Conclusions

- 11.15 English Nature recommends that the first part of policy NC2 be re-worded by making specific reference to the schedules contained in protective legislation.

However, I consider that the approach of the UDP, which in paragraph 11.22 of the explanatory text individually names the particular species which are both statutorily protected and found within Sefton, is acceptable. Furthermore, the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats, & c.) Regulations are listed as background documents to policy NC2. Therefore, I do not consider that the UDP should be changed in response to this objection.

RECOMMENDATION

11.16 I RECOMMEND no modification to the UDP in response to this objection.

Policy NC3 - Explanation

Objection to First Deposit Draft

11.28/0097/0444

Environment Agency – CW

Key Issue

Whether paragraph 11.28 of the UDP should refer to the importance of river corridors as wildlife habitats.

Inspector's Reasoning and Conclusions

11.17 The last sentence of the explanatory text to policy NC3, given in paragraph 11.28 of the UDP, was amended by PC reference PC 11.19, to add the words *river corridors* after the words *railway lines*. The sentence now states: *The relevant features in Sefton include the dune edge, the Leeds and Liverpool Canal, railway lines, river corridors, wetlands, ponds and ditches*. I consider that this change satisfies the objection, which has been conditionally withdrawn on its basis.

RECOMMENDATION

11.18 I RECOMMEND no modification to the UDP in response to this objection.

CHAPTER 12 - THE COAST

General

Objection to First Deposit Draft

GenCh12/0089/0340

Formby Hall Golf & Country Club

Key Issue

Whether Chapter 12 of the UDP should include reference to golf, in addition to the wide range of uses specified as taking place in the Coastal Planning Zone.

Inspector's Reasoning and Conclusions

12.1 The UDP recognises the importance of golf to the economy and tourist industry of Sefton, in its Chapter 5. I consider that it is neither appropriate nor necessary to promote the golf industry additionally in Chapter 12 of the Plan. This is because the Objectives of the policies contained within this Chapter seek to ensure that development within the Coastal Planning Zone is limited to land uses dependant upon a coastal location and which maintain or enhance the special characteristics of the Sefton coast. This is not necessarily the case with golfing activities. Thus, I do not support this objection.

RECOMMENDATION

12.2 **I RECOMMEND no modification to the UDP in response to this objection.**

Introduction and Policy CPZ1

Development in the Coastal Planning Zone

Objections to First Deposit Draft

12.2/0089/0332

Formby Hall Golf & Country Club

CPZ1/0089/0331

Formby Hall Golf & Country Club

CPZ1/0098/0462

English Nature (Cheshire to Lancashire Team)

SP/0090/0342

Pontins Ltd

SP/0023/0095

Rimmer

Key Issues

- (i) Whether policy CPZ1, which is a strategic Part 1 policy, pays sufficient regard to the potential impact of development proposals on the nature conservation interests of the Sefton coast.
- (ii) Whether the designated area of the Coastal Planning Zone should be amended to exclude Woodvale Airfield and the Formby Hall golf course.
- (iii) Whether the designated area of the Coastal Planning Zone should be amended to exclude the Southport Holiday Centre, Ainsdale.
- (iv) Whether the designated area of the Coastal Planning Zone should be amended to exclude land at Marsh Farm and Raven Meols Farm, Formby.

Inspector's Reasoning and Conclusions

- 12.3 **Issue (i)** – English Nature is concerned that policy CPZ1 fails to make any reference to the desirability of protecting nature conservation interests within the Coastal Planning Zone (CPZ), which contains several areas having local, national and international nature conservation designations. However, explanatory text to the policy, at paragraph 12.14, recognises that nature and landscape conservation are important considerations when assessing development proposals within the CPZ.
- 12.4 Furthermore, the issue of the impact of development on nature conservation interests is dealt with specifically in Chapter 11 - Nature Conservation, of the Plan. Cross-reference to Chapter 11 is highlighted in paragraph 12.8 of the UDP. In addition, the Introduction to the Plan makes it clear that its policies should be read not in isolation, but in the context of the Plan as a whole. The closely related 'Policy Links' are set out at the end of Chapter 12. These include relevant policies contained in Chapter 11.
- 12.5 Therefore, it is my opinion that the importance of protecting nature conservation interests within the CPZ is fully recognised in the UDP. Thus, I do not consider that there is any need to amend policy CPZ1 in response to this objection.
- 12.6 **Issue (ii)** – The designated area of the CPZ was extended in the RDD to that shown in the adopted UDP, so that it includes Woodvale Airfield and the Formby Hall golf course. However, Objectors consider that these sites contribute little to the objectives of the designation, or to the assets to be protected within the CPZ. In their opinion, they should, therefore, be removed from the CPZ designated area.
- 12.7 These two objection sites were included within the CPZ area of the FDD following a landscape character study of the area, because they share some of the same (dune backlands) landscape characteristics of land already included in the CPZ designated land to the west. However, the golf course site was subsequently re-assessed in the light of guidance and policies contained in the RSS. As a result, its CPZ designation was removed from the Proposals Map of the RDD by PC reference PC 12.2, and from Figure 12.1 by PC reference PC 12.7, because the Council considers that land east of the A565 and Woodvale Airfield do not sufficiently closely resemble the landscape type and the activities associated with the coast to justify their inclusion within the CPZ. However, land to the west of the A565, including Woodvale Airfield are retained within the CPZ. I do not disagree with this re-assessment. I consider that this change partly meets these objections.
- 12.8 **Issue (iii)** - Pontins Ltd contend that the Southport Holiday Centre is a developed site that does not contribute to the special characteristics of the coast and that it effectively forms part of the built up area of Ainsdale. Consequently, that its inclusion in the CPZ is inappropriate, particularly in the light of the development restrictions which policies pertaining to the designation seek to impose.
- 12.9 The Holiday Centre is included within the CPZ of the 1995 adopted UDP and I am not aware that circumstances have changed since that designation. I saw that the site is separated from the built up area of Ainsdale by a strip of land which forms part of a SSSI. It is well within the CPZ and it is very close to the shoreline. In my opinion, it has a distinctively coastal setting and I

consider that its inclusion within the CPZ is appropriate. I do not support this objection, and in my view the site should remain within the CPZ.

12.10 **Issue (iv)** – The Objector argues that land at Marsh Farm and Raven Meols Farm, to the south of Formby, is surrounded on three sides by existing residential development; consequently, that its CPZ designation is inappropriate and that the land should instead be re-designated as housing land. The land also lies within the Green Belt and similar arguments are made in respect of that designation, which I consider in Chapter 10 of my report.

12.11 I saw that a significant part of the site falls within the ‘dune backlands’ landscape type, which is one of three landscape types found within the Sefton coast. The eastern boundary of the site is contiguous with the Southport-Liverpool rail line, which forms a key landward boundary to the CPZ. In my opinion, the site is appropriately designated as being within the CPZ. I do not support the objection, or consequently, the removal of the designation from this land.

RECOMMENDATION

12.12 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy CPZ4

Coastal Park

Objection to First Deposit Draft

CPZ4/0089/0333

Formby Hall Golf & Country Club

Key Issue

Whether there should be a coincidental boundary for the CPZ and the Coastal Park, which should generally follow the line of the Liverpool-Southport Railway Line to the north of Formby.

Inspector’s Reasoning and Conclusions

12.13 Paragraph 12.2 of the Plan advises that the seaward boundary of the CPZ is defined by the Mean Low Water Mark or by the Council ownership, whichever is the greater distance offshore. The landward boundary is defined by a combination of coastal landscape features, coast-related land uses and physical barriers such as the Southport-Liverpool rail line and the A565. As I describe in paragraph 12.7 of my report, a re-assessment of the CPZ has resulted in its landward boundary being drawn back to the west of the A565 in the vicinity of the Formby Golf Club.

12.14 However, the Coastal Park serves different functions to the CPZ. Its key purpose is to define the area along the coast which is valuable for recreation. Thus, I do not consider that there is any necessity for the landward boundaries of these two designated areas to be contiguous.

12.15 Woodvale Airfield was included within the Coastal Park in the FDD, as at that time there was uncertainty over its future use. But following re-assessment of its potential recreational use it was decided, by the Council, that the Airfield has little informal recreational value and its Coastal Park designation

was removed from the Proposals Map by PC reference PC 12.5 and from Figure 12.1 by PC 12.6.

RECOMMENDATION

12.16 I RECOMMEND no modification to the UDP in response to this objection.

CHAPTER 13 - URBAN GREENSPACES AND RECREATION

General

Objections to First Deposit Draft

GenCh13/0009/0086
NP/0039/0146
NP/0039/0147

The Countryside Agency – CW
Capricorn Group PLC
Capricorn Group PLC

Key Issues

- (i) Whether the UDP should provide appropriate policy direction to explain how national planning policy guidance will be implemented at the local level.
- (ii) Whether it would be appropriate to incorporate policies GBC9-11 into the Chapter 13 and to re-title it 'Leisure and Greenspace'.
- (iii) Whether Chapter 13 of the UDP should highlight the link between urban and rural areas.
- (iv) Whether the UDP should be more proactive in the encouragement of new facilities for sport and recreation, where there is a proven need.
- (v) Whether the UDP should include a policy for golf courses and related development.

Inspector's Reasoning and Conclusions

- 13.1 **Issue (i)** – The Objector argues that paragraph 25 of PPG17 indicates that the countryside around towns provides a valuable resource and that local authorities should encourage provision of sports and recreational facilities in the urban fringe areas.
- 13.2 However, the Core Strategy policies and those contained in Chapter 13 of the UDP, direct sports and recreational facilities mainly to the urban areas, in accessible locations that are well served by sustainable modes of transport, including public transport. In line with PPG6, it stresses that built facilities that would attract large numbers of people should be located in town centres.
- 13.3 In my opinion, this policy stance reflects the key regeneration objectives of the Plan, which are supported by national planning policy. I consider that the policy framework set out in Chapter 5 – Economic Development and Tourism, Chapter 10 – Green Belt and Countryside and in Chapter 13 - Urban Greenspace and Recreation, when read together, provide appropriate policy direction to explain how national planning policy guidance will be implemented at the local level. I do not consider that modification to the Plan is necessary in response to this objection by Capricorn Group PLC.
- 13.4 **Issue (ii)** - At the FDD stage of the Plan, Chapter 13 was titled 'Urban Greenspace'. But partly in response to this objection by the Countryside Agency it was re-titled 'Urban Greenspace and Recreation' by PC reference PC 13.1. The word 'recreation' was used rather than the word 'leisure', as suggested by the Objector, because in planning terms, 'leisure' includes built facilities, such as for bingo and cinemas etc, which are subject to different policies, rather than to sports facilities.
- 13.5 As a result of PC reference PC 13.2, policies GBC9-11 were moved from Chapter 10 – Green Belt and Countryside of the UDP to Chapter 13, and they were renumbered G7 – G9 respectively. I consider that these changes meet

the objection of the Countryside Agency, which has subsequently been conditionally withdrawn.

- 13.6 **Issue (iii)** – In order to highlight the links between the urban and rural areas, PC reference PC 13.7 added a new paragraph 13.1F, which makes reference to the recreational benefits of Sefton’s countryside and to footpaths and cycle routes that make the physical connections between the urban and rural areas. The Countryside Agency conditionally withdrew its objection on the basis of this change.
- 13.7 **Issue (iv)** – I do not support the criticism of the Capricorn Group PLC that the UDP does not specifically encourage the provision of any other sport and recreation in the countryside, apart from equestrian development and hence, that it is not pro-active in the encouragement of new facilities for sport and recreation in the Borough. In my opinion, the Plan provides a comprehensive suite of policies that seek to encourage a range of sport and recreational facilities. I do not consider that amendment to the UDP is required in this regard.
- 13.8 **Issue (v)** – The definitions included in the Annex to PPG17 include golf courses as an example of an outdoor sports facility. The Objector considers that this gives support to their opinion that the UDP should contain a policy specifically for golf courses and related development. However, the importance of golf to tourism in Sefton is referred to in paragraphs 5.6A – 5.6C of the RDD. Paragraph 5.6C recognises the need to promote tourism sectors, including golf, provided that such development is compatible with the Green Belt status of the Borough’s rural areas and it recognises the special character and nature conservation value of many of the undeveloped parts of the coastal area. I consider that these references to golf in the UDP are sufficient.
- 13.9 In my opinion, the reference to golf in paragraph 2iv of the Annex to PPG17 does not in itself, justify a golf specific policy within the UDP. I consider that such a policy would be inappropriate, because it could promote development that may conflict with the Green Belt designation of the rural areas, where new golf courses would be likely to be located, and with the other landscape and nature conservation designations, which also refer to many parts of the rural areas in Sefton. For these reasons, I do not support the objection.

RECOMMENDATION

- 13.10 I **RECOMMEND no modification** to the UDP in response to these objections.

Figure 13.1

Urban Greenspace

Objection to First Deposit Draft

Fg13.1/0009/0087

The Countryside Agency – CW

Key Issue

Whether Figure 13.1 of the UDP, which sets out the benefits of Urban Greenspace, should include references to green corridors and accessibility to the countryside.

Inspector's Reasoning and Conclusions

13.11 In response to this objection two references to green corridors and accessibility to the countryside were added to Figure 13.1 by PC reference PC 13.11. The objection has been conditionally withdrawn on this basis.

RECOMMENDATION

13.12 I **RECOMMEND no modification to the UDP in response to this objection.**

Policy G1

Protection of Urban Greenspace (objections to policy wording)

Objections to First Deposit Draft

G1/0041/0152	Hollybrook Farm
G1/0062/0223	Liverpool Ramblers AFC
G1/0065/0233	Environmental Reclamation & Landscaping
G1/0095/0412	Government Office North West – CW

Objections to Revised Deposit Draft

G1/0039/0652	Capricorn group PLC
G1/0114/0640	Core Management & Consultancy
G1/0064/0798	Westbury Homes Ltd NW Region & Nugent Care
G1/0106/0643	Gribble
G1/0106/0644	Gribble

Key Issues

- (i) Whether policy G1 is set within the context of a robust and up-to date assessment of existing open space, and sports and recreation buildings.
- (ii) Whether policy G1 is too restrictive and should be amended to allow development to take place where its overall benefit would be greater than retaining the greenspace in its existing form.
- (iii) Whether the policy is too onerous concerning its requirements for the compensatory replacement of urban greenspace that is lost as a result of development permitted as an exception to policy G1.
- (iv) Whether part 1 (vi) of policy G1, which cross-references the policy to policies H1 and H3 of the RDD is unjustified and should be deleted.
- (v) Whether part 1 (vi) of policy G1 should be deleted or amended to ensure that sites designated as urban greenspace, but which do not contribute any of the benefits set out in Figure 13.1, are not sterilised.
- (vi) Whether part 2A of policy G1 aids the application and implementation of the policy, and if not, whether it should be deleted.
- (vii) Whether the emphasis of parts 2A (i) and (ii) of policy G1 should be amended.

Inspector's Reasoning and Conclusions

- 13.13 **Issue (i)** – Paragraphs 1-5 of PPG17 refer to the need for thorough assessments and audits of need and provision for open space, sport and recreation. GONW is concerned that these may not have been carried out by the Council and so, policy G1 lacks context.
- 13.14 In response to this objection, PC reference PC 13.8 added a new sub-heading and new paragraphs 13.1G and 13.1H, which explain that the Council is in the process of carrying out an Open Space and Recreation Study. The Council anticipates that this will be completed in 2004. Paragraph 13.1H of the UDP acknowledges that the findings of the Study may have implications for planning policy, which will be addressed through an alteration to the Plan. The objection was conditionally withdrawn on the basis of this change.
- 13.15 In the interests of the transparency of the Plan and effective planning for open space and recreation in Sefton, I urge the Council to complete and act upon the findings of its Open Space and Recreation Study as a matter of high priority, as part of an early review in the preparation of its next LDD.
- 13.16 **Issue (ii)** – Strategic policy CS2 seeks to protect environmental assets by restraining development that would cause significant harm. Urban greenspace is specified in that policy as being an environmental asset. Building on this Part 1 policy, policy G1 sets out five special circumstances of development affecting urban greenspace that may, nevertheless be allowed, provided that the criteria of policy G1 are met. I consider that the exceptions permitted by the policy are generally appropriate, in order to protect this finite resource. For this reason, I do not support the objection that the policy is too restrictive.
- 13.17 I recognise that very occasionally there may be a proposal for development, which has benefits that outweigh the value of retaining the site as an urban greenspace, but it would be for the Council, in the first instance, to consider a planning application for such a proposal on its own merits. In my opinion, the material considerations of the example cited by the Objector would not be sufficient to justify a departure from policy G1.
- 13.18 **Issue (iii)** - Liverpool Ramblers AFC contend that policy G1 is too specific in its requirements for replacement urban greenspace, in that it restricts relocation to the urban area. They point out that PPG17 recognises the value of recreational development located in the urban fringe. However, the PPG also makes several references to the importance of providing recreation facilities and open space within urban areas.
- 13.19 The urban greenspaces designated on the Proposals Map have a value as an environmental and/or social asset to the local community. Therefore, I consider that it is essential that replacement greenspace should be at least as valuable and accessible, including in terms of proximity, to the people that the original greenspace served. In the vast majority of cases, this will be in the urban area, since generally urban fringe locations are less accessible, especially by public transport.
- 13.20 However, it is my interpretation that policy G1, as amended and as proposed to be further revised, would not always preclude replacement provision at urban fringe locations. As a result of PC reference PC 13.13, the first requirement of special circumstance (iv) listed in part 1 of the policy now requires that an equivalent area of new urban greenspace can be provided

elsewhere within the locality; not within the urban area as stated in the FDD. It is proposed to further amend this special circumstance by NAC reference NAC/13/02, so that it would state; *where an equivalent area of new greenspace can be provided which has greater greenspace benefits and is more convenient and publicly accessible than that being lost*. In addition, a new paragraph 13.8AC is intended by NAC reference NAC/13/02 and is proposed to be further amended by NAC/13/A to add further explanation of these requirements.

- 13.21 Thus in theory, the amended policy would not preclude urban fringe greenspace replacements, but in practise, I consider that it is unlikely that many sites would meet the accessibility requirements for replacement urban greenspace.
- 13.22 Other Objectors consider that the area of replacement greenspace to be provided should be balanced against the quality of the resultant space created and its benefits to the community. However, policy G1 does not require all development permitted to meet criterion (iv). It only applies to development falling within part 1 (iii) b, which refers to built recreational development or community facilities.
- 13.23 Since urban greenspace is a valuable finite resource, I consider that it is appropriate that both its quantitative and qualitative provision is retained. In my opinion, all of the elements of the revised criterion are entirely appropriate and consistent with the guidance of PPG17. Thus, I do not support these objections that the policy is too onerous concerning its requirements for the compensatory replacement of urban greenspace.
- 13.24 **Issues (iv) and (v)** – Several Objectors are concerned that part (vi) of policy G1, which was inserted by PC reference PC 13.14, and which refers residential development on urban greenspaces back to policies H1 and H3, is unnecessary and possibly prejudicial to the provision of affordable or special needs housing. Also, that it could result in the sterilisation of sites designated as greenspace, but which do not contribute any of the benefits set out in Figure 13.1 of the UDP.
- 13.25 The Council has proposed, as NAC reference NAC/13/02, to re-number part (vi) of policy G1 as 1A, so that residential development on urban greenspace forms a separate section to the policy. I consider that this adds clarity to the policy and I support the change. However, I do not support objections that seek the deletion of, or amendment to this part of the policy, because in my opinion, it is entirely consistent with policies H1 and H3, and it usefully serves to reinforce the principles that will be applied to the provision of all new housing in Sefton during the Plan period.
- 13.26 I see no justification for treating windfall sites arising from urban greenspaces any less stringently than other brownfield land in the urban areas. I have considered in detail, in Chapter 6 of my report, objections to the provision of housing land supply generally, including concerns that it could lead to a distortion of the housing market. I have not made any recommendations in that Chapter that would have a significant impact on the either the housing land supply or the Council's proposals for its provision. I consider that it is both unnecessary and inappropriate to make any recommendations concerning these matters in the context of policy G1.

13.27 The Council considers that all sites designated as urban greenspaces have been found to provide one or more of the benefits set out in Figure 13.1. This will be confirmed by the study that it is currently carrying out. As stated in paragraph 13.1H of the UDP, the implications of the findings of the Council's Open Space and Recreation Study will be addressed in a future alteration to the Plan. I have urged that this matter is treated as a priority by the Council. I have also considered several specific sites where their designation as urban greenspace is challenged, later in this section of my report. Therefore, I consider that appropriate procedures are in hand that will ensure that policy G1 will not result in sites being inappropriately designated and sterilised for suitable, alternative use.

13.28 **Issues (vi) and (vii)** – Part 2A was added to policy G1 by PC reference PC 13.15. Further amendment to it is proposed by NAC reference NAC/13/02. As a result of this NAC, part 2A of the policy would state: *for development which complies with section (part) 1 above, it must be demonstrated that: the need for the development outweighs the need to retain the urban greenspace; the benefits provided by the urban greenspace will be protected and enhanced.*

13.29 I consider that this part of the policy clarifies the principles that will be applied to the consideration of proposals that fall within the types of development that may be exceptionally permitted by the policy, in order to safeguard the overall benefits that greenspace provides. I do not agree that it is superfluous to the policy.

13.30 Nor do I agree with Mr Gribble that the onus of this part of the policy should be changed in favour of development. I consider that the suggested change would be contrary to the restrictive stance of the policy towards development on sites designated as urban greenspaces, in recognition of their importance as an environmental and social asset.

RECOMMENDATIONS

13.31 (a) **I RECOMMEND that the UDP be modified by amending policy G1 and its associated explanatory text in accordance with NAC/13/02, as further revised by NAC/13/A.**

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy G1 Explanation

Objections to Revised Deposit Draft

13.10B/0039/0653
13.1-13.1H/Fig13.1
/0106/0642
G1/0099/0486
G1/0024/0098

Capricorn Group PLC
Gribble
Geoff Clark & Associates
Hugh Baird College

Key Issues

- (i) Whether the definition of urban greenspace given in paragraph 13.1A, in conjunction with Figure 13.1, is too wide and whether, as a

- consequence, it could give rise to arbitrary and inconsistent designation of land.
- (ii) Whether paragraph 13.10B adds to the explanation for and the application of policy G1.
 - (iii) Whether the reference to 'community' facilities in policy G1 applies to the provision of educational facilities as exceptions to the general presumption against development on urban greenspace.

Inspector's Reasoning and Conclusions

- 13.32 **Issue (i)** – Paragraph 1 of the Annex to PPG17 makes it clear that the definition of open space includes all open spaces of public value, including areas of water, which offer important opportunities for sport and recreation, and which also act as a visual amenity. Paragraph 2 of the Annex illustrates the broad range of open spaces that may be of public value and its paragraph 3 comments on the broad range of functions of open space.
- 13.33 It is my opinion that the benefits of urban greenspace set out in Figure 13.1 of the UDP broadly correspond to the functions of open space referred to in paragraph 3 of the Annex to PPG17. Therefore, I consider that it is generally appropriate that land capable of significantly contributing any of those benefits should be considered suitable for designation as urban greenspace, provided that the site has an area in excess of 0.05 hectare.
- 13.34 In my opinion, the qualification that the benefit(s) of the urban greenspace should be significant is important, because as Mr Gribble points out, it could be argued that almost every piece of open land could contribute at least one of the listed benefits. I consider that this is a matter that should be kept in mind by the Council in its analysis of the findings of its Open Space and Recreation Study that is due for completion in 2004, and in its subsequent review of the UDP. In my view, a quantitative assessment should also be applied to the findings, because it seems to me that in some areas of the Borough there is an over-provision of open space when judged against the Council's standards. Such surplus sites could be possibly re-designated as Primarily Residential Area and thus contribute to Sefton's housing land supply towards the latter end of the Plan period, when there is likely to be a slight shortfall in required provision for housing land.
- 13.35 I also partly share the opinion of Mr Gribble that the designation of urban greenspaces could appear to lack transparency and consistency. But from the evidence before me at this Inquiry, I am satisfied that site designations have not been made arbitrarily. I am also satisfied by the evidence of the Council that the transparency of future reviews of greenspace designations will be greatly assisted by the Open Space and Recreation Study which is currently being carried out, especially if its findings are also used to compare quantitative and qualitative needs against provision.
- 13.36 I conclude that any aspects of potential under- or over-provision, on a very local basis, should then be addressed in the early progression of a future LDD. This would ensure that mitigation for under-provision could be planned for and any areas of over-provision could be released to ensure that the best and most economic use is made of that land.
- 13.37 **Issue (ii)** – Paragraph 13.10B of the UDP duplicates the principles set out in part 2A of policy G1 and in my opinion it is unnecessary. The Council also

hold this view and they intend, through PIC reference 1/PIC/13/01, to delete the paragraph. I consider, therefore, that this objection will be addressed by that change.

- 13.38 **Issue (iii)** – Hugh Baird College query if the reference to ‘community’ facilities in policy G1 applies to the provision of educational facilities. It considers that provision of these facilities should be a specified exception to the general presumption of the policy against development on urban greenspace.
- 13.39 Clarification on this matter is intended by NAC reference NAC/13/02, which would amend part 1 (iii) of policy G1 as follows: development of built recreational facilities or *community facilities for which there is a recreational need* and where no alternative sites are available... When this part of the policy is read as a whole, I consider that it is clear that the facilities referred to are those used for recreational purposes. Therefore, some educational facilities may fall within this category, for example, a new hall for sport and recreation which would be available for out-of-hours use by the local community. But new educational facilities which would have no significant recreational element would not fall within the specified exception. I consider that this change partly addresses this objection.
- 13.40 In addition, part 1 (ii) of policy G1 allows *minor development directly related to the existing use of the site* and paragraph 13.8A of the UDP clarifies that this *includes extensions to schools and hospitals...*, and that *such development may be allowed if the scale of the proposal is small compared to the scale of any existing buildings and other hard surfaces on the site. The potential extent of built up area in relation to open area will also be considered.*
- 13.41 In my opinion, this provision would allow quite sizeable extensions to existing schools that would generally be sufficient to accommodate the expansion needs of educational establishments occupying urban greenspaces. However, I consider that proposals to provide new schools or other educational facilities on urban greenspaces should be considered on their own merits, in the light of all relevant policies of the UDP, including policy CS2-Restraint on Development and Protection of Environmental Assets. I conclude that further exceptions to the policy in respect of educational facilities are neither necessary nor appropriate.

RECOMMENDATIONS

- 13.42 (a) I RECOMMEND that the UDP **be modified by deleting** paragraph 13.10B in accordance with 1/PIC/13/01.
- (b) I RECOMMEND that the UDP **be modified by amending** part 1 (iii) of policy G1 in accordance with NAC/13/02.
- (c) I RECOMMEND that the UDP **be modified by amending** the first sentence of paragraph 13.1A by adding the words *to a significant degree*, after ‘figure 13.1’
- (d) I RECOMMEND **no further modification** to the UDP in response to these objections.
- (e) I also RECOMMEND that the Council completes and acts upon the findings of its current Open Space and Recreation Study as a matter

of high priority as part of an early review of the UDP in the preparation of its future LDD.

Policy G1

Protection of Urban Greenspace (site specific objections)

Objections to First Deposit Draft

G1/0099/0486	(see also under H3)	Geoff Clark & Associates
SP/0024/0096	(see also under H3)	Hugh Baird College
SP/0034/0126		Southport and Ormskirk Hospital NHS
SP/0062/0222	(see also under H3)	Liverpool Ramblers AFC
SP/0064/0227	(see also under H3)	Westbury Homes Ltd NW Region & Nugent Care
SP/0065/0231	(see also under H3)	Environmental Reclamation & Landscaping
SP/0079/0296	(see also under H3)	Maghull Construction Company
SP/0087/0324	(see also under H3)	Second Site Property
SP/0099/0488	(see also under H3)	Geoff Clark & Associates
SP/0106/0528	(see also under H3)	Gribble
SP/0112/0612	(see also under H3)	Parkhaven Trust
SP/0025/0099		Argyle Development
SP/0034/0128		Southport & Orskirk Hospital NHS
SP/0024/0097	(see also under H3)	Hugh Baird College
SP/0064/0228	(see also under H3)	Westbury Homes Ltd NW & Nugent Care
SP/0111/0626		Formby Civic Society – CW

Objections to Revised Deposit Draft

G1/0119/0709	(see also under H3)	Carrwood Homes PLC
G1/0061/0766		Nugent Care Society
G1/0130/0806		West Lancashire Yacht Club
G1/0041/0820		Hollybrook Farm

Introduction

13.43 These objections collectively raise five main issues, which I set out below. In this part of my report, I consider firstly, key issues (i) and (ii), then I discuss the justification for designating each of the urban greenspaces that are the subject of an objection on an individual basis. I have dealt with key issues (iv)-(v) in Chapter 6 of my report, to which reference should be made, where applicable to the individual objection. I make no further comments on these issues in this Chapter of my report. Where particular objections raise specific key issues, I refer to them under the appropriate reference.

Key Issues

- (i) Whether the urban greenspace policy, as set out in the UDP, is justified and robust.
- (ii) The implications of re-designating the objection sites as Primarily Residential Area.
- (iii) Whether designation of the objection site as urban greenspace is justified.
- (iv) Whether there is a need for more housing land in Sefton.
- (v) Whether the objection site is suitable for housing development and should be so designated.

Inspector's Reasoning and Conclusions

- 13.44 **Issue (i)** - Urban greenspace sites have been designated on the Proposals Map, under policy G1, because in the Council's opinion, they provide one or more of the benefits set out in Figure 13.1 of the Plan. Consequently, they are thought to have value as environmental and social assets, as recognised by strategic policy CS2-Restraint on Development and Protection of Environmental Assets. The urban greenspace policies G1 to G4, and in particular policy G1, seek to protect the designated urban greenspace by allowing development only in the special circumstances set out in the policy.
- 13.45 The benefits of the urban greenspaces, which are set out in Figure 13.1 of the Plan, correspond to the functions of open space identified in paragraph 3 of the Annex to PPG17. They fall under the following headings:
- Trees
 - Visual Amenity
 - Quality
 - Recreation and Wellbeing
 - Wildlife and Habitat Value
 - Cultural and Community Resource
 - Strategic functions.
- 13.46 An initial survey of potential greenspace sites was carried out by the Council in 1989-1990. A partial re-survey was carried out in 2001. However, the existing database is not intended to be a static document and the Council proposes to update it as necessary. The consultants' brief for the current Open Space and Recreation Study (of which preliminary findings are expected towards the end of 2004) requires them to assess all existing greenspace and amenity space. It is anticipated that the level of information gained about each site will be more detailed than that currently recorded. Each site will be scored using consistent criteria relating to each of the benefits set out in Figure 13.1 of the Plan.
- 13.47 The Open Space and Recreation Study will be used to update the UDP and the accompanying SPG/SPD and it is intended to be used as the basis for a Recreation Strategy for Sefton, which will in turn inform other corporate strategies and an early review within the context of a future LDD. This is referred to in paragraph 13.1H of the UDP.
- 13.48 I consider that in these particular circumstances, the Council's approach of designating sites as urban greenspace on the basis of partial information is acceptable provided that, as I have previously recommended in connection with objections to the wording of policy G1, the current Open Space and Recreation Study is completed as a matter of urgency, in order that full and detailed information is available to inform an early review of the UDP.
- 13.49 In the mean time, I consider that it is inevitable that some sites may have been incorrectly designated on the basis of the partial information currently available to the Council, particularly if it accepts my opinion that sites should significantly contribute one or more of the benefits listed in Figure 13.1 in order to justify their designation.
- 13.50 **Issue (ii)** - Policy G1 states that development will only be allowed on urban greenspace if the special circumstances set out in the policy are met, in addition to its compliance with other Plan policies and requirements.

However, some Objectors consider that their sites should be re-designated as part of the Primarily Residential Area. I now consider the implications of this.

- 13.51 Policy H7, which I have recommended be amended by PIC reference 1/PIC/06/30, sets out the principles relating to development in Primarily Residential Areas. The policy states that new residential development will be permitted within the Primarily Residential Areas where new housing would be consistent with the aims and objectives of the Plan.
- 13.52 Re-designation of the objection sites on the Proposals Map would not in itself change their existing character. However, proposals for housing development, or other development compatible with a residential area, would be acceptable in principle, once the current restrictions on house building have been lifted. It cannot be pre-empted that a future review of the RSS will result in a requirement for a higher annualised rate for new housing provision in Sefton, but if it did, I consider that given their accessible urban locations, it is highly likely that many of the urban greenspaces and hence their benefits, would be lost to housing development, if their urban greenspace designation were removed.
- 13.53 Consequently, I consider that in principle, the re-designation of urban greenspace sites to Primarily Residential Areas is undesirable. In my opinion, the only circumstances in which an urban greenspace should be re-designated as Primarily Residential Area is where it is concluded by the Council, taking into account my recommendations, that none of the benefits set out in Figure 13.1 exist to a significant degree in relation to a particular site, or if, in the light of the findings of the current Study, it is considered that the particular urban greenspace is surplus to requirements in the particular locality. I now consider the urban greenspace merits of each of the objection sites on the basis of the information before me and in the light of the benefits listed in Figure 13.1 of the UDP.

RECOMMENDATION

- 13.54 I **RECOMMEND no modification** to the UDP in response to these objections

Issue (iii) – Whether designation of the following objection sites as urban greenspace is justified.

Objections References: G1/0099/0486 and SP/0099/0488 – Land at Kerslake Way, Hightown.

- 13.55 The objection site is located in the north-east of the town of Hightown, which is primarily a residential settlement situated within the rural and coastal areas between Formby and Crosby. The Southport to Liverpool railway forms the eastern boundary of the site, beyond which are large detached houses set in substantial gardens. To the north and east of these dwellings the landscape is a predominantly flat and low-lying, and is associated with the coastal landscape. It is used for arable purposes. The Altcar Training Camp and its associated grounds are located to the north of the site. There is residential development to the east and west of the site. The area falls within the Coastal Planning Zone and its northern boundary forms the edge of the

Coastal Park and the route of a Strategic Path for Countryside Recreation. The Coastline in this area is also the subject of several nature conservation designations.

- 13.56 To the south of the objection site, Kerslake Way provides the main and only road access into Hightown. It crosses the railway by means of a bridge from which there are open views down and into the site, and to the rural areas beyond. I saw that an informal path which runs through the site, and which links to the Strategic Path, is well used by walkers and cyclists. In this regard, I consider that the site serves as a pleasant, green corridor that links to the coastal footpath and provides access to the nearby Training Camp. In addition to this informal recreational use, I consider that the objection site provides the following urban greenspace benefits.
- 13.57 In my opinion, the trees in the southern part of the site, adjacent to the access road provide significant visual amenity to the objection site and to the locality. They are particularly distinctive within this coastal environment. I consider that they provide a visual buffer between the railway and the residential development to the west of the site. They also soften the visual impact of the raised embankments of Kerslake Way. They are protected by a Tree Preservation Order. Other trees within the site have generally occurred through natural regeneration. Nevertheless, I consider that they enhance the rural ambience of the site and they are of value as a wildlife habitat.
- 13.58 In terms of visual amenity, I perceived that the objection site has a sense of openness, scale and place, which may be experienced whilst walking through the site and is apparent in views from Kerslake Way. Thus, the site provides visual links with the adjacent countryside, when viewed from adjacent residential areas, and from the railway platform. In my opinion, the site also provides a visual break in the urban scene at Hightown, where there are few other greenspaces.
- 13.59 Phase 1 and 2 Habitat surveys of the site have been carried out by the Council. The Phase 1 Habitat survey does not note anything of significance on the site. However, it has coastal connections and the Landscape Character Assessment, also undertaken by the Council, indicates that two Character Areas share a boundary with the site. Furthermore, the assessments show that the site is likely to be developing in terms of its value to wildlife and habitats. It provides a wildlife corridor with adjacent areas and is of benefit to the environment and to the local community. In my opinion, development of the site would result in a loss of overall area for wildlife and Dune Backland/Coastal type habitat, which has the potential for enhancement. Its associations with the coastal landscape and, therefore, its identity and sense of place, would also be lost.
- 13.60 I conclude that cumulatively, the objection site at Kerslake Way, Hightown has a number of the benefits set out in Figure 13.1 of the UDP, which merit its designation as greenspace. I also conclude that this is the appropriate means of protecting its integrity and the important environmental and social benefits which it provides. Consequently, I conclude that the site should remain as urban greenspace.

RECOMMENDATION

13.61 I **RECOMMEND no modification** to the UDP in response to these objections.

Objection Reference: SP/0025/0099 – Land at Marine Lake, Southport Seafront, Southport.

13.62 This objection relates to the area of land at Marine Drive at the north-eastern end of Marine Lake at Southport Seafront. The Objector considers that the designation of the land as urban greenspace in the FDD is not appropriate. Therefore, the deletion of the urban greenspace designation of the land is sought.

13.63 However, an area of land that includes the objection site was removed from the urban greenspace designation at the RDD stage of the UDP. Therefore, the objection site is no longer the subject of an urban greenspace designation, and in my opinion, the objection has been met. However, reference should be made to my recommendation concerning objection reference G1/0130/0806, which concerns a similar, but not identical site, where I recommend that the land be re-designated as urban greenspace.

13.64 For clarification, the objection site remains within the Southport Seafront Area, (policy EDT15 - Southport Seafront), the Coastal Planning Zone (policy CPZ1-Coastal Planning Zone), the Coastal Park (policy CPZ4 - Coastal Park) and it is designated as a Site of Local Biological Interest (policy NC1 - Site Protection). Its development potential is, therefore, limited.

RECOMMENDATION

13.65 I **RECOMMEND no modification** to the UDP in response to this objection. (However reference should be made to my recommendation given at paragraph 13.139 below)

Objection Reference: SP/0062/0222 – Land at Moor Lane, Crosby.

13.66 The objection site is situated adjacent to the A565 (T), Moor Lane, Crosby, next to Moor Park. It is close to residential areas, part of which, on the western boundary, is designated as a Conservation Area. To the north-east, the adjacent High School and surrounding grounds are designated as urban greenspace. The northern boundary of the site defines the edge of the Green Belt.

13.67 As stated by the Objector, the site is located within the urban area, but that is a fundamental characteristic of urban greenspace. Such a location should not be taken to infer that an urban greenspace designation is inappropriate. I turn now to consider the merits of the objection site, in terms of the benefits set out in Figure 13.1 of the Plan. Public access to the site is restricted, therefore, my comments are based on an overview of the site from public vantage points.

13.68 I saw that there are trees on both the south-western and north-eastern boundaries of the site. Those on the boundary with Beech Park/Beech Avenue

are generally large specimens being a mixture of native and ornamental species. There are some trees and a hedgerow on the northern boundary. I saw that this part of Crosby, particularly east of Moor Lane, is characterised by residential areas, where the presence of trees is not particularly strong. Therefore, I consider that the trees within the objection site have a positive role in improving the visual outlook of the area, particularly for people directly overlooking the site, especially from Beech Park and Beech Avenue and in views from the A565.

- 13.69 Most of the objection site is made up from the Ramblers' premises, including Ramblers Football Club. The remainder includes a small part of Holy Family High School site. Evidence provided by the Council indicates that the Rambler's site contains tennis courts and two football pitches, available for public use. The Holy Family High School part of the site also includes tennis courts and two senior pitches, which are not available for public use, but which have the potential to be brought into public use.
- 13.70 Regarding the need for sports pitches in Sefton, the 1998 Playing Pitch Demand Assessment (CD/0063) identifies that *"another 8-12 pitches would be required to accommodate existing demand..... and that the provision of 10 pitches would be a reasonable target".....* for football in the Bootle/Crosby catchment area. This assessment also found that there was a requirement for 159.72 hectares of publicly accessible sports pitch space in the Bootle/Crosby catchment, of which only 106.42 hectares of publicly-accessible pitches were provided, representing a shortfall of 53.3 hectares. Without the Ramblers part of the objection site, there would, therefore, be an even greater shortfall.
- 13.71 The Council is aware that its recreation information relies on the 1998 study, and that it only considers pitches. It does not include details of non-pitch facilities, such as tennis courts, which are also relevant in the consideration of provision/demand for formal recreational facilities. Thus, the 1998 study is not a comprehensive and robust assessment, as required by PPG17. Such a study is, however, currently underway, and this will confirm the recreation needs and provision for the area. Notwithstanding the lack of an up-to-date recreation and open space assessment, I am persuaded by the Council's evidence that the objection site is important and necessary for recreation and, therefore, that it merits designation as urban greenspace on the basis of its contribution to the recreation and well-being of those using the objection site for this purpose.
- 13.72 The trees within the site do not have Tree Preservation Order status. The Phase 1 Habitat Survey undertaken by the Council identifies the site as Amenity Grassland, with trees on its boundaries and vegetation along the line of the ditch, which encourage habitat and wildlife diversity and movement. I consider that these considerations contribute to its benefits of providing visual amenity, wildlife and habitat value, openness and a buffer at the urban fringe, together with the significant recreational value of the site. Furthermore, its recreational potential could be improved by permitting through-access and possibly by greater public usage.
- 13.73 I conclude that the urban greenspace designation of the objection site is justified and that the designation is the appropriate means of protecting its

integrity and the important environmental and social benefits which it provides.

RECOMMENDATION

13.74 I **RECOMMEND no modification to the UDP in response to this objection.**

Objections References: SP/0064/0227 and SP/0064/0228 – Land at the St Thomas Moore Centre, Birkdale.

- 13.75 The objection site at St Thomas Moore Centre has an area of around 4.1 hectares and is currently designated as urban greenspace in the 1995 adopted Unitary Development Plan. The site, which is situated on the south-eastern side of Liverpool Road, Birkdale, comprises two areas with differing characteristics, which reflect their existing land uses. However, the whole of the objection site is designated as urban greenspace, and together with the adjacent Birkdale RC Cemetery to the south, it forms a greenspace system.
- 13.76 The site is bounded, and overlooked by residential properties on all sides except from the cemetery to the west. Beyond the single row of housing which fronts Liverpool Road lie another cemetery and Birkdale High School, which are within the Green Belt. The east of the site contains numerous buildings of various styles, some are redundant and they are accessed via Liverpool Road. Outline planning permission reference N/2003/0820 was granted with all matters reserved in 2004, on this part of the objection site, for the erection of a two-storey residential home and associated accommodation comprising a pair of semi-detached, two-storey dwellinghouses, 41 residential units comprising 18 flats in 2 three storey blocks and 23 detached dwellings (12 two-storey incorporating roof accommodation and 11 three-storey) and provision of Public Open Space on the Liverpool Road frontage.
- 13.77 The western part of the site is undeveloped and has not, apparently, been used for many years. It comprises an area of rough grassland and includes a substantial numbers of trees. There is an access from Heathfield Road to this undeveloped part of the site. I assess the urban greenspace benefits of the whole site as follows, against the criteria of Figure 13.1 of the UDP.
- 13.78 The objection site contains a large number of trees with Tree Preservation Order (TPO) status. The area to the north contains scattered mature tree specimens. Those nearest Liverpool Road form a group and are set within grassed areas. I consider that they provide an attractive setting for the large scale buildings on the site. Elsewhere, mature trees, which appear to be good specimens in their own right are scattered throughout the northern area of the site. I consider that they help provide an attractive natural setting within the site. Some trees that are positioned on the boundaries of the site, particularly to rear gardens of properties along Heathfield Road, act as a visual screen to the built on part of the site.
- 13.79 The western area of the site is generally open, with some trees on the boundaries, including a belt of trees to the rear of properties along Liverpool Road. I anticipate that these would filter rear views from the properties into the open space and towards further housing areas beyond. They are also of

wildlife value, as many are native species. In addition, they also help create a visual link and continuity with the trees and green areas in the adjacent greenspace, which is a cemetery.

- 13.80 I consider that collectively, these trees provide several benefits which include; visual amenity, creating a pleasant visual setting for built development, an attractive environment for those living or working in or visiting the nursing or care homes; visual screening of the built development and visual links with the adjacent greenspace. However, I consider that most of these trees could also be retained within a well designed development and that the urban greenspace designation is not necessary to ensure their retention, particularly as many have statutory TPO protection.
- 13.81 The site is not used by the general public for recreation, but in my opinion, it has the potential for more intensive recreational use. The development, which has the benefit of outline planning permission (N/2003/0820), includes an area of public greenspace comprising 2,255 square metres, as required by policy DQ3 - Public Greenspace and Development. If this permission were implemented, the resultant area of public open space could be made available for use by the public, thus creating new generally available recreational benefits.
- 13.82 The Phase 1 Habitat survey undertaken by the Council does not list any features of value, although it comments on the presence of trees and amenity grassland. The belt of trees to the east and rear of properties along Liverpool Road has wildlife benefit, by acting as host to and allowing movement of wildlife species. In terms of its strategic function, the southern part of the site has an open character, although limited numbers of people benefit from its views and use. It also provides a physical and visual buffer to the residential development.
- 13.83 I conclude that the main greenspace benefits of the site are the presence of large trees, openness especially of the western part of the site, and its function as part of a greenspace system. However, I also conclude that these greenspace benefits would/could be retained if the outline planning permission N/2003/0820 or another sensitively designed residential development was implemented at the site, and in addition, the public recreational benefit of the site could be greatly enhanced. But in my opinion, it is unlikely that this latter benefit would arise if the site remains in its entirety, as urban greenspace.
- 13.84 Therefore, my overall conclusion in this particular case, having regards to the current and permitted uses of the site, is that the objection site would be more appropriately designated as Primarily Residential Area, in order to maximise its actual and potential environmental and social benefits.

RECOMMENDATION

- 13.85 I **RECOMMEND** that the UDP **be modified** by **removing** the urban greenspace designation from the objection site.

Objection Reference: SP/0065/0231 – Land at Harris Drive, Orrell, Bootle

- 13.86 The objection site is situated immediately south of a disused railway and includes the southern side embankment areas and adjacent allotments. At

this point the railway is in a substantial cutting. It forms part of the urban greenspace shown on the Proposals Map, which also includes the embankment area to the north of the railway. Residential properties define the southern boundary of the site and properties overlook the site from the north. There is pedestrian access adjacent to Netherton Way, otherwise access into the site is limited. Two main roads form the boundaries to the west and east, Harris Drive and Netherton Way respectively. Greenspace areas continue to the west, forming an urban greenspace system. With reference to Figure 13.1 of the Plan, I consider that the objection site contributes the following urban greenspace benefits.

- 13.87 The area of the site to the north of the railway is densely vegetated with semi-mature, generally native species. It is likely that these have been planted, although natural regeneration seems to be occurring on the southern embankment sections of the railway cutting. I saw that in this area, few large or mature trees exist. Areas of scattered regenerating native scrub, predominantly hawthorn with large stands of gorse, some willow and birch are more typical.
- 13.88 Viewing the site from the bridge on Harris Drive, the considerable scale of the objection site is apparent. It is large, open and has a natural appearance. I consider that the site adds variety to the urban scene, but lack of management gives it a somewhat neglected appearance. There are extensive views into the site from both Harris Drive and Netherton Way, and probably from nearby properties. East-west views from within the site are long and extensive, but views north and south are limited by differences in level and by vegetation, but they are generally of the wild and vegetated areas on either side of the cutting. In my opinion, the objection site has considerable visual amenity value, which derives partly from its openness and sense of scale. I consider that it is locally distinctive within its urban context and that it most probably has some wildlife and habitat value.
- 13.89 Tracks over the site indicate that the site is used for access, possibly as an informal east-west footpath link, but taking into account the considerable changes in level over the site, opportunities for more formal recreational provision may be limited. However, the allotment use on the site has recreation, well-being and health benefits.
- 13.90 Phase 1 and 2 Habitat surveys for the site have been carried out by the Council. In terms of fauna, only rabbits are noted in the survey, but given the degree of regeneration occurring, the scale of the site, the presence of a variety of habitats, including woodland, grassland and scrub, I consider that the site is likely to be important ecologically and that it is probable that it would also support a range of birdlife, other than that noted on the day/time of survey. As the site is part of a disused railway corridor, there are also benefits and opportunities for wildlife to move along it. Thus, it acts as a green corridor. In my opinion, an important benefit of the site is that it offers wildlife habitats within an otherwise urban context, which allows people to experience this type of environment. Furthermore, the use of the site as allotments gives it social and cultural importance. Consequently, I conclude that the objection site is a valuable urban greenspace, with several defined benefits, which are enhanced by its inclusion within an urban greenspace system.

- 13.91 The Objector states that if part of the site were to be allocated for housing, the development would be part of a wider package that would include the re-provision of the allotments and the creation of a park with public access. I comment on the possible housing benefits of the site in Chapter 6 of my report, where I conclude that amongst other considerations, these do not outweigh the intrinsic value of the site as an urban greenspace.
- 13.92 I conclude that the objection site fully merits its designation as an urban greenspace and that this is the appropriate means of protecting its integrity and the important benefits that it provides. Consequently, I further conclude that the site should remain designated as urban greenspace.

RECOMMENDATION

- 13.93 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0079/0296 – Land at Melling Lane, Maghull

- 13.94 The objection site lies directly east of and adjacent to the railway and station in Maghull. The majority of it is classified as a Site of Local Biological Interest (SLBI) and it forms part of an urban greenspace system, with greenspace associated with the school playing fields and railway boundaries directly to the north. Fencing prevents entry into the south of the site and from the boundary with the railway platform. The eastern boundary of the site is shared with rear gardens of residential properties. I now consider the urban greenspace benefits of the site, assessed against those given in Figure 13.1 of the UDP.
- 13.95 The site appears densely vegetated with trees, shrubs and scrub. The trees within the southern section of the site are generally native species, with some introduced species, such as Sycamore. Two trees on the northern boundary are the subject of Tree Preservation Orders (TPO), as is a row of trees directly adjacent to the residential properties. I consider that the trees and vegetation are likely to provide an effective visual and physical screen/noise buffer to the fairly busy railway line, as well as providing an attractive environmental setting, particularly for residents of Grange Park and Hurst Road. In my opinion, they preserve the 'leafy' appearance of the residential suburb and they partly offset the large areas of hard surfacing associated with the Park and Ride site adjacent to the railway station. In this way, I consider that they add variety to the urban scene.
- 13.96 Views from railway platforms towards the site are of fairly dense vegetation and visual links to the adjacent greenspace are apparent, because the trees and vegetation appear to continue as far as the bridge at Poverty Lane. Vegetation beyond Melling Lane, adjacent to the railway line continues this outlook. In my opinion, the objection site has considerable visual amenity value. But the site is not publicly accessible and thus, it does not offer recreational benefits. However, recreational use of this site would, in any case, conflict with its ecological status.
- 13.97 The draft SLBI Citation for the site and the Phase 1 and Phase 2 Habitat surveys, carried out by the Council, describe the site as being a diverse area

with a mosaic of habitats, including damp and dry neutral grasslands, marsh and wet drainage. It contains two Priority Biodiversity Action Plan habitats, sixteen recorded habitats and four locally rare species and nationally rare species. The Phase 2 Survey report indicates the presence on the site of damp alder woodland and alder and grey willow woodland, as well as other drier woodland types.

13.98 The Habitat Survey report comments on stands of semi-natural woodland to the north and east of the site and the presence of a pond and associated marginal aquatic and mire vegetation. The North Merseyside Biodiversity Action Plan (BAP) (CD/0070) notes that this wet woodland is a priority habitat in the UK BAP. The BAP also notes that wet woodlands should be conserved and enhanced, especially alder, and to a lesser extent grey willow, wet woodlands. In addition, it refers to urban grasslands, which probably relates to the neutral grassland found upon this site and ponds. Therefore, the site includes valued and protected habitats, and locally rare species. It also acts as a green corridor, particularly with sections of the adjacent urban greenspace and adjacent green areas to the south. I conclude that the wildlife and habitat value of the site is considerable. Furthermore, I have no reason to disagree with the Council's view that it merits designation as a Site of Local Biological Interest (SLBI).

13.99 I also conclude that the objection site is worthy of its designation as urban greenspace and that this is the appropriate means of protecting its integrity and the important environmental benefits that it provides. Thus, I further conclude that it should remain designated as greenspace.

RECOMMENDATION

13.100 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0087/0324 – Land at Linacre Gas Works Site, Bootle.

13.101 The objection site forms part of the Linacre Gas Works site adjacent to Litherland Road, Bootle. It is sandwiched between the Leeds-Liverpool Canal on its eastern boundary, and the remaining gasworks site, including gasholders, on its immediate western boundary. Land to the north of the greenspace area, between the canal and Litherland Road, has been developed for housing. Beyond the canal, the Hawthorne Road industrial area forms part of the Strategic Investment Area and has been included for improvements (remediation and environmental) within the Dunnings Bridge Road Masterplan (CD/0164). Some of these improvements have commenced.

13.102 The Council's records indicate that the site facilities comprised a sports ground and tennis courts, surrounding a bowling green. From the 2000 aerial photograph attached to Appendix 13 of the Council's rebuttal SMBC/125, the condition of the sports ground appears poor. The Objector's evidence indicates that more recently, contractors have excavated the area to investigate contamination of the site. The bowling-green site is also, apparently, included within the remediation works. Thus, in its present condition, I consider that the actual contribution of the objection site to greenspace benefits is slight.

- 13.103 I consider that the site's previous greenspace quality was derived from its provision of formal recreation facilities. In my opinion, its future potential contribution should be aimed at supporting the regeneration initiatives within the area, by improving the quality of the environment for those living and working within close proximity, and by enhancing the visual amenity for canal and towpath users. The reinstatement of its former facilities or other recreational facilities, which are required within the redevelopment of the larger Opportunity Site, within which the objection site is contained, would help achieve those benefits.
- 13.104 The 1998 Playing Pitch Demand Assessment (CD/0063), undertaken by the Council, shows the site as having 1 senior football pitch, not available for the public use. Regarding need, the assessment identified a shortfall of playing pitches in the Bootle and Crosby catchment area. Therefore, this site had the potential to contribute to making good the shortfall. The 1998 study also identified that *"another 8-12 pitches would be required to accommodate existing demand..... and that the provision of 10 pitches would be a reasonable target".....* for football in the Bootle/Crosby catchment area. In addition, the study found that there was a requirement for 159.72 hectares of publicly accessible sports pitch space in the Bootle/Crosby catchment area, of which only 106.42 hectares of publicly-accessible pitches were provided, thus leaving a shortfall of 53.3 hectares.
- 13.105 The Council's 1998 Playing Pitch Demand Assessment is not up-to-date and robust, in terms of the requirements of PPG17, but a new and more comprehensive study is currently being carried out by the Council. From the information before me, I consider that it is likely that it will confirm that the objection site is important and necessary for its recreational provision potential and, therefore, that it merits designation as urban greenspace.
- 13.106 I acknowledge that in order to deal with the remediation of the contamination on the site, it may be necessary to remove the existing recreational facilities. Also, that in the interests of securing a well-designed and functional redevelopment scheme on the Opportunity Site surrounding the greenspace, it may be expedient to develop the objection site for housing.
- 13.107 However, I consider that compensatory provision should be provided elsewhere within the overall Opportunity Site, over and above new greenspace required by Policy DQ3. For this reason, I generally endorse the comments given in Appendix 3 of the UDP – Opportunity Sites, for site EDT17.3/H5.3, which state that: *Compensatory greenspace, including provision of replacement playing pitch is required if current sports facilities (1.6 hectares) [are] relocated.* Paragraphs 5.108 and 6.30 of the UDP clarify that development briefs will be prepared for these sites. However, I consider that this requirement to provide compensatory greenspace should be balanced against the effect that it would have on the commercial viability of a redevelopment scheme affecting the objection site.
- 13.108 I note that the Council has stated that it has a flexible approach concerning where this compensatory greenspace is provided within the combined Opportunity and greenspace sites, depending on the proposed use and scheme. Since the over-riding commitment to regeneration of the wider area is a fundamental objective of the Plan, I consider that it is appropriate that

the normal requirement for providing compensatory greenspace within this site should be weighed against proposals for urban greenspace within the wider regeneration area and that an holistic approach should be taken. Nevertheless, I note that the 'South Sefton Housing Market Renewal: Klondyke and Canal Corridor' SPG shows much of the objection site as urban greenspace (Figure 1: Context Plan, CD/00170).

- 13.109 I conclude that the most important benefit provided by the objection site is its recreational potential, which should be enhanced as part of any future development of the site, or if the greenspace is relocated, within any future redevelopment of the whole Gas Works site. I also conclude that the potential recreational importance of the site merits its protection by policy G1. Furthermore, that its designation as urban greenspace is the most appropriate means of protecting its integrity. Thus, for these reasons, my overall conclusion is that the site should remain designated as urban greenspace.

RECOMMENDATION

- 13.110 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: G1/0041/0820 – Land at Town Lane, Southport

- 13.111 The objection site was designated as urban greenspace at the RDD stage of the Plan, in part to meet objections submitted by West Lancashire District Council (H4/0010/0048, 6.25/0010/0050 and H3.1/0010/0051). The allocation of the adjoining Town Lane housing site was also changed to a long-term housing allocation under Policy H4, to be released if required to meet post-2011 housing needs.
- 13.112 The proposed Town Lane site is situated adjacent to the Borough boundary with the West Lancashire Green Belt, which is marked by the course of Boundary Brook. Southport lies to the west. To the north and east there is existing residential development, with a proposed/part developed Strategic Employment Site to the immediate north of the objection site.
- 13.113 Currently, an overgrown hedgerow marks the boundary of the site with Birkdale Cop. Otherwise there are no trees within the site. Long views are afforded south-eastwards from Town Lane, over open and flat topography to the Green Belt areas within West Lancashire and beyond. It is a rural outlook, of which the objection site forms a part. In my opinion, it could provide important visual links with the countryside when the adjacent allocated housing site is developed.
- 13.114 In addition, I consider that the site could provide access benefits, by enabling future residents to get close to the countryside, especially if the access routes linked to those provided in the urban greenspaces adjacent to the Southport Commerce Park. Another important benefit of the objection site would be to accommodate the planting of a visual screen, to reduce the impact of future built development at the adjoining housing site, on the adjacent Green Belt countryside.

13.115 I conclude that there are sound and proper planning reasons for designating the objection site as urban greenspace. I further conclude that this is the appropriate means of protecting its future integrity and the potentially important benefits that it could provide, in association with the residential development of the Town Lane site. For these reasons, I do not support this objection, which requests the deletion of its urban greenspace designation.

RECOMMENDATION

13.116 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: G1/0061/0766- Land at Brewery Lane, Formby.

13.117 The objection site was designated as urban greenspace at the RDD stage of the Plan. Previously, it had been allocated as a housing site. The change was made after consideration of the issues raised by objection reference H3.2/0017/0509, and the re-assessment of the site by the Council, against the environmental and social benefits set out in Figure 13.1 of the Plan.

13.118 The objection site is located within a residential area, close to the urban fringe and coastal areas to the north and west of Formby. It is surrounded mainly by housing, but the buildings associated with the Nugent Care Society form part of its western boundary. Currently, access to the site is from Brewery Lane and a public footpath runs along the eastern boundary, but there is limited access to the objection site itself.

13.119 I saw that the objection site is divided into two distinct parts, with vegetation separating them. The western section is close mown grassland, but the eastern part of the site comprises un-maintained grassland and regenerating trees, shrubs and herbaceous species. The western boundary of the site adjoins an urban greenspace system. The objection site would add to that greenspace system, as shown in Figure 13.2 of the UDP. In my assessment, the objection site contributes the following benefits of urban greenspace, with reference to the categories listed in Figure 13.1 of the Plan.

13.120 An 'Area' Tree Preservation Order covers a substantial part of the site, including trees growing at most of its boundaries, and at the north-eastern part of the site. Many of the protected trees are large growing, mature species. As I have noted, some regeneration of tree species also appears to be occurring in the eastern part of the site. I consider that all of these trees provide significant visual benefits and have wildlife value. In addition, it is my opinion that they reinforce the 'leafy' appearance of the surrounding sub-urban areas, and they cumulatively add to the benefits of the adjacent urban greenspaces.

13.121 I consider that as a consequence of the location of the objection site, at the edge of a greenspace system, it is likely to act as a corridor for wildlife. The adjacent urban greenspaces have a common boundary with the Green Belt and land designated as Site of Biological or Geological Interest, Local Nature Reserve and Site of International Nature Conservation Importance. Therefore, in my opinion, this probable wildlife corridor role is important. The several mature trees on the site would also provide habitats for other plants

and animals. Other vegetation growing on the site is likely to contribute further to the overall quality of the habitat.

13.122 For these reasons, I conclude that the objection site fully merits its designation as an urban greenspace, and that this is the appropriate means of protecting its integrity and the important environmental benefits that it provides. Consequently, I do not support the objection, which seeks its re-designation as a housing site. I conclude that it should remain as urban greenspace.

RECOMMENDATION

13.123 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: G1/0119/0709 – Land at Hightown Hotel, Hightown.

13.124 The objection site was designated as urban greenspace at the RDD stage of the UDP. It was previously designated as Primarily Residential Area. The change was made after consideration by the Council, of issues raised by Hightown Parish Council, and its conclusion that the site provides several of the urban greenspace benefits set out in Figure 13.1 of the Plan.

13.125 The objection site was previously used as a bowling green connected to the Hotel. It is no longer used for this purpose, but it functions as a sitting out/garden area for hotel users and possibly for people living locally. The owner of the hotel complains that there is miss-use of the objection site by the local youths. They also consider that the site is too small to constitute an urban greenspace. However, its area is 0.262 hectare and it is, therefore, larger than the minimum size threshold criteria of 0.05 hectare, as defined in the UDP.

13.126 The objection site can be accessed from the car parking area of the hotel and from the hotel itself. Its eastern boundary is marked by a stone boundary wall adjacent to the railway line. A modern housing development is situated to the south, and an access through a wall to the west leads to a small open area adjacent to School Road. I consider that the objection site contributes the following urban greenspace benefits, when assessed against the criteria of Figure 13.1 of the Plan.

13.127 There is a number of Tree Preservation Orders (TPO) affecting trees adjacent to the site, including a group of individual and mature trees situated to the north of the former bowling green. Due to their proximity, I consider that it is probable that they would be adversely affected if the site were developed. The area west of the bowling green also contains a group of trees protected by a TPO.

13.128 I saw that this part of Hightown is characterised by many mature trees, which give the area an established and pleasant appearance. However, the objection site is amongst the first areas in the locality that has sufficient shelter from the coastal influences to enable average tree growth. Therefore, I consider that the mature trees within and adjacent to it make an important contribution to this appearance. These trees also provide habitats for wildlife. In my opinion, the open space of the bowling green also provides an important 'green lung' within the otherwise built-up area.

- 13.129 The former bowling green was apparently well-used prior to the cessation of the bowling club use in 2003, when the lease to Hightown Bowling Club was terminated. Thus, there has been formal sports and recreational use of the objection, as a bowling green, in the recent past. In my opinion, it has the potential to be re-used for this formal recreational use. Taking into consideration the guidance of paragraph 18 of PPG17, I consider this is an important consideration. I am also persuaded by the Council's evidence that its soon to be completed Recreation and Open Space Survey will demonstrate that the objection site remains potentially important for recreation purposes. Furthermore, although no longer a bowling green, I consider that the objection site has an important, informal recreational role for those sitting out and having a drink, in association with the use of the hotel/public house.
- 13.130 Also, there are only three designated urban greenspaces in Hightown and this site contained the only formal sports facility. One other urban greenspace in the area caters for play provision for the young. The other greenspace, at Kerslake Way, is a privately owned, natural type space, which is also the subject of objections that seek the removal of its urban greenspace designation (G1/0099/0486 and SP/0099/0488).
- 13.131 I conclude that the main benefits of the objection site as urban greenspace are its contribution to the character and appearance of the locality, its openness, wildlife value, its past and current recreational significance and its recreational potential. For these reasons, I conclude that the objection site merits protection under policy G1 of the UDP and that its designation as urban green space is appropriate.

RECOMMENDATION

- 13.132 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: G1/0130/0806 – Land adjacent to Marine Lake, Southport Seafront, Southport.

- 13.133 The objection site is approximately 7.88 hectares in area. It relates to land north of the Yacht Club, which was removed from the urban greenspace designation in the RDD, by PC reference PC 5.64. It is intended to re-designate part of that land as urban greenspace, in accordance with NAC reference NAC/13/03, which I support. The outstanding disagreement between the Council and the Objector, therefore, relates to the remaining 6.5 hectares of the site, which the Council considers to be a potential development site, within the designated Central Attractions Area of the 1995 adopted UDP. The Objector requests the objection site to be designated as urban greenspace, both for its intrinsic value and to safeguard the recreational interests of the Yacht Club.
- 13.134 The objection site was identified as urban greenspace in the FDD, as part of a proposal which showed a substantial increase in the area of the greenspace designation of the seafront at Southport, primarily to confirm the value of the Marine Lake as part of the seafront open space system. However, the Council contends that the objection site was included, within that designation, as a result of a drafting error, which it firstly 'corrected' by the removal of the

urban greenspace designation from the entire site and then by part reinstatement, by NAC/13/03.

- 13.135 Notwithstanding, the Council's view that the remaining part of the objection site should not be designated as urban greenspace, in order that its potential contribution to the regeneration of the Southport Seafront may be realised, it is my assessment that the objection site has the following attributes of urban greenspace when judged against the benefits listed in Figure 13.1 of the UDP.
- 13.136 It comprises low-lying, mainly dune land, situated at the northern end of Marine Lake on the Southport Seafront. It was formed by the construction of the Marine Lake and the extension of Marine Drive in the early 1960's, and it forms part of the designated Marine Lake Site of Local Biological Importance. I am informed that it has considerable wildlife and habitat value. It also forms part of a more extensive dune area, which consequentially enhances its environmental importance in this regard. I also consider that the site is visually attractive and that it provides an informal recreational amenity that enhances the character and appearance of this part of the Seafront Area and which, contrasts with its more commercially built-up parts.
- 13.137 I saw that the objection site is well used for informal recreation, for walking, picnicking and informal ball games. It seems to me, that the objection site provides a valuable grassed area, which adds to the variety of the Southport Seafront offer. As such, I consider that it is an important recreational and community resource. Cumulatively, I consider that the objection site contributes significant environmental and social benefits and that it exhibits several of the attributes listed in Figure 13.1 of the UDP. In my opinion, the site fully justifies its unintentional designation as an urban greenspace.
- 13.138 I consider that the significant value of the Marine Lake, for general sailing and competitive events, could be preserved by the sensitive design and location of the facilities that the Council envisages could be allowed at the site, in order to promote the regeneration of the Seafront Area. Furthermore, I consider that those intended low-key facilities could be permitted by policies G1 and G5, even if the entire site was designated as urban greenspace. I conclude that Sefton's environmental and social interests would be best served by designating the whole of the objection site as urban greenspace. Consequently, I support this objection.

RECOMMENDATION

- 13.139 **I RECOMMEND that the UDP be modified by designating the entire objection site as urban greenspace, including that intended to be designated as urban greenspace by NAC/13/03.**

Objections References: SP/0024/0096 and SP/0024/0097 – Land at Former Hugh Baird College Annex, Church Road, Litherland.

- 13.140 The objection site fronts the A5036 Church Road at Litherland. It is approximately rectangular in shape and around 2.5 hectares in area. Until 1998 it included a college building, which was destroyed by fire. Except for a small electrical sub-station in the south-eastern corner, the site is now open

and vacant and in no formal use. I saw that it is mainly flat and comprises scrub and grassland. A few trees of moderate quality are dotted within and around the site and informal desire lines cross it. I turn now to assess the extent to which the objection site contributes to the environmental and social benefits listed in Figure 13.1 of the UDP.

- 13.141 I consider that the few trees on the site, including those on its western boundary, make little contribution to the environmental or social quality of the area. In my opinion, further tree planting at the objection site would greatly enhance the quality of the site and the area in general. The site is overlooked by surrounding dwellings from all aspects. It, therefore, provides a visually important open and green space in an otherwise predominantly built environment. But in my opinion, the site looks poor and degraded, and it has an untended appearance that detracts from the quality of its visual amenity. So whilst it provides a 'green lung' in the urban scene and it provides an open outlook along this part of the A5036 transport corridor, I consider that overall, its appearance detracts from the regeneration proposals of the Dunnings Bridge Road Corridor and that it presents a poor image at this strategic gateway site. The Council informs that the site is of little wildlife or habitat value. From my visits to the site, I have no reason to dispute that assessment.
- 13.142 In terms of its recreation and well-being value, the objection site has previously had an important recreational value, because historically, it supported two football pitches. Currently, it appears that the site is used only for informal access and for dog walking. These are uses typical of most open urban sites, to which access is not physically prevented. I do not consider that this low-level usage should necessarily be interpreted to infer that there is a local recreational need for the site.
- 13.143 Furthermore, the formal recreational value of the site is disputed by the Objector. But in the absence of a comprehensive and robust survey provided by either party, in a form recommended by PPG17, I am unable to conclude on the future need for the recreational facility provided by the former football pitches at the site. Consequently, I base my recommendations concerning these objections on the general guidance of PPG3 and PPG17, which respectively indicate that existing and former sports pitches do not amount to previously developed land, as defined in Annex 3 to PPG3.
- 13.144 I conclude that the objection site does exhibit some of the attributes listed in Figure 13.1 of the UDP, but apart from the openness of the site and its former football pitches, they neither individually nor cumulatively make a significant contribution to the environmental or social quality of this part of Litherland. I further conclude that overall, the current state of the objection site detracts from the regeneration initiatives for Sefton Borough as a whole, and for the Dunnings Bridge Road Corridor in particular. I also conclude that its potential benefits of providing tree cover, visual amenity, provision for general recreation and well being, wildlife and habitat value and its strategic function could be significantly enhanced with appropriate management.
- 13.145 However, derived from the written and oral evidence before me, I consider that realistically, this will only be achieved as part and parcel of sensitive residential development taking place at the site. I have previously concluded in Chapter 6 of my report that the part of the site that excludes the former

playing pitches is previously developed land, and is suitable for residential development. Therefore, in this particular case, and in the absence of a robust and comprehensive study that indicates that the objection site in its entirety should be retained as urban greenspace, I conclude that the objection site would be more appropriately designated as Primarily Residential Area.

RECOMMENDATION

13.146 I RECOMMEND that the UDP be modified by removing the urban green space designation from the objection site and by re-designating it as Primarily Residential Area.

Objection Reference: SP/0112/0612 – Land at Deyes Lane, Maghull.

13.147 The objection site relates to a rectangular parcel of land managed as close mown grass, which is situated at the north-eastern corner of the Parkhaven Trust's property at Deyes Lane. The Objector disputes that the site serves an urban greenspace function, as defined in Figure 13.1 of the UDP. Its re-designation as Primarily Residential Area is sought. The Trust argues that the main attributes of the site, in terms of the trees it contains and its potential for improved provision for access could be retained and enhanced within a well designed residential scheme.

13.148 I saw that the site comprises a relatively large, open space within this mainly sub-urban area. It is clearly visible from Deyes Lane and it provides a 'green' setting for, and balances the significant scale of the Trust's residential buildings at James Page House and Kyffin Taylor House. The several large trees growing within and adjacent to the site, particularly those growing along its northern and eastern boundaries provide a sense of establishment, as well as a wildlife habitat. However, I do not consider that the vegetation on the site has been well managed in recent times. The severely pruned trees, in particular, presently detract from its appearance and at present, there is no public access to the site.

13.149 In my opinion, the objection site exhibits several of the functions of urban greenspace listed in Figure 13.1 of the UDP. These include the trees growing at the site, in respect of both their potentially attractive visual appearance and the habitats for wildlife which they provide. I also think that the site provides considerable public visual amenity, in views from Deyes Lane and from parts of the adjoining residential area. More importantly, however, I consider that it provides an important visual amenity for occupants of the adjacent care home blocks. In my opinion, this significant visual amenity of the site is likely to contribute to residents' well-being, especially if their mobility is limited. In this regard, I also consider that the site importantly contributes as a community resource, albeit limited to residents of the on-site care homes.

13.150 I acknowledge that many of these attributes could be preserved if the site were developed with a sensitively designed residential development, but in my opinion, any development of the site would detract from its openness, which I consider to be an important and significant attribute that should be preserved for the pleasure and well being of residents of Kyffin Taylor House and James Page House, regardless of the findings of the Council's ongoing

Open Space and Recreation Study. For this reason, I conclude that the objection site merits protection under policy G1 of the UDP and that its designation as urban green space is appropriate. Consequently, I do not support this objection.

RECOMMENDATION

13.151 **I RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0106/0528 – Land at Bridges Lane and Brickwall Lane, Sefton Village.

13.152 The objection site comprises two distinct, but linked sites situated in Sefton Village. It is bounded by Bridges Lane and Brickwall Lane and it adjoins the site of a moated, scheduled ancient monument. In my opinion, it forms the setting for this monument and also for St Helen's Church, which is Sefton's only Grade 1 listed building. The site is also within a Conservation Area and it is part of a Site of Local Biological Interest (SLBI).

13.153 There is no public access to the objection site and in the Objector's opinion, it has no potential for agricultural use, nor offers little visual amenity. Furthermore, he contends that there is much open space in and around Sefton Village. The Objector considers that the site's urban greenspace designation is inappropriate and that it should instead, be designated Primarily Residential Area. I have visited the site several times. On the basis of my observations and on the written and oral evidence before me, my assessment of the site against the attributes listed in Figure 13.1 of the UDP area as follows.

13.154 The objection site is bounded by mature, mainly native hedges on all of its boundaries and it contains several mature trees, including a row of lime trees that were possibly planted to form part of a wide avenue of trees of a similar age and species on the opposite side of Brickwall Lane. These trees are protected by a Tree Preservation Order. In my opinion the trees and hedges growing at the site provide a significant visual amenity in their own right and they can be seen from several public vantage points. In my opinion, they also focus views towards St Helen's Church and they contribute significantly to the setting of this listed building, the ancient monument and to the particular character and identity of Sefton Village. I do not consider that it would be possible to retain them, in their entirety, if the site were developed.

13.155 The objection site is part of a group of three urban greenspaces, which together form a greenspace system, as described in policy G3, and which are both physically and visually linked. Thus, in my opinion, the objection site forms part of an important green corridor, between the built up parts of the village to the north and south, and the rural areas to the east and west. The corridor prevents the visual coalescence of the developed areas and it preserves the rural context for the Village. Despite the enclosure of the site by hedges, which restrict views into it, I consider that the objection site functions visually as a 'village green'. Therefore, its retention has an important cultural context. In my opinion, the objection site also makes a significant contribution to the quality and character of the Conservation Area and to the settings of the listed building and scheduled ancient monument.

- 13.156 The SLBI citation for the site indicates that it has several wildlife assets, which include its trees, hedges and wetland habitats, such as reed beds, ponds and neutral grassland, which is uncommon in Merseyside. An audit for the site records one nationally important species, several locally rare plants and two UK Biodiversity Action Plan habitats. Consequently, I consider that the objection site is of considerable wildlife and habitat importance, which would inevitably be severely damaged if it were developed.
- 13.157 I agree with the Objector that the physical nature of the site makes most of it unsuitable for recreation. Indeed, such use could conflict with its wildlife value. However, I consider that the significant visual amenity of the site and the high quality environmental setting that it provides is likely to contribute towards the well being of people living in and visiting the Village.
- 13.158 With regards to its strategic function, the objection site forms part of a greenspace system and it helps to retain the form and rural context for the Village. The site is located at the centre of the Village and it performs the visual function of a village green. It also contributes significantly to the settings of a statutorily protected building and an ancient monument.
- 13.159 I conclude that the objection site significantly contributes to most of the functions listed in Figure 13.1 of the UDP. Consequently, I also conclude that it merits its designation as an urban greenspace. I further conclude that the designation is the appropriate means of safeguarding its integrity. Thus, I do not support this objection, which seeks the removal of the designation.

RECOMMENDATION

- 13.160 I **RECOMMEND no modification to the UDP in response to this objection.**

Objection Reference: SP/0111/0626 - Land at St Peter's Conservation Corner, Paradise Lane, Formby

Key Issue

Whether land at St Peter's Conservation Corner, Paradise Lane, Formby should be re-designated as Urban Greenspace.

Inspector's Reasoning and Conclusions

- 13.161 I saw that land at St Peter's Conservation Corner, Paradise Lane, Formby is an approximately square parcel of land measuring around 0.5 hectare. It is an attractive, secluded area containing mature trees and wildlife ponds. It appears to be a wildlife haven to which there is public access. I am informed that the restoration of the area has been partly funded by a Conservation Grant. In my opinion, it provides several of the benefits of Urban Greenspace, as set out in Figure 13.1 of the UDP and justifies the designation of urban greenspace.
- 13.162 The objection site was designated as falling within a Primarily Residential Area in the FDD. However, following re-consideration in response to this objection by Formby Civic Society, the site was re-designated Urban Greenspace by PC reference PC 13.16. The objection has been conditionally withdrawn on the basis of this change.

RECOMMENDATION

13.163 I RECOMMEND no modification to the UDP in response to this objection.

Objections References: SP/0034/0126 and SP/0034/0128 – Land at Southport and Formby District General Hospital.

Key Issue

Whether the objection site offers tangible urban greenspace benefits and, if not, whether it should be re-allocated as a mixed-use site comprising healthcare, employment, residential, social/community and open space uses.

Inspector's Reasoning and Conclusions

- 13.164 The objection site comprises around 4.2 hectares and is located within the curtilage of Southport and Formby District General Hospital, to the west of the hospital buildings. There are residential areas to the north and south of the site, and to the east and west there are further urban greenspaces, which together with the objection site form a greenspace system and which, further link to land in the Green Belt, within the adjacent West Lancashire Local Authority area.
- 13.165 The site is located approximately 1.5 km to the south-east of Southport town centre. It is located within a short distance of a wide range of services and facilities, including employment, medical, education, retail, open space and recreation and public transport. I have visited the site and on the basis of my observations and the written and oral evidence before me, my assessment of the greenspace attributes of the site against the criteria of Figure 13.1 is as follows.
- 13.166 There are trees and a gappy hedgerow along Town Lane (Kew) boundary of the site, which soften the appearance of the hospital complex in views from the south. There are other sporadic groups of trees adjacent to Fine Jane's Brook, but in this locality, where trees are not a traditional feature of the landscape, I do not consider that they make a significant contribution to the visual amenities of the area.
- 13.167 Views of the site from the adjacent public highways are mainly screened by earth mounding on its southern and western sides. Views directly into the site may be obtained from several residential properties and from the equipped children's play area that is situated adjacent to the north-western boundary of the objection site. But in my opinion, the appearance of the site in those views is likely to be uninspiring. Whilst the Council argues that views of the openness of the site add to the environmental quality of residents who over-look the site, my impression is that there is an ample amount of other open land in the vicinity that provide a sense of openness to the area, which are also the subject of policy designations that severely restrict their development.
- 13.168 In these circumstances, I do not consider that it is necessary to retain the objection site as a 'green lung', in order to relieve the urbanity of the adjacent residential development. Nor do I see any need to retain the site as a green, transitional area to the adjacent Countryside Recreation Area, as suggested by the Council. Sensitive siting, design and landscaping of

any new development at the site could achieve this transitional effect, if it were considered to be essential.

- 13.169 Other than the raised section in the central/southern area, the site is flat, generally open and vegetated with grassland and scrub. I accept the Objector's evidence that it may have been used as a tip. It was clearly used for dumping hospital development/waste and, as conceded by the Council (SMBC/12/1) the likely dumping point *appears exposed and unsightly*. I consider that this is a brownfield site, which makes only a neutral contribution to the visual amenities of the area.
- 13.170 I acknowledge that the potential of a site should be taken into account, and in my opinion, with positive landscape management, the objection site could be made more attractive and provide a greater contribution to recreation and well-being benefits. But from the Objector's evidence, I am convinced that this is unlikely to occur if the site, as a whole, retains an urban greenspace designation. In my opinion, a more realistic way of achieving potential visual improvements of the site would be to permit a mix of uses, which included a reduced area of urban greenspace. Conditions and/or legal agreements associated with a planning permission for such development could be required to facilitate visual improvements to the site, public access and possibly, the provision of the section of the Strategic Path for Countryside Recreation that falls within the site.
- 13.171 I appreciate that a comprehensive assessment of need and provision for recreation and open space in the area has not yet been completed, but the evidence before me suggests that there is unlikely to be a significant shortfall of such provision in this particular part of the Borough, especially for the informal facility that the site could potentially and realistically provide.
- 13.172 I have no reason to question the Council's assessment that the wildlife and habitat value of the site is limited. I also accept that the site has a strategic function, in that it provides a link with the adjacent greenspace system, but with reference to my comments above, this function could be retained and enhanced as part of a sensitive mixed-use development of the site. My overall conclusions are that the objection site, in its entirety, does not justify designation as an urban greenspace. I turn now to consider what alternative designation would be more appropriate.
- 13.173 The NHS Trust suggests that the objection site should be the subject of a new mixed-use policy that was amended at the formal inquiry session concerning the objections to state:

Approximately 6.3 hectares of land at the former Southport & Formby General Hospital is identified as a major mixed-use regeneration opportunity.

Within this site planning permission will be granted for: -

- a) Extension to existing healthcare uses.*
- b) New healthcare uses and ancillary facilities, including key worker housing.*
- c) Housing and business uses (Class B1) on surplus land.*

Any development proposals for the site should be accompanied by a Transportation Assessment. In addition, the scheme should make provision for: -

- i. The implementation of development in accordance with a detailed master plan illustrating the developable areas (not exceeding 60% of the site), the extent of building footprints and structural landscaping.*
- ii. A low density of development with areas of structural landscaping within the developable area of the site.*
- iii. Improvements to the urban greenspace system and pedestrian network.*
- iv. A comprehensive landscaping scheme, including the retention of the existing trees and mounding on the site boundaries and the enhancement of the corridor along Fine Jane's Brook.*
- v. The phased implementation of any residential development in relation to the housing needs of Southport (i.e. after 2007).*
- vi. Measures to encourage alternative modes of transport to the private car.*

The Borough Council will seek to enter into an obligation under Section 106 of the 1990 Act to secure the open space and any affordable housing provision.

- 13.174 In principle, I consider that a mixed-use policy along the lines suggested by the Objector would be appropriate for the site. I support the designations of the site shown on Plan B submitted at the inquiry session, on behalf of the Objector. The designation as shown on the plan indicates that 40% of the objection site would comprise two areas of urban greenspace, which could promote benefits listed in Figure 13.1 of the UDP. Specifically, I consider that the urban greenspace designation of these two areas, linked to the development of the remainder of the site could, through planning conditions and obligations, ensure that they provide benefits of visual amenity, public access, informal recreation, the implementation of the section of the route of the proposed Strategic Path for Countryside Recreation (policy G7), which passes through the site, and the enhancement of the urban greenspace system in the vicinity.
- 13.175 Although not required to contribute to the first five-years housing supply of the Plan, I consider that the objection site is particularly suitable for part residential development to provide key workers' accommodation, to replace that which would be lost if the site at Scarisbrick New Road, which is allocated as site H3.D by policy H3, is developed for general purpose, open market housing.
- 13.176 I am satisfied that the site would also perform well against the criteria of paragraph 31 of PPG3 and, as such, could come forward in part, as a windfall site that would contribute to the post 2010 housing land supply requirement. It would also perform well, and in my opinion better than the Town Lane housing site allocated by policy H4, when assessed against policy H3.
- 13.177 In addition, it is my opinion that part development of the site for Class B1 purposes would contribute towards the slight qualitative shortfall in the employment land supply that I have identified in Chapter 5 of my report.

Furthermore, I consider that such development at the objection site would complement, rather than detract from the Southport Commerce Park and its proposed extension.

13.178 I support this objection and I conclude that the mix of uses and proportions of the site to be designated as urban greenspace/development, as suggested by the Objector, is generally appropriate for this objection site. However, I consider that their suggested wording of a new policy for the site is unnecessarily wordy. I suggest that wording along the lines of policy H4 would be clearer.

RECOMMENDATIONS

13.179 (a) I RECOMMEND that the UDP **be modified** by **amending the Proposals Map**, in accordance with Plan B submitted as part of inquiry document reference P/0034/1, which shows a minimum of 40% of the site designated as urban greenspace. This urban greenspace should comprise two separate areas; one abutting the northern boundary of the site and the other at the western and south-western boundaries of the site. The remaining part of the site should be allocated as a mixed-use, hospital/housing/employment development area.

(b) I RECOMMEND that the UDP **be modified** by **adding** a new policy H4A – Land at Southport and Formby District General Hospital, to the UDP. The new policy should indicate that:

1. 4.2 hectares of land situated immediately to the west of the Southport & Formby District General Hospital is identified as a mixed-use and urban greenspace site, as shown on the Proposals Map.

2. Within the part of the site designated for development on the Proposals Map, which shall not exceed 60% of the site area, planning permission will be granted for:-

- a) Extension to existing healthcare uses of the hospital.*
- b) New healthcare uses and ancillary facilities, including key worker housing.*
- c) Post 2010 Housing and Business Uses (Class B1) on land surplus to the requirements of purposes falling within categories a) and b) above.*

3. Planning conditions or legal agreements will be used to ensure that the development of this site:

- (i) includes an element of affordable and special needs housing in accordance with the requirements of policy H2;*
- (ii) provides public urban greenspace including provision for the implementation of the route of the Strategic Path for Countryside Recreation that runs within the northern boundary of the site;*

(iii) incorporates a landscaped buffer zone designed to reduce the impact of the development on the adjacent countryside and residential areas.

(c) I RECOMMEND no further modification to the UDP in response to this objection.

Policy G4

Development Adjacent to the Leeds - Liverpool Canal

Objection to First Deposit Draft

G4/0098/0483

English Nature (Lancashire to Cheshire Team) -
CW

Key Issue

Whether policy G4 should reflect the importance of the Leeds - Liverpool Canal for wildlife.

Inspector's Reasoning and Conclusions

13.180 In response to this objection by English Nature, new criterion (vi) was added to policy G4, by PC reference PC 13.36. It requires development adjacent to the Leeds - Liverpool Canal to, amongst other considerations, *protect and enhance the nature conservation and recreation value of the canal or land adjoining it*. I consider that this addition to the policy meets the objection, which was conditionally withdrawn on the basis of this change.

RECOMMENDATION

13.181 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy G5

Protection of Recreational Open Space

Objections to First Deposit Draft

G5/0039/0161

Capricorn Group PLC

G5/0095/0413

Government Office North West – CW

G5/0113/0614

Sport England – CW

Objection to Revised Deposit Draft

G5/0114/0641

Core Property Management & Consultancy

Key Issues

- (i) Whether policy G5 is set within the context of a robust and up-to date assessment of existing open space, and sports and recreation buildings.
- (ii) Whether policy G5 is too restrictive regarding the protection of playing fields.
- (iii) Whether part 2 of policy G5 should be re-worded to take account of possible relocation and expansion of essential facilities for sport and recreation.

Inspector's Reasoning and Conclusions

- 13.182 **Issue (i)** – Paragraphs 1-5 of PPG17 refer to the need for thorough assessments and audits of need and provision for open space, sport and recreation. GONW is concerned that these may not have been carried by the Council and that consequently, policy G5 lacks context.
- 13.183 In response to this objection, PC reference PC 13.8 added a new sub-heading, *Open Space and Recreation Study*, and new paragraphs 13.1G and 13.1H to the explanatory text for the Chapter, which explain that the Council is in the process of carrying out an Open Space and Recreation Study. The Council anticipates that this will be completed in 2004. Paragraph 13.1H acknowledges that the findings of the Study may have implications for planning policy, which will be addressed through a future alteration to the Plan. I have previously urged in my report that the Council begin their review of this aspect of the UDP as a matter of urgency, once the study is completed. GONW conditionally withdrew its objection on the basis of this change.
- 13.184 Core Property Management & Consultancy are additionally concerned that a new standard for recreational open space provision may emerge from the Council's ongoing recreation study, which could have major implications for areas of open space in the Borough. They consider that these should be subject to public scrutiny and referred to in this emerging UDP. Furthermore, that the currently adopted standards should be referred to as 'interim standards'.
- 13.185 However, I disagree that the current standards for recreation provision in Sefton, as set out in Figure 13.3, should be referred to as being 'interim standards', because in my opinion, such reference would create undesirable uncertainty in the Plan. As I have noted above, I consider that the findings and application of the current Open Space and Recreation Study should be addressed in a future alteration of the Plan in the form of a DPD and an associated SPD. These documents would be the subject of public consultation prior to their adoption by the Council. Consequently, I consider that the objection would be partly addressed in this manner.
- 13.186 **Issues (ii) and (iii)** – Sport England is concerned that the FDD version of the policy is too restrictive and that it would, for example, prevent the provision of a new pavilion development that could enhance the recreational function of a playing field.
- 13.187 However, in response to this objection, PC reference PC 13.37, as intended to be further amended by NAC reference NAC/13/12, substantially revise part 2 of the policy. The amended policy G5 now provides exceptions to the restriction of development on recreational open space, where either the development is for ancillary facilities that would enhance the recreational function of the site, or an equivalent, and equally convenient area is provided before development begins. I consider that these changes meet this objection, which has subsequently been conditionally withdrawn.
- 13.188 Capricorn Group PLC suggest different wording for part 2 of policy G5, which they consider should be cross-referenced to their proposed new paragraph 10.15 which I consider in respect of their objection reference GBC2/0039/0141, at paragraphs 10.168 and 10.169 of my report.

13.189 However, with reference to that part of my report, I do not support objection GBC2/0039/0141. Therefore, I do not consider that the cross reference suggested by the Objector, should be made here. Furthermore, I consider that the Objector's suggested wording for part 2 of policy G5 lacks precision and that it fails to indicate the accessibility requirements of the policy, for replacement recreational and sports facilities.

RECOMMENDATIONS

13.190 (a) I RECOMMEND that the UDP be modified by amending part 2 of policy G5 in accordance with NAC/13/12.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy G5 – Explanation

Objections to Revised Deposit Draft

13.36A-13.36E/

0039/0654

13.36A/0095/0660

Capricorn Group PLC

Government Office North West – CW

Objection to Pre Inquiry Changes

13.36A/0106/0884

Gribble

Key Issues

- (i) Whether, in the absence of an urban greenspace survey undertaken by the Council, the requirement of paragraph 13.36A of the Plan is unduly onerous on developers.
- (ii) Whether paragraph 13.36A of the Plan is vague and requires further clarification.
- (iii) Whether the explanatory text given at paragraphs 13.36A to 13.36E of the UDP should be amended to confirm that the relocation of existing sports/recreational uses to sustainable locations that enable enhanced provision, is permissible.

Inspector's Reasoning and Conclusions

13.191 **Issues (i) and (ii)** – In response to GONW's objection that the insistence of paragraph 13.36A for developers to demonstrate that the recreational land which they seek to develop is surplus to requirements, is too onerous, the Council intends to amend the emphasis of the paragraph by PIC reference 1/PIC/13/03. The phrase: *...developers will need to demonstrate...* would be replaced by: *...developers may seek to demonstrate...*

13.192 In my opinion, the revised wording would closely follow that of paragraph 10 of PPG17, which gives guidance on the requirements of developers, in the absence of a robust and up-to-date assessment of open space and recreational facilities carried out by the local authority. I consider that the reworded paragraph would be unambiguous and that no further modification to it is required. However, for consistency, I recommend that

paragraph 16.26A within Chapter 16 – Design and Environmental Quality of the UDP is similarly amended in accordance with PIC reference 1/PIC/16/08 GONW has conditionally withdrawn its objection on the basis of this change.

13.193 **Issue (iii)** – The Objector considers that textual changes should be made to policy G5, to acknowledge the possibility that some areas of recreational open space may be constrained by their location within the urban area, thus providing no opportunity for expansion should current users require it. However, I disagree that further changes are required to the policy in response to this objection. Part 2 (ii) of policy G5, as proposed to be amended by NAC reference NAC/13/12, which I support, would allow for such development, provided that an equivalent and equally convenient area is provided before development begins. Paragraph 13.36E, as proposed to be expanded by NAC reference NAC/13/13 clarifies precisely what is meant by these requirements.

13.194 I do not consider that lesser replacement provision, in terms of the size, usefulness, attractiveness, quality or accessibility, should be accepted.

RECOMMENDATIONS

13.195 (a) I RECOMMEND that the UDP be modified by amending paragraph 13.36A in accordance with 1/PIC/13/03.

(b) I RECOMMEND that the UDP be modified by amending paragraph 16.26A in accordance with 1/PIC/16/08.

(c) I RECOMMEND that the UDP be modified by amending paragraph 13.36E in accordance with NAC/13/13.

(d) I RECOMMEND that the UDP be modified by amending part 2 (ii) of policy G5, in accordance with NAC reference NAC/13/12

(e) I RECOMMEND no further modification to the UDP in response to these objections.

Policy G6

Built Recreational Facilities

Objection to First Deposit Draft

NP/0113/0615

Sport England - CW

Objections to Revised Deposit Draft

G6/0075/0847

Merseytravel

13.41A/0039/0655

Capricorn Group PLC

13.41C/0075/0848

Merseytravel

Objection to Pre-Inquiry Changes

13.41A/0113/0978

Sport England

Key Issues

- (i) Whether the UDP should include a policy which seeks to protect built recreational facilities.
- (ii) Whether part 4 (ii) of policy G6 and paragraph 13.41C of the explanatory text should be amended to refer to sustainable modes of transport, including public transport.
- (iii) Whether the scope of built recreational facilities referred to in paragraph 13.41A should be clarified with regard to clubhouses and ancillary structures serving open spaces.
- (iv) Whether paragraph 13.41A is too restrictive regarding the circumstances in which the redevelopment and replacement of built recreational facilities may be permitted.

Inspector's Reasoning and Conclusions

- 13.196 **Issue (i)** – In response to an objection by Sport England that the UDP should include a policy which seeks to protect built recreational facilities, PC reference PC 13.42 added new policy G6 – Built Recreational Facilities, together with its associated explanatory text. The objection was conditionally withdrawn on the basis of this change.
- 13.197 **Issue (ii)** – It is intended to amend part 4 (ii) of policy G6 by PIC reference 1/PIC/13/04, by clarifying that the recreational facilities should be accessible by a choice of means of *travel, including by walking, cycling and public transport*. Paragraph 13.41C is proposed to be similarly amended by PIC reference 1/PIC/13/06. I support these changes, which I consider overcome these two objections by Merseytravel.
- 13.198 **Issues (iii) and (iv)** – In recognition that it is not intended by, but unclear from paragraph 13.41A, that small scale facilities such as clubhouses and small ancillary buildings or structures are not protected by policy G6, it is proposed to add a sentence to this effect by PIC reference 1/PIC/13/05. I consider that this change would aid the clarity of the paragraph. However, it is my opinion that such small scale, ancillary facilities would be adequately protected by policy G1. Therefore, it is unnecessary to protect them also by policy G6.
- 13.199 The objection from Capricorn Group PLC highlights a tension between facilities being surplus to requirements and the need for an equivalent replacement facility. To rectify this, and to aid clarity, it is proposed to amend the policy and paragraph 13.41A by NACs references NAC/13/14 and NAC/13/B. The proposed new wording would remove the requirement for a facility to be shown to be surplus to requirements, if the developer is able to provide an equivalent facility in an equally convenient location, as compensatory provision. I endorse these changes.
- 13.200 However, facilities that are in poor condition may, nevertheless, provide a valuable amenity to the local community. Therefore, I do not consider that they should be treated as an exception to policy G6, as suggested by the Objector.

RECOMMENDATIONS

- 13.201 (a) I RECOMMEND that the UDP be modified by amending policy G6 in accordance with 1/PIC/13/04, as further revised by NAC/13/14 and NAC/13/B.
- (b) I RECOMMEND that the UDP be modified by amending paragraph 13.41A in accordance with 1/PIC/13/05 and NAC/13/B.
- (c) I RECOMMEND that the UDP be modified by amending paragraph 13.41C in accordance with 1/PIC/13/06.
- (d) I RECOMMEND no further modification to the UDP in response to these objections.

Policy G7

Strategic Paths for Countryside Recreation

Objections to First Deposit Draft

G7/0039/0144
G7/0101/0511

Capricorn Group PLC
The National Trust - CW

Key Issues

- (i) Whether the explanatory text to policy G7 should promote linkages between the urban areas, Strategic Paths and Country Parks.
- (ii) Whether a larger scale inset plan should be included in the UDP to define the precise boundaries of the Country Park and its relationship to the Strategic Paths.
- (iii) Whether policy G7 should be amended to clarify that landowner consultation and agreement would be necessary before a Strategic Path could be implemented.

Inspector's Reasoning and Conclusions

- 13.202 **Issues (i) and (ii)** – Policies G7 and G8 seek respectively to enhance Strategic Paths and Countryside Recreation Areas. In order to encourage linkages between the two, and in response to this objection by Capricorn Group PLC, the Council intends to add a sentence to the end of paragraph 13.45, by NAC reference NAC/13/C. It would state: *Opportunities to enhance the linkages between the urban area, Strategic Paths and Countryside Recreation Areas will be encouraged.* I consider that this additional text is sufficient to encourage future opportunities to enhance such linkages. In my opinion, it satisfies the objection.
- 13.203 The boundaries of the Countryside Recreation Areas and the routes of the Strategic Paths are shown on the Proposals Map. In my opinion, Figure 13.4 of the UDP clearly illustrates their relationship. I do not consider that a larger scale inset map is necessary.
- 13.204 **Issue (iii)** – In response to an objection by The National Trust, PC reference PC 13.51 clarified that access to a strategic Path may be permissive only, by adding to the end of paragraph 13.48: *It should be*

noted that a Strategic Path is not necessarily a public Right of Way. Public Rights of Way are recorded on a Definitive Map held by Sefton Council. The objection was conditionally withdrawn on the basis of this change.

RECOMMENDATIONS

13.205 (a) **I RECOMMEND that the UDP be modified by amending paragraph 13.45 in accordance with NAC/13/C.**

(b) **I RECOMMEND no further modification to the UDP in response to these objections.**

Policy G8

Countryside Recreation Areas

First Deposit Draft to Objections

G8/0039/0145	Capricorn Group PLC
SP/0099/0489 (see also H3 and GBC1)	Geoff Clarke and Associates
SP/0092/582 (see also GBC1)	Mr Lenton

Objection to Revised Deposit Draft

G8/0120/0832	Deveney
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Key Issues

- (i) Whether the explanatory text to policy G8 should further promote linkages between the urban area, Strategic Paths and the Countryside Recreation Areas.
- (ii) Whether a larger scale inset plan should be included in the UDP to define the precise boundaries of the Countryside Recreation Areas and their relationship to the Strategic Paths.
- (iii) Whether land within the Rimrose Valley, situated between the Green Belt and the A5036, justifies designation as a Countryside Recreation Area under policy G8.
- (iv) Whether land at Wango Lane in Aintree satisfies statutory criteria and those of the UDP, as set out in policy G8, for the designation of a Countryside Recreation Area, and if not, whether the designation should be removed from the objection site.
- (v) Whether land off Dunnings Bridge Road, south of Dover's Brook in Maghull satisfies the criteria of the UDP, as set out in policy G8, for the designation of a Countryside Recreation Area, and if not, whether the designation should be removed from the objection site.

Inspector's Reasoning and Conclusions

13.206 **Issues (i) and (ii)** - In response to this objection, the Council proposes to add, as NAC reference NAC/13/C, a new sentence to the end of paragraph 13.45 of the RDD. It would say: *Opportunities to enhance the linkages between the urban area, Strategic Paths and Countryside Recreation Areas will be encouraged.* Policies G7 and G8 seek respectively, to enhance Strategic Paths and Countryside Recreation Areas. I consider that together with the proposed new text to paragraph 13.45, sufficient policy

encouragement will given in the UDP to promoting future opportunities to enhance linkages between the urban area, Strategic Paths and the Countryside Recreation Areas. I consider that the proposed NAC meets this element of the objection.

13.207 The boundaries of the Countryside Recreation Areas and the location of Strategic Paths routes are shown on the Proposals Map. In addition, and in my opinion, Figure 13.4 clearly illustrates their relationship. I do not consider that a larger scale inset map is necessary to highlight this association.

13.208 **Issue (iii) Land at Rimrose Valley** – The objection site is situated within the Rimrose Valley, Crosby/Litherland Countryside Recreation Area. It is also designated as urban greenspace and it forms part of a Site of Local Biological Interest. It is the Objector's opinion that although the site provides access to, its character and land uses differ from the adjacent Countryside Recreation Area. Therefore, that its designation is inconsistent with paragraph 13.53 of the UDP. Furthermore, the Objector considers that the site is sufficiently protected by its designation as urban greenspace and that further designation is unnecessary, and should be deleted.

13.209 The objection site was formerly a car breakers yard situated on the edge of an industrial estate. A major part of the Countryside Recreation Area was a former landfill site that ceased operative use many years ago. Until the Council's Rimrose Valley environmental reclamation and enhancement initiative began in the mid 1990s, the area was featureless, rough grassland. The objection site was one of the first phases of the Rimrose Valley scheme to be implemented. It now comprises mown grass with tree and shrub planting along its eastern and western boundaries. A path runs along its north/south boundary, which provides access between the housing areas to the south and west and to the rest of the Rimrose Valley.

13.210 I saw that that the site contains several features, which contribute to its present character and appearance that are found elsewhere in the Countryside Recreation Area. In my opinion, any slight differences complement the diversity of the varied landscape of the Rimrose Valley. Thus, I do not support the Objector's opinion that the character of the objection site is radically and unacceptably different to the remainder of this Countryside Recreation Area.

13.211 Furthermore, I consider that the objection site provides an important gateway into the Rimrose Valley Countryside Recreation Area that is conveniently accessible to frequent public transport services. In my opinion, it is a fundamental part of the Recreation Area. I do not consider that the urban greenspace designation of the site would fully reflect this key role, nor its importance for providing convenient access to the Rimrose Valley Countryside Recreation Area.

13.212 For these reasons, I conclude that the Countryside Recreation Area designation of the objection site is fully justified and is consistent with paragraph 13.53 of the UDP. Consequently, I do not support this objection which seeks removal of the designation from the site.

13.213 **Issue (iv) Land at Wango Lane, Aintree** – The objection site was part of the former Fazakerley Sidings, which extend across the Sefton Borough

boundary into Liverpool City Council local authority area. The objection site is situated within the Green Belt and it is also designated as a Site of Local Biological Interest. The site and the adjacent areas have been the focus of many environmental improvement and informal recreation initiatives, several of which relating to the adjacent land areas in Sefton and Liverpool, have come to fruition. Until the objection site was sold in 1998, the Council was in active negotiation with the former owner, British Rail, and other interested parties, with the intention of establishing a footway or greenway through the site, as part of the Trans Pennine Trail.

- 13.214 However, the Objector argues that the objection site is a down-graded landscape, reflecting its previous use as railway sidings. It is in private ownership with no known legal public access. Nor has it benefited from any investment in recreational facilities or environmental improvements. They question if, therefore, the site meets national and local criteria for designation as a Countryside Recreation Area. In their view, the designation should be removed from the site. The Objector suggests, however, that by allowing limited development on the site, funds could be released to create enhancements appropriate to the environmental aspirations of the Council.
- 13.215 The objection site is listed and described in policy ENV39 of the 1995 adopted UDP as being an area that is protected for its function of providing informal access between the urban area and the open countryside. The protection of this function is carried forward by its designation as a Countryside Recreation Area under policy G8 of the RDD. This rationale is explained in paragraph 13.53 of the RDD, which was amended by PC reference PC 13.61, in part response to this objection.
- 13.216 Although the Council acknowledges that its desire for the site to be used for informal public recreation, and for linked environmental improvements have not been realised to date, it considers that the past environmental initiatives, which included the objection site, justify its designation.
- 13.217 I support the Council's view on this matter. In my opinion, the objection site is situated in a key location with regards to informal recreation initiatives, rights of way and Strategic Routes on adjacent land, both in Sefton and within the Liverpool City local authority area. In my opinion, despite the development aspirations for the site of the current owners, it retains the *potential* to play an important role in providing countryside access and in making provision for informal recreation, which could be realised if, for example, the ownership of the land changed again. PPG17 refers to the desirability of protecting such potential. For these reasons, I conclude that the Countryside Recreation Area designation of the objection site is appropriate and that it should be retained. Consequently, I do not support this objection.
- 13.218 **Issue (v) Land off Dunnings Bridge Road** – The objection site is situated off Dunnings Bridge Road, south of Dover's Brook in Maghull. It forms the south-eastern part of the extensive Sefton Meadows Countryside Recreation Area. It falls within the Green Belt and it is adjacent to a Strategic Path designated under policy G7 as the Trans Pennine Trail. There are several other public rights of way in the vicinity of the site. It is also designated as being within a Landscape Renewal Area, under policy GBC8

and as a Site of Local Biological Interest, but neither of these latter two designations of the site is objected to.

13.219 The Council has made considerable progress in achieving public access for informal countryside recreation on other land within the Countryside Recreation Area, with the aid of substantial input from the Forestry Commission and the Mersey Forest Authority. An extensive area of community woodland planting has been carried out on land adjacent to the objection site. The Council intends, subject to the availability of external funding, that this community woodland area be extended on land including the objection site. The Council indicates that it has also had discussions with the land owner regarding the potential of the site to be developed as a community nature area.

13.220 I have visited the site, and in my opinion, it forms a natural extension to the Countryside Recreation Area. It is virtually 'landlocked' by the existing area of community woodland, the Trans Pennine Trail Strategic Path and the built-up area to the east. I have taken into consideration the Objector's view that the site should be re-designated as employment land, but I do not consider that the need for additional employment land in Sefton is so pressing as to justify the re-allocation of this site for that purpose.

13.221 I conclude that the objection site justifies its designation as a Countryside Recreation Area and that in the interests of the proper planning of the area, this designation should be retained. Thus, I do not support this objection.

RECOMMENDATIONS

13.222 (a) I RECOMMEND that the UDP be modified by amending paragraph 13.45 in accordance with NAC/13/C.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

CHAPTER 14 - HERITAGE CONSERVATION

Policy HC2

Demolition of Listed Buildings and Demolition in Conservation Areas

Objection to First Deposit Draft

HC2/0095/0414

Government Office North West – CW

Objection to Revised Deposit Draft

HC2/0115/0649

English Heritage NW

Key Issue

Whether policy HC2 clearly reflects national planning policy guidance concerning criteria used to assess proposals to demolish buildings that make a positive contribution to the character or appearance of a conservation area.

Inspector's Reasoning and Conclusions

- 14.1 The title and content of policy HC2, together with its associated explanatory text were extensively amended by PC reference PC 14.3. It is my opinion that as a result of those changes, the policy now satisfactorily reflects the guidance set out in PPG15, including at its paragraph 4.27, which refers to the demolition of non-listed buildings in a conservation area, together with the criteria that should be used to assess such proposals, as set out in paragraphs 3.16-3.19 of the PPG. Paragraph 14.16 of the explanatory text of the UDP makes it clear that only in exceptional cases will demolition be permitted. PPG15 is listed as a background document to the policy.
- 14.2 In my opinion, the changes made by PC 14.3, together with the qualification given in the UDP at its paragraph 14.16, and its reference to PPG15, meet GONW's objection, which has been conditionally withdrawn. I see no reason to refer to the provisions of PPG15, in full, in the explanatory text of policy HC2, or to refer to particular parts of the PPG.

RECOMMENDATION

- 14.3 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy HC3

Development or Change of Use Affecting a Listed Building

Objections to First Deposit Draft

HC3/0066/0237

McCarthy & Stone Ltd

HC3/0095/0415

Government Office North West – CW

Key Issues

- (i) Whether policy HC3 should be amended to permit development or changes of use affecting a listed building, only in exceptional circumstances.
- (ii) Whether a blanket restriction on the demolition of listed buildings conforms to the guidance of PPG15.

Inspector's Reasoning and Conclusions

- 14.4 **Issue (i)** – Planning Policy Guidance Note 15: Planning and the Historic Environment states at paragraph 3.8 that *generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use.* Paragraph 3.10 of the PPG acknowledges that *not all original uses will now be viable or even necessarily appropriate* and paragraph 3.12 of PPG15 informs that *it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses.*
- 14.5 Thus, the PPG clearly does not seek to prohibit all changes affecting a listed building and it would be wrong for the UDP to do so. It is my interpretation that policy HC3 clearly reflects national guidance on these matters. I do not consider that any modification is required to the policy in this regard. Therefore, I do not support the objection of McCarthy & Stone Ltd.
- 14.6 **Issue (ii)** - Proposed change reference PC 14.3 deleted part 1 of policy HC3 which, in its FDD version, sought to impose a blanket prohibition on the demolition of listed buildings. In line with the guidance of PPG15, the strict criteria against which proposals for the demolition of listed buildings are assessed are set out in policy HC2 and at paragraph 14.13A of the UDP, both of which were also substantially amended by PC reference PC 14.3. I consider that this change meets GONW's objection, which has been conditionally withdrawn on its basis.

RECOMMENDATION

- 14.7 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy HC4

Development Affecting the Setting of a Listed Building

Objection to First Deposit Draft

HC4/0066/0236

McCarthy & Stone Ltd

Key Issue

Whether policy HC4 should be amended to permit development affecting the setting of a listed building, only in exceptional circumstances.

Inspector's Reasoning and Conclusions

- 14.8 I consider that the wording of policy HC4 and its associated explanatory text clearly and fairly reflect the statutory duty imposed on decision makers, by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to *have special regard to the desirability of preserving the building or its setting*, when considering whether or not to grant planning permission for development that would affect a listed building or its setting. I do not support this objection, which requests that the policy to be more restrictive than the statutory provisions in this regard.

RECOMMENDATION

14.9 I RECOMMEND no modification to the UDP in response to this objection.

Policy HC6

Sites and Areas of Archaeological Importance

Objection to First Deposit Draft

HC6/0095/0416

Government Office North West – CW

Key Issue

Whether the expression *presumed sites* referred to in part 2 of policy HC6 is too vague.

Inspector's Reasoning and Conclusions

14.10 At paragraph 15, PPG16 suggests that the proposals map of a development plan should identify areas where archaeological protection policies should apply. GONW suggests that this would be a clear way of informing developers where sites may be *presumed* to exist. However, PC reference PC 14.5 added paragraph 14.35a to the explanatory text of policy HC6. It advises that the Merseyside Archaeological Service will use Merseyside Sites and Monuments Records to advise on those sites, which/or may, contain archaeological remains of importance. I consider that this assistance would provide sufficient clarity to developers. Consequently, I consider that the change satisfactorily addresses the objection, which has been conditionally withdrawn.

RECOMMENDATION

14.11 I RECOMMEND no modification to the UDP in response to this objection.

CHAPTER 15 - ACCESSIBLE DEVELOPMENT

Policy AD1

Location of Development

Objections to First Deposit Draft

AD1/0075/0291
AD1/0095/0417

Merseytravel – CW
Government Office North West – CW

Objections to Revised Deposit Draft

AD1/0122/0733
AD1/0017/0774
AD1/0064/0799

IKEA Properties Investments Ltd
Optoplast Manufacturing Company Ltd
Westbury Homes Ltd NW Region & Nugent Care.
Society

Key Issues

- (i) Whether reference should be made in the explanatory text of the policies contained in Chapter 15 of the UDP to the links between global warming, rising sea levels and sustainable forms of transport.
- (ii) Whether the meaning of *preferred locations*, in the context of policy AD1, should be clarified.
- (iii) Whether the words; *higher density of development*, referred to in part 2 of policy AD1 infer that such development is of poorer quality of design, and if so, whether the phrase should be deleted.
- (iv) Whether the recommended distances given in policy AD1 for access to public transport facilities are arbitrary, inflexible, insensitive to local circumstances and inconsistent with the accessibility criteria set out in paragraph 2d of SPG - Regulating the Supply of Residential Land.

Inspector's Reasoning and Conclusions

- 15.1 **Issue (i)** – Proposed Change reference PC 15.2 added a sentence to paragraph 15.2 of the Plan, which informs that there is evidence linking global warming with a rise in sea level, and that given the low-lying coastal location of much of the Borough, Sefton has a long-term interest in promoting sustainable forms of transport. I consider that this additional text provides the reference sought to satisfy the objection, which has been conditionally withdrawn.
- 15.2 **Issues (ii) and (iii)** - Proposed Change reference PC 15.3 defined *preferred locations* more clearly by stating actual, recommended distances to the passenger rail network (400 metres) and high frequency bus service networks (200 metres), within part 1 of policy AD1. PC 15.3 also deleted reference, in the policy, to *acceptable design*, in order to negate any inference that higher density development may be of an inferior design. I consider that these amendments to the policy satisfactorily meet these objections, which have been conditionally withdrawn.
- 15.3 **Issue (iv)** - The accessibility distances stated in policy AD1 are based on data contained within the national best practise guide produced in 2000 entitled, 'Encouraging Walking'. Thus, I do not consider that they can reasonably be criticised as being arbitrary. Their use seeks to encourage a greater use of public transport than currently occurs. Taking into account that the town centres and many other locations for major development within the

Borough are located within distances of 400 metres and 200 metres respectively from high frequency rail and bus networks, I do not agree with the Objector that they are insensitive to the local context. Greater distances from the public transport networks of, for example, 800 metres and 400 metres respectively, as set out in previous and now outdated national guidelines, would cover nearly all of the built up areas in Sefton. They would not, therefore, direct development to the most accessible locations in the Borough.

- 15.4 Nor do I consider that the SPG - Regulating the Supply of Residential Land is inconsistent with the accessibility distances set by policy AD1. Once the Bootle and Southport residential capacity thresholds have been met, the SPG requires residential development to be located within 200 metres of a bus stop, with priority given to those locations which are situated within 200 metres of stops serving routes that have a 15 minute frequency bus service. For these reasons I do not support these criticisms of policy AD1.

RECOMMENDATION

- 15.5 **I RECOMMEND no modification to the UDP in response to these objections.**

Figure 15.1

Objection to First Deposit Draft

Fg15.1/0103/0558

Highways Agency – CW

Key Issue

Whether more clarity is required concerning the status of the Regional Highway network, which is referred to in Figure 15.1 of the Plan.

Inspector's Reasoning and Conclusions

- 15.6 In order to clarify the meaning of the term, *Regional Highway network*, in the context of Figure 15.1, PC reference PC 15.7 replaces the phrase by reference to the *Primary Route network*. In addition, PC reference PC 15.6 added a new paragraph 15.32A to the explanatory text of the policy. It defines the constituents of the Primary Route network as being the Trunk Road Network for which the Highways Agency is the Highways Authority. I consider that these revisions clarify the Figure and satisfy the objection, which has been conditionally withdrawn on the basis of these changes.

RECOMMENDATION

- 15.7 **I RECOMMEND no modification to the UDP in response to this objection, except for the correction of the minor typographical error in the penultimate word *route* in Figure 15.1.**

Policy AD2

Ensuring Choice of Travel

Objections to First Deposit Draft

Key Issues

- (i) Whether the levels of car and cycle provision required by policy AD2 and the associated SPG - Ensuring Choice of Travel, conflict with national guidance contained in PPG3 and PPG13.
- (ii) Whether reference should be made in policy AD2 to the provision of Park and Ride schemes, as a means of ensuring choice of travel to new development.

Inspector's Reasoning and Conclusions

15.8 **Issue (i)** - In line with PPG3, general parking standards are expressed in Appendix 6 of the UDP as maximum standards of provision. Table 4 of the SPG - Ensuring Choice of Travel refers to the minimum number of spaces that should be provided for people with limited mobility, as a proportion of the maximum number of spaces that should be provided overall. However, Table 6 of the SPG shows the minimum cycle standards required for development. National guidance aims to promote accessibility for all, and to encourage the use of modes transport other than the private car. I consider that the Council's car and cycle standards are in line with those objectives.

15.9 **Issue (ii)** - Part 1 (ii) of policy AD2 refers to the *improvement of public and private transport facilities*. In my opinion, Park and Ride facilities are such a facility. I see no need to refer to them specifically in the policy, as suggested by the Objector.

RECOMMENDATION

15.10 I **RECOMMEND no modification to the UDP in response to these objections.**

Policy AD3 - Explanation

Objection to First Deposit Draft

15.22/0103/0559

Highways Agency – CW

Key Issue

Whether reference to national policy concerning the control of development near to trunk roads should be included in the explanatory text of policy AD3.

Inspector's Reasoning and Conclusions

15.11 Paragraph 15.23A was added to the RDD, by PC reference PC 15.6. In my opinion, it adequately clarifies that any proposals for development above the thresholds outlined in Figure 15.1 of the UDP, which are likely to impact on the Trunk Road Network, should be the subject of a Transport Assessment that should be produced in consultation with the Highways Agency. In my opinion, this additional explanatory text satisfies the objection, which has been conditionally withdrawn.

RECOMMENDATION

15.12 I **RECOMMEND no modification to the UDP in response to this objection.**

Policy AD4
Green Travel Plans

Objection to First Deposit Draft

AD4/0089/0335

Formby Hall Golf & Country Club

Key Issue

Whether the term *major non-residential development* should be defined in the context of part 1 (i) of policy AD4.

Inspector's Reasoning and Conclusions

15.13 In response to this objection, the FDD title of Figure 15.1, Thresholds for Transport Assessment was amended by PC reference PC 15.7, which added the words *and Green Travel Plans* to the end of the title. In addition, the last line of the Figure has been changed to refer to development proposals which impact on the Primary Route network.

15.14 This Figure sets out the types of development and their thresholds that trigger the need for a Transport Assessment and a Green Travel Plan. Thus, when read together with Figure 15.1, I consider that the meaning of the term *major non-residential development* is sufficiently clear in the context of policy AD4.

RECOMMENDATION

15.15 I **RECOMMEND no modification** to the UDP in response to this objection.

Policy AD5
Access onto the Primary Route Network

Objection to First Deposit Draft

NP/0103/0535

Highways Agency – CW

Objection to Revised Deposit Draft

AD5/0118/0863

Bellway Homes - CW

Key Issues

- (i) Whether the UDP should include a policy that seeks to safeguard the strategic highway network, in recognition of its importance to the economy of the country.
- (ii) Whether the moratorium which policy AD5 places on access to all development from motorways and the strategic core trunk road network is too onerous.
- (iii) Whether clarification is required as to whether the moratorium referred to in key issue (ii) above also applies to the redevelopment of sites that already enjoy direct access onto such roads.

Inspector's Reasoning and Conclusions

15.16 **Issue (i)** - Policy AD5 - Access onto the Primary Route Network, together with its explanatory text were included in the RDD by PC reference PC 15.8.

The policy and its associated text provide a number of criteria, which aim to safeguard the strategic highway network, by restricting access onto it. In my opinion, this new policy satisfies the objection, which has been conditionally withdrawn as a result.

15.17 **Issues (ii) and (iii)** - It is the policy of the Highways Agency, which is responsible for the strategic core trunk road network, including motorways, to restrict direct access onto these roads, in the interests of safety. I consider that this is entirely sensible and I see no reason to indicate otherwise in the context of this policy. It is my interpretation of the policy and its explanatory text that the same restrictions apply to the redevelopment of sites that currently enjoy such access. I consider that it would be prejudicial to highway safety to allow an exception in the case of redevelopment of such sites. I note that the objection has, in any case, been conditionally withdrawn.

RECOMMENDATION

15.18 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy AD5 - Explanation

Objection to Revised Deposit Draft

15.32A/0188/0703

Bellway Homes – CW

Key Issue

Whether reference in policy AD5 to three tiers of the Primary Route network is confusing and requires clarification.

Inspector's Reasoning and Conclusions

15.19 I disagree that the sub-division of policy AD5 into three levels of restriction of access is confusing, because it is clarified by explanatory text given at paragraph 15.32A of the UDP. Nevertheless, I consider that PIC reference 1/PIC/15/01, which intends to add a final bullet point to that paragraph, and NAC reference NAC/15/A, which proposes to change the definition of the Primary Route Network to reflect recent de-trunking of parts, would improve this part of the explanation to the policy. The objection has been conditionally withdrawn on the basis of these proposed changes.

RECOMMENDATION

15.20 (a) **I RECOMMEND the UDP be modified by amending paragraph 15.32A of the explanatory text to policy AD5 in accordance with 1/PIC/15/01 and NAC/15/A.**

(b) **I RECOMMEND no further modification to the UDP in response to this objection.**

CHAPTER 16 - DESIGN AND ENVIRONMENTAL QUALITY

General

Objection to First Deposit Draft

NP/0097/0455

Environment Agency

Key Issue

Whether the UDP should include a policy, which seeks to promote means of reducing the demand for water, by making the best use of current resources.

Inspector's Reasoning and Conclusions

- 16.1 Several policies of the UDP and its associated SPGs aim to promote sustainable development generally, including the sustainable use of water. These include Core Strategy policy CS3 - Development Principles, which at the second bullet point of criterion (iii), amended by PC reference PC 3.13, states that *the design of development shall have regard to...the need for efficiency in the use of water...* The third bullet point of the policy refers to *the need to make the proposal as sustainable as practicable*.
- 16.2 Proposed NAC reference NAC/16/01, together with proposed PIC reference 1/PIC/16/01 would substantially amend policy DQ1 – Design, in order to clarify sustainable development considerations. The PIC also intends to introduce new paragraph 16.11B as explanatory text to policy DQ1. This would refer to the EcoHomes scheme and the long-term benefits of energy and water efficiency. In addition, NAC reference NAC/16/04 intends to add new paragraph 16.11C, which refers to the reduction of water usage by recycling 'grey' water. Proposed PIC reference 1/PIC/16/02 intends to introduce a policy link between policy DQ1 and EMW1 - Prudent Use of Resources and PIC reference 1/PIC/16/03 proposes to make reference to the document entitled 'EcoHomes – The Environmental Rating for Homes' information note produced by the Building Research Establishment (2003).
- 16.3 The quality of the Borough's existing water resources will be protected by policy EP2 – Pollution, and the nature conservation policies of the Plan, together with policy CPZ3 - Coastal Landscape Conservation and Management seek to ensure that water resources, which support ecological systems are not depleted.
- 16.4 Supplementary Planning Guidance Note - Design and SPG - House Extensions contain additional sustainability checklists. Both of these documents have been produced in accordance with the advice of paragraph 3.16 of PPG12 and are, therefore, material considerations of significant weight in the development control process.
- 16.5 It is my opinion that when read together, all of these policies and their supporting SPGs will encourage means of reducing the demand for water and making the best use of current water resources. I do not consider that a further policy on this matter is necessary on the basis of the proposed PIC and NAC changes that I refer to above being made to policy DQ1 and its associated explanatory text.

RECOMMENDATIONS

- 16.6 (a) I RECOMMEND that the UDP be modified by amending policy DQ1 in accordance with 1/PIC/16/01 and NAC/16/01.
- (b) I RECOMMEND that the UDP be modified by adding paragraph 16.11B in accordance with 1/PIC/16/01.
- (c) I RECOMMEND that the UDP be modified by adding paragraph 16.11C in accordance with NAC/16/04.
- (d) I RECOMMEND that the UDP be modified by adding a policy link between policy DQ1 and policy EMW1, in accordance with 1/PIC/16/02.
- (e) I RECOMMEND that the UDP be modified by adding a reference to the document entitled 'EcoHomes – The Environmental Rating for Homes' information note produced by the Building Research Establishment (2003) in accordance with 1/PIC/16/03.
- (f) I RECOMMEND no further modification to the UDP in response to this objection.

Policy DQ1

Design

Objection to First Deposit Draft

DQ1/0095/0418

Government Office North West – CW

Key Issue

Whether the first sentence of paragraph 16.7 is a statement that should be included within a policy of the UDP.

Inspector's Reasoning and Conclusions

- 16.7 The first sentence of paragraph 16.7 of the UDP informs that: *In areas of lesser quality in Sefton, development should enhance the area rather than reproduce an existing poor environment.* GONW is of the opinion that this is a policy statement and that it should be contained within a policy rather than within the explanatory text.
- 16.8 In response to this objection, and in order to bring the Plan into line with the advice of paragraph A24 of PPG12 in this regard, PC reference PC 16.3 added a new criterion (ia) to part 1 of policy DQ1, which contains the sentence that is the subject of the objection. I consider that this change meets the objection, which has been conditionally withdrawn.

RECOMMENDATION

- 16.9 I RECOMMEND no modification to the UDP in response to this objection.

Policy DQ1A

Renewable Energy in Development

Objections to Pre-Inquiry Changes

DQ1A/0122/0934

IKEA Properties Investments Ltd - CW

Key Issue

Whether policy DQ1A should be amended to allow an exception to its requirement for all proposals for major non-residential development to provide at least 10% of their predicted energy requirements from renewable sources, where this would make the proposal unviable.

Inspector's Reasoning and Conclusions

- 16.10 Policy DQ1A and its explanatory text are proposed to be added to the UDP by PIC reference 1/PIC/16/04, as to be amended by NAC/16/A, in part response to the Energy White Paper (2003), which contains more demanding targets for the production of renewable energy. Objectors support the intent of the proposed new policy, which would require all non-residential development of more than 1,000 square metres to provide at least 10% of its predicted energy needs from renewable energy sources within the site.
- 16.11 However, both IKEA Properties Investments Ltd and GONW consider that the policy should exceptionally permit a lesser provision where it can be demonstrated that compliance with the policy would make the proposal unviable. They also argue that renewable energy may be derived from off-site sources, thereby providing equal sustainability merits.
- 16.12 In response to these objections, the Council considers that it is not appropriate to amend the policy to allow provision of some of the 10% energy requirements from off-site renewable sources. Instead, it proposes NAC reference NAC/16/A, which intends amendments and additions to the explanatory text of the policy. In particular, the NAC would introduce paragraph 16.14EA, which acknowledges that there may be some cases, especially within the Urban Priority Areas, where a lesser percentage of energy production from on-site renewable sources may be acceptable, provided that criteria are met. These include demonstration; that a variety of renewable energy sources and generation methods have been assessed and priced, that achievement of 10% on-site renewable energy production would make the proposal unviable and that the overall benefits of the scheme would justify the acceptability of a lesser use of on-site renewable energy.
- 16.13 I support both the proposed policy DQ1A and the intended amendments to it, which I consider would meet these objections, both of which have been conditionally withdrawn on the basis of the proposed changes.

RECOMMENDATIONS

- 16.14 (a) **I RECOMMEND that the UDP be modified by adding new policy DQ1A and its associated text in accordance with 1/PIC/16/04, as amended by NAC/16/A.**
- (b) **I RECOMMEND no further modification to the UDP in response to these objections.**

Policy DQ2 and Explanation**Trees and Development*****Objection to First Deposit Draft***

Key Issue

Whether policy DQ2 or its explanatory text should inform how the specific benefits of the Mersey Forest will be achieved.

Inspector's Reasoning and Conclusions

16.15 The Mersey Forest Plan has 17 aims and objectives and I consider that to list them in the UDP would result in too much detail being included in the Plan, contrary to the advice of PPG12, which warns against the inclusion of unnecessary information. However, reference is made to the Mersey Forest Plan at paragraph 16.15 of the explanatory text to policy DQ2. It is also referred to as a background document to the policy. I consider that this is sufficient reference.

RECOMMENDATION

16.16 I **RECOMMEND no modification to the UDP in response to this objection.**

DQ2 - Explanation**Objection to Pre-Inquiry Changes**

16.19A/0095/0953

Government Office North West

Key Issue

Whether the application of policy DQ2 to Park and Ride schemes should be flexible, and if so, whether paragraph 16.19A of the UDP should be deleted.

Inspector's Reasoning and Conclusions

16.17 GONW interprets that the aim of policy DQ2 is to improve the tree cover in the Borough, and to improve the design and landscaping of new development. Consequently, that its requirements should apply equally to Park and Ride sites. However, paragraph 16.19A of the explanatory text to policy DQ2, which is proposed to be added by PIC reference 1/PIC/16/06, would allow a more flexible tree planting requirement for Park and Ride proposals. However, GONW considers that this approach is inconsistent and that the paragraph should not be inserted.

16.18 I consider that the aim of policy DQ2 is clearly set out in paragraph 16.15 of the UDP. It is to *protect existing trees and woodlands and to increase the number of trees in Sefton*. However, the rest of the paragraph and paragraph 16.16 refer to the main benefits of trees, which include their contribution to design and environmental quality.

16.19 In my opinion, the Council's reasons for allowing flexibility regarding the amount of tree planting for Park and Ride and schemes is logical, given that the general requirement could be particularly onerous for such schemes, as they are partly based the number of parking spaces to provided. Furthermore, since by their purpose, Park and Ride schemes aim to promote more sustainable forms of travel, I consider that a lesser tree planting provision may be justified for those proposals. For these reasons I do not support the objection.

16.20 Nevertheless, in order to improve the clarity and rationale of the paragraph, I support the intention to amend its wording and re-number it as 16.20B, in accordance with NAC reference NAC/16/B.

RECOMMENDATIONS

16.21 (a) I **RECOMMEND** that the UDP **be modified** by **adding paragraph 16.20B** to the explanatory text of policy DQ2 in accordance with NAC/16/B.

(b) I **RECOMMEND** **no further modification** to the UDP in response to this objection.

Policy DQ3 and Explanation

Public Greenspace and Development

Objections to First Deposit Draft

DQ3/0037/0139	House Builders Federation
DQ3/0058/0210	Insignia Richard Ellis
DQ3/0066/0234	McCarthy & Stone Ltd
DQ3/0091/0352	Countryside Properties
DQ3/0095/0419	Government Office North West – CW
16.29/0095/0420	Government Office North West – CW
16.34/0095/0599	Government Office North West - CW

Key Issues

- (i) Whether the threshold for the assessment of when urban greenspace provision is required is set too low, at five dwellings.
- (ii) Whether the requirements of policy DQ3, for the provision for urban greenspace in excess of the NPFA 2.4 hectares standard, is justified.
- (iii) Whether, in order to ensure that the provision of urban greenspace would not prejudice the strategic need to deliver the Atlantic Gateway Strategic Investment Area, policy DQ3 should provide the flexibility to make compensatory provision within the vicinity of such sites.
- (iv) Whether policy DQ3 should distinguish between open market and special needs housing regarding the requirement for urban green space provision.
- (v) Whether policy DQ3 should clarify what types of urban greenspace should be provided as part of development proposals.
- (vi) Whether the required standards of urban greenspace given in policy DQ3 and in its explanatory text, at paragraph 16.32, are consistent.
- (vii) Whether the requirements of policy DQ3 for the provision for urban greenspace accords with the requirements of Circular 01/97.

Inspector's Reasoning and Conclusions

16.22 **Issues (i) and (ii)** – The House Builders Federation and Countryside Properties object to the requirement of policy DQ3, as amplified in its associated SPG - Public Greenspace and Development, for the provision of 5.0 square metres of urban greenspace per dwelling for proposals comprising five or more dwellings. They argue that the threshold is too low, that it exceeds the standards of the National Playing Fields Association and that it is arbitrary and unjustified.

- 16.23 In response, the Council justifies this requirement of part 1 of policy DQ3 on the basis that every new dwelling in Sefton has the potential to create extra demand for recreation and public greenspace, and therefore, that it is reasonable to ask developers to contribute to its provision. However, as paragraph 3.30 of the Housing Topic Paper (CD/0105) indicates, over 25% of new housing sites granted planning permission over the last three years monitored (2000-2003) were for single dwellings. The average size of site over the same period was for 10.7 dwellings per site. Furthermore, that many of the larger developments were for flats. It is anticipated that this pattern will continue.
- 16.24 Thus, if a higher threshold, such as 20 dwellings, were adopted, insufficient provision for urban greenspace would result. A lower threshold, for individual houses is considered to be impractical and difficult to implement. Therefore, I consider that in the Sefton context, the level of 5 dwellings is appropriate. It is the Council's opinion that its required standard for urban greenspace provision is based on the NPFA 2.4 hectare standard, but it reflects local circumstances, to the best of its current knowledge. I have no evidence to indicate that the requirements of policy DQ3 are excessive or unjustified. Furthermore, they could be modified, by means of a revised SPD, if the ongoing Open Space and Recreation Study of the area indicates that different provision is required and justified.
- 16.25 I conclude that policy DQ3 and its associated SPG reflect a pragmatic approach to urban greenspace provision in Sefton that is supported in principle, by PPG17, which makes no reference to the NPFA standard, and which advocates provision based on local demand and need. For these reasons I do not support these objections.
- 16.26 **Issues (iii) and (iv)** - Insignia Richard Ellis are concerned that the provision of public greenspace should not prejudice the strategic need to deliver the Atlantic Gateway Strategic Investment Area. However, to address this concern, PC reference PC 16.14 has added a new paragraph 16.28A, which informs that a flexible approach to the application of policy DQ3 will be taken, where it can be demonstrated that that it would otherwise be difficult to secure regeneration. The SPG – Public Greenspace and Development has also been amended to reflect this approach.
- 16.27 I consider that this addition to the explanatory text will ensure that regeneration initiatives within the Gateway Strategic Investment Area would not be prejudiced by policy DQ3.
- 16.28 In my opinion, the objection of McCarthy and Stone Ltd, that policy DQ3 should express a distinction between open market and special needs housing, is similarly addressed by this change to the policy and to the SPG, which now informs at its paragraph 12c that: *if you can clearly show that the financial contributions we ask for are preventing us from achieving our aim of improving Sefton, and in particular providing affordable and special needs housing, we will consider your application flexibly and will not necessarily expect a full financial contribution.*
- 16.29 Consequently, I do not consider that any changes to the policy or to its explanatory text are necessary in response to these objections.

- 16.30 **Issue (v)** – GONW considers that in order to improve its clarity, policy DQ3 should specify the types of greenspace that should be provided for within development proposals. However, this information is provided in the SPG - Public Greenspace and Development, and the objection has now been conditionally withdrawn.
- 16.31 **Issue (vi)** – The first print of the FDD mistakenly showed a figure of 56 square metres per dwelling in part 1 of policy DQ3, whereas references in the explanatory text correctly showed it as being 55 square metres. This typographical error was corrected in the second print of the FDD and all subsequent versions of the Plan. The objection has now been conditionally withdrawn.
- 16.32 **Issue (vii)** – GONW and the HBF object that neither policy DQ3 nor its explanatory text given at paragraph 16.34 accords with the provisions of Circular 01/97 - Planning Obligations. The HBF argue that a small development of 5 dwellings is likely to generate only 11 extra people living within a particular locality. In its view, this is not sufficient to justify the payment for off-site greenspace provision within the locality and that consequently, part 3 of policy fails the tests of Circular 01/97, of reasonableness and relationship.
- 16.33 However, I do not support these objections. In my opinion, Annex B of the Circular clearly supports the Council's approach. Furthermore, the introduction of paragraph 16.28A by PC reference PC 16. 14 and reference to the SPG indicate that the operation of the policy is flexible, in special situations.
- 16.34 In addition, the first sentence of paragraph 16.29 has been amended by PC reference PC 16.15 to advise that *a contribution will usually be sought from developers towards* the costs of establishing and maintaining greenspace, whether within or beyond the site. In addition, Appendix 1 of the SPG informs how the contributions will be calculated on an individual basis.
- 16.35 I consider that this change and the clarification provided by the SPG, regarding the seeking of financial contributions from developers for urban greenspace, have brought the policy into line with Circular 01/97 in this regard. GONW has conditionally withdrawn its objections concerning conformity of paragraphs 16.29 and 16.34 with the Circular on the basis of this change. I conclude that no further changes are required to the policy or to its explanatory text in response to these objections.

RECOMMENDATION

- 16.36 I **RECOMMEND no modification to the UDP in response to these objections.**

Policy DQ4

Sustainable Drainage Systems

Objection to First Deposit Draft

NP/0095/0426

Government Office North West – CW

Key Issue

Whether the UDP should incorporate a detailed policy promoting the use of sustainable drainage techniques in all built and other relevant development.

Inspector's Reasoning and Conclusions

16.37 In response to this objection, a new policy DQ4 – Sustainable Drainage Systems, together with its explanatory text was introduced to the RDD by PC 16.19. Pre-Inquiry Change 1/PIC/16/09 proposes a minor change to the policy, by including leisure developments within its scope. There have been no objections to the new policy, or to its intended minor amendment. I consider that these changes meet this objection, which has been conditionally withdrawn on the basis that they will be incorporated in the Plan.

RECOMMENDATIONS

16.38 (a) **I RECOMMEND that the UDP be modified by amending policy DQ4 in accordance with 1/PIC/16/09.**

(b) **I RECOMMEND no further modification to the UDP in response to this objection.**

CHAPTER 17 - ENVIRONMENTAL PROTECTION

Policy EP1

Managing Environmental Risk

Objections to First Deposit Draft

EP1/0009/0046
EP1/0035/0169

The Countryside Agency – CW
United Utilities - CW

Key Issues

- (i) Whether policy EP1 should be revised to ensure that development results in 'no net loss' to economic, social and environmental interests and that any unavoidable losses are compensated for by 'equivalent benefits'.
- (ii) Whether the Plan should acknowledge that United Utilities has statutory powers and duties in relation to site drainage and the protection of water courses.

Inspector's Reasoning and Conclusions

- 17.1 **Issue (i)** – Proposed Change reference PC 3.2 made minor changes to paragraph 3.2 of the UDP, which clarified that the Council's planning strategy is based on the sustainable development aims and objectives set out in Chapter 1 of the Plan. In addition, PC reference PC 3.3 deleted paragraph 3.3 of the FDD and replaced it with a new paragraph 3.3A. This provides guidance on how social, environmental and economic objectives should be weighed. It also states that development should show a net gain (or at least a neutral effect), when measured against all of the aspects of economic, social and environmental capital affected. Also, that there should be no significant loss of, or harm to any identified elements of capital which are of particular significance.
- 17.2 I consider that these changes clarify how development proposals will be assessed, in order to ensure that proposals are sustainable, and to guide the management of environmental risks. I see no necessity to repeat that requirement within the specific context of policy EP1. In my opinion, the changes satisfy the thrust of the objection, which has subsequently been conditionally withdrawn by the Countryside Agency.
- 17.3 **Issue (ii)** - In response to the concern of United Utilities that the Plan should recognise their statutory powers and duties in relation to site drainage and the protection of water courses, PC reference PC 17.3 included 'United Facilities' within the list of Key Partners concerning environmental protection matters. I consider that this change meets the objection, which has been conditionally withdrawn on its basis.

RECOMMENDATION

- 17.4 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy EP2

Pollution

Objection to First Deposit Draft

EP2/0095/0421

Government Office North West – CW

Key Issues

- (i) Whether policy EP2 should specifically cover issues including air and water quality.
- (i) Whether policy EP2 adequately acknowledges the role of other pollution control regimes, and the need to ensure that these are not duplicated by policies of the UDP.

Inspector's Reasoning and Conclusions

17.5 **Issue (i)** – In response to this objection that policy EP2 was too vague, PC 17.6 changed part 1 of the policy to state that: *Development will not be permitted if it significantly affects any of the following: local air quality, and/or the quality of surface water and ground water and/or soil quality.* I consider that this change meets the objection, which as a result, has been conditionally withdrawn.

17.6 **Issue (ii)** – Proposed Change reference PC 17.4 substantially amended paragraph 17.2 of the FDD and added new paragraph 17.2A to clarify how the pollution control regimes and the planning system compliment each other. In addition, PC reference PC 17.7 has substantially changed the explanatory text to policy EP2 to explain how the various regimes that seek to control pollution, work together. I consider that these changes clarify the relationships between the various regulatory systems that aim to control pollution and satisfy the objection, which has been conditionally withdrawn.

RECOMMENDATION

17.7 **I RECOMMEND no modification to the UDP in response to this objection.**

Policy EP3

Development of Contaminated Land

Objections to First Deposit Draft

EP3/0097/0453

Environment Agency – CW

EP3/0098/0467

English Nature (Lancashire to Cheshire Team) – CW

Key Issues

- (i) Whether policy EP3 should be amended to make specific reference to the hazardous potential of landfill gas migration.
- (ii) Whether policy EP3 should be amended to include reference to the need to undertake ecological surveys of contaminated land for consideration with development proposals, in order that any potential impact on wildlife

considerations can be assessed prior to planning permission being granted.

Inspector's Reasoning and Conclusions

17.8 **Issue (i)** – In response to the objection of the Environment Agency that policy EP3 should be amended to make reference to the hazardous potential of landfill gas migration, PC reference PC 17.19 added new policy EP3A and its associated explanatory text to address this matter. I consider that these are useful additions to the Plan, which also meet the objection that has been conditionally withdrawn as a result.

17.9 **Issue (ii)** - In response to the objection of English Nature that policy EP3 should be amended to require the submission of ecological surveys as part of development proposals involving contaminated land, PC reference PC 17.14 added a new part 3b to policy EP3, which states that: *Where appropriate, ecological surveys must accompany applications that involve the development of contaminated land.* PC reference PC 17.17 added a new explanatory paragraph 17.20A, which explains that contaminated land may have nature conservation value. Hence the need for the addition to the policy. I consider that these changes satisfactorily address these matters and the objection, which has been conditionally withdrawn.

RECOMMENDATION

17.10 **I RECOMMEND no modification to the UDP in response to these objections.**

Policy EP6

Light Nuisance

Objections to First Deposit Draft

EP6/0009/0047
EP6/0089/0334

The Countryside Agency
Formby Hall Golf & Country Club

Key Issues

- (i) Whether policy EP6 should be amended to seek to control the levels of all light pollution resulting from development, and not specifically floodlighting.
- (ii) Whether part 2 of policy EP6 is too restrictive towards flood-lighting schemes in the Green Belt.

Inspector's Reasoning and Conclusions

17.11 **Issue (i)** – I support the concern of the Countryside Agency that night sky light pollution is resulting in rural areas appearing more 'urbanised', but I consider that increasing levels of sky glow is also undesirable in urban areas. Thus, I conclude that policy EP6 should be broadened to seek to minimise all forms of light pollution, not only that resulting from flood-lighting proposals.

17.12 **Issue (ii)** – Formby Golf and Country Club consider that part 2 of policy EP6 is too onerous and that it should be re-drafted to include the word *unacceptably* after the word *detract*. The Objector argues that the preclusion of floodlighting within the Green Belt does not assist in meeting the purposes

of including land within the Green Belt, as set out in paragraph 1.5 of PPG2 or in paragraph 10.2 of the UDP, since essentially the most important attribute of the Green Belt is its openness; floodlighting does not detract from this characteristic.

- 17.13 I agree with the Objector's interpretation of national and local Green Belt policy and support their view that it could be interpreted that there is a conflict between Green Belt policy and policy EP6. However, I do not support their view that part 2 of policy EP6 should be amended in order to be less restrictive towards flood-lighting proposals in the Green Belt. This is because in the Sefton context, all of the rural areas, which are located within the Green Belt, are more sensitive to light pollution than the urban areas. They should, therefore, be the subject of more stringent controls over development which has the potential to detract from the character of their night sky.
- 17.14 Consequently, in order to retain the spirit of the policy, but to remove its incompatibility with Green Belt policy, I conclude that the wording of part 2 of policy EP6 should be amended. However, I support the deletion of paragraph 17.32 of the UDP proposed by NAC reference NAC/17/01, which refers to the impact of flood-lighting on the openness of the Green Belt.

RECOMMENDATIONS

- 17.15 (a) I RECOMMEND that the UDP **be modified by amending** the first sentence of part 1 of policy EP6 to state that:
- Development, including that containing flood-lighting, will only be acceptable where it can be demonstrated that ...**
- (b) I RECOMMEND that the UDP **be modified** by amending part 2 of policy EP6 so that it states:
- Proposals for flood-lighting within the rural areas will not be permitted unless it can be demonstrated that the lighting will not detract from the character of the rural areas.**
- (c) I RECOMMEND that the UDP **be modified by deleting** paragraph 17.32 in accordance with NAC/17/01.
- (d) I RECOMMEND **no further modification** to the UDP in response to these objections.

Policy EP7

Flood Risk

Objection to First Deposit Draft

SP/0095/0422

Government Office North West

Key Issues

- (i) Whether areas of flood risk should be shown on the Proposals Map.
- (ii) Whether the UDP should contain a policy, which promotes the use of sustainable urban drainage systems.

Inspector's Reasoning and Conclusions

- 17.16 **Issue (i)** - Paragraph 51 of PPG25 advises that LPAs should show the areas of flood risk on local plans, where specific policies are to be applied to

minimise and manage the risk. It is proposed to provide this information by adding Figure 17.1 to the Plan, using information supplied by the Environment Agency, in accordance with NAC reference NAC/17/03.

17.17 In addition, NAC reference NAC/17/02 intends to add text to paragraph 17.34 of the Plan, to explain that the information shown in Figure 17.1 is for guidance only, and that the Environment Agency can provide the most up to date information on the locations and extents of the tidal flood plains and the fluvial flood plains. The amended paragraph would also advise readers that an area not highlighted on Figure 17.1 may, nevertheless, still be at risk from flooding. I consider that these changes provide the information recommended by PPG25 and meet this objection of GONW.

17.18 **Issue (ii)** – Paragraph 56 of PPG25 informs that local plans should include policies which promote the use, in appropriate areas, of more sustainable drainage systems. In response to this guidance, PC reference PC 16.19 added a new policy DQ4 – Sustainable Drainage Systems and its associated text to the Plan. There have been no objections to the new policy. In addition, PC reference PC 17.20 changed paragraph 17.37 to make reference to the desirability of incorporating Sustainable Drainage Systems (SuDS) within developments. Also, PC reference PC 17.21 amended paragraph 17.39 of the UDP to inform that the SPG - Sustainable Drainage Systems, prepared by the Merseyside Authorities, will provide guidance on the use of SuDS. I consider that these changes satisfactorily address this objection made by GONW.

RECOMMENDATIONS

17.19 (a) **I RECOMMEND that the UDP be modified by adding Figure 17.1 in accordance with NAC/17/03.**

(b) I RECOMMEND that the UDP be modified by amending paragraph 17.34 in accordance with NAC/17/02.

(c) I RECOMMEND that no further modification to the UDP in response to these objections.

CHAPTER 18 - MISCELLANEOUS DEVELOPMENT

Policy MD8

Telecommunications Development

Objections to First Deposit Draft

MD8/0029/0109	Orange Personal Communications Services Ltd
MD8/0076/0292	Hutchinson 3g (UK) Ltd
MD8/0081/0303	Vodafone Ltd

Key Issues

- (i) Whether, for the avoidance of doubt, policy MD8 should indicate that the guidelines controlling telecommunications development are set by the International Commission on Non-Ionising Radiation Protection (ICNIRP).
- (ii) Whether, in order to aid clarity, the terminology used in policy MD8 should more closely follow the wording of PPG8.
- (iii) Whether parts 1 (i) and (ii) of policy MD8 should be re-worded for clarity, and to take account of the technical needs and limitations of telecommunications technology, as set out in part 24 of the GPDO.

Inspector's Reasoning and Conclusions

- 18.1 **Issue (i)** - The guidelines that control telecommunications development are set by the ICNIRP and not the European Union (EU), which recommends the use of those guidelines. Proposed Changes references PC 18.15 and PC 18.20 rectified this error in the FDD and deleted reference to the EU in part 2 (i) of policy MD8 and in paragraph 18.37 of its explanatory text, respectively.
- 18.2 **Issue (ii)** - Hutchinson 3g (UK) Ltd consider that in order to ensure consistency with national guidance, the use of the terms *telecommunication installation* and *apparatus and any associated structures* should be replaced throughout policy MD8 and its explanatory text by the words, *telecommunications development*. Proposed Changes references; PC 18.12, PC 18.13, PC 18.16, PC 18.17 and PC 18.18 make the necessary minor amendments to the policy and its associated explanatory text, as suggested by the Objector.
- 18.3 However, I see no particular benefit in replacing reference to *apparatus and any associated structure* in part 1 (i) of policy MD8, because the word *apparatus* is referred to in PPG8 and in the relevant sections of the GPDO.
- 18.4 The precise wording of the policy with regard to design considerations is also objected to. However, I disagree that the Objector's suggestions for other changes to part 1 (i) of policy MD8 would improve the clarity of the policy, which in my opinion states unambiguously the design requirements for proposals for telecommunication development. Similarly, I agree with the Council that no further changes are needed to make part 3 of the policy more robust.
- 18.5 **Issue (iii)** - Vodafone Ltd is concerned that part 1 (ii) of policy MD8 takes insufficient account of the technical needs and limitations of telecommunications technology. It suggests that the wording of condition A.2 (1) of part 24 of the GPDO should be substituted. I agree with this objection in part. I do not take issue with the use of the words *the least effect*, as used in part 1 (ii) of the policy. But I consider that the wording of this sub-criterion

of policy MD8 fails to take sufficient account of the technical needs of telecommunications technology. I recommend that it should be amended accordingly.

RECOMMENDATIONS

18.6 (a) I RECOMMEND that the UDP be modified by amending part 1 (ii) of policy MD8 to state:

If on a building, apparatus would so far as is practicable, be sited to have the least effect on the external appearance of the building.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Policy MD8 - Explanation

Objections to First Deposit Draft

18.36/0081/0304	Vodafone Ltd
18.37/0076/0293	Hutchison 3g (UK) Ltd
18.37/0081/0305	Vodafone Ltd

Key Issues

- (i) Whether consideration of proposals for telecommunications development in the Green Belt should refer to *very special circumstances*.
- (ii) Whether policy MD8 should make clear that if proposed telecommunications development meets ICNIRP guidelines there is no need to consider further possible health risks.

Inspector's Reasoning and Conclusions

18.7 **Issue (i)** - In order to be consistent with national Green Belt policy, as set out in PPG2 and referred to in PPG8, in the context of telecommunications, I agree with Vodafone Ltd that paragraph 13.36 of the explanatory text to policy MD8 should be amended to add the word *very* in front of *special circumstances*. This amendment is made by PC reference PC18.19, and in my opinion, it satisfies this objection.

18.8 **Issue (ii)** - The Government has found that if telecommunications development meets the ICNIRP guidelines it should not be necessary to consider concerns about health aspects further. In my opinion, the additions to paragraph 18.37 by PC reference PC 18.20, clarifies the Government's position on this matter and overcomes the objection.

RECOMMENDATION

18.9 I RECOMMEND no modification to the UDP in response to these objections.

CHAPTER 19 - GLOSSARY & APPENDICES

Glossary

Objection to First Deposit Draft

Glo/0095/0423

Government Office North West

Key Issue

Whether the definition of the sequential test for retail development should be amended to accord with that of PPG6.

Inspector's Reasoning and Conclusion

- 19.1 Paragraph 1.11 of PPG6 sets out the Government's preferred sequential approach to the location of retail development, but the sequential approach given in the Glossary of the RDD does not strictly accord with that of the PPG. However, NAC reference NAC/Glos/3 proposes to amend the Glossary definition of the sequential test to state: *The process of assessing alternative sites for retail development, giving priority to town centres, followed by edge-of-centre, followed by district and local centres and only then out-of-centre sites accessible by a choice of means of transport.*
- 19.2 I consider that this amendment would bring the UDP definition generally in line with PPG6 and it would meet GONW's objection.

RECOMMENDATION

- 19.3 **I RECOMMEND that the UDP be modified by amending the Glossary in accordance with NAC/Glos/03.**

Appendix 3

Opportunity Sites

Objections to First Deposit Draft

App3/0082/0310
App3/0087/0325
App3/0100/0494

Somerfield Stores Ltd – CW
Second Site Property – CW
Tesco Stores Ltd – CW

Objections to Pre-Inquiry Changes

App3/0120/0896
App3/0118/0926

Deveney
Bellway Homes

Key Issues

- (i) Whether the 'Notes' section of Appendix 3 should be amended to make it absolutely clear that Class A1 Retail and commercial leisure uses will not be permitted at the Ash Road/Beach Road, Litherland site.
- (ii) Whether reference to the site at Ash Road/Beach Road as possibly being unsuitable, in part or in whole, for housing contradicts the extant planning permission for housing at the site.

- (iii) Whether the access requirements to the Linacre Lane Depot & Gas Works site (EDT17.3/H5.3) are unreasonable and should be deleted from the 'Notes' section of Appendix 3.
- (iv) Whether the allocations of the Opportunity Sites for housing and employment should be quantified in order to inform the relevant housing and employment policies of the Plan.
- (v) Whether the 'Notes' of Appendix 3 that refer to Opportunity Sites EDT17.C/H5.C and EDT17.D/H5.D suggest, by the use of the word *possibly*, that the housing redevelopment of these sites is less appropriate than industrial re-use.

Inspector's Reasoning and Conclusions

- 19.4 **Issue (i)** - The allocation of the Ash Road/Beach Road, Litherland site (EDT17.2) as an Employment Opportunity site was deleted by PC reference PC 5.68. Proposed Change reference PC App3.1 also deleted the site from Appendix 3 of the Plan. In addition, PC 6.15 re-allocated the site as housing site H3.5. I consider that these changes meet the objection, which has been conditionally withdrawn.
- 19.5 **Issue (ii)** – As described above, the site is allocated as a housing site in the RDD and reference to it has been removed from Appendix 3. I consider that its re-allocation for housing confirms its suitability for that purpose and meets this objection, which has been conditionally withdrawn.
- 19.6 **Issue (iii)** – In response to this objection concerning the Linacre Lane Depot & Gas Works site (EDT17.3/H5.3), the first sentence of the 'Notes' section of Appendix corresponding to the reference to this site, which indicated that access to the site should be via the housing site to the north, was deleted by PC reference PC App3.1. I consider that the change overcomes the objection, which has been conditionally withdrawn.
- 19.7 **Issue (iv)** – The potential yield of the Opportunity Sites for employment land is not relied upon to contribute towards the employment land supply for the Borough, nor is their potential residential yield counted in the calculations for the housing land supply. Therefore, I do not consider that it is necessary for the Opportunity Sites to be quantified in terms of employment land area/dwelling units. Furthermore, given the evolving status of the HMRI, I consider that flexibility for the future uses of these sites is desirable. For these reasons, I do not support this objection, which suggests that their potential yields should be quantified.
- 19.8 **Issue (v)** – Pre-Inquiry Change reference 1/PIC/AP/02 proposes to add sites EDT17.C/H5.C and EDT17.D/H5.D to Appendix 3 of the UDP, which refers to Opportunity Sites. However, in response to this objection, NAC reference NAC/App/02 proposes to further amend the 'Notes' to Appendix 3 that apply to these two sites at 511 Hawthorne Road and Linacre Bridge, by removing the word *possibly* that comes before the words *for off-site replacement housing*. I consider that this intended change meets this objection. However, reference should be made to my conclusions at paragraph 6.166 (g) of my report, where I recommend that that site H5.C should be allocated as a housing site listed in part 1 (i) of policy H3.

RECOMMENDATIONS

19.9 (a) I RECOMMEND that the UDP be modified by adding site H5.D/EDT17.D: Linacre Bridge to Appendix 3 in part accordance with 1/PIC/AP/02 and NAC/App/02, and that the UDP NOT be modified in so far as 1/PIC/AP/02 and NAC/App/02 relate to 511 Hawthorne Road, Bootle.

(b) I RECOMMEND no further modification to the UDP in response to these objections.

Appendix 6

Car Parking Standards

Objection to First Deposit Draft

App6/0100/0507

Tesco Stores Ltd – CW

Key Issues

- (i) Whether there are typographical errors at Table A3 of Appendix 6: Parking for Disabled People (TAL 5/95), which should be corrected.
- (ii) Whether, for clarity, there should be accompanying text to Table A3 that makes reference to the notes contained in Annex D of PPG13, which states that parking for disabled people should be additional to the maximum parking standards.

Inspector’s Reasoning and Conclusions

19.10 **Issues (i) and (ii)** – The first of these objections raised by Tesco Stores Ltd was corrected by PC reference PC App6.1. The second is proposed to be addressed by NAC reference NAC/App/03, which intends to add the following text below Table A3:

The provision of disabled spaces is a minimum requirement – with provision being a proportion of the maximum standard rather than the actual number of spaces provided. The provision should be either the minimum number of bays identified in Table A3, or the relevant percentage of the maximum parking standard identified in the table. The number of designated spaces may need to be greater at hotels and sports stadia that specialise in accommodating groups of disabled people.

19.11. I consider that these changes reflect government guidance contained in PPG13 and meet the objection, which has been conditionally withdrawn.

RECOMMENDATION

19.12 (a) I RECOMMEND that the UDP be modified by adding text below Table A3: Parking for Disabled People (TAL 5/95), of Appendix 6, in accordance with NAC/App/03.

(b) I RECOMMEND no further modification to the UDP in response to these objections.
