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Sefton Council 

MEETING: CABINET
DATE: Thursday 6th April, 2017
TIME: 10.00 am
VENUE: Birkdale Room, Town Hall, Southport

DECISION MAKER: **CABINET**

Councillor Maher (Chair)
Councillor Atkinson
Councillor Cummins
Councillor Fairclough
Councillor Hardy
Councillor John Joseph Kelly
Councillor Lappin
Councillor Moncur
Councillor Veidman

COMMITTEE OFFICER: Steve Pearce
Democratic Services Manager
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an * on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

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AGENDA

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
1	Apologies for Absence		
2	Declarations of Interest Members are requested to give notice of any disclosable pecuniary interest, which is not already included in their Register of Members' Interests and the nature of that interest, relating to any item on the agenda in accordance with the Members Code of Conduct, before leaving the meeting room during the discussion on that particular item.		
3	Minutes of Previous Meeting Minutes of the meeting held on 9 March 2017		(Pages 7 - 14)
* 4	Revenue and Capital Budget Update 2016/17 Report of the Head of Corporate Resources	All Wards	(Pages 15 - 34)
* 5	Energy Procurement Plan – Electricity 2018/19 Report of the Head of Corporate Resources	All Wards	(Pages 35 - 42)
* 6	Community Equipment Store Report of the Director of Social Care and Health	All Wards	(Pages 43 - 48)
* 7	Child Sexual Exploitation and Missing Children Report of the Head of Children's Social Care	All Wards	(Pages 49 - 58)
* 8	Sefton Young Carers Report of the Head of Schools and Families	All Wards	(Pages 59 - 66)
9	SKY Music Hub (Sefton and Knowsley Youth Music Hub) Report of the Head of Schools and Families	All Wards	(Pages 67 - 72)

* 10	Young People and Family Substance Misuse Service Report of the Director of Public Health	All Wards	(Pages 73 - 80)
* 11	Street Lighting Maintenance and Installation Pre-procurement Report Report of the Head of Locality Services - Commissioned	All Wards	(Pages 81 - 84)
* 12	Hired Passenger Transport Framework Agreement 2018/20 Report of the Head of Locality Services - Commissioned	All Wards	(Pages 85 - 90)
* 13	M58 Junction 1 New Slip Roads - Compulsory Purchase Order Report of the Head of Locality Services - Commissioned	Molyneux	(Pages 91 - 148)
14	Wadham Road, Bootle - Proposed Residents Parking Scheme Report of the Head of Locality Services - Commissioned	Derby; Linacre	(Pages 149 - 158)
* 15	Adoption of the Sefton Local Plan Report of the Head of Regeneration and Housing	All Wards	(Pages 159 - 334)
16	ERDF Accountable Body Status Report of the Head of Regeneration and Housing	All Wards	(Pages 335 - 340)
* 17	Tender for Provision of Electoral Printing for the Merseyside Region and Associate Authorities Report of the Head of Regulation and Compliance	All Wards	(Pages 341 - 346)
18	Sefton New Directions Shareholder Report Report of the Head of Commissioning Support and Business Intelligence	All Wards	(Pages 347 - 362)

19 Exclusion of Press and Public

To comply with Regulation 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012, notice is given that the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) has given his consent to the following item being considered in private by the Cabinet for the reasons set out below.

The Cabinet is recommended to pass the following resolution:

That, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012, the press and public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

*** 20 Commercial Acquisition**

All Wards

Report of the Executive Director to follow

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THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY 24 MARCH 2017. MINUTE NOS 94 AND 97 ARE NOT SUBJECT TO "CALL – IN."

CABINET

MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 9TH MARCH, 2017

PRESENT: Councillor Maher (in the Chair)
Councillors Atkinson, Cummins, Fairclough, Hardy,
John Joseph Kelly, Lappin, Moncur and Veidman

ALSO PRESENT: Councillor Hands

91. APOLOGIES FOR ABSENCE

No apologies for absence were received.

92. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

93. MINUTES OF PREVIOUS MEETING

Decision Made:

That the minutes of the Cabinet meetings held on 16 February 2017 be confirmed as a correct record.

94. REVENUE AND CAPITAL BUDGET UPDATE 2016/17

The Cabinet considered the report of the Head of Corporate Resources which provided details of the current forecast outturn position for the Council for 2016/17 as at the end of January 2017 which was informed by the latest analysis of expenditure and income due to the Council, in addition to the progress in delivering approved savings; the current forecast on Council Tax and Business Rates collection for 2016/17; and the current position of the Capital Programme.

Decision Made: That

- (1) the forecast deficit outturn position of £0.682m, as at the end of January 2017, and the potential impact on the Council's General Fund Reserves be noted;

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- (2) the progress to date on the achievement of approved savings for 2016/17 and residual savings carried forward from previous years be noted;
- (3) the forecast position on the collection of Council Tax and Business Rates for 2016/17 be noted;
- (4) the current position of the 2016/17 Capital Programme be noted; and
- (5) the Council be recommended to give approval to the inclusion of the additional capital allocations, outlined in paragraph 6.7 to the Capital Programme.

Reasons for Decision:

To ensure the Cabinet are informed of the forecast outturn position for the revenue budget and delivery of savings as at end of January 2017; the updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates and to seek approval for additional schemes financed from Section 106 monies to be included within the Capital Programme.

Alternative Options Considered and Rejected:

None.

95. ENERGY PROCUREMENT PLAN

The Cabinet considered the report of the Head of Corporate Resources which sought approval to the proposed Energy Procurement Plan including proposals for the supply of electricity through the Energy Supply Partnership with Scottish Power and the proposed extension of the arrangement for gas supply through the Crown Commercial Services (CCS) best value framework.

Decision Made: That

- (1) the proposed Energy Procurement Plan be approved;
- (2) approval be given to the proposals for purchase of gas supplies through the Crown Commercial Services (CCS) framework through to 31 March 2018; and
- (3) the Head of Corporate Resources and Head of Commissioning Support and Business Intelligence be authorised, in conjunction with the Cabinet Member for Regulatory, Compliance and Corporate Services to accept the CCS framework price for gas supply through to 31 March 2018.

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Reasons for Decision:

To confirm the proposals for the procurement of electric and gas supply in order to secure supplies on the most advantageous terms. The specific recommendations were made in order to secure best value supplies in the short term while options for provision in the longer term are continuously reviewed.

Alternative Options Considered and Rejected:

The options available were set out within the body of the report. Failure to renew electricity and gas supply arrangements in advance of the relevant expiration dates would incur expensive non-contract penalty tariff rates.

96. SUBSTANCE MISUSE RESIDENTIAL REHABILITATION PROGRAMMES DYNAMIC PURCHASING SYSTEM

The Cabinet considered the report of the Director of Public Health which provided details of the key findings of a review of current commissioning arrangements for Substance Misuse Residential Rehabilitation Programmes for the residents of Sefton and sought authorisation to commence a procurement process to establish a Dynamic Purchasing System for future placements.

Decision Made: That

- (1) the Director of Public Health be authorised to conduct an OJEU Light-Touch Regime tender exercise to establish a Dynamic Purchasing System for substance misuse Residential Rehabilitation to run for a period of two-and-half years from 1 October 2017 with the option of two further one-year extensions with a ceiling price of £300,000 per annum; and
- (2) the Director of Public Health be granted delegated authority in consultation with the Cabinet Member – Health and Wellbeing to award the contracts to the highest scoring bidders, within the context of the approved budget and Medium Term Financial Plan.

Reasons for Decision:

A Dynamic Purchasing System (DPS), as provided for within the 2015 Public Contracts Regulations, would enable Sefton Council to ensure that fair and transparent commissioning arrangements are in place while enabling an individually tailored programme appropriate to the individual's needs and requirements. The key advantage of establishing a DPS was that the applicable legislation allows the Council to open up the DPS to new applicants at pre-determined anniversary points during its lifespan. This therefore gives the Council the flexibility to take advantage of beneficial changes within the marketplace which may take place over time.

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Alternative Options Considered and Rejected:

(i) To establish a Framework Agreement for commissioning Residential Rehabilitation Programmes.

Whilst a Framework Agreement would comply with revised procurement rules, it does not give Sefton Council the degree of flexibility required to remain responsive to on-going change, as importantly, new providers to the market are prevented from joining a Framework Agreement at any point during its lifespan, which can be a maximum of 4 years.

(ii) To continue to "Spot Purchase" as and when Residential Rehabilitation is required.

Spot Purchasing required considerable time to identify and negotiate suitable placements and provided for less transparency and ability to benchmark costs. Both a Framework and a DPS would enable longer-term contracts to be entered into with a range of Providers providing better service stability and better value in the contract cost.

97. FLOOD AND COASTAL EROSION RISK MANAGEMENT POLICIES

The Cabinet considered the report of the Head of Locality Services - Commissioned which provided details of a number of new policies which had been developed to support the delivery of Flood and Coastal Erosion Risk Management within Sefton. These covered issues which are relevant to the Council as Lead Local Flood Authority and are distinct from Local Plan policies for management of flood risk, surface water and coastal change in relation to the planning application process.

Decision Made:

That the Council be recommended to adopt the policies for Flood and Coastal Erosion Risk Management.

Reasons for Decision:

The Flood and Water Management Act 2010 recommends that the activities of the Lead Local Flood Authority (LLFA), Sefton Council, be scrutinised. These policies clarify and support the activities of the LLFA under this act. These policies will allow the LLFA to effectively prioritise demand on the service area ensuring our communities receive an effective and efficient service.

Alternative Options Considered and Rejected:

Policies not developed leading to less transparency and clarity of the service the Council delivers. This would increase the amount of unnecessary correspondence and complaints due to a lack of clarity on

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the position of Council in relation to flood and coastal erosion risk management. The service would be inefficient and poorly delivered as conflicting demands are made.

98. PURCHASING OF RESIDENTIAL AND FOSTERING PLACEMENTS FOR CHILDREN AND YOUNG PEOPLE

The Cabinet considered the report of the Head of Children's Social Care which provided details of the current contractual arrangements and proposals for the future procurement of Residential and Fostering placements for children and young people.

Decision Made: That

- (1) approval be given to the continued use of the Regional Residential Framework Contract for a further 12 month period, from 1st April 2017 until 1st April 2018, as provided for within the original procurement exercise, for the procurement of residential placements;
- (2) approval be given to the Council's participation in the regional Dynamic Purchasing Systems agreement as explained in paragraph 17, to be procured by STAR on behalf of all participating authorities, for future purchasing of residential placements from 1 October 2017;
- (3) approval be given to the continued use of the Regional Fostering Framework Contract for a further 12 month period, from 1 April 2017 until 1 April 2018, as provided for within the original procurement exercise, for the procurement of fostering placements;
- (4) it be noted that the regional work to be undertaken in 2017/18, will determine the best approach for procuring Fostering placements from April 2018; and that a further report will be submitted to Cabinet in due course; and
- (5) it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children, Schools and Safeguarding) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the Council needs to make the above decisions prior to the next Cabinet meeting and unfortunately, collective agreement across the collaborating authorities, on the approach to be taken in respect of the final year of the existing Frameworks and their replacement / re-procurement

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was only secured in the latter part of January 2017, providing a very short window for presenting this report to Cabinet for decision ahead of the start of 2017/18.

Reasons for Decision:

Since April 2014, wherever possible, Fostering and Residential placements for children and young people had been procured through regional Framework Contracts.

When these regional Framework Contracts were originally entered into, they were entered into on the basis of a core contract period of 2 years with further optional extension periods of up to 2 years built in and anticipated at the outset as part of the life of the contract, provided that the quality/price of services/goods provided under the contract are of a satisfactory standard and exercising the extension is considered to represent best value for the Council. The purpose of building contracts around core and extension periods was to ensure that the quality of the contract was maintained throughout the life of the contract and to ensure that the Council, particularly at times of financial uncertainty has flexibility to bring contracts to a conclusion and/or is able to refine services and or goods received under the contract. The value of these contracts requires the extension to be authorised through Cabinet.

The current period of the Framework Contracts expires at the end of March 2017 and the Council needed to determine how it would procure any necessary Fostering and Residential placements for children and young people beyond that date. The current Framework Contracts include options for continued use for a further 12 month period, from 1 April 2017 to 31 March 2018.

It was recommended that Sefton Council extended its use of the existing regional Residential Framework Contract, for a further twelve month period, whilst procurement of a suitable alternative (a regional Dynamic Purchasing System, DPS) is undertaken; and extended its use of the existing regional Fostering Framework Contract, for a further twelve month period, whilst further work is undertaken to determine the most appropriate future approach, including monitoring the impact of procuring the DPS referred to above.

There are opportunities for new and innovative ways of procuring placements, but these have a mixed evidence base for efficacy in fostering and must be balanced against the risk of rising costs through a new tender. A regional task and finish group will be established to review the current arrangements, test alternative models and apply the learning from the residential retender to the fostering market, in order to confirm the best option from April 2018. A further report would be brought to Cabinet in due course. Whilst this work is underway, it is considered that continued use of the existing Frameworks provides the best value for money for Sefton Council, on the basis of securing placements within the current Framework

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prices, from known providers who have performed well over the period of the Framework.

These are important and costly services and the alternative options to the recommendations would be likely to incur greater cost and more variable quality, hence the need to determine the manner of purchasing these placements ahead of the next financial year. Unfortunately, collective agreement across the collaborating authorities, on the approach to be taken in respect of the final year of the existing Frameworks and their replacement / re-procurement was only secured in the latter part of January 2017, providing a very short window for presenting this report to Cabinet ahead of the start of 2017/18.

Alternative Options Considered and Rejected:

Instead of continuing to procure placements through the existing regional Framework Contracts and their replacements, the Council could carry out its own full EU compliant Tender exercise, adopt an alternative Framework, or "Spot Purchase" placements from the market as they are needed.

Undertaking a full EU compliant process alone was not recommended because: the time required to complete the process would be the same as procurement of a regional framework; in this market the Council is unlikely to obtain better prices than through collaborative procurement; and the burden and resource required to ensure quality and safety of provision would be increased, requiring additional resource.

An alternative Framework Agreement is not recommended as the strength of the current framework is that 23 authorities sign up to and use it. To procure as a single authority would disrupt the market, it is likely that providers would increase their prices and the burden and resource required to ensure quality and safety of provision would be increased, requiring additional resource. The prices available through the current Frameworks are competitive and/or better than prices within known alternative Frameworks

Spot purchasing is not recommended as it would increase costs and the burden and resource required to ensure quality and safety of provision would be increased, requiring additional resource.

99. ENACTING THE OPTION TO EXTEND THE SECTION 75 PARTNERSHIP AGREEMENT (POOLED BUDGET)

The Cabinet considered the report of the Director of Social Care and Health which sought approval to invoke the option to extend the partnership agreement approved by Cabinet on 26 March 2015 and made under Section 75 of the National Health Act 2006 with each of the two Clinical Commissioning Groups (CCGs) of Southport and Formby and

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South Sefton, to enable pooled budgets to be established to support the delivery of the Sefton Better Care Fund Plan for 2017/18.

The Director of Social Care and Health reported that this item was incorrectly included on the Forward Plan for the Cabinet meeting to be held in May 2017 instead of this meeting.

Decision Made: That

- (1) the extension clause of the current Section 75 Agreement be invoked for a maximum period of one year from 1 April 2017 to 31 March 2018; and
- (2) it be noted that was being done to prepare a new replacement Section 75 Agreement which will shortly be reported to Cabinet.

Reasons for Decision:

The Section 75 Agreement governs the pooled budgets between the Council and the Sefton Clinical Commissioning Groups. The current agreement contained an option to run the agreement for a third year i.e. 2017/18. It was recommended that this option be invoked whilst a new agreement is drafted. The new agreement will be available by late spring once the national framework is agreed and local negotiations are finalised.

Alternative Options Considered and Rejected:

None.

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Report to: Cabinet

Date of Meeting: 6 April 2017

Council

20 April 2017

Subject: Revenue and Capital Budget Update 2016/17

Report of: Head of Corporate Resources

Wards Affected: All

Is this a Key Decision? No
Yes

Is it included in the Forward Plan?

Exempt/Confidential No

Purpose/Summary

To inform Cabinet/ Council of: -

- i) The current forecast revenue outturn position for the Council for 2016/17 as at the end of February. This forecast will be informed by the latest analysis of expenditure and income due to the Council, in addition to the progress in delivering approved savings;
- ii) The current forecast on Council Tax and Business Rates collection for 2016/17; and
- iii) The current position of the Capital Programme and to request three section 106 schemes to be added.

Recommendation(s)

Cabinet is recommended to:-

- i) Review and consider the forecast surplus outturn position of £0.829m as at the end of February 2017, together with the potential impact on the Council's General Fund Reserves position;
- ii) Review the progress to date on the achievement of approved savings for 2016/17 and residual savings carried forward from previous years;
- iii) Note the forecast position on the collection of Council Tax and Business Rates for 2016/17;
- iv) Note the current position of the 2016/17 Capital Programme;
- v) Include additional capital allocations, outlined in paragraph 6.7, to the 2016/17 Capital Programme

Council is recommended to:-

- i) Include additional capital allocations, outlined in paragraph 6.7, to the 2016/17 Capital Programme.

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How does the decision contribute to the Council's Corporate Objectives?

<u>Corporate Objective</u>		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community	•		
2	Jobs and Prosperity		•	
3	Environmental Sustainability	•		
4	Health and Well-Being		•	
5	Children and Young People		•	
6	Creating Safe Communities		•	
7	Creating Inclusive Communities		•	
8	Improving the Quality of Council Services and Strengthening Local Democracy		•	

Reasons for the Recommendation:

To ensure Cabinet are informed of the forecast outturn position for the 2016/17 revenue and capital budgets as at the end of February 2017 and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates. To ensure additional schemes, financed from section 106 monies are included in the Capital Programme.

What will it cost and how will it be financed?

(A) Revenue Costs

i) 2016/17 Revenue Budget

Any under-achievement of the approved revenue budget savings for 2016/17 (and residual savings from previous years) will need to be financed from within any surplus identified within other areas of the 2016/17 budget, or from the Council's general balances.

The current financial position on approved savings indicates that approximately £6.698m are at significant risk of not being achieved (the "Red" marked items in Annex A). Work has been undertaken to assess the likely achievement of these items in 2017/18 and this is reflected in the proposed budget package that was reported to Council on 2nd March 2017.

As at the end of February, the surplus in the remainder of the Council's Budget reduces the potential deficit into a surplus of £0.829m. Should this outturn position be achieved, a reduced level of reserves (£0.140m) would be required to support the budget.

(B) Capital Costs

As at the end of February, expenditure on the Capital Programme is £16.323m (56.5%) with forecast expenditure of £22.4m due by the end of the year.

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The report considers additional capital schemes to be financed from section 106 monies and asks that they be added to the 2016/17 Capital Programme.

Implications: None

Legal:

Human Resources None

Equality

Equality Implication

Equality Implications identified and mitigated

Equality Implication identified and risk remains

Impact on Service Delivery:

None.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources is the author of the report (FD4595/17)

The Head of Regulation and Compliance has been consulted and has no comments on the report. (LD 3878/17)

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Immediately following the call-in period following the publication of the Cabinet Minutes

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Background Papers: None

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1. Introduction

- 1.1 The Council approved the revenue budget for 2016/17 and this required savings of £37m to be implemented during the year in order for a balanced budget to be delivered. The approved budget also included the use of balances totalling £0.869m (increasing to £0.969m following the approval to continue the modern apprenticeship scheme as agreed by Cabinet in July), pending identification of any alternative means of financing.
- 1.2 This report therefore presents an assessment of the forecast revenue outturn position for 2016/17 and the latest position on the achievement of the agreed savings for 2016/17 (£29.171m), plus the ongoing savings requirements carried forward from previous years.
- 1.3 The report also outlines the current position regarding other key income streams for the Authority, namely Council Tax and Business Rates, as variations against expected receipts in these two areas will also affect the Council's financial position in future years.
- 1.4 An updated position with regard to the 2016/17 Capital Programme is also provided as at the end of February, following the recently approved additions to the programme.

2. Summary of Forecast Outturn Position as at the end of February 2017

- 2.1 At the end of February 2017, a forecast surplus is projected on the Council's outturn budget of £0.829m. This is shown in the table below:

	Budget	Forecast Outturn	Variance	Position previously reported
	£m	£m	£m	£m
Services				
Strategic Management	2.974	2.944	(0.030)	(0.025)
Strategic Support Unit	2.891	2.743	(0.148)	(0.120)
Adult Social Care	86.172	88.820	2.648	3.242
Children's Social Care	27.548	28.592	1.044	0.965
Communities	10.572	9.866	(0.706)	(0.688)
Corporate Resources	4.069	3.277	(0.792)	(0.444)
Health & Wellbeing	23.311	22.646	(0.665)	(0.675)
Inward Investment and Employment	2.517	2.536	0.019	0.115
Locality Services - Commissioned	18.596	18.784	0.188	0.466
Locality Services - Provision	9.381	10.349	0.968	0.868
Regeneration and Housing	4.636	4.458	(0.178)	(0.116)
Regulation and Compliance	4.444	3.925	(0.519)	(0.251)
Schools and Families	25.773	25.343	(0.430)	(0.420)
Total Service Net Expenditure	222.884	224.283		
Reversal of Capital Charges	(13.376)	(13.376)	0	0

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Council Wide Budgets	4.131	1.903	(2.228)	(2.235)
Levies	33.769	33.769	0	0
General Government Grants	(34.803)	(34.803)	0	0
Total Net Expenditure	212.605	211.776		
Forecast Year-End Deficit			(0.829)	0.682

2.2 This revised forecast surplus of £0.829m compares to the deficit of £0.682m that was previously forecast.

2.3 The key changes that have led to this revised position are:-

- The Adult Social Care deficit position has reduced by £0.594m. There has been a Increase in the surplus in the Community Care budget (£426k) assisted by invoices issued to the CCG's in relation to continuing health care cases. Other forecast surpluses have emerged in the month in relation to repairs and maintenance, adaptations and equipment, along with an increase in the STU surplus.
- The Locality Services Commissioned service deficit position has reduced by £0.278m a result of a reduction in forecast winter maintenance, due to milder weather this month. There has also been a reduction in street lighting energy payments. Other variations include a surplus on Landscape Premises and Transport costs along with a surplus on salary budgets.
- Children's Social Care is forecasting a year-end deficit of £1.044m (a slight worsening of the position for February by £0.079m). This is due to a slight increase in the deficits in respect of placements and packages for Looked after Children of £0.085m.
- The Corporate Resources budget is identifying an increase in the forecast surplus from £0.444m to £0.792m. This is mainly due to additional savings being found against running costs budgets, particularly in relation to the Managed Print Service within Corporate Finance & ICT, and an increase in the forecast of capital fee recharge income to be received within Asset Management by the end of financial year.
- The surplus on the Regulation and Compliance service has increased by £0.268m. There is an improved income position relating to car parks as a result of new car park charges in new locations during 2016/17 along with lower than anticipated spend on coroner's fees for mortuary costs.
- The Locality Services (Provision) budget Deficit has increased by £0.100m between January and February. This is as a result of increased and unanticipated transport and staff costs resulting from round reconfiguration after insourcing the recycling service. Budgets for 2017/18 have been reformatted to address the current overspend and further reductions in equipment, transport and staffing expenditure will reverse the position next year

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2.4 Within the report that was considered by Members in March it was highlighted that demand led pressures particularly in respect of Adults and Children's Social Care and winter maintenance could have an impact on the year end position. In addition, Heads of Service were requested to implement stringent expenditure management in all areas of their budgets in order to support the financial outturn position for the year. This has enabled officers to report a much improved anticipated year end position.

3. Approved savings for 2016/17 (and previous years carry forward savings)

3.1 The table at **Annex A** identifies the current position of the agreed savings for 2016/17. They are analysed into four categories: -

- Savings achieved to date (Blue);
- Progress is satisfactory (Green);
- Outcome is unknown and is at risk of not being fully achieved (Amber); and
- Known shortfalls, or significant risk of not being achieved (Red).

This approach is designed to ensure complete transparency, effective risk management and improved consultation and engagement.

It should be noted that individual savings may be categorised into more than one area; for example, part of the work to achieve a required saving may be on track (and a value can be shown in Green), whilst another element is potentially at risk (and therefore shown as Amber).

3.2 The position as at the end of February 2017 is that £28.931m (81%) of the total required savings have been delivered or are on plan; with £0.287m (1%) at some risk of not being fully achieved. This leaves a further £6.698m (18%) of savings that are unlikely to be achieved in 2016/17 (identified as "Red"). As previously reported, mitigating actions elsewhere in the budget have led to this non-delivery being offset and a broadly balanced position being reported.

3.3 As with previous years, all budget savings will continue to be closely managed, with regular reports being presented to Cabinet and Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services). Officers will also continue to be mindful of the ongoing financial position and take appropriate action where further efficiencies can be found which do not require a change of policy.

4. Council Tax Income – Update

4.1 Council Tax income is shared between the billing authority (Sefton Council) and the two major precepting authorities (the Fire and Rescue Authority, and the Police and Crime Commissioner) pro-rata to their demand on the Collection Fund. The Council's Budget included a Council Tax Requirement of £111.644m for 2016/17 (including Parish Precepts), which represents 85.4% of the net Council Tax income of £130.689m.

- 4.2 The forecast outturn at the end of February 2017 is a surplus of £2.364m (a marginal change to that previously reported). This is primarily due to:-
- The surplus on the fund at the end of 2015/16 being higher than estimated at -£0.462m;
 - Gross Council Tax Charges in 2016/17 being higher than estimated at -£0.729m;
 - Council Tax Reduction Scheme discounts being lower than estimated at -£0.669m;
 - Exemptions and Discounts (including a forecasting adjustment) being lower than estimated at -£0.349m; and
 - Bad Debt Provision being lower than estimated at -£0.155m.
- 4.3 Due to Collection Fund regulations, the Council Tax surplus will not be transferred to the General Fund in 2016/17 but will be carried forward to be distributed in future years.
- 4.4 A forecast surplus of £2.367m was declared on the 15 January 2017, of which Sefton's share is £2.022m (85.4%). This is the amount that will be distributed from the Collection Fund in 2017/18. Any additional surplus or deficit will be distributed in 2018/19.

5. Business Rates Income – Update

- 5.1 Since 1 April 2013, Business Rates income has been shared between the Government (50%), the Council (49%) and the Fire and Rescue Authority (1%). The Council's Budget included retained Business Rates income of £32.975m for 2016/17, which represents 49% of the net Business Rates income of £67.296m. Business Rates income has historically been very volatile making it difficult to forecast accurately.
- 5.2 The forecast outturn at the end of February 2017 is a deficit of £2.505m (£2.469m to the end of January) on Business Rates income. This is due to:
- The surplus on the fund at the end of 2015/16 being lower than estimated £2.437m;
 - Minor in year budget variations to date in 2016/17 of £0.068m.
- 5.3 Due to Collection Fund regulations, the Business Rates deficit will not be transferred to the General Fund in 2016/17 but will be carried forward to be recovered in future years.
- 5.4 A forecast deficit of £2.437m was declared on the 15 January 2017, of which Sefton's share is £1.194m (49%). This is the amount that will be distributed

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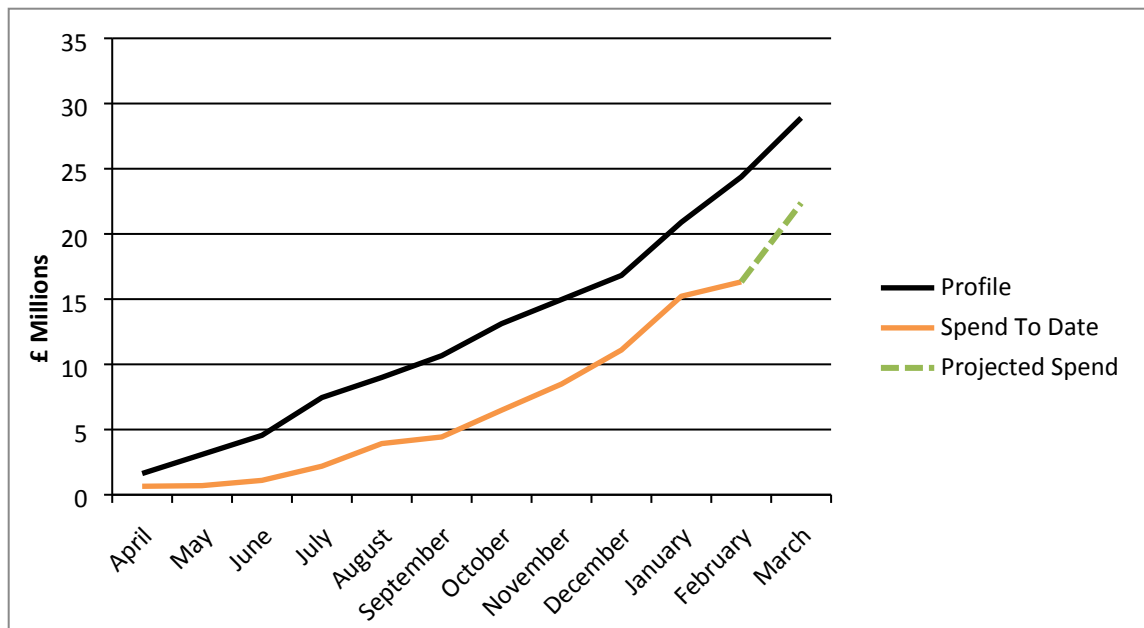
from the Collection Fund in 2017/18. Any additional surplus or deficit will be distributed in 2018/19. However, this deficit can be funded utilising the rating appeals / reduction in NNDR Income Reserve which stood at £3.448m on 31 March 2016.

6. Capital Programme 2016/17

6.1 The full year budget for the Capital Programme in 2016/17 is £28.897m. This represents £14.784m of schemes that have been approved in the current year and £14.113m in relation to schemes approved in previous years.

6.2 As at the end of February, expenditure of £16.323m has been incurred against this budget. This represents 56.5% of the full year Capital Programme. This level of expenditure represents an increase from the previously reported position (January) of £1.102m.

6.3 Project managers are currently reporting that expenditure of £22.369m will be incurred by the end of the financial year. Based upon current expenditure levels, this would mean that £6.0m will be incurred in the final month of the financial year. The following graph therefore shows the 2016/17 Capital Programme expenditure to date and the year-end forecast against the profiled budget.



6.4 The key variations in the year end forecast compared to the last reported period are shown below

Scheme	Key Variation £'m	Explanation
Resources to be carried forward into next year (key items)		
Norwood School Remodelling	1.664	Delay in start of scheme as funding only recently approved
Litherland Moss School Remodelling	0.300	Scheme on hold pending outcome of Children's Centre review
School Planned Maintenance	0.400	Reschedule of planned maintenance work
HMRI	0.578	Re-phasing into 2017/18 will be requested to cover Mel – Inn compensation and acquisition of Klondyke PH 2-3
Transportation Integrated Transport	0.667	Rephasing of planned works into 2017/18
M58 Junction Improvement	0.304	Delays in commencing the scheme. Slippage required into 2017/18
Flood Defence Schemes	0.638	Delays in schemes. Fully funded schemes slippage required
Vehicle Replacement	0.249	Underspend due to changes in the vehicle replacement programme by Departments
Adult Social Care Day Centre Reorganisation	0.259	Changes in works programme. Slippage into 2017/18 required.
Library Improvements	0.256	Heating works that need to be delayed until summer 2017/18 when heating off.
Dunes All Weather Pitches	0.203	Scheme viability still being reviewed
Corporate Maintenance	0.376	Will request slippage to 2017/18
	5.957	
Resources no longer required		
Vine House	0.245	Vine House is in the process of valuation and disposal. Funding no longer required.
Funding Circle	0.100	Funding / Budget no longer required
Adult Social Care Transformation – St Peters House	0.016	Work completed. Budget no longer required
Adult Social Care Transformation – Shakespeare Centre	0.060	Work completed. Budget no longer required
Maghull & District Community & Business Hub	0.024	Project ended, budget not required
Unallocated Town & Village Centres	0.065	Project ended, budget not required
	0.510	

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From this review it can be seen that a number of schemes will be requesting for resources to be carried forward into next year. This will be the subject of a Member review exercise at the year end. Likewise it is estimated that £0.510m of capital funding will be available for re-allocation as they are no longer required.

6.5 A detailed service by service breakdown of the expenditure is shown in the following table:

	Full Year Budget	Total Expenditure to Date	% of Budget Spent	Budget Remaining
	£m	£m	%	£m
Health & Wellbeing	0.364	0.037	10.2%	0.327
Communities	3.237	1.389	42.9%	1.848
Schools and Families	6.042	2.864	47.4%	3.178
Regulation and Compliance	0.186	0.137	73.7%	0.049
Regeneration and Housing	2.380	1.266	53.2%	1.114
Adult Social Care	2.323	1.667	58.1%	0.656
Locality Services - Provision	2.540	1.946	71.8%	0.594
Locality Services - Commissioned	8.391	4.514	53.8%	3.877
Corporate Support	1.034	0.308	29.8%	0.726
Disabled Facilities Grant	2.400	2.195	91.5%	0.205
Total Capital Programme	28.897	16.323	56.5%	12.574

6.6 With a capital programme in excess of £20m, it is currently forecast that a number of key projects will be operationally complete during 2016/17. These include:-

Project	Impact	Total Project Value £'m	Amendments £'m
Transport – Carriageway Maintenance 2016/17	Ongoing preservation / maintenance of the Highway network	3.333	Expected slippage of £0.080m due to delay in completion of Coastal Rd drainage scheme.
Transport – Integrated Transport 2016/17	Improvements to the transport network e.g. travel awareness, cycling and health, local safety schemes, traffic management schemes	2.059	Expected slippage of £0.667m due to programme delays.
Transport STEP Programme	A565 improvement, Seaforth Village improvements and A59 Ormskirk Road Access Improvements	1.540	
Vehicle	Planned replacement of	1.241	Expected

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Replacement 2016/17	vehicles incorporating refuse vehicles and other departmental vehicles e.g. libraries, in order to maintain fleet resilience		underspend of £0.249m due to changes in departmental requests for replacement vehicles.
Atkinson Museum Development	Development and improvement of facilities at the new museum	0.708	
Dunes Leisure Centre Mezzanine Floor Gym	Invest to Save Scheme – Building and Infrastructure changes in order to generate additional income.	0.504	Slippage of £0.048 required to 2017/18 to complete scheme
Formby Library	Capital investment to ensure that the remaining libraries are fit for purpose now and in the future	0.370	Slippage of £0.183 required to 2017/18 for boiler works.
Transport - Bridges and Structures 2016/17	Improvements / maintenance of the highways bridges and structures	0.314	Slippage of £0.40k required to 2017/18 for delays testing Network Rail Structures.
Meadows Leisure Centre Extended Gym	Invest to Save Scheme – Building and Infrastructure changes in order to generate additional income.	0.303	
Crosby Lakeside Adventure Centre	Invest to Save Scheme – Building and Infrastructure changes in order to generate additional income.	0.291	
ICT Data Centre	Improvement of resilience of ICT data storage	0.250	
Bootle Library	Capital investment to ensure that the remaining libraries are fit for purpose now and in the future	0.100	Slippage of £0.073 required to 2017/18 for heating works.

6.6 In reviewing the current position on the Capital Programme it should be noted that as part of improved capital monitoring arrangements, a capital outturn report for 2016/17 will be presented to Cabinet (in conjunction with the revenue outturn) at the year end. In addition to providing details of in year expenditure and those schemes that have been completed, it will also provide details of those schemes that have underspent or are yet to start. This review will provide Members with some opportunity to ensure that those schemes that are to be carried forward into the next year remain a priority and align with the objectives of the Council. This will also improve the delivery and financial performance of the overall programme.

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6.7 Further additions to the Capital Programme.

Section 106 monies are contributing to identified projects in the following Wards; approval is needed to include them in the Capital Programme. Ward councillors have been involved in the process to agree where and how the monies should be spent, along with support from area co-ordinators. The following table identifies what resources have been agreed.

	£
Derby	30,000
Harrington	1,870
Litherland	73,859

2013-17 LISTED BUDGET SAVINGS PERFORMANCE AT FEBRUARY 2017

Savings achieved to date	24,055,504
Progress is Satisfactory	4,875,500
Risk of savings not being fully achieved	287,000
Known shortfalls or significant risk that savings will not be achieved	6,698,446
Total of Savings	35,916,450

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Review of Commissioning - reducing funding support to community groups - Commissioning & Neighbourhood Coordination	261,000				261,000	This saving will be achieved in 2016/17.
Libraries - Review of operation and management of libraries including book fund and opening times	70,000				70,000	This saving will be achieved in 2016/17.
Parks Maintenance - Botanic Gardens Shop Closure	30,000				30,000	This saving will be achieved in 2016/17.
Parks Maintenance - Increase of payment fees by an average of £50 per full size plot in 2016/17 and again in 2017/18.	20,000				20,000	This saving will be achieved in 2016/17.
Further Changes in Style and Standards of Parks Management	27,000				27,000	This saving will be achieved in 2016/17.
Arts - Review management and opening times at the Atkinson	120,000			120,000		This saving will be achieved in 2016/17.
Street Scene - Building Cleaning - change frequency of office cleaning	19,000				19,000	There has been a reduction in the cost of cleaning Council and internal facilities during 2016/17 so the required saving is being met.
Public Conveniences increase charges	40,000	40,000				This saving will not be achieved in 2016/17. This is due to the one off costs of fitting coin mechanised doors at facilities that were previously provided free of charge and higher than expected costs for maintenance and vandalism issues. Although charges have been increased / introduced, the financial benefit to the Council has been less than expected. Negotiations are currently underway with an external operator to provide a fully managed service at a cost that can be contained within the reduced budget. Therefore this saving is expected to be achieved from 2017/18 onwards.
Public conveniences reviewed for efficiency savings	20,000	20,000				This saving will not be achieved in 2016/17. This is due to the one off costs of fitting coin mechanised doors at facilities that were previously provided free of charge and higher than expected costs for maintenance and vandalism issues. Although charges have been increased / introduced, the financial benefit to the Council has been less than expected. Negotiations are currently underway with an external operator to provide a fully managed service at a cost that can be contained within the reduced budget. Therefore this saving is expected to be achieved from 2017/18 onwards.
Careline Service/Security Force (income target)	75,000		75,000			This saving is not being achieved as it is reliant on income derived from other parts of the Council (which have been subject to cuts) and the cessation of a healthcare project which was also expected to generate income for the service. At this stage no alternative income sources have been identified and it is therefore unlikely that this additional income requirement will be met in 2016/17.
Street Scene - Building Cleaning - change frequency of office cleaning	50,000				50,000	There has been a reduction in the cost of cleaning Council and internal facilities during 2016/17 so the required saving will be met.

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Cleansing Service - Reorganisation of workload and work patterns	25,000				25,000	The budgetary provision for Cleansing Services has been adjusted to take account of the restructure which has now been implemented. As such, the required savings target will be achieved in 2016/17. However, it should be noted that the income target for recharges to internal facilities and services needs to be reviewed in the light of a reduction in cleaning budgets available across the Council.
Street Cleansing - Bulky Items Collection Service - Restructure Crews and introduce charge for bulky items	6,000				6,000	The budgetary provision for Bulky Items has been adjusted to take account of a restructure and increased charges and as such, the required saving target will be achieved in 2016/17.
Green Waste	430,000	430,000				Saving not likely to be achieved following the reorganisation of the recycling service.
Public Conveniences - Closure of all public conveniences	74,000	24,000		50,000		The original saving was predicated on the entire budget for the service being removed. There will still be residual costs to be incurred in closing the facilities in terms of NNDR, insurance, utilities, etc. for which no budget remains. Consequently, it will not be possible to meet the saving target in full during 2016/17 or in future years.
Bulky Items - Increasing collection charge from £7.50 to £10 per collection	48,000				48,000	The budgetary provision for Bulky Items has been adjusted to take account of a restructure and increased charges and as such, the required saving target will be achieved in 2016/17.
Sefton Care Line and Sefton Securities - Increased income as result of increased service activity	200,000	200,000				This saving target was predicated on increasing income by insourcing a wider range of previously externalised maintenance, testing and installation services across Council facilities and services. This did not happen as expected or proposed and as such it will not be possible to generate this additional income on top of the increased income target set for the current financial year. As such, this saving target will not be met during 2016/17. However additional business e.g. through the promotion of the Arc Angel product, is expected to generate significant income in the future which will not only enable this saving to be achieved but will also contribute towards future years' savings. Savings options in this area for 2017/18 and beyond will need to acknowledge the need to make this saving first
Catering - To increase the charge for each meal by 10p in September 2015 (start of the school term) and by a further 10p from September 2016	250,000				250,000	This saving requirement is based upon increasing the cost of a school meal annually over a two year period. The first increase generated the required additional income. Therefore, it is expected that the second increase will also provide the required increase in income. As such, the required saving target will be met in 2016/17.
New Options - Increase Cremation and Burial Fees by 5% above inflation	150,000	150,000				A new crematorium has opened in West Lancashire within five miles of the existing facility in Southport. This has had an effect on the income generated at the facility. The crematorium at Thornton is also operating at reduced capacity (2 days a week) for some months this year due to a replacement programme for the old cremators which have failed emissions tests. As such the increased income levels will not be achieved in 2016/17. In future years, although full capacity will return at Thornton, the impact of the private crematorium will continue and the loss of income arising from this competition will prevent the income target of £150,000 from being met.
Improved procurement of Council wide communications activity	61,050				61,050	This saving will be achieved in 2016/17. Following a review and realignment of budgets a recently deleted vacant post is being used to achieve the saving.
Corporate Communications Team - Deletion of vacant posts and Team restructure	100,000	0		0	100,000	This saving was in total £204k (£100k phased 2016/17) and was originally to be met from a reduction in staffing. However the saving was then anticipated to be achieved by both staffing and income i.e. staffing £104k in 2015/16 (achieved) and income £100k in 2016/17 which has previously been reported as not achievable. Having reviewed the Communications budget and the wider Strategic Support budgets this saving will now be achieved.
Transformation - Reduction of Transformation resource	75,000				75,000	This saving will be achieved in 2016/17 due to a restructure of teams.
Environmental Health - Reduction in front line environmental health regulatory services. Reduction in pest control services but retain full rat control service	170,000			170,000		On target to be achieved.
Parking - Review of service and charging regimes	467,000			467,000		Improved income due to new car park charges in new locations during 2016/17.

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Street Lighting Energy - Invest to save in lighting columns and bulbs to allow reduced hours of lighting.	530,000	530,000				A saving of £125k out of the £530k has been achieved in 2016/17 due to efficiencies being realised via LED replacements and natural light levels not being as low as usual therefore street lighting is not needed for as long as normal. This however will not be sustainable going forward as energy price increases have been announced that will make the whole £530k unachievable.
Further Changes in Style and Standards of Parks Management	64,000			64,000		On target to be achieved.
Parks Maintenance - Reduction in GM Contracts	30,000			30,000		On target to be achieved.
Coast - Reduction to visitor and site management activities. Extension to the length of the life guard contract on reduced terms. Car-parking income charges	75,000				75,000	Achieved.
Highway management, development, design and safety - Changes to charges Service reorganisations	130,000				130,000	Saving has been achieved
Budget re-alignment of salaries to be funded from grants, contracts and reserves	116,000	116,000				It is forecast that this saving will not be delivered in year as the majority of budget relates to Head of Service and grants that are used to fund remaining staff within the service who are not core funded. This saving will not be achieved in the long term and the Medium Term Financial Plan has been adjusted to reflect this.
14-19 Services - Changes to commissioning arrangements for Information, Advice & Guidance	40,000				40,000	Achieved.
Management fee reduction - Forrby Pool Contract	50,000				50,000	Following re-negotiation of the contract this saving will be achieved
School Health - Re-specify/recommission the healthy Child programme for the whole 0-19 age range	260,000				260,000	Saving achieved in 2016/17
Sports Leisure- Active Sports - Increase in income due to increased charges and new programmes	30,500			30,500		This £30.5k saving is the residual amount of a total saving target of £84k of which £53.5k was achieved in 2015/16. It appears that there has been an element of duplication around this particular saving with the original proposal only anticipating £30k additional income. While there may be some further additional income achieved in this particular area in 2016/17 it is unlikely that the full remaining £30.5k will be achieved in this specific income budget. However, It is anticipated that this will be achieved from other income areas. The situation will continue to be monitored throughout the year.
Public Health-Internal restructure to reflect the need to strengthen the influencing role of the team, and reduced need for commissioning capacity	100,000				100,000	Saving achieved in 2016/17
Integrated Wellness - Integration of Lifestyle services	1,549,000				1,549,000	Saving achieved in 2016/17
Substance Misuse - Reduction in Substance Misuse spend	440,000				440,000	Saving achieved in 2016/17
DCATCH - The scheme has already closed to new pupils, saving reflects cohorts of pupils completing the programme	15,000				15,000	Saving achieved in 2016/17

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Children With Disability Service - Continue with the development of, and implement, new eligibility criteria	315,000	42,596			272,404	The achievement of this savings target has been challenging. A post originally identified to contribute towards this saving has been taken as part of the Senior Management Review. Pressure on Direct Payments in the sum of £0.050m and Care Packages of £0.023m is currently being offset by and a temporary in year saving on employee costs on Aiming High Family Support Team of (£0.030m). The Aiming High Family Support Team has been merged with CWD Team.
Aiming High - Continue with the development of, and implement, new eligibility criteria. Review and potential cessation of funding for some activities	400,000				400,000	Saving achieved in 2016/17
Attendance Welfare Service - Improved administration of legal procedures. Reduced eligibility for service interventions. Increase income	142,000	5,000			137,000	As at 28th February 2017 a deficit forecast of £0.005m is projected on Attendance & Welfare.
Locality Assessment - Redesign of Common Assessment Framework team Implement a stronger Lead	60,000				60,000	This saving should be achieved in 2016/17.
Commissioning - Reduction of the Commissioning Service staffing	144,000				144,000	This saving will be achieved in 2016/17 due to a restructure of teams.
Business Intelligence & Performance - Re-structure	360,000				360,000	This saving will be achieved in 2016/17 due to a restructure of teams.
Housing Standards - Reduction in housing enforcement services including cessation of corporate illegal traveller sites co-ordination	20,000			20,000		On target to be achieved.
Planning - Increase in income £0.7m across parts of the service [Development Management, Building Control, and Technical Support [land charges] in light of economic forecast	130,000			130,000		Saving now likely to be achieved
Home Improvements DFG - Re-profiling the allocation of costs and increasing the level of recharges	10,000			10,000		On target to be achieved.
Treasury Management	8,000,000				8,000,000	The Council has changed its policy relating to the provision for debt repayment. This has generated significant savings until 2019/20 (2016/17 saving includes the saving achieved in 2015/16 that was reserved to be utilised in 2016/17 and future years).
General inflation provision - Remove general inflation provision set in MTFP at 2%. This will require all services to deliver general efficiency in the delivery of all services	2,180,000				2,180,000	Budget provision reduced, saving therefore achieved.
Reduced accommodation costs - Lease on Houghton Street	76,000		76,000			This saving is unlikely to be able to be achieved in this or future financial years due to it being a duplication of the 2015/16 saving Ref 67 (£60k). However, a balanced service outturn will be delivered and this will be delivered in future years.
Building Maintenance - Recharge Salaries to Capital Schemes	136,000		136,000			It is currently uncertain as to whether this saving will be delivered in 2016/17. However, a balanced service outturn will be delivered and this will be delivered in future years.
EEMS (Energy and Environment) - Reduction in Carbon reduction service and community energy service	42,000				42,000	Saving achieved in 2016/17

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Finance & ICT Services - Restructuring Finance and ICT services after implementation of new financial system in 2015	500,000			50,000	450,000	It has previously been identified that there is an issue with a saving of £50,000 being achieved by arvato in this financial year. Discussions have now taken place with arvato in order to identify other savings which can be made in order to address this shortfall, and one-off mitigating savings have been potentially identified. The remainder of the saving of £450,000 has been achieved in 2016/17.
Finance & ICT Services - Reduce ICT, printing and telephone costs in line with general Council reductions	190,000				190,000	Saving achieved in 2016/17
Learning & Development - Reduction in activity associated with learning and development	108,000				108,000	Saving achieved in 2016/17
New Options - Remove the discretionary support to Parish Councils for Council Tax Reduction Scheme	95,000				95,000	Saving achieved in 2016/17
Contracted transactional services	1,000,000			382,000	618,000	Saving will be achieved in full in 2016/17, however £0.382m relates to one-off savings in this financial year. Discussions are continuing with arvato to identify ongoing sustainable savings.
Area Finance / Finance Visiting Officers - Review	28,700				28,700	This is the full year effect of the saving resulting from the review of this service and the saving has been achieved in full.
Day Care - Day Care Review	873,050	670,000			203,050	There is a saving requirement in- year of £750k and £123.05k that relates to the previous financial year. The element that relates to the previous year has been achieved in full as a result of the full year effect of contract negotiations already agreed with New Directions. Of the £750k in year saving, £80k has been identified specifically to date. The refurbished Mornington Road and Dunningsbridge Resource Centres (for those with the most complex needs) are due to open in 2017. Further contract negotiations are being undertaken with New Directions to reflect the outcome of the Day Care review. There may be some further savings made in 2016/17 following negotiations and depending on the timing of the completion of refurbishments. A working group has been established to manage the detail of the required changes to the contract, to ensure plans are in place to avoid the risk of the saving not being achieved, in full, in 2017/18
Adult Social Care - Social care services will be required to contain net demographic growth within existing budgets for the duration of the plan. The figure has been adjusted to reflect Cabinet's previous decision relating to the underachievement of the services 2014/15 budget savings requirement. This assumption will need to be kept under close scrutiny to ensure deliverability	3,000,000				3,000,000	This saving has been achieved.

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Domiciliary Care - Further explore the use of adaptations, equipment and Assistive Technology Reduce the number of hours, number of calls, or number of carers utilised, where this is appropriate Work in partnership with the voluntary/community sector to facilitate the development and utilisation of low-level alternative/preventative community services Explore more outcome-focused commissioning	1,560,000			1,560,000		The saving was intended to be delivered in the first instance through a more effective Reablement Service model, reducing the need for ongoing domiciliary care, together with improved use of adaptations and assistive technology. The new Reablement Service is proving effective with the most significant impact being to reduce the requirement for residential care. The intention is to extend Home Care Re-ablement to community referrals. In addition re-assessments continue with a particular focus on those cases where providers have identified that they feel provision could be reduced. Where domiciliary care packages are being re-assessed the option to increase established 30 minute care visits by 15 minute blocks rather than the usual 30 minute blocks is available. Early discussions have been held with the Cabinet Member ASC, in respect of the redesign/ recommissioning of the Domiciliary Care and Reablement Services, with a view to exploring more outcome-focused commissioning
Supported Living - Alternative and more efficient ways of meeting assessed care needs	1,800,000	1,094,000		706,000		Officers continue to work on the commissioning of a more efficient, effective and sustainable supported living model. Some delays have occurred in the programme due to: the need to negotiate new rates, following implementation of the National Living Wage and a legal judgement relating to "sleep-in" rates; additional Court of Protection work that became necessary in 2016/17; and a reduced appetite amongst housing providers to develop larger occupancy properties due to uncertainty relating to possible government changes to housing benefit provision. Progress on the project, action plan, timeframe and resources is under ongoing review in order to support delivery of the saving, recognising the above difficulties. Some additional resources have been allocated to the project to the end of March 2017, to increase the pace of the reassessment process and the re-specification/redesign of the service model. To date £706k (£863k full-year effect) savings have been delivered, following 121 Supported Living care package reassessments and 2 service re-configurations (replacing smaller services with larger services that fit better with the new model). Analysis of the approach taken/savings achieved to date indicates that, subject to availability of resources, the full saving will be delivered with some additional savings to support the £3m savings identified for Adult Social Care in the 2017-20 MTFP also likely and , and a business case for expediting delivery of the savings is being prepared. Any changes to a service user's tenancy will be via reassessment of need and will be agreed with the service user and housing/care providers. It is anticipated that service users' care packages may change through increased/additional use of assistive technology which will result in independence and self-sufficiency.
Adult Assessments - An end to end review of assessment and review policies, procedures and processes within Adult Social Care.	300,000				300,000	This saving has been achieved following the review of assessment processes, policies and procedures
Housing Related Support Further decommissioning and re-commissioning of funded services in accordance with the approved Commissioning Intentions and Priorities	900,000	65,000			835,000	£835k of this saving has been achieved. Commissioners are in discussions with providers to deliver the remaining saving. The saving will be achieved in full in 2017/18
Children's administrative support - Service redesign	20,000			20,000		On target to be achieved and will be captured as part of the restructure of Children's Social Care administration.
New Options - Funding of highways, ICT and other developments from capital resources	1,000,000	434,000		566,000		The achievable figure is based on the actual capitalisation in 2015/16. Work will continue to identify all work that can be capitalised in 2016/17, although the full saving may not be delivered.
New Options - Funding revenue consequences of planning projects from Section 106	500,000			500,000		This saving will be achieved in 2016/17.
Financial Assessments	250,000	250,000				This saving is not achievable in 2016/17 and the on going effect built into the 2017/18 to 2019/20 Medium Term Financial Plan.
Customer Access Point	250,000	250,000				This saving is not achievable in 2016/17 and the on going effect built into the 2017/18 to 2019/20 Medium Term Financial Plan.

	SAVING REQUIREMENT	Red	Amber	Green	Blue	Comment
Levies - Merseyside Waste and Recycling Authority and the Integrated Mersey Transport Authority have been requested to support the Council by finding 10% efficiency savings in setting their budgets for 2015/16 and 2016/17	2,509,150	859,550			1,649,600	The Council actively engaged with the levying bodies to try to achieve a 10% reduction in the cost of levies to the Council. Unfortunately reductions in the Merseyside Recycling and Waste Authority Levy were not achievable in full. The partial non-achievement of this saving has been built into the 2017/18 to 2019/20 Medium Term Financial Plan.
Budget Planning Assumptions - Management Arrangements	1,300,000	367,650			932,350	£932k delivered on phase one with a further £368k to be delivered.
Voluntary Community Faith Review	1,500,000	1,150,650			349,350	£349k of the savings target has been achieved. The remainder of the £1.15m is not achievable.
Total Savings Requirement 2013-2017		6,698,446	287,000	4,875,500	24,055,504	

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Report to: Cabinet **Date of Meeting:** 6th April 2017

Subject: Energy Procurement Plan – Electricity 2018/19

Report of: Head of Corporate Resources **Wards Affected:** All

Is this a Key Decision? Yes **Is it included in the Forward Plan?** Yes

Exempt/Confidential No

Purpose:

The purpose of this report is to seek approval to the proposed Energy Procurement Plan in respect of the purchase of electricity for the 2018/19 financial year.

Recommendation(s):

It is recommended that Cabinet:

1. Approves the proposals for purchase of electricity for the 2018/19 financial year via prolongation of the existing Scottish Power electricity supply framework.
2. Subject to 1 above, authorise the Head of Corporate Resources and Head of Commissioning Support and Business Intelligence, in conjunction with the Cabinet Member for Regulatory, Compliance and Corporate Services to accept the most appropriate framework price(s) for electricity supply in 2018/19.
3. Subject to 1 above, authorise the Head of Corporate Resources to explore the potential for joint energy procurement with other Local Authority partners and, provided any arrangements are not detrimental to the Council’s interests, permit such Local Authorities to join in with the Council’s existing arrangement for 2018/19.
4. Authorise the Head of Corporate Resources to explore with other Local Authorities the potential for future collaborative joint working arrangements.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability	✓		
4	Health and Well-Being	✓		
5	Children and Young People		✓	

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6	Creating Safe Communities	✓		
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council Services and Strengthening Local Democracy		✓	

Reasons for the Recommendation:

Approval is sought to the proposals for the procurement of electricity for the 2018/19 financial year. The specific recommendations are made on the basis that it is believed these provide the most advantageous option available.

What will it cost and how will it be financed?

(A) Revenue Costs

The cost of electricity is met from departmental revenue budget provisions.

(B) Capital Costs

There are no Capital funding implications attached directly to this report. The on-going Energy Supply Partnership with Scottish Power will however, support the identification of potential capital funded 'invest to save' opportunities.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal: None	
Human Resources None	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

The proposals identified will not have any direct impact upon the on-going day to day delivery of the wider Council services. The proposals will however provide for effective and efficient electricity procurement allowing a greater level of focus to be applied to other energy conservation areas and fuel poverty issues.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources has been consulted and their comments have been incorporated within the body of this report. (FDFD 4589/17)

The Head of Regulation and Compliance has been consulted and their comments have been incorporated within the body of this report. (LD3872/17)

The Head of Commissioning Support & Business Intelligence has been consulted as part of on-going procurement review and is supportive of the recommendations made in this report

Are there any other options available for consideration?

The options available are set out within the body of the report. Failure to renew electricity supply arrangements in advance of the relevant expiration date will incur expensive non-contract penalty tariff rates.

Implementation Date for the Decision:

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer: Ian Weller
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1.0 Introduction / Background:

- 1.1 The purchase arrangements for the supply of energy are amongst the most financially significant entered into annually by the Council. The annual cost of gas and electricity is estimated for 2017/18 at £2.1M and £5.7M respectively.
- 1.2 Cabinet, at its meeting on 9th March 2017 authorised the acceptance of proposals for the purchase of the Council's gas supplies in 2017/18 financial year and authorised a review of the options available for the 2018/19 and beyond.
- 1.3 The Council's present arrangement for the purchase of electricity is via an energy supply partnership with Scottish Power. The arrangement supplies the needs of the entire Council together with partner organisations, including schools and colleges.
- 1.4 This report advises Members on the options available for the purchase of electricity for 2018/19 and beyond and seeks approval to adopt the most advantageous option available. It is necessary to consider this matter now in order to allow the time to implement the Members decision ahead of the commencement of the 2018/19 financial year.

2.0 Procurement Options:

- 2.1 In order to comply with European and UK Procurement Rules, it is necessary for the Council to secure its gas and electricity supply via either: direct procurement, carried out in accordance with the prescribed Official Journal of the European Union (OJEU) requirements, or by utilising a pre-existing Energy Procurement Frameworks operated by an appropriate Central Purchasing Body (CPB).
- 2.2 The Council has previously undertaken an OJEU compliant procurement exercise leading to the current arrangement with Scottish Power (SP) under which they will supply the Council with electricity until at least the 31st March 2018. The rate for the supply of electricity from 1st April 2017 to 31st March 2018 has been fixed under the terms of the framework.
- 2.3 The nature and scope of both the original OJEU enquiry and the subsequent agreement with Scottish Power were such as provide an option by which the Council can prolong the present arrangements for the period 1st April 2018 to 31st March 2019 - providing that the pricing for this is agreed prior to the end of the Framework period.
- 2.3 This means that the options available to the Council are as follows:
 - i. Undertake a new OJEU compliant procurement exercise.
 - ii. Enter into agreement to use an existing procurement framework.
 - iii. Exercise the option to prolong the present arrangements with Scottish power for a period of 12 months.
- 2.4 It should be noted that, while options i and ii would relate to a new agreement lasting typically 3 – 5 years, option iii relates to the prolongation of the present

arrangements for the duration of the 2018/19 financial year only. In the event that Option iii is adopted then it will be necessary to procure a new arrangement for supply from 1st April 2019 onwards.

3.0 Matters for Consideration:

- 3.1 The Council's present arrangement with Scottish Power is well established and performing well. In addition to providing an arrangement for the flexible purchase of electricity the agreement is configured to meet the Council's requirements in terms of support of energy management and saving opportunities.
- 3.2 The partnership arrangement has, in the 3 years to date, supported the Council in its investment of almost £200,000 on energy saving measures - these have already achieved a saving of £86,000 and are well on course for a 3 year pay back.
- 3.3 The original procurement was such that it allowed the Council to make purchases on behalf of partner organisations, such as schools and colleges, and allowed other public organisations to join in side by side arrangements to meet their needs. Aware of this provision, a number of other Local Authorities have expressed an interest in joining with the Council's arrangements should it opt to prolong it for supply in 2018/19.
- 3.4 Such an arrangement would then be the basis to explore a longer term relationship leading to joint procurement and co-operative working which, because of economies of scale is likely to provide financial benefits to all parties. The option to prolong the present arrangement for 2018/19 is therefore an attractive one.
- 3.5 Alternatively the Council could look to replicate the currently successful arrangements and undertake a new OJEU compliant procurement exercise in order to identify a partner for a new 3-5 year arrangement.
- 3.6 However, there would appear to be little benefit in undertaking a new procurement exercise in an attempt to replicate what is already in place and working well – particularly while the potential relationship with other Local Authorities is fully explored.
- 3.7 The final option is to consider the use of an established CPB framework. There are a number of alternative frameworks available however many of these do not cater comfortably for the Council's multi-site, small individual usage, high overall usage configuration.
- 3.9 The best CPB Frameworks have proven that they are able to provide a good, competitively priced supply service but do not tend to provide the flexibility to purchase energy, for say a 2 year period, when the market conditions are most advantageous or to be tailored to meet specific Council requirements.
- 3.10 Unless there is a clear financial advantage, there would appear to be little benefit in looking at a CPB framework option while the potential advantages of a future joint purchase with other Local Authorities is being explored.

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4.0 Financial Considerations

- 4.1 It is not possible to take a normal real time market view in respect of energy supply or make direct comparisons on cost across alternative supply options.
- 4.2 This is because all customers make commitments to purchase their electricity at different points in time and such commitments are influenced by their own particular requirements and the market conditions which prevail at the time. This means that there is never a single consistent market supply price available for up front comparison purposes.
- 4.4 It is only possible therefore to consider the likely benefits of any option by examination of previous performance in relation to market averages and to retrospectively compare the cost of the various options.
- 4.5 The table below compares the cost obtained in previous years under the Council's present arrangements (SP) with that achieved by the leading CPB framework Crown Commercial Services (CCS).

Supply to:	CCS - 2016 Increase (%)	CCS – 2016 Cost (£/mWh)	SP - 2016 Increase (%)	SP – 2016 Cost (£/mWh)
Large Sites	18.42	4.55	4.43	4.43*
Smaller Sites	23.19	4.76	4.86	4.43*
Unmetered (street Lighting etc)	20.99	4.52	10.64	4.43

* 2 year rates agreed in 2015

- 4.5 This indicates that the price the Council has been able to achieve in the past compares favourably with the leading CPB framework supplier – the arrangement having the flexibility to allow the Council to commit to a 2 year purchase in 2015 and thereby to secure stable rates for the period.
- 4.6 The Council can be further reassured as to the beneficial nature of the present arrangements as schools and colleges are constantly targeted by supply companies and others seeking to acquire their energy supply business – despite this 100% of schools continue to buy their energy via the Council.
- 4.7 In addition, other Local Authorities have demonstrated from their interest in joining with the Council for 2018/19 that the Council's present arrangement offers an attractive option in the current market place.
- 4.8 Members are advised, for information, that electricity prices are expected to continue to fluctuate with an upwards trend due most significantly to the EU referendum outcome and the subsequent decline in the value of Sterling.

5.0 Preferred Option / Recommendations:

- 5.1 Ultimately, Officers are satisfied that the prolongation of the present arrangement with Scottish Power is likely to provide the most beneficial option for electricity supply during the 2018/19 financial year.
- 5.2 The actual cost of supply will be established during the course of the year leading up to commencement of supply on 1st April 2018 and Cabinet is recommended to authorise the Head of Corporate Resources and Head of Commissioning Support and Business Intelligence in conjunction with the Cabinet Member for Regulatory, Compliance and Corporate Services to approve purchase commitments and accept supply rates as appropriate.
- 5.3 Subject to agreeing the proposal as set out in 5.1 above, Cabinet is requested to authorise the Head of Corporate Resources to explore the potential for joint energy procurement with other Local Authority partners and, provided any arrangements are not detrimental to the Council's interests, permit such Local Authorities to join in with the Council's arrangement with Scottish Power for 2018/19.
- 5.4 Cabinet is also requested to authorise the Head of Corporate Resources to explore the potential benefits that may be derived from co-operative working with other Local Authorities.
- 5.5 The Head of Corporate Resources will continue to monitor the energy market and review the performance of the options available to the Council so that procurement proposals for 2019/20 and beyond can be considered in the early part of 2018.

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Report to: Cabinet

Date of Meeting: 6th April 2017

Subject: Community Equipment Store

Report of: Director of Social Care and Health

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? No -
Rule 27 Consent sought

Exempt/Confidential No

Purpose/Summary

Sefton`s Community Equipment Store operates with a Section 75 Partnership Agreement between Sefton Council and Liverpool Community Health Trust. The Section 75 Agreement is due to end on the 31 March 2017. The Council seeks to extend the Agreement to enable the review that is underway to conclude and the findings and recommendations to be reported.

Recommendations

- 1) Extend the current Section 75 Agreement for a maximum period of one year from 1 April 2017 to 31 March 2018.
- 2) Note the work that is being done to review of the Community Equipment Store which will shortly be reported to Cabinet.
- 3) It be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Adult Social Care and Health) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the existing partnership agreement to provide community equipment stores in Sefton between Liverpool Community Health Trust and Sefton MBC will terminate on 31 March 2017.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community			
2	Jobs and Prosperity			
3	Environmental Sustainability			
4	Health and Well-Being	x		

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5	Children and Young People			
6	Creating Safe Communities			
7	Creating Inclusive Communities			
8	Improving the Quality of Council Services and Strengthening Local Democracy			

Reasons for the Recommendation:

The Section 75 Agreement governs the arrangements between the Council and Liverpool Community Health Trust. The current Agreement will cease in March 2017 and a maximum extension of one year is requested to enable the review to conclude and to ensure that the “incoming Partner” is proportionately consulted.

What will it cost and how will it be financed?

(A) Revenue Costs

There is no additional cost to the Council resulting from the proposed extension to the agreement. Funding for the Council’s 50% contribution, towards the running costs of the Community Equipment Store, is contained within the revenue budget.

(B) Capital Costs

Not applicable

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal -	
Human Resources -	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

none

What consultations have taken place on the proposals and when?

The Head of Corporate Resources has been consulted and any comments have been incorporated in the report (FD4581/17)

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Head of Regulation & Compliance has been consulted and any comments have been incorporated in the report (LD3864/17)

Are there any other options available for consideration?

No

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet

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Background Papers:

None

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1. Introduction

- 1.1. On 5th November 2015, Cabinet received a report which sought approval for the Council to implement a new Section 75 Partnership Agreement between Sefton Council and Liverpool Community Health Trust under the National Health Act 2006 for the provision of a Community Equipment Store for the period 1st April 2016 to 31st March 2017.
- 1.2. The Cabinet report also sought to authorise the Director of Social Care and Health to commission a new Community Equipment Service with effect from 1st April 2017.

2. The Section 75 Agreement with Liverpool Community Health Trust

- 2.1. The Partnership Arrangement covers staffing and operating costs of the Community Equipment Store, with a total value of £1,021, 250, and a 50:50 contribution from each partner. The funds are not pooled in this Agreement and employees remain the responsibility of each Partner organisation. There is no secondment or TUPE of arrangements in this Agreement. The Council acts as the Lead Partner. Equipment costs are not part of the agreement, remaining the responsibility of each partner.

3. Work to take forward Cabinet Recommendations

- 3.1. A new Section 75 Agreement with Liverpool Community Health Trust for the provision of a Community Equipment Store for the period 1st April 2016 to 31st March 2017 is now in place and the Director initiated a review to commence.
- 3.2. In November, NHS Improvement announced that Lancashire Care NHS Foundation Trust would be the new provider of community services for the population covered by Southport and Formby CCG and Mersey Care NHS Foundation Trust would be the preferred provider for the majority of Liverpool Community Health NHS Trust's south Sefton services from April 2017. Whilst the majority of these community health services will be delivered by Mersey Care and Lancashire NHS Foundation Trust, NHS Improvement and South Sefton CCG communicated that some of the services will be delivered in partnership with 5 Boroughs Partnership Foundation Trust.
- 3.3. In respect of the Community Equipment Store the "incoming partner" as advised will be 5 Boroughs Partnership Foundation Trust. The Council are informed that the process to move to the new arrangements is progressing. The timeline is to complete the transaction by end of May to start services 1st June 2017. This is to ensure due diligence in order to complete the transaction. At this point in time the CCG's and NHSI are working through the interim arrangements with Liverpool Community Health Trust and the process for transfer of elements such as this Section 75. In the interim the Council is proactively working with both current and "incoming" providers.
- 3.4. In terms of the review there have been some changes to the workforce of Liverpool Community Health Trust and to Sefton Council in terms of roles and responsibility aligned to the Equipment Store. In respect of the Council, operational management responsibility of the Community Equipment Store and the lead to conduct the review is in place. In terms of Liverpool Community Health NHS Trust the positions identified in the Section 75 Agreement have been subject to change. The review will make clear the current position and make recommendations.

- 3.5. The Council led review is soon to report. However, the review has been impacted by the NHS Improvement process both in terms of engagement with the current “Partner” and in terms of access to the “incoming provider”. Focus has been on ensuring the provision of equipment is delivered to a high standard, is safe and effective.
- 3.6. Partners have been acutely aware of the need to have an agreement that articulates the future approach clearly and ensure that the review concludes with the “incoming Partner” having sight of and contributed to the review in a manner proportionate and appropriate to the NHS Improvement process.

4. Conclusion

- 4.1. Approval is sought to extend the existing Sefton 75 agreement for a period of up to one year. However, a full 12 month extension may not be necessary depending upon the finding and recommendations of the review and subject to approval.

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Report to:	Cabinet	Date of Meeting:	6 April 2017
Subject:	Child Sexual Exploitation and Missing Children	Wards Affected:	(All Wards);
Report of:	Director of Social Care and Health		
Is this a Key Decision?	No	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

The report informs Members of the work agencies have undertaken to safeguard children from child sexual exploitation and children who have been reported as missing from home / care / education.

Recommendation(s)

1. In line with previous recommendation, to provide a regular report to Cabinet regarding the work undertaken to safeguard children from child sexual exploitation and children who have been reported as missing; and
2. To provide future reports to Cabinet on an annual basis.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	x		
2	Jobs and Prosperity	x		
3	Environmental Sustainability		x	
4	Health and Well-Being	x		
5	Children and Young People	x		
6	Creating Safe Communities	x		
7	Creating Inclusive Communities	x		
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

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Reasons for the Recommendation:

To ensure Cabinet members are aware of the partnership activity undertaken to safeguard children from child sexual exploitation in Sefton and when they have been reported as missing, in respect of their duties under the Children Act 1989 the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need.

Alternative Options Considered and Rejected:

N/A

What will it cost and how will it be financed?

(A) Revenue Costs

There are no direct costs arising as a result of this report.

(B) Capital Costs

N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial		
Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

N/A

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD.4580/17) and Head of Regulation and Compliance (LD3867/17) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer: Dwayne Johnson
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Background Papers:

None

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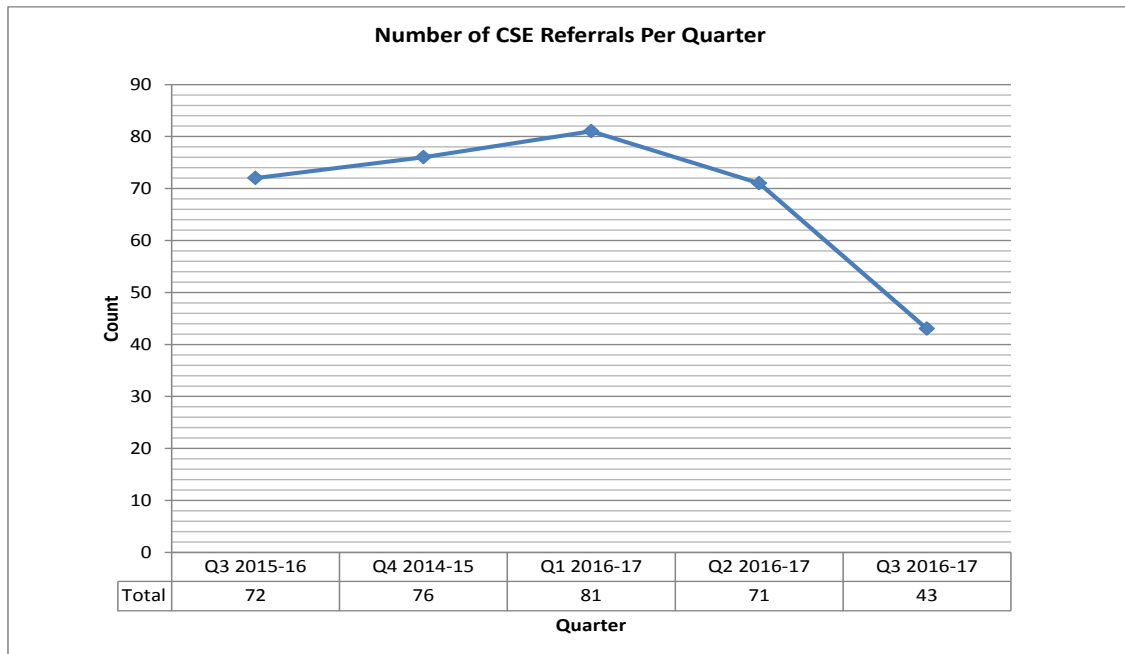
1. Introduction

1.1 This report assures Members that Sefton Council and partnership agencies are affectively working together to safeguard children who are at risk of being sexually exploited, and those children and young people who are reported as missing from home / care. The data included within this report is also reported on a quarterly basis to the Local Safeguarding Children Board CSE and Missing Child Sub Group. Sefton's Director of Social Care and Health is Chair of this Sub Group.

2. Child Sexual Exploitation (CSE)

2.1 Individuals from partnership agencies who are concerned that a child is at risk of being sexual exploited continue to make referrals to the Multi Agency Safeguarding Hub (MASH), as per the Local Safeguarding Children Board Child Sexual Exploitation Multi Agency Pathway. Between 1st July and 30th Sept 2016 (Q2 2016-17) the MASH received 71 CSE referrals regarding 67 children. Some children had more than one referral made about them by different agencies. Between 1st Oct - 31st Dec 2016 (Q3 2016-17) 43 CSE referrals regarding 36 children were received. As explained in previous reports to Cabinet the CSE referral rate is not a reflection of the number of children at risk of CSE / a victim of CSE in Sefton, but does evidence the partnerships commitment to identifying any potential CSE risks at the earliest opportunity.

2.2 The graph below indicates the quarterly CSE referral rates over the last year.



The LSCB CSE Partnership Pathway has been operational since Oct 2014 and a large amount of raising awareness and training has been provided to Council and partner agency staff. The initial increase in CSE referrals during 2014 and 2015 was expected, as awareness of the potential signs of CSE across the partnership increased. As the partnership gains further insight and confidence in identifying actual CSE, the CSE referrals now received by the MASH are becoming more clearly identified as children being at risk of CSE, or a victim of CSE via online exploitation (the 'virtual world'), or via individuals approaching children directly.

- 2.3 In Quarter 2 61% of CSE referrals, and in Quarter 3 42% CSE referrals, involved technological devices such as via Facebook or other apps, either on the children's mobile phone or iPad / laptop. These children had been approached by an individual trying to sexually exploit them in the 'virtual world'. Children younger than the age limit required to have online accounts such as Facebook had also been sexually approached online. This information has been discussed at the previous Local Safeguarding Children Board E-Safety Sub Group and recently the Council led E-Safety Working Group. Work has been undertaken by Catch22 in Schools and Colleges to ensure children are aware of the risks of individuals approaching them online and how they can safeguard themselves from not responding to such approaches.
- 2.4 The age range of the total 114 children referred due to the MASH regarding potential CSE concerns during the 6 month period ranged from 9 – 17 years old. The majority of CSE referrals received were regarding females aged between 15 – 17 years old. However a total of 18 referrals (16%) were also received regarding boys, many of which involved young people exploring their sexuality online.
- 2.5 On receiving a CSE referral the MASH continues to ensure that a Multi-Agency meeting is arranged as soon as possible, and uses a screening tool to analyse if the child is at risk of, or is a current victim of CSE. When there is concern that a child is at risk of, or, a victim of CSE, Children's Social Care commence an assessment with the child and their family / carer and Catch22, the Police and Crime Commissioner CSE Service co-located in the MASH, offer their support to the young person to develop their insight of CSE, how they can identify risk and what measures they can take to safeguard themselves. Where there is evidence that the child is being sexually exploited the Police commence a Police investigation with the partnerships support.
- 2.6 A monthly Pre-Multi Agency CSE Panel (MACSE) Meeting continues to be undertaken, involving the Detective Chief Inspector (MACSE Co-Chair) and/or Detective Inspector from Sefton Vulnerable Person's Unit along with the CSE Police Co-Ordinator, Service Manager for Sefton's Safeguarding Children Unit (MACSE Co-Chair) and the CSE Business Information Analyst. This monthly meeting ensures that, along with the sharing of intelligence, children's cases that have or have not progressed to MACSE are subject of further oversight by the MACSE Chairs, this oversight analyses and quality assures the decisions made in the CSE strategy meetings/ case discussions and ensures any intelligence related to other children at risk of CSE / CSE potential victims / perpetrators is identified and acted upon, in terms of both 'Protect' and 'Prosecute'. It is continues to be clear from all documents reviewed that the meeting has used the 'Signs of Safety' methodology to analyse risks, vulnerabilities and strengths and that all agencies working with the child already are invited to the Strategy Meetings, wherever it is been practically to do so within a timescale required to safeguard the child. The Pan Merseyside CSE 2 scoring matrix continues to be used as a guide to assess risk, but the concluded risk numerical score is not solely relied upon to inform decisions made.
- 2.7 The children and young people who are considered as high risk of being sexually exploited, and those who are considered as currently being sexually exploited, continue to be referred for discussion at the monthly Multi Agency CSE Panel

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(MACSE). This Panel continues to be co-chaired by a Senior Officer from Merseyside Police and Service Manager responsible for Safeguarding Children, and is well attended by the partnership CSE Single Points of Contact. Representatives from agencies working directly with the child also continue to be invited to MACSE, to ensure the Multi-Agency CSE Plan agreed is appropriate to other plan the child has in place, such as Child in Need Plan, Child Protection Plan or a Looked After Child Care Plan.

- 2.8 When 'looked after' children are placed by other Local Authorities with Independent Children's Homes within the Sefton area, and the child has been subject of a CSE Plan in another area, the child is discussed at Sefton MACSE to ensure appropriate transfer of the previous CSE plan.
- 2.9 There continues to be proactive work undertaken by the MACSE Co-Chairs, CSE Police Officers, CSE Business Information Analyst, Missing Children Independent Return Interview staff and MACSE Panel representatives, to ensure these children are safeguarded whilst in Sefton and that their care package and placement can safeguard them. A number of children's cases have been escalated to Assistant Directors or Director of Children's Services of the relevant other Local Authorities, due to serious concerns in relation to the child/ren that they have placed in Sefton.
- 2.10 During Q2 25 CSE referrals were made by Independent Children's Home Providers with regard to 16 individual 'looked after' children, 13 of which were young people 'looked after' by another Local Authority and placed in their care. Four of these young people, subsequent to escalations made by Sefton's safeguarding children lead to the placing local authority were moved out of Sefton and a further young person moved to a semi-independent provision in Sefton. During Q3 26 CSE referrals were made by Independent Children's Home Providers with regard to 18 individual 'looked after' children, 15 of which were 'looked after' by another Local Authority placed in Sefton. Six of these young people have subsequently moved out of Sefton.
- 2.11 The Sefton Director of Social Care and Health is lobbying Ofsted and the Department for Education regarding non-regulated 16 -18 yr old semi-independent placements not being inspected by a regulatory body. Such inspections would ensure regulatory overview regarding young people placed are appropriately safeguarded and that their therapeutic needs are met, to ensure these young people are effectively supported into adulthood.
- 2.12 At the end of September 2016 three children were subject of a Multi-Agency CSE (MACSE) Plan, of these one child was placed in Children's Homes within Sefton by another Local Authority and one had moved to Sefton on a Child Protection Plan from another Local Authority. Five children were subject of a MACSE Plan at the end of December 2016, of these one was a child placed by another Local Authority. The MACSE Panel ensures that children who are at risk of CSE, and those who are victims of CSE, have a Multi-Agency CSE (MACSE) Plan to safeguard them whilst also disrupting and prosecuting offenders.
- 2.13 The decrease in the number of children's referrals progressing to MACSE is due when the incident became highlighted their parent / carer took appropriate action and the risk immediately reduced / ceased and no further support other than a brief piece of support work and in some cases a police investigation to ascertain the

identification of the online sexual exploiter has been required to be undertaken. Additionally, several of the children placed in Sefton by other Local Authorities have moved placement out of Sefton when Sefton Safeguarding lead escalated to the placing Local Authority senior manager that they require therapeutic placements which can safeguard them.

- 2.14 LSCB CSE Workforce Briefings continue to be undertaken on a regular basis. Specific training has been provided by members of the LSCB CSE Sub Group to specific elements of the workforce, such as GP mandatory training, GP reception and nursing staff, Southport and Ormskirk Acute Trust Sexual Health Service and the Council Trading Standards Service. With the support of the Council for Voluntary Services specific events have been provided to the voluntary settings, with a focus on attempting to engage local Faith sectors.
 - 2.15 Additional LSCB briefing sessions have started to be undertaken with leisure's settings regarding the national FA investigation regarding young men allegations that they have been sexual abused by football coaches. These will continue to be undertaken by the LSCB whilst lessons are learned by the national investigation, to ensure these lessons are distributed to Sefton based leisure settings.
 - 2.16 In November 2016 members of Sefton's Multi Agency CSE Panel were invited to The Guardian Newspaper Public Services Awards in London, as the multi-agency Panel has been shortlisted in the Awards Care Category, out of over 460 nominations made regarding Public Sector Services.
 - 2.17 The Local Safeguarding Children Board has reviewed its Strategic Priorities and safeguarding children from CSE and those children that go missing continues to be a partnership priority for the Board. The Director of Social Care and Health (DCS) will continue to chair the LSCB CSE and Missing Children Sub Group, to continue to have strategic oversight of the partnership's work.
- 3. Children reported as missing from home / care**
- 3.1 All missing episodes reported to the police or Council Emergency Duty team either directly by parents/carers or by other professionals supporting their care continue to be communicated to the MASH who identified of the child has an Early Help key worker or is known to Sefton Social Care or is a looked after child placed in Sefton by another Local Authority.
 - 3.2 In Quarter 2 (2016-17) 137 children went missing, a total of 329 times. A child is defined as being missing when their whereabouts cannot be established and where the circumstances are out of character. Children are sometimes reported missing when they have not returned from School at the expected time, or have not returned home at the time they have agreed with parents, but return shortly afterwards. 90% of children and young people who went missing were missing for 2 days or less.
 - 3.3 Of the 137 children, 102 were Sefton children and the remaining 32 were 'looked after' children placed in Sefton by other Local Authorities. 34 of the 102 Sefton children were missing 2 or more times in Q2. In total these young people were responsible for 66% of all missing episodes generated by Sefton young people.

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- 3.4 60% of Sefton children who went missing in Q2 were aged 15 and over.
- 3.5 In summary, performance regarding missing children during Q3 evidenced some improvements, with 34% reduction in the number of reported missing episodes from the previous Quarter. A total of 99 children were reported missing one or more occasions, of which 68 were Sefton children and 31 were 'looked after' children placed in Sefton by other Local Authorities. 93% of children and young people went missing were missing for 2 days or less.
- 3.6 All young people who are reported as missing from home / care continue to be notified to the Missing Children Independent Return Officers from the Early Help Service, who are co-located in the Multi-Agency Safeguarding Hub (MASH). The Independent Return Officers are experienced youth work staff. They arrange an independent interview to explore with the young person the reasons for the missing episode. The interview notes are agreed with the young person and stored on the child's electronic record. A copy of these notes is also shared with the Police to support any investigation work. For young people supported by a plan the notes are also shared with their Lead Practitioner (or Social/Early Help worker). The Lead Practitioner can then use this feedback to review their plan, in order to reduce further missing episodes and increase their safety.
- 3.6 During Q2 an independent return interview was offered to the Sefton children in 87% of the missing episodes. Of the other Local Authority 'looked after' children 97% were offered a return interview. Of the total number of children offered a return interview 40% refused. Of the children who accepted the offer 50% of return interviews were undertaken within the required 72 hr period, a total of 76% had been conducted within 7 days and all had been undertaken within 3 weeks.
- 3.7 In Q3 an independent return interview was offered to 90% the Sefton children. Of the other Local Authority 'looked after' children 95% were offered a return interview. Of the total number of children offered a return interview a third refused. The biggest group who refused interviews were children and teenagers who had a single missing episode. In the main, parents refused the offer on behalf of their children and felt that the return interview wouldn't provide anything different for their children than the discussion they and the Police had with them. Of the children who accepted the offer 50% of return interviews were undertaken within the required 72 hr period. This is an area of improvement for the Missing Children Team.
- 3.8 The 2 Independent Return Officers who conduct the interviews also regularly attend MACSE, strategy meetings and other case discussions to ensure the views and concerns of the young people they have interviewed are heard and plans developed accordingly. This includes strong communication with social work teams from other Local Authorities for young people placed in Sefton. Feedback on these arrangements indicates that other professionals highly value this service.
- 3.9 Independent return interviews are analysed, to establish themes and trends to influence service provision and development. The individual factors have also been reviewed by Social Workers/Lead Practitioners who have also made changes to the child's individual plan. All cases involving risk of CSE have been referred to the MASH as per the Sefton LSCB CSE Pathway. Children not known to Social Care have been referred to the Early Help Gateway for intervention and support. The main issues identified from the analysis were:

- Unmet mental health needs, stemming from anxiety and the feeling of being overwhelmed. Most of these children had received support for these issues previously, but nothing was in place at the time of the missing episode.
- Feeling that no one listens.
- Unrealistic expectations e.g. time to return home, a number of children spoke of a 'curfew'.
- Unclear boundaries and expectations.
- Adults and children not listening/understanding each other leading to arguments and children going missing to escape. There were more instances of this for 'looked after' children.
- Children who were 'looked after', but placed away from their family, also featured highly as they extended their contact time with family. Most of this did seem to be known to staff at their placements.
- Going out with friends, sometimes involving alcohol/cannabis featured highly in the reasons given.
- Whilst few episodes occurred during school time, most children had low levels of school attendance (below 60%).
- Consistently the young people interviewed minimised the level of risk to their personal safety and had a high level of confidence in their ability to take care of themselves.
- Some initial examples of children being led, not just so by their friends alone, but also references to gangs and bullying.

The LSCB Sub Group is working to ensure these lessons learned inform future commissioning and practice via quarterly reports to the LSCB and the LSCB Annual report to the Health and Wellbeing Board.

3.10 In addition Merseyside Police analyse the children who are Top 10 missing children, and the Children's Homes from which children predominantly go missing. These individuals and Children's Homes are discussed at Police operational briefing meetings. Intelligence regarding where children have been found, or they have stated where they have been when missing is communicated and recorded on the children's police missing people's records. If there are ongoing concerns a visit is undertaken to the children's home by a Senior Police Officer or a Neighbourhood Inspector to discuss risk assessment and action plan.

4. Future planned developments

4.1 Sefton Council and partners will take part in a Merseyside wide campaign, led by Merseyside Police, as part of National CSE Awareness Day 18th March 2018 to raise awareness of CSE in local communities and Colleges.

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Report to:	Cabinet	Date of Meeting:	6 April 2017
Subject:	Sefton Young Carers	Wards Affected:	(All Wards);
Report of:	Head of Schools and Families		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

To seek approval to commence an external EU compliant procurement process for a young carers service.

Recommendation(s)

1. That Cabinet authorise the Head of Schools and Families to conduct an external EU compliant procurement process for a new contract to run for a period of three years, with the option of 2 further one-year extensions. The contract is to deliver the Young Carers Service
2. That Cabinet approve the basis of evaluation of tenders as set out within the invitation to tender and in line with the contract procedure rules
3. That Cabinet authorises the Head of Schools and Families to accept the Highest Scoring Tender in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member for Children, Schools and Safeguarding.
4. That Cabinet authorises the appropriate officer in consultation with the appropriate cabinet member to award the contract on completion of the tender process

How does the decision contribute to the Council's Corporate Objectives?

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity		X	
3	Environmental Sustainability		X	
4	Health and Well-Being	X		
5	Children and Young People	X		
6	Creating Safe Communities		X	
7	Creating Inclusive Communities		X	
8	Improving the Quality of Council Services and Strengthening Local Democracy		X	

Agenda Item 8

Reasons for the Recommendation:

This provider was awarded the contract many years ago and the service has not gone to open market in the interim. The service which will be provided, links directly to the department's aims in relation to Children and Young People and its responsibilities arising from statutory legislation.

Alternative Options Considered and Rejected:

The current contract was awarded many years ago, we could continue with the current contractual agreement, this could lead to the Council being open to challenge from other providers who could provide the service.

Completing an external EU compliant procurement process for a young carers service would ensure the Council is procuring a service in line with its contract procedure rules and the Council obtains best value in regard to cost and quality.

What will it cost and how will it be financed?

(A) Revenue Costs

The cost of the new contract will be met from within the Schools and Families budget allocated for this purpose. The current contract values are £100,000 per annum;

Recognising the uncertainty of future funding, the Invitation to Tender makes it clear that the price agreed for the contract is subject to the ongoing availability of sufficient funding and that in the event that during the contract period the Local Authority does not have sufficient funds to cover the price of the contract the Contractor will develop and agree a contract variation with the Commissioner such that the contract price remains within the funding available

(B) Capital Costs

None

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial	
Legal	
Human Resources	
Equality	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigate	<input type="checkbox"/>
	<input type="checkbox"/>

3. Equality Implication identified and risk remains

Impact of the Proposals on Service Delivery:

Sufficient time has been allowed in the process for smooth and effective implementation of the new contract.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD 4574/17) has been consulted his comments have been incorporated into the report.

The Head of Regulation and Compliance (LD 3857/17) have been consulted and any comments have been incorporated into the report.

Engagement with service users and providers is part of the revision of the service specification.

Once the contract has been awarded specific consultation with service users and the new providers will take place to ensure smooth implementation of the new service and minimum disruption for service users.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer: Contracts Commissioning Lead

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Background Papers:

There are no background papers available for inspection

Agenda Item 8

1. Introduction/Background

- 1.1 A young carer is a person under 18 who provides or intends to provide care for another person (of any age, except generally where care is provided for payment, pursuant to a contract or as voluntary work). Children should not undertake inappropriate or excessive caring roles that may have an impact on their development. A young carer becomes vulnerable when their caring role risks impacting upon their emotional or physical wellbeing and their prospects in education and life.'

Care and Support Statutory Guidance - Care Act DH 2014 Paragraph 2.49.

A young carer is identified as a child or young person under the age of 18 years, who provide care to another family, who has a physical illness/disability, mental health, sensory disability or has a problematic use of drugs or alcohol. The age of the young carer often has little or no bearing on the kinds of tasks performed. Children as young as 5-10 years of age, or maybe younger are providing emotional support, domestic help, general care and child-care for other siblings as well as looking after themselves.

The only age/task distinction is perhaps, in terms of very intimate personal care, with children aged 12 upwards being more likely to carry out the most personal aspects of caring although some aspects of this can start at a much earlier age.

The nature of tasks undertaken by Young Carers are wide and varied, examples of which are highlighted below. These are not an exhaustive list but include:

- Domestic Tasks
- Household Management
- Caring for a parent with mental health, drug and/or alcohol misuse or a physical disability.
- Emotional Care
- Sibling Care
- Financial/Practical Care.

- 1.2 The Children and Families Act 2014 amended the Children Act to make it easier for young carers to get an assessment of their needs and to introduce 'whole family' approaches to assessment and support. This legislation is aligned with similar provision in the Care Act 2014 requiring local authorities to consider the needs of young carers if, during the assessment of an adult with care needs, or of an adult carer, it appears that a child is providing, or intends to provide, care. In these circumstances the authority must consider whether the care being provided by the child is excessive or inappropriate; and how the child's caring responsibilities affects their wellbeing, education and development.
- 1.3 It is essential that the vulnerabilities and needs of children and young people are recognised. Practitioners responsible for assessing adults with care needs must be able to recognise and respond to risks to children's safety and welfare.
- 1.4 If a young carer is recognised within a family where other low level needs are identified the family should be brought to the attention of the Early Help Team. The Early Help process is intended to ensure that children and young people

receive the right support at an early stage and that services are delivered in a more co-ordinated way.

- 1.5 As part of the Early Help strategy, Sefton commissions a Young Carers Programme to provide support and address the impact on the children and young people who have extra responsibilities for caring for a family member. The service is required to liaise and refer to adult services where appropriate to ensure the young carers voice is heard and caring responsibilities are reduced where possible.

The focus of the service is on enabling young carers to access the ongoing support from a specific group of peers and build upon their confidence and self-esteem to enable them to access mainstream services, activities and resources.

Objectives:

- The reduction of caring responsibilities
- Improved attendance in education and employment reduction of NEET (not in education or training)
- Improved levels of satisfaction – “the feel better factor “
- The number of Young Carers leaving the service as it is no longer needed.

The programme offers a range of practical support including:

- Whole family Early Help assessment care planning and Lead Practitioner role
- 1 to 1 support and coaching
- Information and advice.
- Peer Support groups and individual support.
- Supervised breaks from caring.
- Advocacy on behalf of the Young Carer.
- Training and volunteering opportunities.
- Awareness raising sessions to children, young people and professionals.
- Sign-posting to other support networks/services.
- School/education liaison.
- Transitional support for those moving on to become adult carers in conjunction with Sefton Carers Centre.

- 1.6 Sefton Council will be procuring the contract following a revision of the service specification. The census identifies a large number of young people who provide unpaid care. See table below. The revised service would be requested to target the provision to young carers providing unpaid care for 20 or more hours per week, although this will not exclude young carers who provide less than 20 hours unpaid care.

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	Young Carers				
	Total: Provision of unpaid care	Provides no unpaid care	Provides 1 to 19 hours unpaid care a week	Provides 20 to 49 hours unpaid care a week	Provides 50 or more hours unpaid care a week
Total					
Age 0 to 24	76,598	74,036	1,909	387	266

- 1.7 The revised service specification will also be built upon existing practice in regard to setting clear baselines on entry into the service and understanding gaps when the young person is ready to leave the provision into a universal service.

Process

- 1.8 A full open procurement process will be engaged in order to award the contracts, with the contract being advertised using an e-procurement portal "The Chest". Submissions will be invited from Sole Contractors, Prime Contractors with subcontracted third parties providing some of the service or consortia of agencies working in partnership and exercising effective "end-to-end" accountability for all elements of the service.
- 1.9 Approval is requested for the appropriate officer in consultation with the appropriate Cabinet Member to award the contract on completion of the tender process.
- 1.10 The new contract will run for a period of three years from 1st November 2017, with the option of two further one-year extensions.
- 1.11 Recognising the uncertainty of future funding and the need for the Council to achieve significant savings over the next three years, the Invitation to Tender will make it clear that the price agreed for the contract is subject to the ongoing availability of sufficient funding and in the event that during the contract period the Local Authority does not have sufficient funds to cover the price of the contract, the Contractor will need to develop and agree a contract variation with the Commissioner such that the contract price remains within the funding available.
- 1.12 Bids will be evaluated according to a number of standard criteria, cost, and quality measures. The Standard Criteria will produce a Pass or Fail assessment, with only those passing being fully assessed.
- 1.13 The Standard Criteria and Quality Measures will include:

Standard criteria:

- Past experience / evidence of technical experience
- Financial viability
- Appropriate Insurance
- Equality submission
- Health and safety performance
- Evidence of professional conduct

Quality measures:

- Nature of service model/service configuration proposed
- Engagement of service users with service
- Service user involvement in service design, delivery and performance monitoring
- Engagement/integration with local agencies/stakeholders
- Service leadership
- Planning & performance management
- Forecasted levels of service activity and outputs
- Added Social Value
- Implementation plans

- 1.14 The evaluation will be conducted by officers from across the Council. Support and moderation will be undertaken by officers in Procurement. The officers involved will score each section against agreed criteria, with scores then being added into the overall bid scoring.

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Subject: Sefton and Knowsley Youth Music Hub

Report of: Head of Schools and Families

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential No

Purpose/Summary

To seek Cabinet approval for continuation of the Sefton and Knowsley Music Education Hub.

Recommendations:

It is recommended that:

1. That Cabinet approves Option 2, to continue the SKY Music Hub (Sefton and Knowsley Youth Music Hub) as the single Music Hub for the two Local Authority Areas, with Sefton Council acting as the Lead Hub organisation until 31st March 2020; and;
2. That Cabinet approves to authorise officers to enter into a Partnership Agreement for the continued joint Music Hub with Knowsley MBC (April 2017- March 2020) to meet the requirements of Music Hub funding, and;
3. The Cabinet Member for Children, Schools and Safeguarding receives an annual progress report from the SKY Music Hub.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	X		
2	Jobs and Prosperity	X		
3	Environmental Sustainability		X	
4	Health and Well-Being	X		
5	Children and Young People	X		
6	Creating Safe Communities	X		
7	Creating Inclusive Communities	X		
8	Improving the Quality of Council Services and Strengthening Local	X		

Agenda Item 9

Democracy			
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Reasons for the Recommendation:

The continuation of the single Music Education Hub across Sefton and Knowsley will continue to extend the range and improve the quality and impact of music education opportunities for children and young people across the two Local Authority Areas by harnessing complementary strengths.

The single music education hub for Sefton and Knowsley brings an economy of scale and therefore cost efficiencies. For example, the joint commissioning of Continuing Professional Development (CPD) for teachers and shared activities for children and young people.

What will it cost and how will it be financed?

(A) Revenue Costs

The Music Hub is funded entirely by external grant funding and by contributions from schools and income from parents. There are no financial implications to the Council as a result within the period 2017-2020.

(B) Capital Costs

N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal-	
Human Resources-	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Sefton Music Hub and Knowsley Music Education Hubs were both formed in 2012 in response to the National Plan for Music Education (DfE, 2011), and joined forces to create a single Music Hub in 2016. It is now proposed that Sefton and Knowsley will sustain the joint single Music Hub (Sefton and Knowsley Youth Music Hub) for a further three years (until 31st March, 2020).

Service delivery will continue to be improved through collaborative working towards a joint strategy. For example, sharing expertise from each Local Authority Area (Sefton and Knowsley) increasing the range of opportunities for children and young people and improving the support, training and resources available to teachers in schools.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources has been consulted (FD4527/17) and comments have been incorporated into the report.

The Head of Regulation and Compliance has been consulted and comments have been incorporated into the report. (LD 3810/17))

Are there any other options available for consideration?

As detailed in the main body of the report

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting.

Contact Officer: Chris. Lennie
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Background Papers/Information:

National Plan for Music Education (NPME)
<https://www.gov.uk/government/publications/the-importance-of-music-a-national-plan-for-music-education>

Department for Education, 3 Year funding Announcement by DfE 2017-2020

<https://www.gov.uk/government/news/thousands-of-children-to-benefit-from-music-and-arts-investment>

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1. Background

1.1 At its meeting on 21 July 2016 Cabinet resolved to develop the SKY Music Hub (Sefton and Knowsley Youth Music Hub) as the single Music Hub for the two Local Authority Areas to improve the range, quality and impact of music education opportunities for children and young people across the two Local Authority Areas. The resolution was for this to be for a trial period until 31st March 2017 pending a decision on future grant funding.

2. Music Hubs

2.1 Music Hubs were first formed in 2012 as a direct result of the publication and implementation of the (then) coalition government's National Plan for Music Education or NPME (2011).

2.2 The vision of the NPME is to. *“enable children from all backgrounds and every part of England to have the opportunity to learn a musical instrument; to make music with others; to learn to sing; and have the opportunity to progress to the next level of excellence”*.

2.3 The NPME has four more years to run i.e. up to 2020. At its inception, it sought, amongst other initiatives, to develop a network of music education hubs in England to build on the work of music services. The government have announced funding for Music Education Hubs until 2020.

2.4 The Department for Education (DfE) provides ring-fenced grant funding for hubs on an annual basis to support them in the delivery of specific roles.

2.5 On the 18th of November 2016, the Government announced funding for Music. In all cases, the hub lead organisations are accountable for the grant funding received from the DfE through the Arts Council England (ACE).

3.1 **Sefton and Knowsley Music Services**

3.1. Sefton Music Service and Knowsley Music and Performing Arts Service are recognised as good quality providers in their areas and will continue to be key partners in delivering the Core Roles as described in the NPME (2011).

3.2. Both Sefton and Knowsley Music Services will continue to operate as separate Music Services under their respective Councils policies, procedures and contractual arrangements and will continue to support schools at a local level.

3.3 Sefton and Knowsley will retain their separate responsibility for the operation and sustainability of their Music Services.

3.4 Supported by the Hub Strategy Group and Advisory Group, Managers from both Music Services will work together on cross cutting themes to enhance and develop the quality and breadth of activity for children, young people and schools.

3.5 The Sefton and Knowsley music hub has developed a detailed operational and delivery plan and Arts Council England recognise the multiple advantages of this collaboration and is fully supportive of the new joint Local Authority Hub.

5. Finance

5.1 The total Grant for the joint hub for the financial year 2017-18 is £585,753. This is comprised of £376,113 (Sefton) and £209,640 (Knowsley).

5.2 The grant will be released to Sefton Council (as the body which is accountable) upon meeting the funding conditions as set out in the ACE Music Education Hubs: Standard Terms and Conditions (Appendix 1). Upon receipt of the payment from ACE, the appropriate funding will then be dispersed to Knowsley MBC.

5.3. Sefton Music Service is self-financed from external funding or school contribution and there are no annual revenue commitments to the Council to support this service.

5.4. However if the funding to deliver the service was to cease at some stage in the future, there is a potential financial liability cost relating to a small core team who are employed by the Council. The staff who monitor and arrange to deliver this activity, are funded through grants and income generated from traded services to schools, however this potential liability would not be affected or increased by the options proposed in this paper.

5.5 As lead authority, Sefton will have no financial burden on it as a result of the proposals within the report.

5.6 If funding conditions change the Cabinet Member will be consulted and a new Report submitted.

6. Options

6.1 Option One – Single Music Hub

Revert to a single area Music Education Hub for Sefton. This would mean that (compared with Option 3) there would be fewer opportunities for children and young people and a less comprehensive offer of CPD (Continual Professional Development) for teachers in schools. This option goes against the direction of travel as set out by ACE.

6.2 Option Two - a sub-regional partnership

Continuation of the SKY Music Hub (Sefton and Knowsley Youth Music Hub) as the single Music hub for the two Local Authority Areas.

This option has the advantages of developing current achievements, towards a broader and more inclusive range of activities for Children and Young People and improved Professional Development opportunities for staff in schools. Costs will be shared and unnecessary duplication of activity avoided.

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Shared expertise from Sefton and Knowsley will ensure stronger provision, since best practice and complementary expertise from both areas will be disseminated. This will include joint Quality Assurance protocols and curriculum evaluation tools. There is also the potential to share resources.

This option will be simple to implement as all of the infrastructure, operational procedures and governance arrangements are already in place because of the trial operation over the last 12 months.

6.3 Option Three - a wider regional partnership

A wider regional partnership, such as a North West or Merseyside Hub has been considered. Following the last report to Cabinet (July 21st, 2016) a series of meetings and discussions have been held with Arts Council England and representatives from other Music Hub Areas. There is now an initial agreement to form a Strategic Hub Alliance, with St Helens, Knowsley, Liverpool, Warrington and Halton; with the clear intention to work towards an integrated plan between now and 2020 (2020 is the start of the next government funding period).

Report to:	Cabinet	Date of Meeting:	Thursday 6 April 2017
Subject:	Young People and Family Substance Misuse Service	Wards Affected:	(All Wards);
Report of:	Director of Public Health		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

To report key findings of a review of current arrangements for the provision of Young People Substance Misuse (SMASH) Service and Breaking Intergenerational Family Substance Misuse (Breaking the Cycle) for the residents of Sefton and seek authorisation to commence a procurement process to establish an Integrated Young People and Family Substance Misuse Service.

Recommendations

- 1) Authorise the Director of Public Health to conduct an OJEU Light-Touch Regime tender exercise to establish a Young Person and Family Substance Misuse Service to run for a period of two-and-half years from 1st October 2017 with the option of two further one-year extensions with a ceiling price of £350,000 per annum.
- 2) Delegate authority to the Director of Public Health in consultation with the Cabinet Member – Health and Wellbeing to award the contract to the highest scoring bidder, within the context of the approved budget and Medium Term Financial Plan.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	x		
2	Jobs and Prosperity	x		
3	Environmental Sustainability		x	
4	Health and Well-Being	x		
5	Children and Young People	x		
6	Creating Safe Communities	x		
7	Creating Inclusive Communities	x		
8	Improving the Quality of Council	x		

Agenda Item 10

	Services and Strengthening Local Democracy			
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Reasons for the Recommendation:

Procurement of an Integrated Young People and Family Substance Misuse Service will enable the Council to realise savings by rationalising the management and administration cost of two separate services. Currently the SMASH Service is provided in-house by Sefton Council and Breaking the Cycle is provided by Addaction. The development of an integrated service specification will enable officers to incorporate findings from the Young Person's Health Needs Assessment and commission a flexible and responsive service in line with local need and national guidelines.

The procurement process will be required to follow an OJEU Light-Touch Regime Open Procedure. The value of the total contract requires Cabinet authorisation and delegation to a Chief Officer to award the contract at the end of the tender process.

Alternative Options Considered and Rejected:

To extend both the SMASH Young Peoples Substance Misuse Service contract and the Breaking the Cycle contract for a further twelve months. This option would only provide a short-term solution with the option of re-procurement and possible integration having to be considered in twelve months.

To re-procure separate SMASH and Breaking the Cycle service providers. This option would incur additional costs associated with the procurement process and not enable the Council to realise the efficiencies associated with an integrated service delivery model. It would not realise the benefits to families and young people of accessing and being treated by a single integrated service.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no additional costs. The current Public Health budget for the Young Person's Substance Misuse Service (SMASH) is £253,000 per year while the budget for Breaking the Cycle is £144,000 per year and is held in the Schools and Families budget. Combining the Young Person's Substance Misuse Service with Breaking The Cycle in an integrated Young People and Family Substance Misuse Service will enable Sefton Council to realise a saving in the overall service management costs and to deliver a more effective and efficient model of service delivery.

To control risk in terms of affordability of the integrated service, an indicative ceiling price of £350,000 across the whole programme will be set out in the tendering process and described in the service specification. The cost of the programme will be met from within the Public Health and Schools and Families' budgets allocated for Young People's Substance Misuse and Breaking the Cycle, taking into account the savings proposed in the budget process for 2017/18 – 2019/20. By having a single contract a potential full year saving of £47,000 has been identified.

(B) Capital Costs

There are no additional capital costs.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial	
By having a single contract a potential full year saving of £47,000 has been identified.	
Legal	
There would be TUPE implications of existing staff for any new provider.	
Human Resources	
Equality	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigated	<input checked="" type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

Residents of Sefton would have access to a single family focused service. Young people and family members could have a single key worker and the service would be more holistic. There would be improved communication and collaboration between professionals involved with the young person and their family, and across the whole Sefton substance misuse treatment system.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources has been consulted and any comments have been incorporated into the report (FD 4576/17) and the Head of Regulation and Compliance (LD 3859/17) has been consulted and any comments have been incorporated into the report.

The Public Health commissioners have reviewed service performance, consulted with key partners in the Child and Adolescent Service, Young Person's Substance Misuse Service and the council's commissioning and procurement team.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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1. Background

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- 1.1 In April 2013, commissioning drug and alcohol treatment misuse services became the responsibility of local authorities. At that point local authorities were given greater autonomy to develop their own approaches to meet local need and the previously ring-fenced budget for young people's specialist substance misuse became part of the wider local authority public health grant.
- 1.2 Patterns of substance misuse among young people are changing, both in terms of reported prevalence and complexity of the problems faced by the young people who use services. While recent years have seen a decline in the number of young people recorded as entering specialist substance misuse services, substance misuse continues to be ranked as one of the five major challenges that young people face today with cannabis and alcohol remaining the most commonly reported substances for under 18 year olds with problematic use.
- 1.3 Substance misuse is seldom an isolated issue for young people. It affects their health and wellbeing, their education, their family, their security and their future. Substance misuse is closely linked to a number of risky behaviours, including risky sexual activity and multiple risk behaviours and vulnerabilities often associated with adolescence.
- 1.4 Building resilience within an asset-based age appropriate model of Young People and Family substance misuse service delivery is central to enabling young people to develop the confidence and social capital that are protective factors against vulnerability to substance use and involvement in criminal activity.
- 1.5 A Report for the Department of Health *Future in Mind: promoting, protecting and improving our children and young people's mental health and wellbeing (DoH 2015)* notes a complex relationship between adolescent mental health and adolescent substance use and describes the delivery of care to vulnerable young people as fragmented. Testimony from key stakeholders, points to an increase in young people presenting to services with anxiety, stress and common mental health issues while young person's substance misuse professionals report difficulties in supporting young people to access Child and Adolescent Mental Health Services (CAMHS) either because the young people do not meet the access thresholds or because they are not stable enough to engage in CAMHS treatment.
- 1.6 Evidence suggests that specialist substance misuse interventions contribute to improved health and wellbeing, educational attendance and achievement, reductions in the numbers of young people not in education, employment or training and reduced risk taking behaviour, such as offending, smoking and unprotected sex. Examples of good practice exist within adult substance misuse and mental health services supporting collaborative approaches to care for those with substance misuse and mental health problems (dual diagnosis). Similar collaboration, age appropriate and context specific approaches should now be encouraged through the development of an integrated service specification for a Young Person and Family Substance Misuse Service.

2. Review and Service Developments

- 2.1 Patterns in young people's substance use are subject to change as illicit drug markets and local availability typically drive trends. While substance use most commonly reported by young people's services in Sefton relates to alcohol and cannabis, the needs of young people can change as new and emerging substances become more available and potentially prevalent in their use.
- 2.2 Changes in patterns and trends of substance misuse among young people have been witnessed by significant increase in use of synthetic and Novel Psychoactive Substances (NSPs) including a wide variety of synthetic stimulant and cannabis type substances. Initial findings from a local Health Needs Assessment for example suggests the emergence of the drug Ketamine, which appears to be more accessible locally and has been linked to exploitative party events.
- 2.3 A review of data from the National Drug Treatment Monitoring System (NDTMS) shows that 2012/13 201 young people accessed specialist Young People's Substance Misuse Services in Sefton. By 2014/15 this number had fallen to 116 and by 2015/16 to 95. In 2016/17 the number of young people accessing specialist substance misuse services had fallen to 87. By contrast, comparative data from two of Sefton's 'Statistical Neighbours' for Young Peoples' Substance Misuse Services show that Wirral has followed a similar downward trend since a peak in 2006/07 while in Stockport, numbers in treatment have increased since 2012/13.
- 2.4 While the decline in numbers of young people accessing Specialist Substance Misuse Services may be encouraging it may also be indicative of young people's services being out of touch with the needs of young people. 25% of young people accessing treatment in 2016/17 reported problems associated with alcohol compared with a national average 49% yet Local Alcohol Profiles for England (LAPE) data show Sefton has a higher rate for alcohol specific hospital admissions for under 18 year olds compared to both national and regional average.
- 2.5 In 2017, a review of treatment services carried out by the Children's Society for Public Health England noted that while a drop in numbers was encouraging, it was important to look behind the numbers and remember that young people do not develop substance problems in isolation. The report goes on to note that young females and young male come to services with different vulnerabilities and require different responses.
- 2.6 Around 6% of young people who seek alcohol and drug treatment nationally report having been sexually exploited. However this is much higher among females seeking treatment (14%) compared to just over 1% of males. 17% of young people starting treatment in 2015/16 report having self-harmed, with the proportion of females (33%) significantly higher than males (9%) while 25% of females starting treatment reported having mental health problems compared to 15% of males.
- 2.7 Gender split for both Sefton and Wirral is close to 70/30 with 67% male and 33% female accessing Young Peoples' services in Sefton, consistent with the national average of 66% male and 34% female.

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- 2.8 Instances of domestic abuse and ‘affected by others’ substance use feature strongly in Sefton, 45% and 47% respectively. Sexual exploitation features in around 3% of the young service users in Sefton, a decrease from 5% in 2014/15. The high of young people affected by others substance misuse in Sefton, 47% compared to a national average of around 22% suggests support for a family focused approach to a young person’s substance misuse service in Sefton and the integration of breaking intergenerational substance use interventions.

3. Developing an Integrated Young People and Family Substance Misuse Service

- 3.1 Protecting the health and wellbeing of young people requires an integrated family focused approach to health and social care. Evidence shows that the children of substance misusing parents benefit when those parents receive effective treatment and that drug and alcohol treatment is a protective factor for families (*Parents with drug problems: how treatment helps families* (National Treatment Agency for Substance Misuse in England 2012)). A third of the adult drug treatment population have childcare responsibilities and there could be five times as many children affected by parental alcohol use (*Swept under the carpet: children affected by parental alcohol misuse* Alcohol Concern (2010)).
- 3.2 Intergenerational substance misuse is a pattern of substance use often passed on with in families – a pattern of substance misuse which can be hard to break without support and interventions. Evidence from existing family intervention programmes demonstrates that the lives of young people can be significantly improved where substance misusing parents are targeted as part of an early prevention strategy.
- 3.3 In line with the commissioning principles outlined in the 2017 Public Health England Report *Specialist Substance Misuse Services for Young People*, services need to be flexible and responsive enough to meet a diverse range of young people’s needs and have well developed transitional arrangements with adult substance misuse services. An integrated model of young people’s substance misuse services, combining the current Specialist Treatment Service SMASH with a family focused breaking intergenerational substance misuse service, offers an opportunity to develop a life-course approach with clear referral pathways and collaboration. This would also provide effective transitional arrangements across the Sefton substance misuse treatment system.

4. Procurement Process

- 4.1 The Draft Timetable is:

Cabinet	6/4/2017
Re-design service specifications, carry out consultation, hold provider day, complete Invitation to Tender documentation, acquire current staffing information from existing contractor	9/1/2017 – 28/4/2017
Advertise in OJEU, on The Chest and Contracts Finder	2/5/2017
Tender Return	30/5/2017

Tender Evaluation	30/5/2017 – 22/6/2017
Moderation	22/6/2017
Interviews	w/c 26/6/2017
Chief Officer Sign Off	6/7/2017
Mandatory Standstill Period	7/7/2017 – 19/7/2017
Contract Award and Legal Seal	20/7/2017
Implementation / mobilisation	24/7/2017 – 30/9/2017
Contract Start	1/10/2017

- 4.2 The basis of the tender evaluation will be Most Economically Advantageous Tender (M.E.A.T.) taking into consideration a percentage balance between Cost and Quality
- 4.3 To control risk in terms of affordability of the future service, an indicative ceiling price will be set in the tendering process, informed by the service review referred to within this report.
- 4.4 It is proposed that at the end of the procurement process, a two-and-a-half year contract with the option to extend for up to a further two years will be entered into with a provider. This should ensure better service stability and enable better value in the contract cost by procuring for a two-and-a-half year period. The contract(s) will however include provision for variation and early termination by the Council for convenience in the event of e.g. a reduction in funding levels etc.
- 4.5 It is understood that TUPE may apply to the existing in-house staff delivering the SMASH Service. Therefore in parallel to the procurement process the appropriate consultation will take place with those staff affected and the associated Trade Unions.

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Report to:	Cabinet	Date of Meeting:	6 April 2017
Subject:	Street Lighting Maintenance & Installation Pre-procurement Report	Wards Affected:	(All Wards);
Report of:	Head of Locality Services - Commissioned		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

In accordance with the contract procedure rules, this report seeks Cabinet approval for the proposed method of procurement and the basis of tender evaluation in connection with the proposed Street Lighting maintenance & installation Term Service Contract and the delegated authority for acceptance of the most advantageous bid received.

Recommendation(s)

1. Approve the proposed method of procurement and evaluation as set out within the report.
2. Delegate authority to the Head of Locality Services Commissioned in consultation with the Cabinet Member – Locality Services to award the contract to the highest scoring bidder.
3. Authorise the Head of Regulation and Compliance to enter into Contracts with the successful Tenderer.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity		✓	
3	Environmental Sustainability		✓	
4	Health and Well-Being	✓		
5	Children and Young People		✓	
6	Creating Safe Communities	✓		
7	Creating Inclusive Communities		✓	
8	Improving the Quality of Council		✓	

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	Services and Strengthening Local Democracy			
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Reasons for the Recommendation:

The Council has a statutory duty to maintain its Street Lighting asset. Historically this has been delivered via the in-house Street Lighting Team with support from external sub-contractors. Following the recent budget savings report the Council has decided to decommission the in-house Street Lighting service. Therefore due to no other suitable alternative arrangements being available the Council now needs to source an external provider / Contractor to deliver the service. By procuring a new service provider the Council can continue to fulfil its statutory duty.

Alternative Options Considered and Rejected:

The Council has consulted with the five other Authorities within the Liverpool City Region Combined Authority to establish how they deliver their own street lighting maintenance activities and whether they would have the ability to deliver Sefton's service moving forward through their existing service provision. The responses received confirmed that they would be unable to assist due to their existing contractual arrangements. Therefore this only leaves the option to undertake a competitive procurement exercise.

What will it cost and how will it be financed?

(A) Revenue Costs

All works delivered will be contained within the available annual Revenue budgets

(B) Capital Costs

All works delivered will be funded from the allocations in the Transportation Capital Programme.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial		
None		
Legal		
None		
Human Resources		
TUPE will apply to the existing in house staff currently delivering the service.		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

Subject to a new service provider being successfully procured, there will be no impact on service delivery.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD 4577/17) and the Head of Regulation and Compliance (LD 3860/17) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer: Andrew Sawyer

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Background Papers:

The following papers are available for inspection on the Council website via this link: (to be inserted by Democratic Services if necessary).

<http://smbc-modgov-01/ieListDocuments.aspx?CId=143&MId=8568&Ver=4>

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Introduction/Background

- 1 The Council has a statutory duty to maintain its Street Lighting asset. Historically this has been delivered via the in-house Street Lighting Team with support from external sub-contractors. At the Council meeting on Thursday 2nd March 2017 it was agreed to decommission the in-house service and to explore alternative arrangements for service provision. Alternative service provision has been explored and other Merseyside Councils have confirmed that they are unable to assist. Therefore the Council now needs to source an external provider / Contractor to deliver the service. By procuring a new service provider the Council can continue to fulfil its statutory duty.
- 2 The total cost of the works to be delivered during the term of the Contract will exceed the relevant OJEU threshold which, as at January 2016, is £164,176.00 and hence it will be necessary to procure the Contract in accordance with EU procedural rules. Based on recent years expenditure it is anticipated that circa £1m of works could be delivered per annum (this includes both revenue and capital works).
- 3 It is therefore proposed that, bids should be invited from suitably experienced and qualified contractors using 'The Chest' local authority procurement system.
- 4 Bids would be assessed using a combined price / quality scoring system to ensure that as well as obtaining the best market price, bids also meet the Council's requirements in terms of financial standing, capacity and ability to complete the work, quality of performance, approach to Social Value and managing the work safely.
- 5 Due to the nature of the works the contract will be priced as a schedule of rates. A typical basket of work will be developed for the contract to reflect the likely nature and volume of works to be undertaken. This basket of work will be used to calculate a value of works for use in the financial assessment process for the contract.
- 6 It is intended to procure the contract on the basis of a five year fixed term plus an option of up to five one year extensions. This would provide the opportunity to align the contract end date, subject to performance, with the recently procured Highway Maintenance suite of contracts.
- 7 The successful bidder will only be appointed following the completion of the tender evaluation in accordance with the current contract procedure rules.
- 8 It is understood that TUPE will apply to the existing in house staff currently delivering the service. Therefore in parallel to the procurement exercise the appropriate consultation will continue with those staff affected and the associated Trade Unions.

Report to:	Cabinet	Date of Meeting:	Thursday 6 th April 2017
Subject:	Hired Passenger Transport Framework Agreement 2018/20	Wards Affected:	(All Wards);
Report of:	Head of Locality Services - Commissioned		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

That the Head of Locality Services Commissioned be authorised to conduct a tender exercise in accordance with OJEU regulations and the Council's procurement regulations. The tender exercise is to establish a Framework Agreement for Hired Passenger Transport service providers to run for a period of two years from 1st January 2018 with the option of two further one-year extensions;

Recommendation(s)

That Cabinet:-

- 1) Authorise the Head of Service – Locality Services Commissioned to conduct an OJEU Open Procedure tender exercise for a new Framework Agreement to run for a period of two years from 1st January 2018 ,with the option of two further one-year extensions;
- 2) The Basis of Evaluation will be:
 - MEAT (*Most Economically Advantageous Tender*) taking into consideration a balance between Price and Quality.
- 3) Agrees to Cabinet Member Locality Services having delegated authority to establish the 2018/20 Framework Agreement on completion of the tender process.

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How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People	√		
6	Creating Safe Communities		√	
7	Creating Inclusive Communities	√		
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendation:

The current framework agreement is made up of 24 hired passenger transport companies, in 4 lots, divided up into vehicle seating capacity. The core period will expire on 31st December 2017.

As part of this process, approval will be needed for Cabinet Member Locality Services to have delegated authority to establish the Framework Agreement at the back end of the tender process

Alternative Options Considered and Rejected:

No. Based upon the level of requests from commissioning departments there is currently an ongoing need for the Council to provide specialist transport to some service users. As such, this procurement exercise and the subsequent establishment of a Framework Agreement provides the Council with the opportunity to procure services at the most economically advantageous rates, whilst also meeting the stringent Health and Safety and Safeguarding issues associated with transporting vulnerable adults and children.

What will it cost and how will it be financed?

(A) Revenue Costs:

There are no direct financial implications as a result of this report. This framework agreement establishes a list of approved suppliers, together with their tendered unit costs, from which, future transport contract bids for routes are measured, or individual transport is commissioned. The Council currently budgets and spends around £7.6m (incl overheads) on Specialised Transport for vulnerable adults and children with Special Education Needs and Disabilities. Across 2018/19 and 2019/20, savings of £0.730m are scheduled to be saved against this budget. The use of the framework agreement will help to ensure value for money is maintained during the award of future contracts.

(B) Capital Costs:

N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial		
Legal		
Human Resources		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

In terms of current service delivery there will be no impact. Specialist Transport Unit (STU) would be able to continue responding to commissioner demand, once a new Framework Agreement of Providers was established.

What consultations have taken place on the proposals and when?

Commissioning departments, Adult Social Care, Children’s Social Care and Children’s Schools and Families, are consulted on an ongoing basis in service delivery. Consultation and advice with Central Procurement is an integral part of this process.

The Head of Corporate Resources has been consulted and comments are included on this report: (FD 4533/17)

The Head of Regulation and Compliance has been consulted and comments are included in this report: (LD 3816/17)

Are there any other options available for consideration?

No. Based upon the level of requests from commissioning departments there is currently an ongoing need for the Council to provide specialist transport to some service users. As such, this procurement exercise and the subsequent establishment of a Framework Agreement provides the Council with the opportunity to procure services at the most economically advantageous rates, whilst also meeting the stringent Health and Safety and Safeguarding issues associated with transporting vulnerable adults and children.

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Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer: Graham Mussell

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Background Papers:

There are no background papers available for inspection.

Introduction/Background

- 1) Sefton Specialist Transport Unit (STU) is responsible for arranging the transportation of vulnerable adults and children with special needs to Day Centres, Schools and Colleges. Transport is provided utilising the Council's own fleet of buses supplemented by the hire of buses and taxis. These requirements are driven by Children's Schools and Families, Children's Social Care and Adult Social Care who commission the provision of specialist transport.
- 2) In defining new arrangements, flexibility in the Framework Agreement is vital in terms of ability to respond to commissioner's ongoing evolving requirements.

Tender Method

- 3) The tender exercise will follow an OJEU Open Procedure. Approval is requested for Cabinet Member Locality Services delegated authority to award the Framework Agreement at the back end of the tender process.
- 4) The new Framework Agreement will run for a period of two years from 1st January 2018, with the option of two further one-year extensions.
- 5) The Framework Agreement award to Providers establishes an 'Approved Supplier List' of suitable service providers. The award gives no obligation upon the Council to call off any services giving rise to financial commitment unless transport is requested by commissioning departments.
- 6) Any contract bids for routes can be measured against known mileages and framework values per mile, to ensure value for money for the Council
- 7) Establishing a new Framework Agreement to operate from January 2018 will complement the work being undertaken on Framework for Change, PSR4 Special Educational Needs and Disability (SEND) – Transport.

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Report to:	Cabinet	Date of Meeting:	6 April 2017
Subject:	M58 Junction 1 Improvements - Compulsory Purchase Order	Wards Affected:	Molyneux;
Report of:	Head of Locality Services - Commissioned		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

This report is to seek authority from Members to make the Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017. Members will be aware from previous reports that the M58 Junction 1 Improvement scheme, one of a number of major transport schemes within the Liverpool City Region, is being progressed by the Council. In order to carry out the works it will be necessary to acquire land outside the ownership of the Council and whilst every effort is being made to acquire the land and other interests by negotiation it is considered necessary to make a compulsory purchase order to acquire those areas which are necessary to achieve the works should negotiations not be successful

Recommendation(s)

- (1) Members agree to make the Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 under Section 239 of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink on the plan attached at Appendix 1.
- (2) Members approve the draft Statement of Reasons for making the said Order and the Head of Locality Services - Commissioned in consultation with the Head of Regulation & Compliance be authorised to finalise the Statement of Reasons for making the Order based on the attached draft.
- (3) Authorise the Head of Locality Services - Commissioned in consultation with the Head of Regulation & Compliance to make, if necessary, minor or technical amendments to the Compulsory Purchase Order boundaries as shown on the plan at Appendix 1.
- (4) Authorise the Head of Regulation & Compliance to seal the Order and take all necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Council's case at any public inquiry to secure

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the confirmation of the Compulsory Purchase Order by the Secretary of State.

- (5) Authorise the Head of Regulation & Compliance, once the Order has been confirmed, to take all necessary steps, including the publication of any notices to secure the vesting of the land in the Council, including as necessary the making of any General Vesting Declaration under the Compulsory Purchase (General Vesting Declarations) Act 1981 or to serve notices to treat and notices to enter pursuant to the Compulsory Purchase Act 1965 or any legislation replacing or amending the same and thereafter to pay compensation due to affected landowners.
- (6) Authorise the Head of Locality Services - Commissioned to confirm the Order in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order if it is still considered appropriate to do so.
- (7) Members agree to make a Side Roads Order pursuant to section 14 of the Highways Act 1980 to connect the new slip roads to the M58 motorway.
- (8) Authorise the Head of Regulation and Compliance to seal the Side Roads Order and take all necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Council's case at any public inquiry to secure the confirmation of the Side Roads Order by the Secretary of State.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		x	
2	Jobs and Prosperity	x		
3	Environmental Sustainability	x		
4	Health and Well-Being	x		
5	Children and Young People		x	
6	Creating Safe Communities		x	
7	Creating Inclusive Communities		x	
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

Reasons for the Recommendation:

The Council, have determined a programme for delivery of the scheme in order to ensure that the £5.5m Growth Fund allocation to the scheme is claimed in full. In order to achieve this, costs need to be expended before June 2019 (this is a condition within the Liverpool City Region Funding Offer). This requires the land and associated rights to be secured and works to be delivered in advance of this date. As the acquisition of the necessary land is a key element of this programme, the Council has determined that a Compulsory Purchase Order will need to be served on affected properties surrounding the junction. Whilst negotiations are ongoing with landowners affected by the proposals, the tight timescales involved mean that it is necessary to make the proposed Order to guarantee delivery of the land.

The recommendation to make the compulsory purchase order is in line with the recommendations and considerations set out in the previous report to Members dated the 3rd September 2015.

The new slip roads will be constructed as highway that joins a trunk road (the M58), which is also being improved under the proposals, and therefore a Side Roads Order is necessary to effect the connection.

Alternative Options Considered and Rejected:

The Council could agree not to make a compulsory purchase order for the scheme, but would then be wholly dependent upon the various elements of land and associated rights to be secured by agreement with the landowners. Should this not be achieved within the programme then either the scheme wouldn't progress or, if the land was secured later than the programmed date and hence the construction extended beyond June 2019, the Council would be liable for additional costs as the full allocation from the Liverpool City Growth Fund wouldn't be drawn down in full.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

The current scheme estimate for the preferred option is £6.7m. This includes the estimated works, fees and land acquisition costs.

The Council submitted an outline business case to the Liverpool City Region Local Transport Body (LCR LTB) for funding to assist the delivery of the Scheme (December 2015). A full business case was submitted in March 2016 to LCR LTB and funding of £5.5m was approved by the Liverpool City Region Combined Authority at its meeting on 7 June 2016 and a formal offer of funding made on 8 July 2016. This offer was subsequently accepted by the Council.

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The Council has, through the Cabinet process, confirmed that funds are available to deliver the balance of the works now that City Region Funding has been secured. At its meeting of the 03rd September 2015 Cabinet confirmed that the Council would include the Scheme in its Capital Programme for 2016/17 as a priority against available resources. This was ratified by full Council at its meeting of the 17th September 2015. It is currently anticipated that all costs can be met within this approved budget.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial None
Legal The Head of Regulation and Compliance will complete the necessary process to serve and administer the notices'
Human Resources None
Equality
1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact of the Proposals on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD.4588/17) comments that the cost of the Compulsory Purchase Orders can be funded by the Capital Budget approved' and the Head of Regulation and Compliance (LD.3871/17) has also been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

Contact Officer: Andrew Dunsmore

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Background Papers:

There are no background papers available for inspection

1. Introduction/Background

- 1.1 Members will recall a report to Cabinet in September 2015 in which the details of the proposed M58 Junction 1 Improvements scheme were set out. The report sought Members approval for the preferred layout, a recommendation that a financial contribution be included in the Capital Programme 2016/17 as a priority against available resources and approval to begin negotiations with affected landowners.
- 1.2 A further report was submitted to Cabinet in January 2016 setting out the Procurement Proposals for the scheme.
- 1.3 The Council submitted an outline business case to the Liverpool City Region (LCR) for funding to assist the delivery of the scheme (December 2015). A full business case was submitted in March 2016 to LCR and funding of £5.5m from the Liverpool City Region Growth Fund was approved by the Combined Authority at its meeting on 7 June 2016. A formal offer of funding made on 8 July 2016 and this was subsequently accepted by the Council.
- 1.4 The Growth Fund allocation is claimed as a percentage of legitimate costs expended on the scheme. The offer states that no Growth Fund monies can be claimed after June 2019. The indicative programme has been developed to ensure that all land is acquired, design and survey work carried out and construction completed before this date.
- 1.5 Following the previously approved Procurement Strategy, The Council has now appointed John Sisk and Sons as the contractor to complete the scheme design and construction. They have given due consideration to the land required to construct the scheme, the temporary working areas including a site compound and the form and location of the farm access track which is essential to enable the farm to continue to operate.
- 1.6 This exercise has allowed the areas of land required for the scheme to be confirmed.
- 1.7 A land referencing exercise undertaken in 2016 and completed in 2017 has ensured as far as possible that all ownership information is secured and all rights established.
- 1.8 Discussions have been ongoing with the owners, tenants and their agents with the hope that the various elements of land can be acquired by the Council by agreement. These initial discussions were based on assumptions of the necessary land take based on the outline design included within business case submission.

2. Scheme Details

- 2.1 The Scheme is aimed at providing the 'missing' two west facing slip roads at Junction 1 of the M58 motorway. In order to accommodate the slip roads a section of Giddygate Lane will need to be stopped up and the Public Right of Way

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diverted. An optioneering exercise was undertaken to examine 4 potential options and these were subsequently appraised.

2.2 Following the analysis of the Options Report it was agreed that Option 3 presented the greatest benefit of the options provided and was selected as the preferred option. The proposal includes the construction of two new, west-facing slip roads, diversion of Giddygate Lane and a redesign of the westbound exit slip layout into lane drop. As a result, the M58 is reduced to two lanes from the westbound exit slip up to the Switch Island junction. The design provides full access to the M58 from Junction 1 and is likely to divert part of the traffic from the local road network, the A59 and A506, onto the motorway, thus creating a positive impact on environment due to reduced vehicle pollution, reduced congestion and increased journey savings time. The design requires land acquisition for new slip roads as well as for diverted Giddygate Lane and diversion of Statutory Undertaker's services.

2.3 The scheme consists of the following features;

- (a) Introduction of two west facing slip roads – the geometry of the slip roads and the embankments on which they sit are determined by the requirements of the Design Manual for Road and Bridges (DMRB). These set out design parameters for the areas of new carriageway and associated verge.
- (b) Associated fencing, signing, drainage and barrier works – the DMRB determines the appropriate scope of acceptable boundary treatment and barriers and these will be determined within the detailed design. An allowance has been made, based on engineering judgement, for the land required to accommodate these features. The signing requirements will also be determined at detailed design stage.
- (c) The continuation of the existing Public Right of Way adjacent to a new slip road. – the section of Giddygate Lane parallel to the motorway is a public right of way and therefore should be maintained. The design will incorporate a new footway/cycle track that will form part of the Public Right of Way and be located adjacent to the new onbound slip road.
- (d) Stopping up of a section of Giddygate Lane impacted upon by the works – following a public consultation exercise with residents and businesses enjoying rights of access on Giddygate Lane it is proposed that the section impacted upon by the new slip road will be stopped up and no alternative lane provided.
- (e) The creation of a farm access track to serve Guest Farm and other fields – Whilst it has been agreed that the lane in its current form should be replicated along an alternative line, it is acknowledged that a new access track to Guest Farm and other fields is required. The route has been determined to have as little impact as possible on the adjacent field and to be positioned where vehicles can exit onto Maghull Lane in a safe way.
- (f) Changes in lane configurations within the M58 to facilitate the two new slip roads; some minor modifications to the existing lanes within the motorway are proposed.

- (g) Minor modification to the existing junction, including signing in response to the new slip roads – the scheme necessitates some minor changes to the roundabout and new signage. Consideration will also be given, as part of the scheme, to any physical changes to the highway layout on the approach to the junction to alleviate current safety concerns.
- (h) Limited landscaping and mitigation works –Landscape and mitigation measures will be proposed as part of the planning application and details will be developed in the detailed design stage. Land is included in the CPO to accommodate the proposals.

- 2.4 The Scheme has been costed and an economic appraisal completed. This is based upon the traffic model for Maghull which identified the likely changes in traffic flow. The model identifies a very high benefit: cost ratio of 9.3 which is considered to provide very high value for money according to DfT criteria.
- 2.5 The draft Local Plan for Sefton has been undergoing a formal consultation process. One of the sites identified for local development is the site adjacent to the Scheme, known as Land East of Maghull. This is identified as the largest and most important development site identified in the Local Plan and is considered essential in meeting the Borough's housing and employment needs.
- 2.6 The traffic model used to determine the economic benefit of the new slip roads has been used to determine the impact of the proposed development. It has concluded that the Scheme will have a very positive impact on transport links to the new development.

3. Location and Description of the Order Lands

- 3.1 The land required to deliver the Scheme includes a number of parcels of land adjacent to the M58 Motorway to the west of Junction 1. The CPO Order Land largely comprises agricultural land but does include a section of unadopted Giddygate Lane which currently forms a Public Right of Way and provides vehicular access, albeit with a locked gate, to people with rights of access. No buildings are included within the land.
- 3.2 The land and interests which need to be acquired are set out in detail in the Schedule attached at Appendix 2. This includes 2 plots to the north of the motorway to accommodate the new off slip and associated fencing and drainage. It also includes 2 plots to the south of the motorway to accommodate the new on slip and associated fencing and drainage with some land for mitigation and the proposed alternative right of way and land to accommodate the new farm access track to Guest Farm. These plots are in agricultural land and some land currently occupied by a section of Giddygate Lane.
- 3.3 The land coloured pink on the Order Map will be acquired permanently by the Council. The Council may sell some of the land, such as that identified for the site compound, on completion of the works.

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4.0 The Planning Position

- 4.1 Following discussions with HE, as the statutory agency responsible for managing the motorway network, it was agreed that the scheme did not meet the criteria for a Nationally Significant Infrastructure Project (NSIP) and would therefore be considered through the local planning process.
- 4.2 The Scheme is, therefore, subject to a formal Planning Application. The Council submitted a Pre Application Inquiry in April 2016. The advice received from the Council's Planning department concluded that 'In relation to the planning policy, this proposal is mentioned in Policy MN3 Strategic Mixed Use Allocation-Land East of Maghull of the emerging Local Plan. Policy IN2 Transport of the emerging Local Plan is also of relevance, as the upgrading of the motorway access at Junction 1 on the M58 is listed as requirement as part of seeking to secure an efficient and secure transport network for all users, including walking and cycling'. The advice concluded that 'in planning policy terms the proposal is acceptable in principle'. The scheme, therefore, is clearly identified in Sefton's Local Plan as a policy commitment.
- 4.3 The Council has plans to submit a full application for the scheme in April 2017.

5.0 Purpose and justification for the use of compulsory purchase powers

- 5.1 Section 239, 240, 246, and 250 of the 1980 Act will be employed to acquire the necessary land and rights to construct and maintain the Scheme.
- 5.2 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest, which justifies the overriding of private rights and interests in the land to be acquired. The Council is satisfied that a compelling case exists here for the reasons set out in the Statement of Reasons which is included in draft form in Appendix 3.
- 5.3 The Scheme seeks to improve traffic conditions by improving access to the strategic road network, reducing congestion and improving reliability of travel time. Currently Junction 1 only has two slip roads on the east side of the roundabout that only allows limited traffic movements.
- 5.4 It is recognized that a thriving economy can prosper on a strong and robust transport infrastructure that establishes the crucial connection between the local economy and the wider global market. The scheme is therefore proposed on the basis of its importance to the wider community and its contribution towards the local, sub-regional and national economic prosperity. The business case for the scheme was developed on the basis of the benefits that the scheme will provide to existing traffic conditions in the area. It will also facilitate potential future development in the Maghull area, depending on the outcome of the Local Plan process.
- 5.5 The objectives of the Scheme have been developed from an understanding of the existing situation and by taking into consideration future traffic conditions. The objectives address the issues on the existing highway network in a specific,

acceptable and realistic manner and take account of wider local, sub-regional and national policy objectives. The strategic objectives of the scheme are:

- **Promote sustainable economic development** through the provision of efficient surface access and improved connectivity to, from and between the town centres, Port of Liverpool, Knowsley Industrial Park area and other existing & future development areas and wider strategic road network;
- **Provide significant economic benefit to the community** by reducing travel time for both commuters and business journeys;
- **Promote improved productivity** by providing a quicker route and eliminating conflict with the local traffic;
- **Provide a positive impact on local air and noise pollution** within Liverpool City Region by reducing congestion and providing better alternative routes; and
- **Provide a safe corridor for traffic** by reducing potential vehicular conflict, hence reducing accident rates at the local and sub-regional level within the area of influence of the scheme.

5.6 The business case developed in order to secure the Growth Fund contribution to the scheme has been undertaken in accordance with the DfT standard approach to scheme appraisal. It has then been subject to an independent review by consultants appointed on behalf of the City Region. The economic appraisal included within the business case identified a very high benefit: cost ratio of 9.3 which is considered to provide very high value for money according to DfT criteria. On this basis the scheme was approved by the Combined Authority and an offer of funding was received.

5.7 It is recognised that the new slip roads can't be constructed without the acquisition of land within private ownership.

5.8 The business case identified the impacts should the land not be secured and the scheme were not to progress. These included the following;

- Congestion continues to worsen in Maghull / Kirkby / Knowsley
- Increased vehicle queues
- Increase in network unreliability
- No improvement in access to employment, housing and social opportunities
- Increased congestion results in increased carbon emissions, deterioration in air quality, increased noise and visual pollution
- Businesses choose to invest elsewhere: LCR potentially loses out to Greater Manchester, Warrington and other regional competitors
- Economic growth in Sefton (and wider LCR) is stifled

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- Increased travel costs to businesses (due to congestion / delay) that use the junction
- Conditions deter business investment, impacts on local and regional economy

5.9 It is the Council's opinion that the proposed CPO is necessary to facilitate the delivery of the Scheme and that the statutory requirements for the use of compulsory purchase powers under the Highways Act 1980 have been met. The Order Lands have been determined to be the minimum needed to deliver the Scheme and the Scheme has been designed to minimise the impact on those with land interests in the area. Given the significant public benefits that will be achieved with the delivery of the Scheme and the support of local, regional and national policy, it is considered that the use of compulsory purchase powers is necessary and justifiable in the public interest.

6.0 Compulsory Purchase and the Criche Down Rules Guidance

- 6.1 Although not specifically related to highways compulsory purchase orders this Guidance provides general guidance to authorities in England on compulsory purchase orders and the approach to be taken in determining whether or not an order should be confirmed. The guidance was last updated in October 2015. The guidance confirms that "compulsory purchase powers are an important tool for local authorities to use as a means of assembling land needed to help deliver social and economic change. Used properly they can contribute towards effective and efficient urban regeneration, the revitalisation of communities and the promotion of business – leading to improvements in quality of life"
- 6.2 Making the CPO in respect of the current proposals would clearly support this approach given the benefits that will accrue should the Scheme be delivered.
- 6.3 The basic principle underpinning any CPO is set out at paragraph 12; "A compulsory purchase order should only be made where there is a compelling case in the public interest".
- 6.4 As set out above, there are significant disbenefits resulting from the absence of the two slip roads. Not delivering the proposed improvement will exacerbate current congestion problems, particularly on the A59, impact upon the viability of proposed new development, including that identified within the emerging Local Plan. This will have an impact on the immediate locality, as well as having an impact potentially on the wider Liverpool City Region.
- 6.5 The benefits identified cannot be achieved without delivering the Scheme and this requires the land identified in the Order to come forward. The land is therefore necessary to the Scheme and there is a clear need for the CPO to be confirmed. Whilst negotiations to acquire the land by agreement will continue the acquisition cannot be guaranteed, without the support of CPO powers, within the programme timeframe.
- 6.6 Failing to deliver the benefits associated with the Scheme will, at the very least, ensure that current problems with the route continue and will fail to deliver already identified "future proof" improvements to manage already identified future impacts.

- 6.7 With the commensurate public realm, environmental and economic benefits to the area there is a clear public benefit to delivering the Scheme.
- 6.8 There is also no financial impediment to delivering the Scheme as funds have been identified by the Council in its appropriate capital programme to cover the cost of the Scheme and associated activities if grant funding is made available
- 6.9 The Council has plans to submit a full planning application for the scheme in April 2017 and is confident that permission will be secured following a positive response to the Pre Application. An agreement under Section 6 and other enabling powers of the Highway Act 1980 will be entered into with Highways England and there are no other known impediments that would prevent the Scheme being delivered
- 6.10 Whilst it must be acknowledged that land interests will be affected by the proposed compulsory purchase order, the interests affected are the minimum necessary to enable the Scheme to be delivered, no private residential premises are affected and no buildings are directly impacted by the proposals. Moreover, compensation is legally available to those who may be affected by the proposed orders.
- 6.11 On balance, notwithstanding the impact on individual properties, there is a compelling case in the public interest to deliver the Scheme and to support the proposed compulsory purchase order and necessary side roads order.

7.0 Circular 2/97

- 7.1 Department of Transport Circular 02/97 is still the relevant guidance in respect of compulsory purchase orders for major road schemes.
- 7.2 It provides that the Secretary of State for Transport will require to be satisfied in every case that the land included in the CPO can reasonably be regarded as required for the purposes of the acquisition as stated in the Order. Where the Scheme is one for the improvement or construction of a highway, this will normally mean that the only land to which the CPO should relate will be land falling within the highway as improved or newly constructed. If land outside these limits is required in connection with the improvement or construction of a highway (e.g. as working space) this will need to be made clear...(paragraph 18)
- 7.3 The Scheme has been carefully designed to minimise the amount of land that needs to be acquired and where working space has been identified this has been kept to a minimum. The proposed Order and Order land therefore conform to this guidance.
- 7.4 Paragraph 2 to the Circular also identifies that the Secretary of State would “always wish to be sure that Scheme for which he was authorising the compulsory purchase of land would go forward as proposed in the Order. Consequently, it is his practice not to confirm CPO until he is satisfied that the planning permission of aspect of the Scheme to which the Order relates has been granted”. In this case the works underpinning the Scheme are expected to benefit from planning

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permission. The Order will only be made once the Planning Notice has been received.

8.0 Human Rights Act 1998

- 8.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“the Convention”). The Convention includes provisions which aim to protect the rights of the individual (including companies and similar bodies). In resolving to make the Order the Council must consider the rights of the property owners affected by the Orders, should they be confirmed, generally and, in particular, under the following Articles of the Convention;

Article 1 of the First Protocol

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”

Article 6 – Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 8 Right to respect for private and family life

1 Everyone has the right to respect for his private and family life, his home and his correspondence.

2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 8.2 In each of the articles referred to above (and in respect of many of the provisions of the Convention) the rights afforded to an individual are “qualified rights”; this means that they do not prevent proposals affecting those rights. The public authority seeking to affect those rights is obliged to satisfy itself that it has struck the correct balance between the rights of the individuals affected and the public interest in delivering the Scheme.
- 8.3 The works that will be delivered as part of the Scheme will deliver significant public benefits to their area. In the circumstances, and given that the land

interests affected by the proposals will be limited, given the scale of the Scheme, it is submitted that the proposed compulsory purchase order would not constitute an unlawful interference with the individual's property rights given the overall public benefits which will be delivered if the Scheme is progressed. The Council has also taken every reasonable effort to ensure that the land affected by the Scheme is the minimum necessary to deliver the project.

- 8.4 Furthermore, the compulsory purchase process clearly provides for those affected to have a right to object to any order being confirmed and this objection will be considered by an independent Inspector appointed by the Secretary of State for Transport. Any objection may also be considered through a public hearing. Notwithstanding this, any person affected by the proposed orders will be entitled to compensation proportionate to any loss they may incur as a result of their rights being affected by the Orders.

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Appendix 2

THE SEFTON METROPOLITAN BOROUGH COUNCIL
(M58 JUNCTION 1)
COMPULSORY PURCHASE ORDER 2017

**THE HIGHWAYS ACT 1980
AND
THE ACQUISITION OF LAND ACT 1981**

The Sefton Metropolitan Borough Council (in this order called the “Acquiring Authority”) makes the following order:

1. Subject to the provisions of this order, the Acquiring Authority is under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 hereby authorised to acquire compulsorily the land and new rights over land described in section 2 for the purposes of;
 - 1.1. construction for two motorway slip roads at Junction 1 of the M58 (“the Highway”)
 - 1.2. the construction of a farm access track
 - 1.3. the carrying out of drainage, signage and environmental mitigation works in connection with the construction or improvement of the said Highway
 - 1.4. the use of the land by the Acquiring Authority in connection with the construction and improvement of the Highway or other highways within its vicinity
 - 1.5. mitigating any adverse effects which may arise associated with the construction or improvement of the Highway by the Acquiring Authority

2. The land and rights authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink and the rights to be purchased compulsorily under this order is the land described in the Schedule and shown edged red and coloured blue on the map prepared in duplicate and sealed with the common seal of the Acquiring Authority and marked “Map referred to in the Sefton Metropolitan Borough Council (M58 Junction 1) Compulsory Purchase Order 2017 “

3. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this order subject to the modifications that references in the said Parts II and III to the undertaking shall be construed as references to the works constructed or to be constructed on the land authorised to be purchased.

Table 1

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1	5,459 square metres of land lying to the south west of Maghull Lane, Maghull and west of Junction 1 of the M58 and east of Bradleys Farm, School Lane	<p>Wilson Connolly Limited Taylor Woodrow House The Beacons Warrington Road Risley Warrington WA3 6XU (MS213607)</p> <p>Hallam Land Management Limited 8th Floor 26 Cross Street Manchester M2 7AQ (MS213607)</p>	-	<p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p>	<p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p>
2	5,665 square metres of agricultural land and premises known as Bradleys Farm, School Lane, Maghull, Liverpool	<p>David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE (MS601527)</p>	-	-	<p>David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE</p>

Table 1 (cont'd)

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
3	All interests in 473 square metres of land, track and public footpath known as Giddygate Lane situated south west of Junction 1 of the M58	<p>Unknown</p> <p>Professor J R Hunter 5 Arden Drive Dorridge Solihull West Midlands B93 8LP <i>(as adjoining owner)</i></p> <p>Highways England Company Limited The Company Secretary Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ <i>(as adjoining owner)</i></p>	-	-	Unoccupied
4	All interests in 596 square metres of land, track, verge and public footpath known as Giddygate Lane situated north of Guest Farm except those of Highways England Company Limited	<p>Highways England Company Limited The Company Secretary Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ <i>(MS253931)</i></p>	-	-	Unoccupied

Table 1 (cont'd)

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
5	10.609 square metres of agricultural land situated west of Guest Farm, Giddygate Lane, Melling	David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE (MS601527)	–	–	David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE
6	All interests in 307 square metres of land situated south and east of Giddygate Land and north of Guest Farm, except those owned by Highways England Company Limited	Highways England Company Limited The Company Secretary Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ (MS253931)	–	–	Unoccupied
7	12,324 square metres of agricultural land situated east of Guest Farm, Giddygate Lane, Melling	Professor J R Hunter 5 Arden Drive Dorridge Solihull West Midlands B93 8LP (reputed owner)	–	Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL	Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL

Table 2

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
1	<p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p>	Charge as detailed in a Deed dated 28 September 2001 registered under title MS213607	-	-
2	-	-	-	-

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3	-	-	<p>United Utilities plc Haweswater House Lingley Mere Business Park Lingley Green Avenue Great Sankey Warrington WA5 3LP</p> <p>John Francis Cant 1 Moss Nook Cottages Moss Nook Lane Liverpool L31 1BG</p> <p>Sally Ann Cant 1 Moss Nook Cottages Moss Nook Lane Liverpool L31 1BG</p> <p>Ben Cant 1 Moss Nook Cottages Moss Nook Lane Liverpool L31 1BG</p>	<p>Rights relating to water and sewerage statutory undertakers</p> <p>Rights of access over Giddygate Lane for the benefit of 1 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of 1 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of 1 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>Allen John Carter 2 Moss Nook Cottages Moss Nook Lane Melling Liverpool L31 1BG</p> <p>Allan Philip Marshman Sunnyfields Hall Lane Lydiate Liverpool L31 4HP</p> <p>John Allan Marshman Moss Nook Barn Moss Nook Lane Melling Liverpool L31 1BG</p> <p>Anna Lee Marshman Moss Nook Barn Moss Nook Lane Melling Liverpool L31 1BG</p> <p>Dorothy Marshman Moss Nook Farmhouse Moss Nook Lane Melling Liverpool L31 1BG</p>	<p>Rights of access over Giddygate Lane for the benefit of 2 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of land and buildings at Moss Nook Farm and Moss Nook Barn, Moss Nook Lane, L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of land and buildings at Moss Nook Farm and Moss Nook Barn, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of Moss Nook Barn, Moss Nook Lane, Melling, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of Moss Nook Farmhouse, Moss Nook Lane, Melling, Liverpool L31 1BG</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>Michael Joseph Lane 1 Giddygate Lane Melling Liverpool L31 1AG</p> <p>Colin Rooney Mulwood 2 Giddygate Lane Maghull Liverpool L31 1AG</p> <p>Gordon William Morrey Parkside Flash Lane Rufford Ormskirk L40 1SW</p> <p>Terrence Moroney 23 Harrow Drive Aintree Liverpool L10 8LD</p> <p>Robert Harrison Melling House Farm Bungalow Prescot Road Melling Liverpool L31 1AP</p>	<p>Rights of access over Giddygate Lane for the benefit of 1 Giddygate Lane and land on the north west side of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of Mulwood, 2 Giddygate Lane, Liverpool, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of land at Giddygate Lane; Brookside, Giddygate Lane, L31 1AE; 2 Fir Tree Cottages, Giddygate Lane, L31 1AG and 3 Fir Tree Cottages, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of land on the west side of Prescot Road</p> <p>Rights of access over Giddygate Lane for the benefit of land adjoining Brookside and land adjoining Fir Tree Cottages</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>Audrey O'Donnell Bradshaw House Mill Lane Aughton Ormskirk L39 7HJ</p> <p>Steven John Dalton Brookside Giddygate Lane Melling Liverpool L31 1AE</p> <p>Ann Shirley Friday Brookside Giddygate Lane Melling Liverpool L31 1AE</p> <p>Jayne Allison Holden Fir Tree House Giddygate Lane Melling Liverpool L31 1AG</p> <p>Andrew Paul Holden Fir Tree House Giddygate Lane Melling Liverpool L31 1AG</p>	<p>Rights of access over Giddygate Lane for the benefit of land on the west side of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of Brookside, Giddygate Lane, L31 1AE</p> <p>Rights of access over Giddygate Lane for the benefit of Brookside, Giddygate Lane, L31 1AE</p> <p>Rights of access over Giddygate Lane for the benefit of Fir Tree House, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Fir Tree House, Giddygate Lane, L31 1AG</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>Daniel Holden Fir Tree House Giddygate Lane Melling Liverpool L31 1AG</p> <p>Kenneth Deary Holly Tree Cottage Giddygate Lane Melling Liverpool L31 1AG</p> <p>Pamela Deary Holly Tree Cottage Giddygate Lane Melling Liverpool L31 1AG</p> <p>Shona O'Donnell Giddygate Farm Giddygate Lane Melling Liverpool L31 1AE</p> <p>Philip James Hoare Giddygate Farm Giddygate Lane Melling Liverpool L31 1AE</p>	<p>Rights of access over Giddygate Lane for the benefit of Fir Tree House, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Holly Tree Cottage, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Holly Tree Cottage, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Giddygate Farm, Giddygate Lane, L31 1AE</p> <p>Rights of access over Giddygate Lane for the benefit of Giddygate Farm, Giddygate Lane, L31 1AE</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>The Executor of the estate of Barbara Elizabeth Karran 1 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>The Executor of the estate of George Karran 1 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>Andrew Wayne Sartorius 2 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>Abbie Louise James 2 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>Anthony Joseph Swift Bridge Farm School Lane Maghull Liverpool L31 1HH</p>	<p>Rights of access over Giddygate Lane for the benefit of 1 Fir Tree Cottages, Giddygate Lane, Liverpool, L31 1AG and land adjoining</p> <p>Rights of access over Giddygate Lane for the benefit of land adjoining 1 Fir Tree Cottages, Giddygate Lane, Liverpool, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of 2 Fir Tree Cottages, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of 2 Fir Tree Cottages, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of land on the south west side of Moss Nook Lane</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>Robert Floyd Swift 15 Tideswell Road Putney London SW15 6LJ</p> <p>Parkcare Homes (No.2) Limited Fifth Floor 80 Hammersmith Road London W14 8UD</p> <p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE</p>	<p>Rights of access over Giddygate Lane for the benefit of land on the south west side of Moss Nook Lane</p> <p>Rights of access over Giddygate Lane for the benefit of Moorfield House, Giddygate Lane, L31 1AQ</p> <p>Rights of access over Giddygate Lane for the benefit of land to the east of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of land to the east of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of land to the northwest of Guest Farm</p>

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
3 (cont'd)			<p>Gary Prescott 5 Millbank Smallholdings Millbank Lane Maghull Liverpool L31 9AT</p> <p>Mark James Prescott 5 Millbank Smallholdings Millbank Lane Maghull Liverpool L31 9AT</p> <p>Karen Atkins Guest Farm Giddygate Lane Melling Liverpool L31 1AG</p>	<p>Rights of access over Giddygate Lane for the benefit of Guest Farm</p> <p>Rights of access over Giddygate Lane for the benefit of Guest Farm</p> <p>Rights of access over Giddygate Lane for the benefit of Guest Farm</p>
4	-	-	For the names and addresses of qualifying persons see plot 3 above	Rights of access over Giddygate Lane for the benefit of land and properties along Giddygate Lane

Table 2 (cont'd)

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
5	-	-	National Grid Gas Plc 1 - 3 Strand London WC2N 5EH	Rights relating to gas main
6	-	-	-	-
7	-	-	-	-

GENERAL ENTRIES

LIST OF STATUTORY UNDERTAKERS AND OTHER LIKE BODIES HAVING OR POSSIBLY HAVING A RIGHT TO KEEP EQUIPMENT OR HAVING THE BENEFIT OF EASEMENTS ON, IN OR OVER THE LAND WITHIN THE ORDER

PARTY NAME	ADDRESS
Vodafone UK Limited	Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN
National Grid Electricity Transmission Plc	1 - 3 Strand, London, WC2N 5EH
S P Power Systems Limited	1 Atlantic Quay, Glasgow, G2 8SP
National Grid Gas Plc	1 - 3 Strand, London, WC2N 5EH
British Telecommunications Plc	81 Newgate Street, London, EC1A 7AJ
United Utilities Plc	Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP
The Canal and Rivers Trust	Head Office, First Floor North, Station House, 500 Elder Gate, Milton Keynes, MK9 1BB
Network Rail Infrastructure Limited	1 Eversholt Street, London, NW1 2DN
Hutchison 3G UK Limited	Star House, Grenfell Road, Maidenhead, SL6 1EH
EE Limited	Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW
Virgin Media Limited	Media House, 10-14 Bartley Wood Business Park, Hook, RG27 9UP National Plant Enquiries Team, Communications House, Scimitar Park Industrial Estate, Courtauld Road, Basildon, SS13 1ND

The common seal of
Sefton Metropolitan Borough Council
was hereunto affixed on the day of
2017 in the presence of:

AUTHORISED SIGNATORY

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Appendix 3

DATED

2017

Highways Act 1980

Acquisition of Land Act 1981

Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order
2017

The Acquiring Authority's Statement of Reasons

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1. Introduction
2. Background Information
3. The Scheme
4. The CPO Order Land
5. The need to deliver the Scheme
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8. Funding Proposals
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10. Consideration of Human Rights Issues
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 - 11.1. Related Orders/Applications
 - 11.2. Special Considerations affecting the Order Land
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 - 11.5. Inspection of documents

1. Introduction

- 1.1 On the [] 2017 Sefton Metropolitan Borough Council (“the Council”) made the Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 (“the CPO”)
- 1.2 The land and the interests over land proposed to be compulsorily acquired pursuant to the CPO (“the CPO Order Land”) broadly covers land lying adjacent to the M58 motorway to the south and west of Junction 1. The CPO Order Land is better described in Section 4 of this Statement.
- 1.3 The CPO was made to facilitate site assembly for a highway scheme to introduce two new slip roads to Junction 1 of the M58 allowing an off movement from the eastbound carriageway and an on movement to the westbound carriageway. The proposals are better described in Section 3 of this Statement (“the Scheme”).
- 1.4 Sefton is the highway authority, as defined by the Highways Act 1980 (“the 1980 Act”) for the A506, Maghull Lane, which joins the M58 motorway at Junction 1. The Secretary of State for Transport (“DfT”) is the highway authority, as defined by the 1980 Act, for the M58 motorway and the existing slip roads. Highways England (“HE”) is the government owned company charged with operating, maintaining and improving motorways and trunk roads within England on behalf of the DfT.
- 1.5 In order for The Council to deliver the Scheme on the motorway network [and to connect the new slip roads into the network], an agreement between the Council and HE, pursuant to Section 6 [and section 327] of the 1980 Act, is required to be completed to delegate DfT's functions to the Council [and to apply the compulsory purchase provisions of the 1980 Act to HE owned interests] (“Section 6 agreement”).
- 1.6 This is a non-statutory statement provided in compliance with paragraph 21 of the Department for Communities and Local Government Guidance on Compulsory Purchase Processes and the Crichel Down Rules 2015.
- 1.7 This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Council reserves the right to alter or expand it as necessary.

2. Background Information

- 2.1 Section 239 (1) of the 1980 Act provides that:
“any highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense...”
- 2.2 Section 239(3) of the Highways Act 1980 further provides that:

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“a highway authority may acquire land required for the improvement of a highway, being an improvement which they are authorised by this Act to carry out in relation to the highway”

- 2.3 The Council has determined that compulsory purchase is necessary to guarantee the land acquisition required to enable the construction of the Scheme and deliver the improvements and benefits associated with it. The need to assemble the site within time constraints is further considered below but relates primarily to the availability of funding for the Scheme and the requirements imposed on the use of that funding. In Section 3, consideration is given to the background to the Scheme and the desire of the Council to deliver this Scheme and its benefits. Without the use of compulsory purchase powers the Council are satisfied that it is unlikely that it will be possible to acquire the necessary land to enable the Scheme to be delivered within the necessary timescale.
- 2.4 The CPO will enable the acquisition of all interests in the CPO Order Land which are not currently within the control of the Council (other than mining interests and any other interests specifically excluded) as set out in the schedules to the CPO. The land to be acquired under the CPO is shown coloured pink on the Order Map associated with the CPO.
- 2.5 The Council acknowledges that a compulsory purchase order can only be made if there is a compelling case in the public interest to support the making and confirmation of an order. After careful consideration the Council considers that there is a compelling case in the public interest to make the CPO to deliver the highway improvements proposed by the Scheme.

3. The Scheme

- 3.1 The Scheme will provide the ‘missing’ two west facing slip roads at Junction 1 of the M58 motorway. In order to accommodate the slip roads, a section of Giddygate Lane will need to be stopped up or diverted. An options appraisal was undertaken to examine 4 potential options. These included a ‘do-nothing option, a simple option to include the west facing slip roads without modifying the motorway, a similar option with some minor modification to the westbound exit slip, and a fourth option which included some modifications to the bridge parapet on the roundabout and introduction of a cycle lane on the roundabout.
- 3.2 In late 2015, HE confirmed that it intended to complete the bridge parapet works and cycle facilities (identified within the fourth option) as part of a separate scheme. These works were undertaken in early 2016 and the fourth option was therefore discounted.
- 3.3 Following the analysis of the Options Report it was agreed that Option 3 presented the greatest benefit of the options provided and was selected as the preferred option. This option enables all the benefits offered by Option 2 and reduces the risk of accidents west of the junction, along the section where the slip road joins the M58 and lane three is dropped. The proposal includes the construction of two new, west-facing slip roads, diversion of Giddygate Lane and a redesign

of the westbound exit slip layout into lane drop. As a result, the M58 is reduced to two lanes from the westbound exit slip up to the Switch Island junction. The design provides full access to the M58 from Junction 1 and is likely to divert part of the traffic from the local road network, the A59 and A506, onto the motorway, thus creating a positive impact on the environment due to reduced vehicle pollution, reduced congestion and increased journey savings time. The design requires land acquisition for new slip roads as well as for the farm access track required following the stopping up of Giddygate Lane.

- 3.4 The Scheme has been costed and an economic appraisal completed. This is based upon the traffic model for Maghull, which identified the likely changes in traffic flow. The model identifies a very high benefit:cost ratio of 9:3 which is considered to provide very high value for money according to DfT criteria.
- 3.5 An appraisal of accidents in the location of the Scheme was carried out using DfT's standard accident appraisal tool. The appraisal of the Scheme predicts a reduction of 61.7 Personal Injury Accidents over the 60-year appraisal period.
- 3.6 The scheme consists of the following features;
- (a) Introduction of two west facing slip roads – the geometry of the slip roads and the embankments on which they sit are determined by the requirements of the Design Manual for Road and Bridges ("DMRB"). These set out design parameters for the areas of new carriageway and associated verge.
 - (b) Associated fencing, signing, drainage and barrier works – the DMRB determines the appropriate scope of acceptable boundary treatment and barriers and these will be determined either at planning application stage, where such features form part of the approved scheme, or at detailed design stage. An allowance has been made, based on engineering judgement, for the land required to accommodate these features. The signing requirements will be determined at detailed design stage.
 - (c) The continuation of the existing Public Right of Way adjacent to the new slip road – the section of Giddygate Lane parallel to the motorway is a public right of way and will therefore be maintained. The design will incorporate a new footway/cycle track that will form part of the Public Right of Way and be located adjacent to the new onbound slip road.
 - (d) Stopping up of a section of Giddygate Lane impacted upon by the works – following a public consultation exercise with residents and businesses enjoying rights of access on Giddygate Lane, it has been agreed that the section impacted upon by the new slip road will be stopped up and no alternative lane provided.
 - (e) The creation of a farm access track to serve Guest Farm and other fields – it has been agreed that the lane in its current form should be replicated along an alternative route and a new access track to Guest Farm and other field sites is required. The new route has been determined to have as little impact as possible on the adjacent field and to be positioned where vehicles can exit onto Maghull Lane in a safe way.

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- (f) Changes in lane configurations within the M58 to facilitate the two new slip roads. Minor modifications to the existing lanes within the motorway will be made.
- (g) Minor modification to the junction, including signing in response to the new slip roads – the scheme necessitates some minor changes to the roundabout and new signage. Consideration will also be given, as part of the Scheme, to any physical changes to the highway layout on the approach to the junction to alleviate current safety concerns.
- (h) Limited landscaping and mitigation works – The extent of the landscape and mitigation measures, to mitigate the potential increase in noise levels, will be determined in the detailed design stage. Land will be set aside to accommodate any changes deemed necessary.

- 3.7 The Scheme will deliver benefits not only for existing network users but to facilitate future local development. The Council has recently received the Inspector's report following the examination of the Sefton Local Plan. As a result, the Council intends to adopt the Local Plan in April 2017. One of the sites identified for local development is the site adjacent to the Scheme, known as Land East of Maghull. This is identified as the largest and most important development site in the Local Plan and is considered essential in meeting the Borough's housing and employment needs. The site is allocated for a minimum of 1,400 dwellings and a 20 ha (net) business park, and will deliver significant local infrastructure improvement. [A draft Supplementary Planning Document (SPD) has been produced of this site. It is currently being consulted on (until 2nd May 2017). The Council hopes to adopt this in July 2017, once it has considered any comments made during the consultation period.]
- 3.8 The traffic model used to determine the economic benefit of the new slip roads has been used to determine the impact of the proposed development. It has concluded that the Scheme will have a very positive impact on transport links to any new development at the Land East of Maghull site.

4. The CPO Order Land

- 4.1 The land required to deliver the Scheme includes a number of parcels of land adjacent to the M58 Motorway to the west of Junction 1. The CPO Order Land largely comprises agricultural Land but does include a section of Giddygate lane which currently forms a Public Right of Way and provides private vehicular access, albeit with a locked gate, to people with rights of access. No buildings are included within the land.
- 4.2 The Order Map in respect of the Order comprises one sheet. 7 plots are identified. This includes 2 plots to the north of the motorway to accommodate the new off slip and associated fencing and drainage, comprising agricultural land of approximately 1.08 hectares in total. It also

includes 5 plots to the south of the motorway to accommodate the new on slip and associated fencing and drainage with some land for mitigation and the proposed alternative right of way and land to accommodate the new farm access track to Guest Farm. Land is also required to accommodate a site compound and associated access. The land required within Plot 5 to accommodate the works leaves a landowner with a parcel of land which is both difficult to access and too small to be of value as agricultural land. As such the entire plot has been included. These plots are in agricultural land and some land currently occupied by a section of Giddygate Lane comprising 2.45 hectares in total.

- 4.3 The land coloured pink on the Order Map will be acquired permanently by the Council.
- 4.4 [The land to be acquired also includes areas of land in the ownership of HE, which is Crown land. Rights for the Council to acquire this land are set out in the Section 6 agreement. Section 327 of the 1980 Act allows a Crown body (HE) and a highways authority to agree that any provisions of the 1980 Act will apply to Crown land. The Section 6 agreement is also made pursuant to section 327 and grants the Council these rights.]
- 4.5 Negotiations with the landowners and occupiers of those properties affected by the CPO are ongoing and will continue during the compulsory purchase order process. The Council would prefer to acquire any necessary land or other interests by private agreement if this can be achieved and would intend to use any compulsory purchase order, if confirmed, as a method of last resort to acquire the land or interests affected.
- 4.6 Confirmation of the CPO will enable the Council to acquire compulsorily land required for the Scheme in order to construct new highway, improve existing highway, stop up existing highways and, provide new access to existing premises and agricultural land.

5. The need to deliver the Scheme

- 5.1 The Liverpool City Region (LCR) growth plan aims to create a framework for economic and job growth in the City Region. In order to facilitate this strategy it is critical to recognise the need of infrastructure to support the growth plan. In addition to development related infrastructure, a well-connected road network is essential in supporting the planned growth.
- 5.2 The Scheme aims to provide major support to the Liverpool City Region development objectives. The scheme will also help to unlock land for future development. The scheme will improve existing connections to the highway network and provide the conditions for new inward investment.
- 5.3 Like any other economically prosperous city, the future economic growth of Liverpool City Region will largely rely on robust transport infrastructure that enables and improves access to

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new employment and housing sites, while maintaining manageable network wide traffic. A number of economic benefits are expected to be gained through this scheme including improvements to overall travel time, particularly between Maghull and Liverpool and improved junction capacity to accommodate future traffic.

- 5.4 Congestion has a detrimental effect on economic productivity. Traffic congestion lengthens the 'effective' distance between labour markets and businesses, placing a limitation on the skills available and reducing the potential for business-to-business activity. A small reduction in journey times can bring large cost savings to businesses and communities.
- 5.5 The Strategic Road and Motorway network in the Liverpool City Region provides the key access routes for freight traffic to the Port of Liverpool. Delay on the road network due to congestion leads to an adverse impact on the supply chain at the national level.
- 5.6 Traffic on the M58 and the adjacent road network has grown steadily during the post-recession period from 2012. An analysis of traffic flows and the traffic model for the study area has identified high levels of congestion at junctions along the A59, as well as other local roads in both Maghull and Kirkby in both the morning and evening peak periods. Due to the lack of west facing slip roads at M58 junction 1, traffic is forced to use the local road network to access employment areas and local services. The introduction of the west facing slips at M58 Junction 1 will help to alleviate congestion around these local centres as traffic utilises the M58 Motorway to travel towards Liverpool and the M57 Motorway.
- 5.7 The Strategic Case for the Scheme and the review of issues across the Sefton and wider LCR region has identified a number of key challenges:
- Ambitious growth across the LCR region over the next 15 years, with the aim to create between 95,000 to 130,000 jobs;
 - Significant investment is already underway with key projects such as Liverpool2, SuperPort, expansion of the Knowsley Industrial Park and Liverpool / Wirral Enterprise Zones – all will increase pressure on the M58 corridor ;
 - Potentially increased Congestion and Delays experienced within key local centres such as Maghull and Knowsley as travellers continue to access local routes onto the A59 and A506;
 - Housing Developments and the potential to 'unlock' development opportunities leading to increased traffic and congestion has the potential to make these conditions worse.
- 5.8 It is important that highway infrastructure investment is made to provide improvements in traffic flow, reduce potential vehicle emissions and ensure benefits both locally and nationally. The challenge for the Council and the LCR is to ensure efficient and effective access between potential staff and future employers, businesses and their markets. Success of planned investment is predicated on the ability to quickly and easily transport people and goods. There is a need to both relieve current congestion and future proof the M58 Junction 1 against

growing demand and to ensure that it can facilitate an increase in the economic activity and growth, support the investment already under way and enhance confidence in the City Region.

- 5.9 The Scheme will contribute to maintaining transport assets through road network improvements, by increasing efficiency of the overall network, relieving congestion and ensuring that the infrastructure supply can meet the predicted future travel demand.
- 5.10 Cutting vehicle emissions is a key priority of the Government. The environmental impacts of the Scheme have been assessed in an Environmental Appraisal. The Scheme is expected to reduce the overall energy consumption (in the form of fuel and electricity) of vehicles using the junction, resulting in a beneficial impact on emissions and greenhouse gases. Over the 60 year assessment period, total savings of 19,926 tonnes of CO₂ are expected.
- 5.11 Overall, the Scheme is predicted to:
- Reduce congestion at the junction and improve journey times and reliability;
 - Reduce personal injury accidents and provide accident cost savings of £3.2m
 - Deliver social and distributional benefits including safety at the junction
 - Provide an overall Benefit Cost Ratio of 9:3

Social/Economic issues

- 5.12 The Liverpool City Region economy was worth almost £22 billion in 2009. Liverpool City Region includes Liverpool, Sefton and the districts of Halton, Knowsley, St Helens and Wirral.
- 5.13 The transport system has a major role to play in facilitating and developing communities through contributing towards alleviating social problems. The transport system provides valuable linkages to jobs, education, healthcare, housing and recreational facilities. Inadequate infrastructure can impact on the quality of life for the individual and the overall community.
- 5.14 Despite the economic strengths identified within the area surrounding the Scheme, there are areas of deprivation containing some of the more disadvantaged communities within the LCR. These deprived locations fall within the top 30% deprivation index and are some of the most deprived areas in the UK. The 2015 Deprivation Index highlights areas to the south of the junction as being the most deprived which are within 5kms of the junction. The measure of deprivation consists of income level, employment, healthcare, education, barriers to housing and services, crime and living environment.
- 5.15 The draft Sefton Local Plan has emphasised the need for reducing the deprivation level through new job opportunities, increased housing provisions and promoting more sustainable and green

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transport routes for people. The Scheme would play a role in helping to achieve these objectives.

6. Policy Framework

6.1 The Scheme is supported at national, regional and local policy levels in Sefton. The Scheme supports and complements the Council's approach towards improving its economy and employment and transport facilities. The proposed development of the land East of Maghull, identified within the Local Plan, can't proceed until the scheme is introduced.

National Government Objectives

6.2 The National Planning Policy Framework 2012 – the National Planning Policy Framework (NPPF) identifies three key roles of planning policy; an economic role, a social role and an environmental role. It identifies these roles as mutually dependant. The planning system should guide development to achieve sustainable solutions and achieving economic, social and environmental gains jointly and simultaneously can achieve sustainable development. At paragraph 9, the NPPF confirms that pursuing sustainable development involves seeking positive improvements in the quality of the built natural and historic environment including, but not limited to,

- Making it easier for jobs to be created in cities towns and villages
- Replacing poor design with better design
- Improving the conditions in which people live, work, travel and take leisure.

6.3 The key presumption in the NPPF is to deliver sustainable development; One of the key elements of delivering sustainable development described in NPPF is '*Building a strong, competitive economy*'. Local planning authorities are advised that they should '*plan proactively to meet the development needs of business*' (Paragraph 20) and '*identify priority areas for economic regeneration, infrastructure provision and environmental enhancement*' (Paragraph 21). The Scheme is clearly identified in Sefton's draft Local Plan and Infrastructure Delivery Plan as an infrastructure improvement that supports current and future economic growth and development.

6.4 Another element of sustainable development described in NPPF is '*Promoting sustainable transport*'. NPPF states that '*Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, ... or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.*' (Paragraph 31). The business case for the Scheme is based on the benefits that the Scheme

provides for the existing economy and provision for potential future development. Given its location on one of the main strategic routes to and from the Port of Liverpool, the scheme is also an important infrastructure improvement that supports the growth strategy for the Port of Liverpool and for freight and logistics across the Liverpool City Region as a whole. This also complies directly with the requirement of NPPF.

- 6.5 The NPPF also recognises that transport policies play an important role in facilitating sustainable development as well as contributing to wider sustainability and health objectives whilst encouraging local authorities to work together to develop strategies to deliver viable infrastructure to deliver sustainable development, including large scale facilities. Account should be taken of the potential growth of existing or future facilities.
- 6.6 The National Transport Strategy “Transport an Engine for Growth” (2013) – the document identifies the need for transport infrastructure to be high performing, given that it is essential to everything we do - – “a transport system that is well maintained and run is essential for people and goods to travel quickly, reliably, safely securely and affordably as well as for transport to minimise its environmental impact”. This government strategy, which is committing £12 billion over six years to repair and improve the national road network to support the economy, confirms that the “economic benefits of good transport are well-understood”. It recognises that transport investment is important to secure sustainable growth by, amongst other things;
- Enabling business to reduce costs by moving people and goods more quickly, easily and reliably helping business to grow and be more competitive
 - Getting people to work quickly and creating more job opportunities as well as a more flexible labour market
 - Supporting exports by improving national and international links
- 6.7 The national policy also seeks to support a rebalanced economy to ensure sustainable prosperity by unlocking growth through transport investments and ensuring support for jobs whilst supporting improvements which avoid undue harm to the natural environment or public spaces whether by poor air quality, noise or visual effects. Improving access to public transport and its reliability as well as access to alternative modes of transport is also recognised as important.
- 6.8 The strategy concludes that it will take a concerted effort from the whole transport sector, local authorities and businesses to “realise the opportunity and make this vision a reality”.
- 6.9 The Scheme directly supports and conforms with the government's key planning and transport policies for the United Kingdom and the Scheme will enable the delivery of a sustainable transport link which will provide further benefits to the local economy, the environment, social inclusion and the promotion of sustainable transport improvements. The Scheme will directly

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support the Liverpool City Region and the Maghull area by providing much improved access to land for development and job creation

- 6.10 As part of the commitment to the 'Northern Powerhouse', the government has established Transport for the North, which is leading the development of a Northern Transport Strategy, to ensure the alignment of transport investment with the wider economic objectives of the Northern Powerhouse. In their spring 2016 report on the Northern Transport Strategy, Transport for the North (TfN) states, 'The Northern Transport Strategy is fundamental to delivering the Northern Powerhouse. Investment in connecting the North's towns and cities into a single economy is essential to creating a transformed integrated Northern economy greater than the sum of its parts. This requires investment in the North's transport networks to better connect the major urban centres and economic assets of the North to market opportunities, including talented staff, suppliers, collaborators and customers, at home and abroad.'
- 6.11 The report goes on to say, 'The shared vision for roads, first stated in the March 2015 report, is for a faster, less congested strategic road network, which is crucial to delivering the Northern Powerhouse. Central to this vision was a resilient network of motorways and expressways increasingly offering a 'mile a minute' journey times linked seamlessly to local networks and key locations, including ports, airports and other logistics hubs.'
- 6.12 Although modest in its scale and impact, the Scheme is directly compatible with and contributes to the achievement of the vision of the Northern Transport Strategy.

Regional Objectives

- 6.13 The latest Liverpool City Region Growth Strategy was published in 2016, setting out a single, sustainable strategy to realise the ambitions of the City Region for economic growth over the next 25 years and to make the most of the devolution deal. The strategy will be delivered by focusing on three growth pillars, productivity, people and place. The productivity pillar is to maximise the potential of the City Region's sector strengths and related assets and the people pillar is to improve and increase skills. The place pillar is to improve the City Region's transport, energy and digital infrastructures and to protect and enhance cultural and environmental assets.
- 6.14 The Maritime and Logistics sector is one of the key sector strengths identified in the productivity pillar and is most directly relevant to the Scheme. The Growth Strategy identifies a vision for '*Key multi-modal and other logistics sites effectively linked to transport infrastructure with expansion and development opportunities.*' and goes on to identify a '*need for improved road and rail infrastructure, connectivity and capacity to key sites ... to enable their growth.*' The Strategy also identifies the importance of providing capacity on the regional transport network to support expansion of the freight and logistics centre. As such, the Scheme is directly compatible with and contributes to the delivery of the LCR Growth Strategy.

- 6.15 Investment in transport infrastructure and improving physical connectivity is an essential part of the place pillar in the Growth Strategy. The Strategy recognises that transport supports economic growth in many different ways and supports improved connectivity for investment and business but also access to work, education and training for people employed by those businesses. The Strategy builds on the objectives in the City Region Transport Plan for Growth and confirms the commitment to develop an integrated multi-modal transport system for the City Region which will deliver economic growth whilst reducing carbon. The Scheme is part of the City Region's Growth Plan programme and will contribute to the delivery of the LCR Growth Strategy.
- 6.16 The programme of major transport schemes across the City Region was developed as one of the most important ways of delivering the ambitions of TPfG. The Scheme was only included in the programme because it could demonstrate a clear and significant strategic fit with the objectives of TPfG.
- 6.17 The Scheme will contribute directly to four of the eight wider strategic priorities in the Liverpool City Region Transport Plan for Growth: Economic development and regeneration; Freight and logistics; Housing and infrastructure planning; and Connecting communities. The scheme will support economic development in the wider area, improving access to existing employment sites in Knowsley and along the A5036 and A59 corridors. It is located on the strategic freight network, on a key route to the Port of Liverpool and close to Knowsley Industrial Park and will therefore assist the freight and logistics sector. The scheme is designed to provide essential improvements to the existing highway network to address existing transport issues, but it is also a key infrastructure provision for future housing and employment development to the east of Maghull, supporting the housing and infrastructure planning priority. It also directly improves connections between communities, particularly for Maghull and Kirkby to the communities to the south of Switch Island, in Aintree and north Liverpool.
- 6.18 In addition, the scheme will provide a lesser and indirect contribution to health and wellbeing, through reducing accident casualties, carbon reduction and improvements in air quality, by reducing traffic congestion in parts of Maghull and to the visitor economy, through improving connections to Maghull and the countryside beyond the town.

Local Policy

- 6.19 The Sefton Local Plan is in its final stages of appraisal and consultation prior to adoption in 2017. The Proposed Modifications version of the Local Plan was published in June 2016 following receipt of the Inspector's Report on the Examination in Public that was completed early in 2016. Although the Plan has not been adopted yet, it is at a sufficiently late stage in the process that it has been used as the appropriate document to refer to in assessing the planning status of the Scheme.

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- 6.20 The Scheme is identified throughout the Local Plan as a key infrastructure improvement. Paragraph 2.37 refers to the Scheme and Maghull North station as two infrastructure schemes funded through the City Region Growth Fund and supported by the Local Enterprise Partnership. Both schemes are also referred to in Paragraph 3.25 in relation to the Council's commitment to improving infrastructure and access.

7. Planning position and other approvals

- 7.1 Following discussions with HE, as the statutory agency responsible for managing the motorway network, it was agreed that the scheme did not meet the criteria for a Nationally Significant Infrastructure Project (NSIP) and would therefore be considered through the local planning process.
- 7.2 The Scheme is, therefore, subject to a formal Planning Application. The Council submitted a Pre Application Inquiry in April 2016. The advice received from the Council's Planning department concluded that 'In relation to the planning policy, this proposal is mentioned in Policy MN3 Strategic Mixed Use Allocation-Land East of Maghull of the Emerging Local Plan. Policy IN2 Transport of the Emerging Local Plan is also of relevance, as the upgrading of the motorway access at Junction 1 on the M58 is listed as requirement as part of seeking to secure an efficient and secure transport network for all users, including walking and cycling'. The advice concluded that 'in planning policy terms the proposal is acceptable in principle'.
- 7.3 In [] the Council submitted a full application for the scheme. It was considered and approved by the Council's Planning Committee on [] and Approval Notice [] was issued on [].
- 7.4 On [] the Council and HE completed the Section 6 Agreement

8. Funding Proposals

- 8.1 The Council, as sponsor for the Scheme, submitted an outline business case to the Liverpool City Region Local Transport Body ("LCR LTB") for funding to assist the delivery of the Scheme in December 2015. A full business case was submitted in March 2016 to LCR LTB and funding of £5.5m was approved by the Liverpool City Region Combined Authority at its meeting on 7 June 2016 and a formal offer of funding made on 8 July 2016. This offer was subsequently accepted by the Council. The funding awarded will meet the total costs of delivering the Scheme, including the costs of acquisition of any land interests, together with match funding which has been committed by the Council.

- 8.2 The Council has, through its Cabinet process, confirmed that funds are available to deliver the balance of the works within their respective areas now that Major Scheme Funding has been secured. At its meeting of the 3 September 2015 The Council's Cabinet confirmed that the Council would include the Scheme in its capital programme for 2016/17 as a priority against available resources. This was ratified by full Council at its meeting of the 17 September 2015. The Council will seek to recover its contribution to the scheme through developer contributions to the development proposals for the Land East of Maghull.
- 8.3 Accordingly, funding to deliver the Scheme will be available within the "life" of the CPO.

9. Justification for using compulsory purchase powers

- 9.1 [Sections 239, 240 and 246] of the 1980 Act will be employed to acquire the necessary land to construct and maintain the Scheme.
- Section 239 of the 1980 Act enables a highway authority to acquire land required for the construction of a highway (other than a trunk road) which is to become maintainable at the public expense as well as any land required for the improvement of a highway.
 - Section 240 of the 1980 Act enables a highway authority to acquire land required for the use in connection with the construction or improvement of a highway and the carrying out of a diversion or other works to watercourses.
 - Section 246 of the 1980 Act enables a highway authority to acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved has or will have on the surroundings of the highway
- 9.2 The Council recognise that a compulsory purchase order can only be made if there is a compelling case in the public interest, which justifies the overriding of private rights and interests in the land to be acquired. The Council is satisfied that a compelling case exists here for the reasons set out in the preceding sections of this Statement.
- 9.3 The current issues associated with the area have been considered earlier in this Statement. The Scheme has been carefully designed to bring about improvements to the existing motorway junction whilst requiring the minimum amount of land necessary to deliver the Scheme.
- 9.4 Those affected by the CPO, including all freehold owners, occupiers and lessees have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for the acquisition of the land and any new rights required to deliver the Scheme.
- 9.5 The Council has sought (and is continuing to seek) to acquire all of the third party interests in the CPO Order Land through negotiation. Whilst discussions are continuing with the outstanding owners and occupiers that remain within the CPO Order Land, it is unlikely that agreement will be reached with all interested parties within a reasonable timescale. The Council has determined to make the CPO to secure the outstanding interests and rights required to

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enable the implementation of the Scheme to deliver the identified public benefits to the area. Discussions will however continue with those affected by the CPO in an endeavour to secure the land affected by the CPO, or rights over such land, by agreement with a view to limiting those interests which may need to be acquired compulsorily. This approach is in accordance with national guidance and best practice.

- 9.6 The Scheme seeks to improve traffic conditions by improving access to the strategic road network, reducing congestion and improving reliability of travel time. Currently Junction 1 only has two slip roads on the east side of the roundabout that only allows limited traffic movements. There are many disadvantages of not allowing 'all movements' at a motorway junction which is very close to vibrant communities and a thriving future economy. Limited movements require people to take longer routes with longer journey times which cause additional travel costs to the road users and may also inhibit economic growth.
- 9.7 A thriving economy can prosper on a strong and robust transport infrastructure that establishes the crucial connection between the local economy and the wider global market. The Scheme is therefore proposed on the basis of its importance to the wider community and its contribution towards the local, sub-regional and national economic prosperity. The business case for the Scheme was developed on the basis of the benefits that the Scheme will provide to existing traffic conditions in the area. It will also facilitate potential future development in the Maghull area.
- 9.8 The objectives of the Scheme have been developed from an understanding of the existing situation and by taking into consideration future traffic conditions. The objectives address the issues on the existing highway network in a specific, acceptable and realistic manner and take account of wider local, sub-regional and national policy objectives. The strategic objectives of the scheme are:
- **Promote sustainable economic development** through the provision of efficient surface access and improved connectivity to, from and between the town centres, Port of Liverpool, Knowsley Industrial Park area and other existing & future development areas and wider strategic road network;
 - **Provide significant economic benefit to the community** by reducing travel time for both commuters and business journeys;
 - **Promote improved productivity** by providing a quicker route and eliminating conflict with the local traffic;
 - **Provide a positive impact on local air and noise pollution** within Liverpool City Region by reducing congestion and providing better alternative routes; and
 - **Provide a safe corridor for traffic** by reducing potential vehicular conflict, hence reducing accident rates at the local and sub-regional level within the area of influence of the scheme.

- 9.9 The Scheme aims to address a number of current issues such as relieving congestion and delays on the A59 through Maghull Town Centre and on key routes to and from Knowsley Industrial Park. The implementation of 'West facing' slip roads will provide a greater route choice for travellers and deliver a vital infrastructure improvement that will allow the Council to achieve many of its local, regional and national policy objectives.
- 9.10 The Scheme will also contribute to the unlocking of key development opportunities, including major housing and commercial sites that will alleviate social, operational and economic impacts that currently exist within the local area.
- 9.11 If the scheme were not to progress the following impacts are predicted
- Congestion continues to worsen in Maghull / Kirkby / Knowsley
 - Increased vehicle queues
 - Increase in network unreliability
 - No improvement in access to employment, housing and social opportunities
 - Increased congestion results in increased carbon emissions, deterioration in air quality, increased noise and visual pollution
 - Businesses choose to invest elsewhere: LCR potentially loses out to Greater Manchester, Warrington and other regional competitors
 - Economic growth in Sefton (and wider LCR) is stifled
 - Increased travel costs to businesses (due to congestion / delay) that use the junction
 - Conditions deter business investment, impacts on local and regional economy
- 9.12 The Council is satisfied that the delivery of the Scheme is fundamental to the economic development and regeneration of the Liverpool City Region and Maghull and Kirkby in particular.
- 9.13 Funding has been secured to deliver the Scheme, if the land is available to do so. Although, as already stated, negotiations will continue with landowners affected by the proposals, the Council is satisfied that it is necessary to make the CPO in order to ensure that the land can be made available to deliver the Scheme in a timely and expedient manner should negotiations not be successful whilst enabling certainty in programming the delivery of the Scheme. Failure to deliver the Scheme in a timely manner may result in funding ceasing to be available and the benefits identified above would not be secured.

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- 9.14 Following confirmation of the CPO the Council will utilise appropriate powers, either through the use of a Notice to Treat and Notice of Entry or by way of a General Vesting Declaration, to secure ownership of the CPO Order Land.
- 9.15 It is the Council's opinion that the proposed CPO is necessary to facilitate the delivery of the Scheme and that the statutory requirements for the use of compulsory purchase powers under the Highways Act 1980 have been met. The Order Land has been determined to be the minimum needed to deliver the Scheme and the Scheme has been designed carefully to minimise the impact on those with land interests in the area. Given the significant public benefits that will be achieved with the delivery of the Scheme and the support of local, regional and national policy, it is considered that the use of compulsory purchase powers is necessary and justifiable in the public interest.

10. Consideration of Human Rights Issues

- 10.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ("the Convention"). The Convention includes provisions which aim to protect the rights of the individual (including companies and other corporate bodies). In resolving to make the CPO, the Council considered the rights of the property owners affected by the CPO generally and, in particular, under the following Articles of the Convention:

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6 – Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice...

Article 8 Right to respect for private and family life

1 *Everyone has the right to respect for his private and family life, his home and his correspondence.*

2 *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

10.2 In each of the articles referred to above (and in respect of many of the provisions of the Convention) the rights afforded to an individual are “qualified rights”; this means that they do not prevent proposals affecting those rights providing the interference is proportionate and justified. The public authority seeking to affect those rights is obliged to satisfy itself that it has struck the correct balance between the rights of the individuals affected and the public interest in delivering the Scheme.

10.3 As set out above, the Council considers that the Scheme will deliver significant public benefits to the area. In the circumstances, and given that the interests affected by the proposals will be limited, given the scale of the Scheme and the nature of the land interests affected, the Council considers that the proposed CPO would not constitute an unlawful interference with the individuals' property rights given the overall public benefits which will be delivered if the Scheme is progressed.

10.4 Furthermore, the compulsory purchase process clearly provides for those affected to have a right to object to any order being confirmed and this objection will be considered by an independent Inspector appointed by the Secretary of State for Transport. Any objection may also be considered through a public inquiry. Notwithstanding this, any person affected by the proposed orders will be entitled to compensation proportionate to any loss they may incur as a result of their rights or interests being affected by the CPO.

11. Other Matters

11.1 Related Orders/Applications

11.1.1. As well as the CPO there will need to be related orders to enable the delivery of the Scheme.

11.1.2. A Side Roads Order pursuant to section 14 of the 1980 Act will be required to connect the new slip roads to the M58 motorway, which is a trunk road to be improved under the Scheme;

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11.1.3. The section of Giddygate Lane on which the new slip road will sit will be subject to a public path diversion order to divert the footpath from the current Giddygate Lane to alongside the new slip road;

11.1.4. Traffic Regulation Orders will also be promoted by the Council to reflect the changes to the highway network that the Scheme will introduce. These will be promoted under the provisions of the Road Traffic Regulation Act 1984 and will not form part of the CPO process. However the provisions of the 1984 Act will require the proposed Traffic Regulation Orders to undergo a public consultation process before any orders are made.

11.2. Special Considerations affecting the Order Land

11.2.1. No listed buildings are directly affected by the CPO and none of the land that would be affected by the CPO is within a conservation area.

11.2.2. The land affected does not fall within any other designation of protected status, except for the Crown land already identified at paragraph 4.4 of this Statement. Rights to secure the Crown land have been secured pursuant to section 327 of the 1980 Act via the Section 6 Agreement.

11.2.3. Statutory undertaker's equipment will be affected by the proposed works. As the works are highways works, it is not proposed that any removal of apparatus will be required and affected undertakers will retain their apparatus in the adopted highway; some, however, will be required to be diverted to a new location. No operational land belonging to any statutory undertakers will be affected by the proposed Scheme and those affected will be asked to confirm this. In any event, provision exists for the relevant Minister to certify that land can be taken by way of compulsory purchase if he is satisfied that it would have no significant detrimental effect on the undertaking in question. In this case, the Secretary of State with authority to confirm the CPO (or to approve its confirmation by the Council) is the Secretary of State who would certify in respect of the undertaker affected.

11.2.4. Authority for the Council to complete elements of the Scheme on land managed by HE and designated as trunk road will be granted by Section 6 agreement.

11.3. Compensation Issues

11.3.1. As part of the compulsory purchase order process the Council has entered into discussions with the land owners and occupiers that would be affected if the CPO is confirmed. As part of those discussions the Council has sought to discuss compensation issues as well as seeking to agree to acquire any land needed to enable the Scheme by agreement with those affected.

11.3.2. These negotiations will continue to take place with the intention of seeking to acquire any land interests which may be needed to deliver the Scheme by agreement, rather than compulsorily wherever possible.

11.3.3. Provision is made by statute with regard to compensation for the compulsory purchase of land or interests in land as well as for the depreciation in the value of properties affected by the Scheme. More information is given in a series of booklets published by the Department for Communities and Local Government , namely;

- 11.3.3.1. Booklet 1 – Compulsory Purchase Procedure
- 11.3.3.2. Booklet 2 – Compensation to Business Owners and Occupiers
- 11.3.3.3. Booklet 3 – Compensation to Agricultural Owners and Occupiers
- 11.3.3.4. Booklet 4 - Compensation to Residential Owners and Occupiers
- 11.3.3.5. Booklet 5 – Reducing the Adverse effect of public development.

11.3.4. Copies of these booklets can be obtained online from <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance> or directly from the Department of Transport.

11.4. Contact Information

11.4.1. Owners and occupiers or tenants of properties affected by the proposed CPO, who wish to discuss the CPO and who want to understand how they may be affected by the CPO, or who wish to discuss the option of acquiring their interest in the land by agreement, should contact;

Andrew Dunsmore, Andrew.Dunsmore@sefton.gov.uk

11.4.2. Further information on the engineering aspects of the Scheme and the highway works which may be involved can be obtained by contacting:

Andrew Dunsmore, Andrew.Dunsmore@sefton.gov.uk

11.5. Inspection of documents

11.5.1. Documents and large scale plans can be inspected at the following locations:

Building	Times
Sefton Council Magdalen House	9am – 5pm Monday to Friday

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30 Trinity Road Bootle L20 3NJ	
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11.5.2 Copies of the documents can also be inspected at the following website **www.https://www.sefton.gov.uk/m58-junction-1-improvement-scheme.aspx**

12. Next Steps

12.1 Objections to the compulsory purchase order for the Scheme will be considered by the Secretary of State for Transport and he may, in appropriate circumstances, determine to call a public inquiry to consider any objections. Please note the deadline for receipt of representations set out in the Notice you have received.

12.2 Letters of support or objection to the CPO should be addressed to:

Secretary of State for Transport
National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR
nationalcasework@dft.gsi.gov.uk

13. Documents to be Relied on at Inquiry

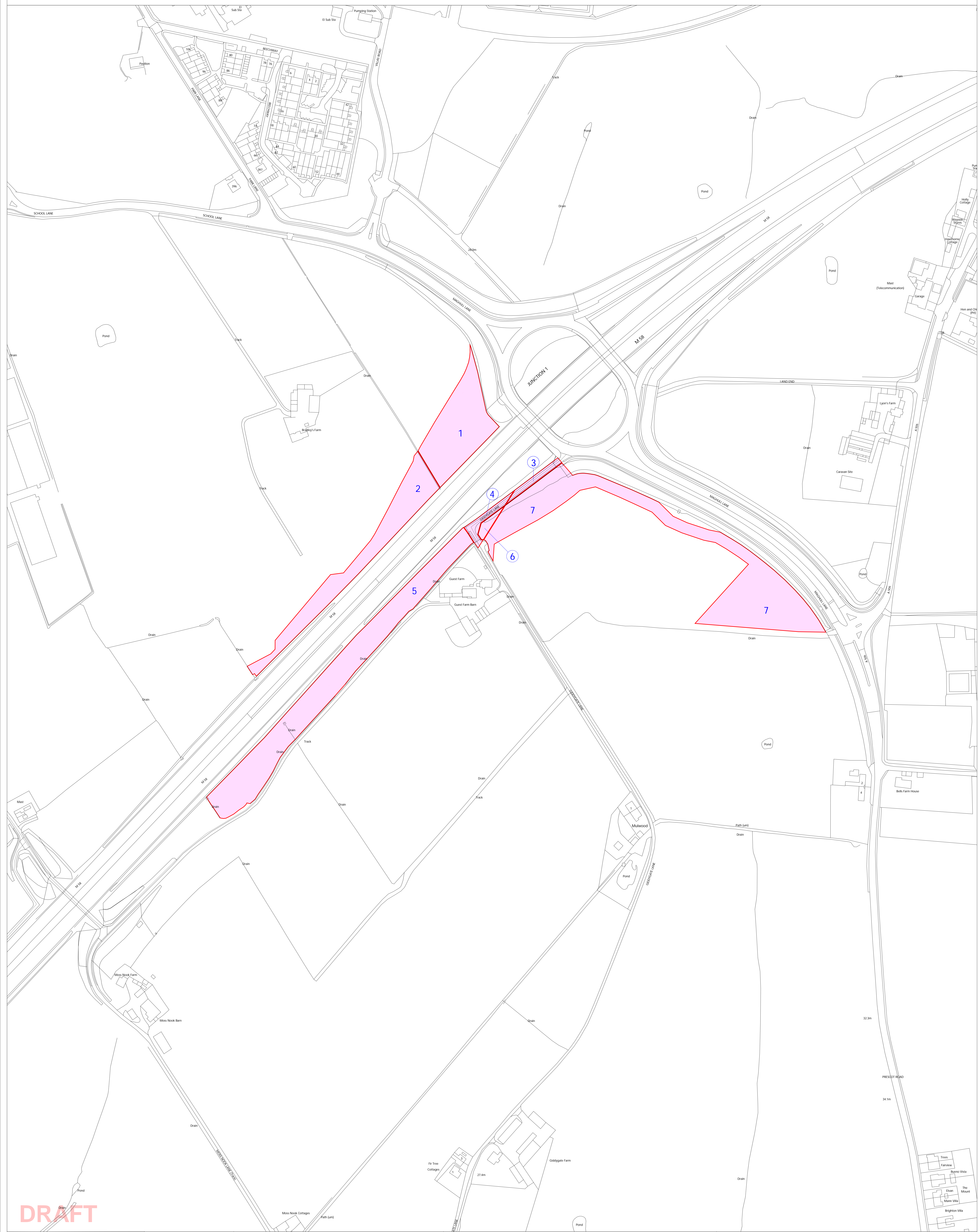
- 13.1 Sefton Council Cabinet report and minutes dated 03 September 2015.]
- 13.2 Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 and Order Map
- 13.3 M58 Junction 1 Improvements Scheme Full Business Case
- 13.4 Extracts from the National Planning Policy Framework (paragraphs 9, 21 and 31)
- 13.5 The National Transport Strategy “Transport an Engine for Growth” (2013)
- 13.6 Sefton Local Plan extracts (2016) (paragraphs 2.37, 3.25 and policies MN3 and IN2)
- 13.7 The Liverpool City Region Strategic Economic Plan (2014)
- 13.8 The Liverpool City Region Growth Strategy (2016)
- 13.9 The Liverpool City Region Transport Plan for Growth (2015)

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- 13.10 Options Report for the Scheme
- 13.11 Extracts from the DMRB
- 13.12 DfT Criteria for Cost:Benefit analysis extracts
- 13.13 Sefton Supplementary Planning Document for Land to the East of Maghull
- 13.14 Planning Decision Notice
- 13.15 Section 6 Agreement with Highways England
- 13.16 Sefton Council Infrastructure Delivery

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MAP REFERRED TO IN THE PROPOSED SEFTON METROPOLITAN BOROUGH COUNCIL (M58 JUNCTION 1 IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2017



DRAFT

Dated: 27/03/2017 Version: 2.0



Scale 1:1250 when printed at A0

KEY

Land to be Acquired

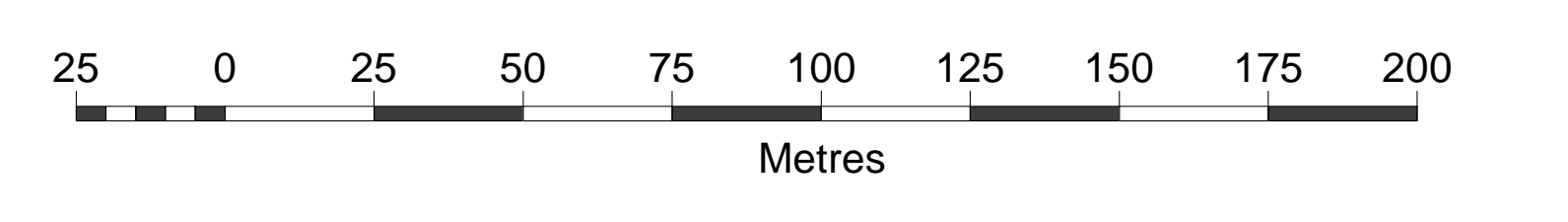
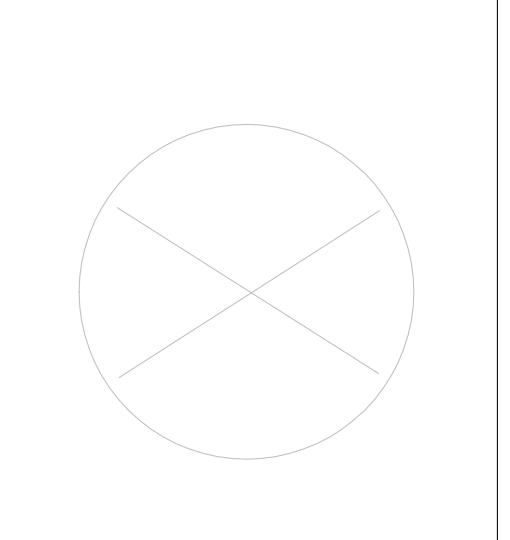
Where applicable the plot boundaries show the general boundary of the registered land, it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground.

THE COMMON SEAL OF SEFTON METROPOLITAN BOROUGH COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

(AUTHORISED SIGNATORY)

DATED THIS DAY OF 2017

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Report to:	Cabinet	Date of Meeting:	6 April 2017
Subject:	Wadham Road, Bootle - Proposed Residents Parking Scheme	Wards Affected:	Derby; Linacre;
Report of:	Head of Locality Services - Commissioned		
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Purpose/Summary

To report the results of the recent public re-consultation on the proposed introduction of a Residents Privileged parking scheme in the Wadham Road area of Bootle and to recommend the way forward.

Recommendation(s)

It is recommended that Cabinet:

- (i) note the results of the consultation.
- (ii) approve the introduction of the Residents Privileged Parking scheme in Wadham Road (part), Bedford Road (part), Miranda Road (part), Queens Road (part), Bootle, together with associated 'limited waiting' restrictions as shown in Annex B subject to the necessary funding being confirmed by the Linacre and Derby Ward Members.
- (iii) approve the revocation of all existing Traffic Regulation Orders, as described within the report;
- (iv) authorise the progression of the necessary Traffic Regulation Orders, including those of public consultation and advertising the Council's intention to implement the Order;
- (v) in the event that no objections are received during the consultation process, referred to in (iv) above the Head of Regulation and Compliance be authorised to make the Order(s) and the Service Manager of Traffic and Transportation be authorised to implement the order and
- (vi) In the event that objections are received during the consultation process the matter be referred to the appropriate Area committee for consideration in accordance with Rule 21 of Chapter 8 (Area Committees) of the

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Council's Constitution

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity	√		
3	Environmental Sustainability	√		
4	Health and Well-Being	√		
5	Children and Young People	√		
6	Creating Safe Communities	√		
7	Creating Inclusive Communities	√		
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

The Council has the power to revoke a Traffic Regulation Order (Part IV of Schedule 9 to the Road Traffic Regulation Act 1984) as well as the power to make a new Traffic Regulation Order (Section 1 of that Act). Authorisation to advertise new Traffic Regulation Orders fall under the remit of Cabinet Member, Locality Services.

Alternative Options Considered and Rejected:

None

What will it cost and how will it be financed?

(A) Revenue Costs The cost of the RPP scheme, together with the additional waiting restrictions, all legal costs associated with making the new Traffic Regulation Order(s) and providing carriageway markings and signs, amounting to a total cost of £8200, would be split and funded accordingly from the delegated budgets for Linacre (£5700) and Derby (£2500) Wards.

(B) Capital Costs Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial
Legal

Human Resources		
Equality		
1.	No Equality Implication	<input type="text" value="Yes"/>
2.	Equality Implications identified and mitigated	<input type="text" value="No"/>
3.	Equality Implication identified and risk remains	<input type="text" value="No"/>

Impact of the Proposals on Service Delivery:

None

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD4559/17) notes revenue costs incurred will be met from the relevant Ward budgets and any comments have been incorporated into the report.

The Head of Regulation and Compliance (LD.3842/17....) has been consulted and comments have been incorporated into the report.

Implementation Date for the Decision

Immediately following the Committee/Council/meeting.

Contact Officer: Steve Johnston
Tel: 0151 934 4258
Email: steve.johnston@sefton.gov.uk

Background Papers:

There are no background papers available for inspection

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1. Background

- 1.1 A report detailing the results of the original consultation with residents, regarding on-street parking conditions in Wadham Road, was presented to the South Sefton Area Committee at its meeting on 30 June 2016.
- 1.2 It was resolved by the Committee that a decision be deferred to enable further consultation with local residents. The re-consultation took place through August, with a closing date of Friday 19 August 2016.
- 1.3 A further report, detailing the results of the latest consultation, was reported to the Committee on 16 January 2017. At this meeting, it was resolved that:
 - (1) *the results of the consultation be noted;*
 - (2) *consideration of the proposal be deferred and referred to the Cabinet Member - Locality Services, who be requested to further consider the traffic issues in Wadham Road, Bedford Road, Miranda Road, Queens Road, Kings Road, Bootle and the surrounding area with a view to a suitable proposal to alleviate the problems in the area;*
 - (3) *in order to avoid further delay the Cabinet Member - Locality Services be authorised to progress a scheme without reporting back to this Area Committee; and*
 - (4) *Cabinet Member - Locality Services be informed that funding already identified amounting to a total cost of £8200, split and funded accordingly from the delegated budgets for Linacre (£5700) and Derby (£2500) Wards would be available to implement a traffic scheme to resolve the issues in the area.*
- 1.4 Following the meeting, officers from Regulation and Compliance further reviewed the resolution and found that as Cabinet Member – Locality Services lived within one of the affected roads, under the terms of the Constitution, he would have to declare an interest, and as such would be unable to determine this matter. Consequently and in line with paragraph 33 of Chapter 5 of the Councils Constitution, it was recommended that the matter be referred to Cabinet for a decision.
- 1.5 In order to inform Members, full details of the consultation results and officers' recommendations are reproduced in the following paragraphs.

2.0 CONSULTATION RESULTS

- 2.1 In order to seek residents' views on the proposal, it was agreed that re-consultation documents be hand delivered to all properties on Wadham Road, Bedford Road, Miranda Road, Queens Road and Kings Road. Copies of the consultation documents are attached as Annex A.

2.2 A total of 289 consultation documents were delivered, and a total of 75 (26%) were returned, which represents a disappointingly low return rate for this type of consultation. Residents were given the option to vote in favour or against the proposed Residents parking area being implemented. 58 (77%) respondents voted in favour of the scheme whilst 17 (23%) respondents voted against the introduction of the scheme. A table detailing a breakdown of the results is shown below.

2.3 Respondents who voted against the introduction of the proposed residents parking area commented as follows :

	In favour of scheme	Not in favour of scheme	No. of Properties
Wadham Road	21	4	61
Bedford Road	31	10	201
Queens Road	4	1	13
Kings Road	1	2	5
Miranda Road	1	0	9
Total	58	17	289

3.0 COMMENTS & PROPOSALS

3.1 The consultation returned a low response rate the reason for this is probably due to the low car ownership in the area. Many residents have stated this in their returned questionnaire. Whilst the current parking situation is most acute in Wadham Road responses from residents in Bedford Road indicate that the on-street parking situation also causes residents a problem.

3.2 Given the response it is proposed to introduce a Residents parking scheme in Wadham Road (Stanley Road to Hawthorne Road), Bedford Road (Hawthorne Road to Kings Road), Miranda Road (Wadham Road to Bedford Road) and Queens Road (Bedford Road to Viola Street). Given that two respondents were against the introduction of a scheme in Kings Road as opposed to the one respondent in favour of the introduction of the scheme it is recommended that the scheme is not introduced into Kings Road.

3.3 The scheme will be in operation from Monday to Friday and between the hours of 9.00am and 5.00pm. A plan showing the existing and proposed Residents parking areas is shown in Annex A.

3.4 As shown on the plans in Annex A, limited waiting parking restrictions are proposed at the junctions of Stanley Road with Bedford Road, Stanley Road with

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Wadham Road, Hawthorne Road with Wadham Road and Hawthorne Road with Bedford Road. The limited waiting will operate Monday to Friday, 9.00am to 5.00pm and waiting will be limited to one hour, no return within one hour. It is considered that the limited waiting parking restrictions will improve the turnover of parking for the customers of the commercial premises on Stanley Road.

3.5 Authorisation will be sought from Cabinet Member, Locality Services to progress the necessary Traffic Regulation Orders, including those of public consultation and advertising the Council's intention to implement the Order.

3.6 In order to simplify Sefton's Traffic Regulation Orders, current Orders which exist on any of the roads affected by this proposal will be revoked, and new Orders made incorporating the new amendments. In this respect, the following Order(s) will be revoked and replaced with a new Order:-

- Metropolitan Borough of Sefton (Bedford Road, Bootle) (On-Street Parking Places, Prohibition and Restriction of Waiting) Order, 2016.
- Metropolitan Borough of Sefton (Queens Road, Bootle) (On-Street Parking Places, Prohibition and Restriction of Waiting) (No.2) Order, 2015.
- Metropolitan Borough of Sefton (Wadham Road, Bootle) (On-Street Parking Places, Prohibition and Restriction of Waiting) (No.4) Order, 2015.
- Metropolitan Borough of Sefton (Miranda Road, Bootle) (On-Street Parking Places, Prohibition and Restriction of Waiting) Order, 2013.

4.0 COSTS

4.1 The costs of the proposed scheme are estimated to be approximately £8200. This cost includes the supply and erection of all signs, the implementation of all lines, and all legal and advertising costs to implement the necessary Traffic Regulation Orders for the parking scheme. Following Cabinet Member, Transportation resolution in July 2011 to suspend the introduction of further Residents Parking schemes from within revenue budgets any proposed schemes must be funded from external resources. This is either from external funding as a result of a Planning condition imposed on a nearby development, or from within devolved Ward budgets.

4.2 As the proposed scheme spans two Wards, Linacre and Derby Wards. Approximately 70% of the proposed scheme lies within Linacre Ward and approximately 30% of the proposed scheme lies within Derby Ward. It is proposed that the costs be spread accordingly. Therefore the costs to Linacre Ward are estimated to be approximately £5700 and the estimated costs to Derby Ward will be approximately £2500.



**Proposed Residents' Parking Scheme
Wadham / Bedford Road Area, Bootle**

CONSULTATION

You may recall that we consulted you in March of this year on the possibility of introducing a Residents Privileged parking scheme in your area.

Following the consultation we compiled your responses which formed part of a report submitted to the South Sefton Area Committee at its latest meeting on Thursday 30 June. For your information, a resume of the responses is detailed in the table below :

	In favour of scheme	Not in favour of scheme	No. of Properties	% Response
Wadham Road	25	4	61	48
Bedford Road	27	14	204	20
Beatrice Street	7	13	147	14
Benedict Street	5	17	144	15
Olivia Street	7	16	151	15
Orlando Street	3	8	55	20
Bianca Street	4	4	85	9
Viola Street	5	6	64	17
Queens Road	4	1	20	25
Kings Road	0	2	29	7
Miranda Road	3	0	41	7
Stanley Road	1	4	41	12
Hawthorne Road	0	0	24	0
No address given		2		-
Total	91	91	1066	17

However, due to a low response rate we have been asked by the Ward Councillors to re-consult you on this matter.

Given the low response from the majority of the area we do not intend to re-consult all properties again as part of this exercise. However, a proposed area for the new scheme could include Wadham Road, Bedford Road, Miranda Road (between Wadham and Bedford Roads), Kings Road (between Wadham and Bedford Roads), Queens Road (between Bedford Road and Viola Street), and we are therefore re-consulting residents in these streets only.

Please turn over...



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www.sefton.gov.uk

As part of the scheme, in order to provide better parking for the adjoining shops in Stanley Road and Hawthorne Road, we are still proposing to increase the maximum waiting times within the existing 'Limited Waiting' bays on Stanley Road from 30 minutes to 1 hour, and also to provide additional 'Limited Waiting' bays at each end of the side roads.

Details of the residents' parking areas and the 'Limited Waiting' bays are shown on the attached plan.

The purpose of this consultation is to seek your views on the proposals. Included with this letter is the plan showing the proposals and a questionnaire. Please take the time to fill in the questionnaire and return it in the pre-paid envelope provided to reach us no later than Friday 19 August 2016.

Whatever you decide, it is very important that you return your questionnaire, as this will be the final time that we consult you on this matter for some considerable time.

The results of the consultation will be reported back to South Sefton Area Committee, who will then decide whether to proceed with the scheme.

If you require any further information before completing your questionnaire please phone our Contact Centre on 0345 140 0845 and leave a message for Colin Taylor. Colin will phone you back as soon as possible. Please let Colin know if you require this information in large print, or any other format.

Many Thanks,

**Dave Marrin
Highway Management Manager**

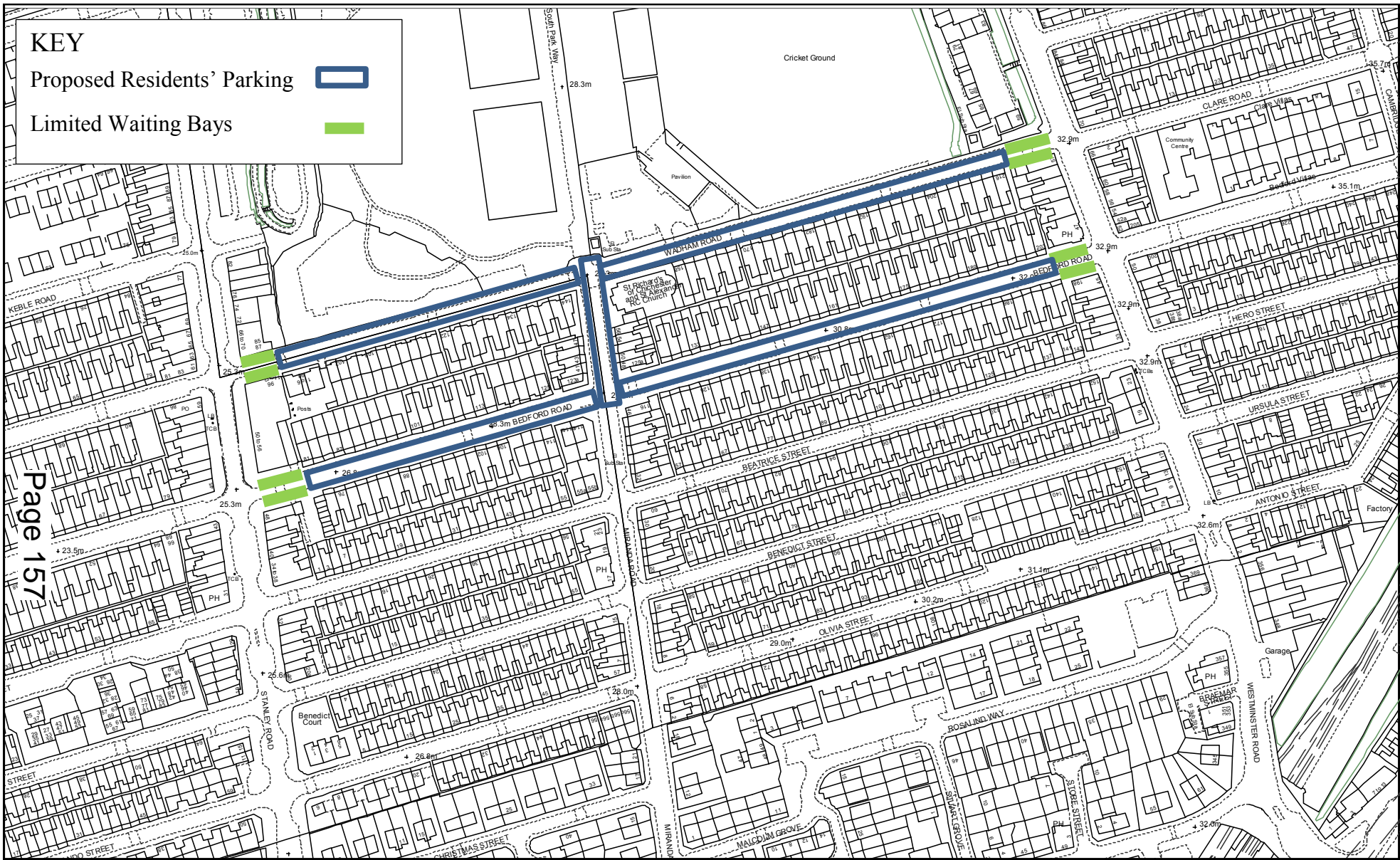


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KEY

Proposed Residents' Parking 

Limited Waiting Bays 

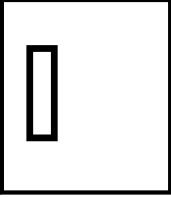


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METROPOLITAN BOROUGH OF SEFTON
Jim Black
 Director of Locality Services (Commissioned)


Title
 Bedford / Wadham Road Area
 Proposed Residents' Parking Area

Drawn CT
Scale NTS
Date Jul 2016





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<p>METROPOLITAN BOROUGH OF SEFTON</p> <p>Jim Black</p> <p>Director of Locality Services (Commissioned)</p>	<p>Title</p> <p>Bedford Road Area Proposed Residents' Parking</p>	<p>Drawn</p> <p>Scale</p> <p>Date</p>	<p><i>CT</i></p> <p><i>NTS</i></p> <p><i>Nov 2016</i></p>	
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Report to:	Cabinet	Date of Meeting:	6 April 2017
	Council		20 April 2017
Subject:	Adoption of the Sefton Local Plan	Wards Affected:	(All Wards);
Report of:	Head of Regeneration and Housing		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	Yes
Exempt/Confidential	No		

Purpose/Summary

The Inspector's Report on the Examination of the Sefton Local Plan has been received by the Council and published on the website, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Having received the report, which indicates that the Local Plan has been found to be 'sound' the Council is now able to adopt the Local Plan. This will now become the Development Plan for Sefton, which will enable the policies in it to be given full weight when determining planning applications. It will replace the Unitary Development Plan (UDP).

The Inspector's report indicates that, as submitted, the Local Plan had a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out in the report. However, with the Main Modifications recommended by the Inspector to the Plan (see www.sefton.gov.uk/localplan) the Sefton Local Plan now satisfies the requirements of Section 20(5) of the 2004 Planning & Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness set out in the National Planning Policy Framework.

Recommendation(s)

Cabinet:

1. That Cabinet delegates to the Chief Planning Officer in conjunction with the Cabinet Member - Planning and Building Control the approval of additional minor modifications to the Local Plan consequential to the Main Modifications recommended by the Inspector, and any other minor editorial changes that do not amend the substance of the Plan; and
2. That Cabinet recommends to Council the following:

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- (a) The adoption of the Sefton Local Plan, including the Main Modifications set out in the Appendix to the Inspector's report (as attached to this report) and any consequential changes to the Local Plan and the Policies Map and any minor changes as set out in this report or as agreed (1) above, as part of the statutory Development Plan for Sefton; and
- (b) Notes that the decision to adopt the Sefton Local Plan will be subject to a statutory legal challenge period of 6 weeks from the date of adoption.

Council:

That Council:

1. Adopts the Sefton Local Plan, including any additional modifications agreed by the Cabinet at 2(a) above, and
2. Notes that the decision to adopt the Sefton Local Plan will be subject to a statutory legal challenge period of 6 weeks from the date of adoption.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity	x		
3	Environmental Sustainability	x		
4	Health and Well-Being	x		
5	Children and Young People	x		
6	Creating Safe Communities	x		
7	Creating Inclusive Communities	x		
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

Reasons for the Recommendation:

When the Council adopts the Local Plan it will be given full weight when planning applications are determined, and will enable the jobs, homes and supporting infrastructure that Sefton needs can be delivered.

Alternative Options Considered and Rejected:

The Council could choose not to adopt the Local Plan. However, this could mean that we will lose control over where development takes place and that the infrastructure required to support development is not provided.

What will it cost and how will it be financed?

(A) Revenue Costs

All costs associated with the adoption of the Local Plan are covered by the Planning Services budget. If the Council decides not to adopt the Local Plan, this could result in considerable financial and resource implications for the Council, both in relation to the cost of defending decisions to refuse planning permission at appeal that result from the Council not having an up to date Local Plan, and in relation to having to refresh and update the evidence base to support the preparation of a new Local Plan.

An adopted Local Plan is also a pre-requisite of implementing the Community Infrastructure Levy (CIL) and this would have an additional financial cost resulting from a decision not to adopt the Local Plan.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial N/A	
Legal Adoption of the Local Plan as proposed in the report, will ensure that future planning decisions and appeals can be robustly defended.	
Human Resources N/A	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

The adoption of the Local Plan, and the replacement of the Unitary Development Plan will streamline the planning decision-making process.

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What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD4592/17) has been consulted and notes the report indicates no direct financial implications at this stage by adopting the Local Plan. and the Head of Regulation and Compliance (LD.3875/17) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer:

Tel: Tel: 0151 934 3556

Email: ingrid.berry@sefton.gov.uk

Appendices:

1. Report to Sefton Council on the Examination into the Sefton Local Plan, 14 March 2017
2. Appendix to above report – Main Modifications
3. List of minor changes to be included in the adopted Sefton Local Plan

Background Papers:

None

1. Introduction/Background

- 1.1 The Sefton Local Plan was submitted for examination in July 2015. Since then hearings were initially held in November 2015 – January 2016, and in November 2016 following the publication of Modifications to the Local Plan in June 2016.
- 1.2 The Plan represents an important tool for implementing the wider aims and objectives of the Council and its partners as it will support:
- The delivery of 11,520 new homes, including affordable housing and housing for older people, which will meet its objectively assessed needs to 2030;
 - The delivery of 3 strategic employment sites and a number of other employment areas to provide jobs on 62 hectares within Sefton;
 - Ensure that Sefton's Green Belt will be protected until a future review of the Local Plan indicates that further Green Belt release is justified;
 - The regeneration of Sefton's town, district and local centres and a number of other locations in Bootle and Netherton;
 - The provision of infrastructure necessary to support development;
 - Good design in new development;
 - Policies that support the well-being of the population, whether through the provision and enhancement of open space, and routes for cycling and walking, and
 - Policies that protect and enhance the Borough's natural and heritage assets.
- 1.3 The Inspector's report is not legally binding on the Council and it does not have to accept all his recommendations. However, any policy not modified in line with his recommendations would be extremely vulnerable at appeal. Indeed, were the Local Plan to be adopted without these Main Modifications, the Council would also be extremely vulnerable to legal challenge via Judicial Review and the Council would have little or no defence to such a challenge on that basis.
- 1.4 A schedule of minor modifications to the Local Plan, prepared by the Council is attached to this report. They mainly correct minor errors and update non-policy sections of the Local Plan and are consistent with the Main Modifications recommended by the Inspector.

2. Next steps

- 2.1 Should Council decide to adopt the Local Plan, the adoption will be effective from the date the decision is made (i.e. 20th April 2017). From that date the Sefton Local Plan will immediately form part of the Development Plan, replacing the Sefton Unitary Development Plan. It will become the main document against which planning applications will be assessed, supported by Supplementary Planning Documents, Master Plans and Development Briefs which set out how specific sites should be developed or how policies will be implemented in order to comply with the Local Plan.
- 2.2 In accordance with Government regulations on the adoption of the Local Plan, all participants in the Local Plan process will be notified of the adoption as soon as is reasonably practicable. The adopted Local Plan, together with the accompanying Policies Maps, Sustainability Report and Adoption Statement and the Inspector's report, will be made available at the Council offices in accordance with

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Government Regulations and the Council's Statement of Community Involvement. A press release and press notice will also be published to allow a wider audience to be aware of the Local Plan's adoption.

- 2.3 Given the cost of printing the adopted Local Plan and policies map, and the move toward providing documents on the web, printed copies of the Local Plan will not be made readily available, and a charge will be imposed on members of the public and other organisations requesting a copy.
- 2.4 Following adoption of the Local Plan, there is a 6 week Judicial Review period when people can challenge either that the document is not within the appropriate power, or that a procedural requirements has not been complied with. Whilst the Council and the inspector have done everything possible to ensure that this risk is very low, it remains a risk.
- 2.5 If a challenge is successful, either the whole plan or the relevant policy within it, generally or as it affects the property of the person who made the challenge, could be struck out and could not be afforded any weight in the decision-making process.

3. Conclusion

- 3.1 The preparation of the Sefton Local Plan has been completed. The examination of the Plan has been concluded and the Inspector's report has been received. The Sefton Local Plan is therefore recommended for adoption by the Council in accordance with the Inspector's recommendations.



Report to Sefton Council

by Martin Pike BA MA MRTPI

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

Date 14 March 2017

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO

SEFTON LOCAL PLAN

Document submitted for examination on 31 July 2015

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

File Ref: M4320/429/1

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Abbreviations Used in this Report

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

Non-Technical Summary

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

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

The Main Modifications can be summarised as follows:

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

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Sefton Local Plan - Inspector's Report, March 2017

Introduction

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

Modifications

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

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

Policies Map

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

Consultation

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

Assessment of Duty to Co-operate

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

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

Assessment of Soundness

Early Review of Plan

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

² Document TP.1, July 2015.

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

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

Main Issues

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

1 – VISION AND OBJECTIVES

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

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

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

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

2 – HOUSING

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

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

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

Demographic-led housing need – population projections

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

Demographic-led housing need – household projections

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

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

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

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

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

Market signals adjustment

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

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

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

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

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

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

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

Demographic-led housing need - conclusion

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

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

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

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

Employment-led housing projections

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

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

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

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

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

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

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

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

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

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

¹⁵ Table 4.1 of HO.21.

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

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

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

Affordable housing need

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

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

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

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

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

Objectively assessed housing need – overall conclusion

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

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

Housing land availability – sites within the urban area

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

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

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

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

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

Housing allocations outside the urban area

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

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

Phasing and five year housing land supply

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

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

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

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

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

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

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

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

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

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

Safeguarded land

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

Housing land supply and delivery - conclusion

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

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

Affordable housing

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

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

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

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

Housing size, type and mix

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

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

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

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

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

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

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

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

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

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

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

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

3 – ECONOMIC DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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129. The ELPSU acknowledges that the two sites at Formby would be competing to attract potential occupiers from the limited pool of companies wishing to invest in North Sefton. Nevertheless, bolstered by developer interest in each site, the study supports both allocations. In light of the overestimation of employment land in the Plan and given Formby's location away from the main urban areas which have the greatest need for new jobs, I consider that, in principle, only one of the two allocations at Formby is necessary, not both. Even with the deletion of one site, the revised employment land supply of 81.6ha in Figure 4.3 and policy MN1 (**MM3** and **MM6**) exceeds the robust OAN of 78ha and is almost 50% above the baseline need. This scale of provision amply satisfies the NPPF requirement that local plans should identify strategic sites to match the growth strategy and meet anticipated needs. I examine which of the Formby sites is preferred under issue 5c.

130. I do not accept the argument that two sites at Formby will be required to replace large areas of poor quality industrial accommodation that may be lost to other uses. As stated previously, even the lowest quality employment land is a valued resource which policy EC3 seeks to retain. There is no poor quality employment land in Formby and relatively little in the wider Southport area; moreover, as indicated above, Formby is not the ideal location for meeting Southport's employment land needs. And whilst poor quality employment land is more extensive in South Sefton, Formby would not be the preferred location should replacement land be required there. Thus had I concluded that it was essential to meet the ELPSU assessed need of 86.5ha, I would have asked the Council to investigate an alternative location for one of the Formby allocations, either closer to Southport (which might have required discussions with WLBC under the duty-to-co-operate) or closer to the main concentration of population in the south of the borough.

131. I conclude that the urban employment land supply is robust and is broadly equivalent to the baseline OAN. To provide the flexibility and choice of supply that is necessary to meet the robust OAN of 78ha, some loss of Green Belt is unavoidable. However, I consider that not all of the Plan's 35ha Green Belt employment allocations are justified. Given the location away from the main centres of population, only one of the two allocations proposed at Formby is required. Even with just one site at Formby, the employment land supply would exceed the robust OAN. Subject to the above modifications, which are necessary for the Plan to be sound, the employment land supply meets the needs of the borough in terms of quantity, quality and distribution.

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

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

133. The Submission Plan acknowledges the need for improved road and rail access to the Port of Liverpool to cater for the imminent increase in capacity arising

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

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

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

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

Town centre boundaries and Primary Shopping Areas

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

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

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

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

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

Policy ED2

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

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

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

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

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

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

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

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

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

4 - ENVIRONMENT

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

Flood risk

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

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

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

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

Public open space

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

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

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

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

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

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

Food outlets and health

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

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

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

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

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

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

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

Other matters

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

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

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

Natural assets

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

Minerals

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

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

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

Built heritage

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

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

5 - HOUSING AND EMPLOYMENT SITE ALLOCATIONS

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

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

5a. Sites within the urban area

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

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

⁴⁸ Document LP.5

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

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

Southport and Ainsdale

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

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

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

Formby

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

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

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

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

Netherton and Bootle

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

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

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

5b. Green Belt/ countryside sites

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

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

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

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

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

Southport and Ainsdale

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

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

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

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

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

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

⁵⁴ See particularly Documents TR.2 and TR.4

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

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

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

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

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

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

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

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

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

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

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

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

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

Formby

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

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

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

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

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

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

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

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

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

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

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

237. The site is in two ownerships and the intended developer of the smaller western field objects to the requirement for a single point of access. Two alternative locations for a second access point are proposed. The western options are difficult in highway design terms, being on the inside of a 90 degree bend in Liverpool Road and directly opposite the access to Lovelady's Farm. As well as not being good highway design, these options would harm the rural setting of Lovelady's Farm by increasing the extent of highway works close to the farm complex and, more importantly, by removing part of the tall hedge that would otherwise screen the new houses from the listed buildings.
238. The eastern location would not materially affect the heritage assets but would result in two junctions with right turn ghost islands in close proximity along a busy stretch of classified road. It would also be close to an existing bus stop and may affect the provision of a bus stop on the south side of the road. The Council accepts that it may be feasible to design two accesses which satisfy technical highway standards, but submits that the additional complexity and increased hazards of such an arrangement justify the requirement for a single access. I agree, and I share the Council's view that road junctions have an inherently higher risk of accidents than the links between them. Consequently, without a compelling justification, I consider that a second access would not satisfy the 'safe and suitable' test of NPPF paragraph 32, nor qualify as good design that will 'function well and add to the overall quality of the area' (NPPF paragraph 58).
239. I acknowledge that the single access requirement could delay the early development of the smaller western field and result in a gap in built form between the urban edge and new residential properties. There is no evidence that development of this field is not viable or deliverable without a separate access, however, and as the potential developers of both land parcels have indicated a willingness to work together, any such delay is likely to be temporary. Pedestrian connectivity to the rest of Formby could be achieved by utilising the existing public footpath which leads directly to local facilities and bus stops, though I accept there may be a short-term absence of cycle connectivity. I also acknowledge the urgent need to build new houses in Formby, but as national house-builders are lined up to deliver most of the allocations, it is likely that some dwellings will come on stream quite soon. In my judgement these arguments do not outweigh the long term benefits of a less complex and potentially safer single access.
240. The evidence demonstrates that a safe and suitable single access to the whole site could be provided from either land ownership parcel, so the additional clause in Appendix 1 about the access being east of the drainage ditch is no longer necessary. And while it is essential that a road link is provided across the ownership boundary, I accept that this is best achieved by the requirement for a master plan to be prepared and approved by the Council before any application is submitted. **MM78** makes the necessary adjustments to Appendix 1. I do not accept that these requirements go beyond the level of

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

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

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

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

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

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

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Hightown, Crosby and Thornton

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

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

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

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

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

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

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

264. The developments would have a moderate impact on the landscape. The sites are shown as BMV agricultural land (mostly grade 2) in the borough-wide study, though the owner of Runnell's Lane states that trespass and vandalism led to his land being permanently taken out of production over 20 years ago. In practice, therefore, the loss of BMV land carries slightly less weight than it otherwise might. All other constraints, including the impact on the setting of the grade II listed Tanhouse Farm, can be satisfactorily mitigated.

265. Overall, the main concern with these sites is the moderate to significant harm to the Green Belt. The evidence indicates that other potential sites around Crosby and Thornton, particularly those on the north-western fringe, have greater constraints (ecology and heritage in addition to Green Belt), so I am satisfied that there are no alternative sites close to these settlements that would cause less harm. This factor, coupled with the very limited harm to all but the Green Belt issue, has to be set against the Plan's objective of meeting the substantial housing needs as close as possible to where they arise. In my judgement these allocations would provide sustainable development and are sound.

Maghull and Lydiate

266. **Turnbridge Road, Maghull – MN2.27** This small site is highly contained by built development (albeit many dwellings lie on the other side of the Leeds-Liverpool canal) and would not appreciably encroach into the countryside around Maghull. Nor would it affect any gap – I agree with the Council that Lydiate and Maghull have already merged. The western boundary is well-vegetated and would form a robust edge to the more open countryside beyond. This is a logical infill site which would cause minimal harm to the Green Belt and have limited effect on the local landscape.

267. Turnbridge Road is a standard residential street that is capable of accommodating the increase in traffic associated with the development; construction traffic could also be appropriately controlled. Direct vehicular access to most of Maghull would be across the narrow swing bridge over the canal on Green Lane; I accept that the limited additional traffic would not significantly increase existing flows at this pinch-point in the highway network. I note the concern about flood risk following the severe canal breach in 1994, but it appears that this was a highly infrequent event with an extremely low risk of being repeated; moreover, there are a large number of houses abutting the canal in southern Sefton which have existed safely for many years.

268. All other constraints are minor and most can be adequately mitigated. The site is highly accessible to local services and facilities. The allocation would contribute to meeting the substantial need for housing (including affordable housing) in the Sefton East Parishes. Given the minimal Green Belt harm, the allocation is sound.

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

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

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

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

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

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

Melling/Waddicar and Aintree

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

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

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

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

5c. Employment allocation at Formby

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

Main constraints to development

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

⁶¹ Document TR6 – Aintree Traffic Forecasts, AECOM.

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

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

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

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

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

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

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

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

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

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

Type and mix of development

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

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

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

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

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

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

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

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

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

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

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

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

Jobs, viability and deliverability

308. Looking firstly at the provision of jobs, the net developable area of the North site is 8ha. The equivalent figure for the South site was originally 7ha, though a recent notional plan indicates that the South site could deliver a broadly similar quantum of employment floorspace as the North site. The promoter of the North site anticipates there to be demand for a mix of B1, B2 and B8 employment uses which would provide in the region of 1,150 to 1,430 jobs. The promoter of the South site believes the demand for B1 floorspace (which includes offices) is limited, resulting in 640 to 910 B-class jobs plus at least 160 in retail/leisure uses. Thus based on the projected employment there is a preference for the North site. However, each scheme would be available for the full range of B1, B2 and B8 uses under policy MN2 and is likely to respond to market demand, so the differences between them may not be significant. Accordingly I give minor weight to this distinction.

309. The delivery timescales of the two schemes are broadly similar. The North scheme developer states that a planning application for the initial phases is expected in 2017, with commencement of development anticipated in 2019. For the South scheme, construction is anticipated by 2018, with the sports and retail elements completed by 2020. For both schemes delivery of the employment floorspace is expected over a 7-10 year period.

310. The two schemes have very different delivery models, making comparison difficult. The owner and promoter of the North site (the developer of the existing Formby industrial estate) is in the process of agreeing heads of terms with Seddon Construction. He appears willing to accept a low uplift in land value to secure delivery of the scheme, perhaps achieving additional value through a joint venture arrangement with the developer. Even with a low land acquisition cost, the overall profit on cost is slightly below the generally accepted threshold of 15% (though 15% is achieved for the speculative floorspace by assuming a lower profit for 'design and build' floorspace, which carries a lower risk). Profit (and/or land value) improves markedly with an increase in the proportion of 'design and build' floorspace. On this basis the Council believes the North scheme to be viable, though the promoter of the

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

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

Conclusion

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

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

5d. Safeguarded land

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

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

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

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

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

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

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

5e. Sites not allocated (omission sites)

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

Southport and Formby

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

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

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

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

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

Thornton, Netherton and Aintree

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maghull/Lydiate

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

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

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

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

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

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

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

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

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

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

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

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

Housing and employment site allocations - Conclusion

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

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

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

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

6 – INFRASTRUCTURE, IMPLEMENTATION AND MONITORING

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

Infrastructure

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

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

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

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

376. The overall transport strategy set out in policy IN2 is based on and is consistent with the Merseyside Local Transport Plan and the LCR Transport Plan for Growth. Although the policy only gives limited prominence to non-car modes of travel, such accessibility issues are addressed by policy EQ3. Nevertheless, the addition to policy IN2 of the need to improve safety and accessibility for all transport users (**MM45**) highlights the connection between the two policies and is necessary for the Plan's effectiveness. This modification also includes support for initiatives within the Port of Liverpool to improve rail links. Despite Natural England's concern, because the support at Seaforth is clearly conditional upon compliance with the specific policy ED1 as well as the safeguarding policy NH2, sufficient protection exists for designated nature conservation sites. As modified, policy IN2 is sound.

377. Turning to energy infrastructure, the Plan does not include schemes or identify specific opportunities for renewable or decentralised energy, indicating instead that any proposals will be assessed against the NPPF. In June 2015 a WMS introduced new considerations designed to enable local people to have the final say on wind turbine applications. Two requirements have to be met: a proposed turbine must be in an area identified as suitable for wind energy development in a local plan, and it must be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Although an area of search for wind energy at Ince Blundell was identified at Preferred Options stage, this was not taken forward; consequently the Plan does not identify any area as suitable for wind energy development. The Council intends to address this matter in the immediate review of the Plan. In the meantime, to ensure that the Plan is effective, **MM47** updates the text with the current position and indicates that the Council is unable to permit applications for wind energy development until the review is undertaken.

Implementation and Monitoring

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

Assessment of Legal Compliance

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

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

Overall Conclusion and Recommendation

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

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

Martin Pike

Inspector

This report is accompanied by the Appendix containing the Main Modifications

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Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the Submission (July 2015) Sefton Local Plan (Document LP.1).

Ref.	Page	Policy/ Paragraph	Main Modification								
MM1	22	4.11-4.12	<p><i>Amend the paragraphs as follows:</i></p> <p>4.11 This concluded that Sefton's <u>household growth over the plan period was</u> 'objectively assessed housing need' <u>was in the order of 615-576 dwellings</u> a year.</p> <p>4.12 The <u>This figure of 615 dwellings includes an assessment of 'pent up' housing need based on the Census needs to be revised upward by approximately 10% to allow for affordability and past under-delivery.</u> The total requirement over the Plan period is 11,070 <u>11,520</u> (615-640 x 18 = 11,070 <u>11,520</u>) which is higher but broadly comparable to the 'Option Two' figure of 10,700 at Preferred Option stage.</p>								
MM2	26	4.42-4.44	<p><i>Replace 'early review' with 'immediate review' in heading before paragraph 4.42 and amend the final sentence of paragraph 4.42:</i></p> <p>It is proposed to review the Plan at an early stage <u>if required</u> to take account of the results of this study in a co-ordinated sub-regional manner.</p> <p><i>Amend paragraphs 4.43 and 4.44 as follows:</i></p> <p>4.43 This review will also reflect the conclusions of the <u>Port of Liverpool Options Identification and Assessment commissioned by Highways England Port Access Study</u> in relation to proposals for major road improvements. <u>Public engagement as part of this work is likely to take place early in 2016. The options assessment work is expected to be completed in Summer / Autumn 2016.</u></p> <p>4.44 This early review will also be able to take account of the findings of a future sub-regional strategic housing market assessment, should this imply a significantly different housing requirement. <u>The Council is committed to an immediate review of the Plan if the publication of the sub-regional Strategic Housing and Employment Land Market Assessment (SHELMA) identifies a need for more housing or employment including land for logistics associated with the Port of Liverpool (see part 5 of policy MN1 'Housing and Employment Land Requirements'). To this end, and as part of the Duty to Co-operate, it is collaborating with the other Liverpool City Region authorities to carry this study out.</u></p>								
MM3	28	Figure 4.3	<p><i>Amend table as follows:</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 10%; text-align: center;">%</th> <th style="width: 50%;"></th> <th style="width: 10%; text-align: center;">%</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Proposed new homes [net of demolitions]</td> <td></td> <td style="text-align: center;">Strategic Employment Sites & Allocations [hectares]</td> <td></td> </tr> </tbody> </table>		%		%	Proposed new homes [net of demolitions]		Strategic Employment Sites & Allocations [hectares]	
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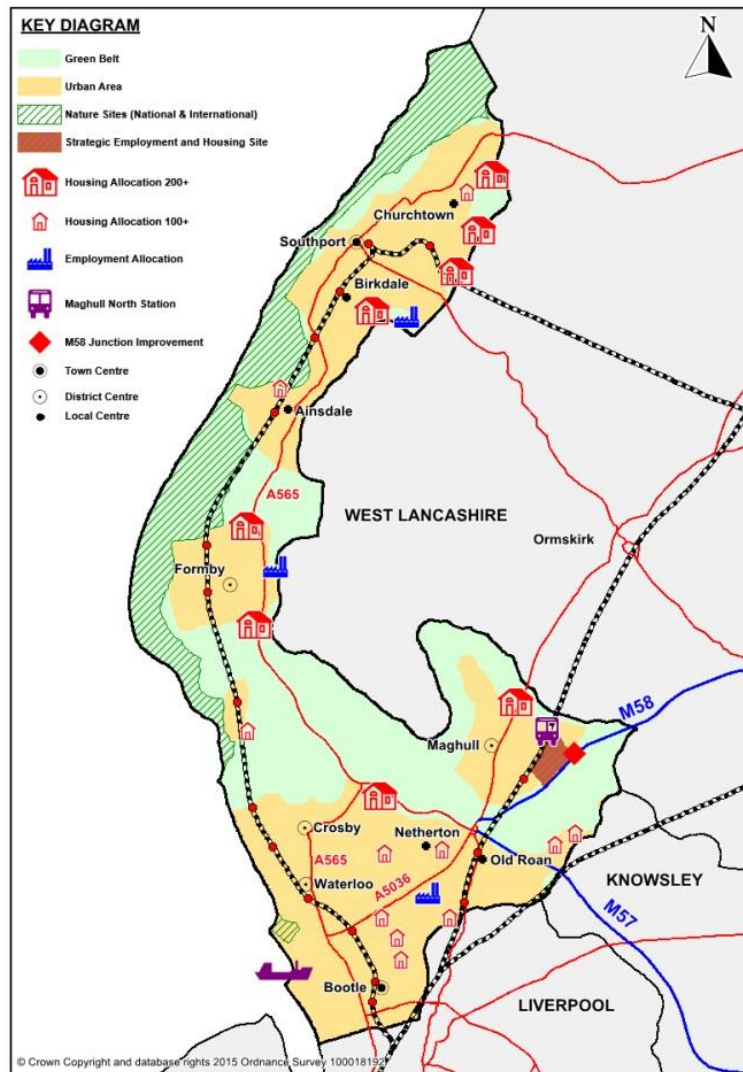
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Ref.	Page	Policy/ Paragraph	Main Modification				
			Southport	3,295 <u>2,921</u>	28.0 <u>25.5</u>	13.1	16.0 <u>1</u>
			Formby	999 <u>996</u>	8.5 <u>8.7</u>	15 <u>8</u>	18.3 <u>9.8</u>
			Sefton East Parishes	2,685 <u>2,609</u>	22.8	20	24.4 <u>5</u>
			Crosby & Hightown	1,133 <u>1,010</u>	9.6 <u>8.8</u>	-	0 <u>-</u>
			Bootle & Netherton	1,459 <u>1,655</u>	12.4 <u>14.5</u>	34	41.4 <u>7</u>
			Windfalls	1,503 <u>1,071</u>	12.7 <u>9.4</u>	-	-
			Completions 2012-2014	717 <u>1,172</u>	6.1 <u>10.2</u>	6.5 <u>8.0</u>	8.0 <u>8.0</u>
			Total	11,793 <u>11,435</u>	100	81.6 <u>81.6</u>	100

MM4

Figure 4.4

Insert a Key Diagram (Figure 4.4) after Figure 4.3.



Ref.	Page	Policy/ Paragraph	Main Modification
MM5	31	Policy SD2	<p><i>Add an additional bullet point (as the penultimate bullet point):</i></p> <ul style="list-style-type: none"> • <u>To ensure that all new development addresses flood risk mitigation and explores all methods for mitigating surface water run-off. Wherever possible, developers should include an element of betterment within their proposals to reduce further the risk of flooding in the area</u>
MM6	33	Policy MN1	<p><i>Amend part 1 of policy MN1 as follows:</i></p> <p>1. During the period 2012 – 2030 provision will be made for the development of a minimum of <u>11,520</u> 11,070 new homes in Sefton. The housing requirement will met at the following average annual rates:</p> <p>2012-2017: 500 dwellings per annum 2017-2030: <u>694</u> 660 dwellings per annum</p> <p><i>Amend part 3:</i></p> <p>3. During the period 2012 – 2030 provision will be made for a total of <u>81.6</u> 84.5 ha of employment land</p> <p><i>Add a new part 5 to the policy:</i></p> <p><u>5. Sefton is working jointly with the other Liverpool City Region local planning authorities and the Liverpool City Region Local Enterprise Partnership to undertake the Strategic Housing and Employment Land Market Assessment (SHELMA) to establish, objectively, the level of long-term growth in housing and employment needs appropriate in Sefton. In the event that it is demonstrated that further housing or employment provision is required in Sefton, an immediate review or partial review of the Sefton Local Plan will be brought forward to address these matters. The review will commence following the adoption of the Sefton Local Plan. It will take into account the findings of the SHELMA, and will be submitted within two years from the date of the Local Plan adoption.</u></p>
MM7	34	6.12-6.13	<p><i>Amend paragraph 6.12 as follows:</i></p> <p>6.12 Sefton's housing and employment requirements are based on a full objective assessment of the needs of households and businesses in the Borough. The housing requirement is based on the findings of the 'Housing Requirement for Sefton', which was published in November 2014. This study was based on the 2012-based population <u>household</u> projections issued by the Office for <u>National Statistics</u> Department for Communities and Local Government and other evidence. The employment requirement is derived from the 2012 Employment Land & Premises Study Refresh <u>and the 2015 Update which</u> and is <u>are</u> primarily based on an analysis of the rate at which land was developed for employment in the past <u>and a blended approach to employment need.</u> This was the most optimistic of a number of indicators of future need.</p> <p><i>Amend the first two sentences of paragraph 6.13 as follows:</i></p> <p>6.13 The housing requirement of <u>11,520</u> 11,070 dwellings would equate to an average of <u>640</u> 615 dwellings a year between 2012 and 2030. However, this requirement is staged and will be met at</p>

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			a rate of 500 dwellings a year between 2012 and 2017, and 694 <u>660</u> dwellings between 2017 and 2030.																																												
MM8	34	6.14A - 6.14C	<p><i>Add three new paragraphs after paragraph 6.14:</i></p> <p><u>6.14A The Sefton Local Plan does not make any provision for the additional demand for distribution and other port-related uses across Merseyside arising from the expansion of the Port of Liverpool in Sefton (Liverpool2). As a result of these requirements, which can only be assessed across the sub-region, the Council is committed to carrying out an immediate review or partial review of the Local Plan to address these matters.</u></p> <p><u>6.14B The review of the Local Plan will be completed within two years of the adoption of this Plan. Sefton has already begun working with the other Liverpool City Region local planning authorities through the commissioning of the SHELMA to establish the scale and distribution of any emerging housing shortfall and the emerging employment needs, including those associated with the expansion of the Port of Liverpool, including a new or improved port access.</u></p> <p><u>6.14C The devolution deal signed on 17 November 2015 between HM Treasury and the Liverpool City Region, grants powers over strategic planning to the City Region, including the responsibility for creating a single statutory city-region framework. This is intended to help accelerate economic growth and new housing development throughout the city region. The planning powers will include the development of a single statutory city-region framework supporting the delivery of strategic employment and housing sites throughout the city-region. The agreement stresses that this approach must not delay the development of local plans.</u></p>																																												
MM9	35	Policy MN2	<p><i>Amend part 1 of policy MN2 as follows:</i></p> <table border="1"> <thead> <tr> <th>Site Ref.</th> <th>Location</th> <th>Area [ha.]</th> <th>Indicative Capacity</th> </tr> </thead> <tbody> <tr> <td>MN2.1</td> <td>Bartons Close, Southport</td> <td>1.0</td> <td>36</td> </tr> <tr> <td>MN2.2</td> <td>Land at Bankfield Lane, Southport</td> <td>9.0</td> <td>220 <u>300</u></td> </tr> <tr> <td>MN2.3</td> <td>Former Phillips Factory, Balmoral Drive, Southport</td> <td>6.0</td> <td>158</td> </tr> <tr> <td>MN2.4</td> <td>Land at Moss Lane, Churchtown</td> <td>19.1 <u>18.3</u></td> <td>450</td> </tr> <tr> <td>MN2.5</td> <td>Land at Crowland Street, Southport</td> <td>25.8</td> <td>678</td> </tr> <tr> <td>MN2.6</td> <td>Land adjacent to Dobbies Garden Centre, Benthams Way, Southport</td> <td>8.7 <u>6.8</u></td> <td>215 <u>174</u></td> </tr> <tr> <td>MN2.7</td> <td>Land at Lynton Road, Southport</td> <td>1.5</td> <td>25</td> </tr> <tr> <td>MN2.8</td> <td>Former Ainsdale Hope School, Ainsdale</td> <td>9.2</td> <td>243 <u>120</u></td> </tr> <tr> <td>MN2.9</td> <td>Former St John Stone School, Meadow Lane, Ainsdale</td> <td>1.3 <u>1.4</u></td> <td>40</td> </tr> <tr> <td>MN2.10</td> <td>Land at Sandbrook Road, Ainsdale</td> <td>2.0 <u>2.6</u></td> <td>49 <u>83</u></td> </tr> </tbody> </table>	Site Ref.	Location	Area [ha.]	Indicative Capacity	MN2.1	Bartons Close, Southport	1.0	36	MN2.2	Land at Bankfield Lane, Southport	9.0	220 <u>300</u>	MN2.3	Former Phillips Factory, Balmoral Drive, Southport	6.0	158	MN2.4	Land at Moss Lane, Churchtown	19.1 <u>18.3</u>	450	MN2.5	Land at Crowland Street, Southport	25.8	678	MN2.6	Land adjacent to Dobbies Garden Centre, Benthams Way, Southport	8.7 <u>6.8</u>	215 <u>174</u>	MN2.7	Land at Lynton Road, Southport	1.5	25	MN2.8	Former Ainsdale Hope School, Ainsdale	9.2	243 <u>120</u>	MN2.9	Former St John Stone School, Meadow Lane, Ainsdale	1.3 <u>1.4</u>	40	MN2.10	Land at Sandbrook Road, Ainsdale	2.0 <u>2.6</u>	49 <u>83</u>
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Ref.	Page	Policy/ Paragraph	Main Modification			
			MN2.11	Land south of Moor Lane, Ainsdale	2.6 <u>3.2</u>	69
			MN2.12	Land north of Brackenway, Formby	13.7	286
			MN2.13	Land at West Lane, Formby	1.9	40
			MN2.14	Former Holy Trinity School, Lonsdale Road, Formby ¹	0.9 <u>1.0</u>	50
			<u>MN2.14A</u>	<u>Land at Shorrocks Hill, Lifeboat Road, Formby</u>	<u>3.3</u>	<u>34</u>
			MN2.15	Formby Professional Development Centre, Park Road, Formby	1.6	15
			MN2.16	Land at Liverpool Road, Formby	14.2	319
			MN2.17	Land at Altcar Lane, Formby	0.7	29
			MN2.18	Power House phase 2, Hoggs Hill Lane, Formby	0.6 <u>0.4</u>	20 <u>12</u>
			MN2.19	Land at Andrew's Close, Formby	3.3	87
			MN2.20	Land at Elmcroft Lane, Hightown	6.5	120
			MN2.21	Land at Sandy Lane, Hightown	0.7	10
			MN2.22	Land at Hall Road West, Crosby	1.1	14
			MN2.23	Land at Southport Old Road, Thornton	3.9	85
			MN2.24	Land at Holgate, Thornton	8.4	221
			MN2.25	Land at Lydiate Lane, Thornton	10.3 <u>10.2</u>	265
			MN2.26	Land south of Runnell's Lane, Thornton	5.3	137
			MN2.27	Land at Turnbridge Road, Maghull	1.6	40
			MN2.28	Land north of Kenyons Lane, Lydiate	9.7 <u>10.1</u>	295
			MN2.29	Former Prison Site, Park Lane, Maghull	13.6	370
			MN2.30	Land east of Waddicar Lane, Melling	6.0	178
			MN2.31	Wadacre Farm, Chapel Lane, Melling	5.5	135
			MN2.32	Land south of Spencers Lane, Melling	0.6	18
			MN2.33	Land at Wango Lane, Aintree	1.8	25
			MN2.34	Aintree Curve Site, Ridgewood Way, Netherton	3.1	100 <u>109</u>
			MN2.35	Former Z Block Sites,	3.5	100

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			¹ Site allocated specifically for older persons housing / accommodation (reserved for residents aged 55 and over).																																																				
MM10	36	Policy MN2	Amend part 4 of the policy as follows: 4. Sites MN2.2, MN2.4, MN2.6, and MN2.19 are adjacent to areas of 'Proposed Open Space'. These areas will be developed for new open space alongside the housing allocation.																																																				
MM11	36	Policy MN2	Add a new part 4A to the policy: <u>4A. Site MN2.8 Former Ainsdale Hope School, Ainsdale will include an Ecological Improvement Area to be developed as a nature reserve alongside the housing allocation.</u>																																																				
MM12	36	Policy MN2	Delete reference to site MN2.49 in part 5 of the policy: MN2.49: Land to the South of Formby Industrial Estate—7 ha (net) Amend part 7 of the policy: 7. Land North of the Formby Industrial Estate (site MN2.48) and Land South of the Formby Industrial Estate (site MN2.49) are <u>is</u> subject to <u>a</u> site specific policies (Policies MN4 and MN5).																																																				
MM13	37	6.17	Delete paragraph 6.17: 6.17 Sufficient land has been identified to exceed the total																																																				

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			<p>housing requirement of 11,070 dwellings by around 6.5% (720 dwellings) to allow for contingencies. This additional supply is intended to ensure that delays or unforeseen problems on allocated sites identified in this policy will not undermine housing delivery over the Plan period. This contingency allowance is unrelated to the requirement at paragraph 47 of the Framework to identify a buffer of 5% or 20% to the '5-year supply'. The contingency allowance will also allow choice and provide flexibility to adapt to rapid change, as required by paragraph 14 of the National Planning Policy Framework.</p>
MM14	38	6.25	<p><i>Amend the paragraph as follows:</i></p> <p>6.25 Two <u>Four</u> areas of 'Proposed Open Space' are identified on the Policies Map. These areas are adjacent to, and in the same ownership as, proposed housing allocations. New open space will be created at these sites alongside the development of the adjacent housing allocation. Both <u>All these</u> areas are affected by constraints that severely restrict or preclude residential development. The Proposed Open Space at <u>Land adjacent to Dobbies Garden Centre, Benthams Way, Southport (MN2.6)</u> is at greatest risk of surface water flooding. The Proposed Open Space at <u>Andrews Close, Formby (site MN2.19)</u> is in Flood Zone 3, and the <u>the</u> area identified at <u>Bankfield Lane, Southport (MN2.2)</u> is within the setting of a listed building <u>and the area at Moss Lane, Churchtown (MN2.4)</u> has been identified to maintain the open character of the north east corner as it is within the setting of the <u>North Meols conservation area</u>. However, these areas are suitable for the creation of open space, which could include new public open space, habitat creation, sustainable drainage, or a mixture of these. Their removal from Green Belt would also create a more robust Green Belt boundary.</p>
MM15	40	Policy MN3	<p><i>Amend policy MN3 as follows:</i></p> <p>MN3 STRATEGIC MIXED USE ALLOCATION - LAND EAST OF MAGHULL</p> <p>1. Land East of Maghull (shown on the Policies Map) is identified as a Strategic Mixed Use Allocation. The development of this site will create a comprehensive high quality, well-designed phased sustainable urban extension containing integrated, distinctive, safe and secure residential neighbourhoods, a Business Park and improvements to local infrastructure.</p> <p><u>1A. Proposals for development within Land East of Maghull will only be granted planning permission where they are consistent with a single detailed master plan for the whole site which is approved by the Council. The master plan should accord with this policy and any associated Supplementary Planning Document and should be submitted prior to or with the first application. Planning permissions will be linked to any necessary legal agreements for the improvement, provision, management and maintenance of infrastructure, services and facilities, open spaces and other matters necessary to make the development acceptable and which facilitate comprehensive delivery of all phases of development</u></p>

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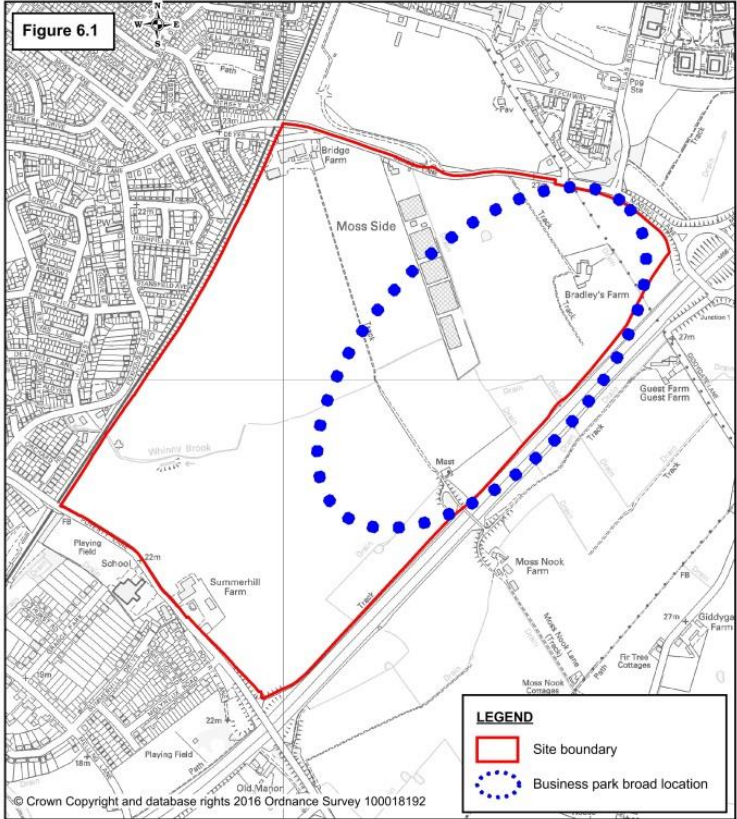
Ref.	Page	Policy/ Paragraph	Main Modification
			<p><u>within the site in accordance with the master plan.</u></p> <p><u>1B. Proposals for development within this site must demonstrate a comprehensive approach to infrastructure provision (including provision of an appropriate proportion of financial and/or 'in kind' contributions towards strategic and/or local infrastructure required to enable the comprehensive development of the site). All residential applications within the site must contribute proportionally (on a per dwelling basis) to the following improvements:</u></p> <ul style="list-style-type: none"> a) <u>expansion of Summerhill Primary School to become a two form entry school</u> b) <u>the provision of a main park within the site</u> c) <u>new slip roads at junction 1 of the M58 motorway</u> d) <u>subsidy of a bus service through the site for a period of 5 years</u> <p><u>2. No applications for residential or employment development will be permitted until a Supplementary Planning Document relating to this site has been adopted by the Council.</u></p> <p><u>3. The development of the site must provide:</u></p> <ul style="list-style-type: none"> a) <u>A minimum of 1400 dwellings, including incorporating a range of housing types and tenures to meet identified housing needs. This will include the provision of affordable / special needs housing (policy HC1), and provision at least 2 dedicated older persons housing schemes (reserved for residents of 55 and over) each comprising at least 25 dwellings for older persons housing (policy HG2)</u> b) <u>A 20 hectare (net) serviced Business Park for office and light industrial (class B1), general industrial, (B2), and storage and distribution (B8) uses. The Business Park will be located adjacent to the site's northern and eastern boundary as set out in the broad location identified in figure 6.1.</u> c) <u>Small-scale retail and commercial development to ensure the convenience shopping and other needs of new residents are met. This should be no more than 2,000 sq m (gross) in total. Local shopping provision of an appropriate scale to serve the needs of the new community;</u> d) <u>A new 'main park' through the site located either side of Whinney Brook. This must incorporate an equipped play area, new habitat creation, and provision for outdoor sports. Appropriate new public open space, incorporating a neighbourhood park, equipped play area, new habitat creation, and provision for outdoor sports</u> e) <u>A landscaping network including tree planting, buffer zones between employment and housing areas and to the M58 motorway and railway, the strategic paths and cycle routes network</u> f) <u>A layout that facilitates provides:</u>

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			<ul style="list-style-type: none"> • <u>a bus route across the site from School Lane / Maghull Lane in the north to Poverty Lane in the south;</u> • <u>a distributor road(s) that encourages residential traffic from the southern part of the site to access / egress via School Lane / Maghull Lane. The distributor road(s) will run from School Lane / Maghull Lane through the site and will cross Whinney Brook; and</u> • <u>appropriate separation of commercial and residential traffic</u> <p>g) The layout should also ensure an appropriate separation of commercial and residential traffic</p> <p>g) <u>Walking and cycling routes within and beyond the site linking new and existing residential areas and business park to the railway stations, bus services, new local centre local shops, open space, and local schools. This will include improving existing rights of way within the site, including upgrading the existing Maghull no. 11 footpath to a pedestrian / cycle way</u></p> <p>h) <u>Effective management of flood risk within the site, including use of sustainable drainage systems. The development of the site will result in the reduction of flood risk onsite and to the adjacent railway line. No residential development will be located in Flood Zones 2 or 3 following any watercourse realignment, and Buildings should be sited away from areas at high risk of flooding, and</u></p> <p>i) <u>The long-term management and maintenance of public open space, landscaping, and sustainable urban drainage systems, to be agreed by the Council.</u></p> <p>4. The development of this site must be subject to a single outline planning application covering the whole of the site. The outline application must:</p> <ul style="list-style-type: none"> • Specify how the infrastructure contributions listed at part 5 of this policy will be phased and implemented • Indicate the location of the business park • Indicate the location of an internal bus route linking School Lane and Poverty Lane • Indicate the location of access points to the business park and new residential areas from Poverty Lane and School Lane • Indicate the location of the proposed public open space, and • Provide a strategic landscaping framework. <p>4. Development of the site will be phased to <u>The following phasing requirements will be applied to ensure that the required infrastructure is provided alongside new development. The following timetable and restrictions will apply unless an alteration is agreed in writing with the Local Planning Authority:</u></p> <p>a) <u>Maghull North station must be operational before the practical completion of the 500th dwelling</u></p>

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			<p>b) The southbound on slip and northbound off slip at Junction 1 of the M58 motorway must be constructed before the practical completion of the 500th dwelling</p> <p>c) The internal bus route linking School Lane and Poverty Lane must be provided before completion of the 500th dwelling. No more than 250 dwellings will be served from Poverty Lane and no more than 250 dwellings will be served from School Lane / Maghull Lane, prior to the completion of the internal bus route / distributor road</p> <p>d) Serviced plots must be made available on 25% of the area of the business park <u>The access into the business park from School Lane / Maghull Lane must be constructed to an appropriate standard, servicing into the business park provided, and the landscaping framework to the business park implemented before the practical completion of the 500th dwelling</u></p> <p>e) The proposed Business Park must not be occupied until the new slip roads are completed at Junction 1 of the M58</p> <p>f) The local shopping provision must be constructed and made available for occupancy before the practical completion of the 750th dwelling, and</p> <p>g) The neighbourhood main park and outdoor sports provision will be provided in a phased manner, so that it becomes available when the adjacent housing is completed</p> <p>5. The development of this site will secure the following benefits, including through the use of planning conditions, 'Section 106' or other legal agreements and a phasing/ implementation plan:</p> <p>a) A financial contribution to secure the provision of the new Maghull North station and associated park and ride facility</p> <p>b) A financial contribution to secure the delivery of the new slip roads required at Junction 1 of the M58 motorway</p> <p>c) A financial contribution to subsidise a bus service through the site for at least 3 years</p> <p>d) Provision of other appropriate highways and public transport improvements</p> <p>e) The provision of affordable / special needs housing and older persons housing (policies HC1 and HC2), and</p> <p>f) Financial contributions to improve health care and education facilities, including expansion of Summerhill Primary School, and to provide appropriate community facilities within the local centre.</p>
MM16	41-42	6.38-6.41	<p><i>Amend the first two sentences of paragraph 6.38 as follows:</i></p> <p>6.38 Land east of Maghull will provide a sustainable urban extension with major local benefits. These will include a contribution to a new Maghull North railway station <u>slip roads at junction 1 of the M58</u>, a new <u>neighbourhood main park (as set out in the Open Space and Recreation Study and other Council documents)</u>, sports provision, a new local centre <u>shopping provision</u>, and a 20 ha (net) business park.</p> <p><i>Add an additional sentence to the end of paragraph 6.41 and a</i></p>

Ref.	Page	Policy/ Paragraph	Main Modification
			<p><i>new Figure 6.1:</i> <u>The Business Park should be located adjacent to the site's north eastern boundary as set out Figure 6.1:</u></p> 
MM17	43	Policy MN4	<p><i>Amend part 1e of the policy as follows:</i> e) Flood risk will be managed effectively and appropriately within the site, including through the use of flood storage areas and sustainable drainage systems; and</p>
MM18	44	Policy MN5	<p><i>Delete policy MN5 and the associated text</i></p>
MM19	45	Policy MN6	<p><i>Amend the first sentence of part 1b of the policy as follows:</i> b) Retain and manage 7.9 ha of grassland and wetland habitats outside of the residential allocation as a buffer zone to the adjacent nature reserve, including additional species enhancement measures.</p> <p><i>Amend part 1c of the policy as follows:</i> c) Include a signal controlled junction onto the Formby Bypass and a through route to a secondary means of access via Paradise Lane</p>
MM20	46	6.64	<p><i>Amend paragraph 6.64 as follows:</i> 6.64 A new signal controlled junction must also be provided <u>onto</u> the Formby Bypass to <u>facilitate provide</u> access into the site. The site layout should <u>ensure provide that</u> a secondary access via Paradise Lane. Any route created through the site into Formby should be designed to <u>direct through route to other parts of Formby is not created</u>, to discourage 'rat running' through traffic.</p>
MM21	46	Policy MN6A	<p><i>Add a new policy and explanatory text:</i> Land at Moss Lane, Churchtown</p>

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			<p><u>6.64A Land at Moss Lane, Churchtown has been identified as a housing allocation under Policy MN2. The policy below sets out the site specific requirements that will apply to this site.</u></p> <p><u>MN6A LAND AT MOSS LANE, CHURCHTOWN</u></p> <p><u>1. Land at Moss Lane, Churchtown, is allocated for housing (as shown on the Policies Map). Development of this site must:</u></p> <p>a) <u>Provide for the widening of Moss Lane between the Roe Lane/Mill Lane roundabout and the main vehicular access point into the site, to a minimum width of 6 metres with 2m wide footway on the southern side of Moss Lane. This can be achieved within the existing highway and site boundary.</u></p> <p>b) <u>Provide a financial contribution to subsidise the extension of a bus service into the site for at least 5 years.</u></p> <p>c) <u>Provide a loop road arrangement or suitable turning facility within the northern half of the site for the use of bus services.</u></p> <p>d) <u>Provide a layout that provides for mitigation from the operation of the adjacent golf course</u></p> <p>e) <u>Retain the existing woodland that abuts Moss Lane to the north, and provide for its long term management. The development must also make provision for footpaths through and public access to the woodland area.</u></p> <p>f) <u>Preserve the setting of the adjacent North Meols Conservation Area, and secure a transition to open countryside, by:</u></p> <ul style="list-style-type: none"> o <u>Providing a 15 metre deep screen of trees along the Moss Lane frontage, between no. 83 Moss Lane and the western edge of Pool House Farm, whilst allowing for a safe vehicular point of access into the development. Existing mature trees around Pool House Farm should be retained and supplemented with additional planting.</u> o <u>Maintaining the open character of the north east corner of the site, identified as Proposed Open Space on the Policies Map.</u> <p>g) <u>Incorporate any necessary flood risk mitigation; and</u></p> <p>h) <u>Provide habitat creation and management, appropriate tree planting, and a landscaped buffer alongside the Three Pools Waterway.</u></p> <p><u>2. These requirements will be achieved through the use of planning conditions, Section 106 and other legal agreements.</u></p> <p><u>Key policy links</u></p> <ul style="list-style-type: none"> • <u>MN1 Housing and Employment Requirements</u> • <u>MN2 Housing, Employment, and Mixed Use Allocations</u> <p><u>Explanation</u></p>

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			<p><u>6.64B Land at Moss Lane, Churchtown is a 18.3 ha urban extension with the capacity to accommodate around 450 dwellings. The site will make a significant contribution to housing provision in Southport, including towards meeting Southport's high affordable housing need.</u></p> <p><u>6.64C A number of improvements are necessary to ensure that the site is accessible to pedestrians, vehicles, and public transport. Whilst the majority of Moss Lane between the Roe Lane/Mill Lane roundabout and the likely main vehicular access point into the site is of adequate width, certain sections will require widening and the introduction of footways. In addition, the existing no. 43 bus service currently terminates at the Roe Lane/Mill Lane roundabout. MerseyTravel have confirmed to the Council that the extension of the no. 43 service into the site would be feasible, and that a contribution would be required from the developer for a period of 5 years to establish this extended service. The 5 year subsidy period should commence immediately following the construction of the 150th dwelling.</u></p> <p><u>6.64D Southport Old Links Golf Course is adjacent to the site, and a number of holes are close to the proposed development area. The layout of any development in this location should incorporate mitigation to ensure that new properties are reasonably screened from wayward golf balls.</u></p> <p><u>6.64E An existing area of woodland (approximately 1.2 ha in size) is located within the northern part of the site. This woodland should be retained and integrated within the development, including provision for footpaths through, and public access into, the woodland area.</u></p> <p><u>6.64F The North Meols Conservation Area is located to the north west of the site, and includes the Grade II* listed Meols Hall and its historic parkland. Historically, the Hall was surrounded by open countryside, and whilst its western boundaries have now been subsumed by urban Southport and trees planted to the eastern perimeter, part of the agricultural setting of the estate remains intact. In order to preserve connections between the estate and the countryside, the development of this site must retain and enhance the existing screen of trees and development along Moss Lane. In addition, the area of the site to the east of Pool House Farm must be retained as open space to preserve the open countryside feel of this part of the site.</u></p> <p><u>6.64G It is envisaged that the main vehicular point of access will be located between the existing plantation and the western edge of Pool House Farm. Whilst part 1f(a) of the policy requires a 15 metre deep screen of trees along part of the Moss Lane frontage, this should allow for a safe point of access into the development, including necessary visibility splays.</u></p> <p><u>6.64H The Habitats Regulations Assessment (HRA) of the Local Plan requires a site specific HRA for this site, in order to provide appropriate protection to the integrity of the Special Protection Areas/Ramsar sites bird populations. Appropriate species surveys</u></p>

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			<u>will be required to determine the presence/ likely absence of target species where identified. Sufficient information must be provided with the planning application to enable the Council to make a Habitats Regulations Assessment.</u>									
MM22	48	Policy MN8	<p><i>Amend the site areas in part 1 of the policy:</i></p> <table border="1"> <thead> <tr> <th>Site Ref.</th> <th>Location</th> <th>Area [ha.]</th> </tr> </thead> <tbody> <tr> <td>MN8.1</td> <td>Land at Lamshear Lane, Lydiate</td> <td>33 <u>33.9</u></td> </tr> <tr> <td>MN8.2</td> <td>Land adjacent to Ashworth Hospital, Maghull</td> <td>18.5 <u>15.1</u></td> </tr> </tbody> </table>	Site Ref.	Location	Area [ha.]	MN8.1	Land at Lamshear Lane, Lydiate	33 <u>33.9</u>	MN8.2	Land adjacent to Ashworth Hospital, Maghull	18.5 <u>15.1</u>
Site Ref.	Location	Area [ha.]										
MN8.1	Land at Lamshear Lane, Lydiate	33 <u>33.9</u>										
MN8.2	Land adjacent to Ashworth Hospital, Maghull	18.5 <u>15.1</u>										
MM23	49	6.78	<p><i>Replace paragraph 6.78 with the following:</i></p> <p><u>6.78 The two areas of Safeguarded Land have a combined potential capacity for around 1,000 dwellings. In addition, it is assumed that 318 dwellings at site MN2.5 Crowland Street, Southport, 90 dwellings at site MN2.4 Land at Moss Lane, Southport, 80 dwellings at site MN2.46 Land East of Maghull, and 263 dwellings at Town Lane, Southport (permission ref S/2012/0400) will be delivered after 2030 due to likely market take-up rates. This land, with a total estimated capacity of some 1,750 dwellings, will ensure that the proposed Green Belt boundary will endure in the longer term, beyond the current Local Plan period, though no specific time horizon is identified as to when that will be.</u></p>									
MM24	51	Policy ED1	<p><i>Replace part 1f of policy ED1 with the following:</i></p> <p><u>f) For development which is outside the Seaforth Nature Reserve, but within the remainder of the Port and Maritime Zone including any expansion of the operational port area to the A565, it can be demonstrated that there are no likely significant effects on the Mersey Narrows and North Wirral Foreshore and Liverpool Bay Special Protection Areas and other internationally important nature sites.</u></p> <p><i>Amend part 2c as follows:</i></p> <p><u>c) Demonstrate that there are no likely significant effects on the Mersey Narrows and North Wirral Foreshore and Liverpool Bay Special Protection Areas or and other internationally important nature sites.</u></p> <p><i>Amend part 3 as follows:</i></p> <p><u>3. Improvements to access will be required to support the expansion of the Port. This may require a new road and /or substantial improvements to the surrounding highway network beyond the Port area, as well as other modes of transport, specifically rail.</u></p> <p><i>Amend part 4 as follows:</i></p> <p><u>4. Planning conditions and / or legal agreements will be used to ensure appropriate compensation, mitigation, infrastructure and appropriate local economic, environment and community benefits are secured and provided both within and beyond Sefton.</u></p>									
MM25	52	7.14	<p><i>Replace the final five sentences of paragraph 7.14 with:</i></p> <p><u>The area adjacent to the main entrance to the Port suffers from poor air quality. It is recognised that major road improvements to facilitate port access will be required in the long term. A scheme has been included in the Road Investment Strategy, and</u></p>									

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			<p><u>Highways England has commissioned an Options Identification and Assessment study, which will be completed in summer 2016. Highways England have confirmed, in their newsletter of October 2015, that they are considering two options for improved road access to the port; upgrade Dunnings Bridge Road; or a new road through the Rimrose Valley.</u></p> <p><i>Add new paragraphs 7.14A and 7.14B after paragraph 7.14:</i></p> <p><u>7.14A The Canada Dock Rail Connectivity Study (April 2015) was prepared on behalf of Merseytravel and the Homes and Communities Agency to identify options for reconnecting the Southern Zone of the Port of Liverpool to the railway network. The study recommended that land associated with the former Canada Dock Branch Line should not be safeguarded, and that reinstating the route would be a costly and operationally unsatisfactory option. The study concludes that rail connectivity could be improved most affectively by extending the existing rail line south from Alexandra Dock. The viability of this proposal will be assessed in greater detail within the emerging Port Master Plan and Long Term Freight Strategy and as part of the Duty to Cooperate associated with an early review of the Local Plan</u></p> <p><u>7.14B Network Rail is bringing forward proposals that will improve the rail freight capacity on the Bootle Branch Line into the Port of Liverpool, which will accommodate increased rail freight movements associated with the increase in biomass imports for energy generation and with the growth in container movements that will result from the opening of Liverpool2.</u></p>						
MM26	54	7.18	<i>Replace 'Primary Retail Areas' with 'Primary Shopping Areas'</i>						
MM27	54	Policy ED2	<p><i>Amend parts 1 to 5 of policy ED2 as follows:</i></p> <p>ED2 DEVELOPMENT IN TOWN CENTRES, DISTRICT CENTRES, LOCAL CENTRES AND LOCAL SHOPPING PARADES AND OUTSIDE DEFINED CENTRES</p> <p>1. Retail, leisure and other main town centre uses¹ will be directed towards the Borough's existing centres in accordance with the following hierarchy:</p> <table style="margin-left: 40px;"> <tr> <td>Town Centres:</td> <td>Bootle and Southport</td> </tr> <tr> <td>District Centres:</td> <td>Crosby, Formby, Maghull and Waterloo</td> </tr> <tr> <td>Local Centres:</td> <td>Ainsdale, Birkdale, Churchtown, Netherton and Old Roan</td> </tr> </table> <p>Planning permission will only be granted for development which is appropriate to the role and function of each centre.</p> <p><u>Sequential Test</u></p> <p>2. Where proposed outside of the defined town, district and local centres, <u>Proposals for all retail, leisure and other town centre uses will be subject to a sequential approach to development. This will require applications for town</u></p>	Town Centres:	Bootle and Southport	District Centres:	Crosby, Formby, Maghull and Waterloo	Local Centres:	Ainsdale, Birkdale, Churchtown, Netherton and Old Roan
Town Centres:	Bootle and Southport								
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			<p>centre uses to be located firstly in:</p> <ul style="list-style-type: none"> • <u>Primary Shopping Areas (retail uses only), then</u> • <u>town centres, district and local centres (in accordance with the hierarchy in part 1), then</u> • <u>edge of centre locations, and</u> • <u>only if suitable sites are not available should out of centre sites be considered.</u> <p><u>When considering new proposals in out of centre locations, preference will be given to accessible sites that are well connected to a defined centre in accordance with part 1 of the policy. For retail uses, if there are no accessible out of centre sites that are well connected to a defined centre, preference will be given to the existing retail parks² (as shown on the Policies Map). In addition, all proposed retail, leisure and other town centre uses should demonstrate:</u></p> <ul style="list-style-type: none"> • that they would not prejudice the delivery of planned investment within any existing defined centre, and • that no significant adverse impact on the vitality and viability of any existing centre will arise from the proposed development. <p><u>Impact Test</u></p> <p><u>3. For retail, leisure and other town centre office uses proposals proposed outside of existing defined centres, impact assessments will be required to accompany planning applications at the locations identified below based on the following floorspace thresholds at the following locations set out:</u></p> <ul style="list-style-type: none"> • <u>outside of the Primary Shopping Areas (for retail) or the town, district and local centres (for leisure and office uses) of Bootle and Southport, an impact assessments will be required for development which proposes more than 500m² gross floorspace or more</u> • <u>within 800 metres of the boundaries of the district centres, an impact assessment will be required for development which proposes more than 300m² gross floorspace, and</u> • <u>within 800 metres of the boundaries of the local centres, an impact assessment will be required for development which proposes more than 200m² gross floorspace.</u> <p><u>Where more than one impact threshold applies, the lower impact threshold will take precedence. Where appropriate, impacts on the vitality and viability of designated retail centres in neighbouring local authorities will also be required to be assessed. All proposed retail, leisure and offices uses which exceed the above local impact threshold test (part 3) should demonstrate:</u></p> <ul style="list-style-type: none"> • <u>that they would not have a significant adverse impact on the delivery of existing, committed, and planned public and private investment within any</u>

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			<p><u>existing defined centres, and</u></p> <ul style="list-style-type: none"> • <u>that no significant adverse impact on the vitality and viability of any existing centres will arise from the proposed development, including to local consumer choice and trade in defined centres and the wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from when the application is made.</u> <p>Subject to the above, impact assessments may also be required in other circumstances, including where a change of use <u>or variation of conditions</u> from one form of retail development to another is proposed <u>and could materially affect local shopping patterns.</u></p> <p>4. Within Primary Shopping Areas (as shown on the Policies Map see figure 7.2) proposals for non-retail uses, compatible with a town centre location, will be permitted providing that:</p> <ul style="list-style-type: none"> (i) the overall retail function of <u>the</u> Centre would not be undermined (ii) the use would make a positive contribution to the overall vitality and viability of the Centre, and (iii) it would not result in an unacceptable cluster of non-retail uses. <p><u>Within the primary retail frontages identified on the Policies Map, it is expected that 70% of units should fall within the A1 (retail) Use Class.</u></p> <p><u>Applications within primary and secondary frontages at the town and district centres which would result in the loss of an active ground floor use will not be supported.</u></p> <p>Outside of Primary Shopping Areas, but within defined centres, all main town centre uses will be considered acceptable in principle.</p> <p>5. Residential <u>development and other non-town centre uses</u> development will be permitted, if it does not compromise the vitality and viability of the centre or parade, in:</p> <ul style="list-style-type: none"> • defined town and district centres (outside Primary Shopping Areas) and local centres, or • upper floors of buildings in the Primary Shopping Area, or • local shopping parades <p>¹ As defined in NPPF Annex 2 ² Aintree Racecourse Retail Park and Grand National Retail Park in Aintree, Switch Island Leisure Park, Netherton and Meols Cop, Ocean Plaza and Kew Retail Parks in Southport</p>
MM28	56	7.20-7.22	<p><i>Replace paragraph 7.20 with the following:</i> 7.20 The 2015 Retail Strategy Review (RSR) identifies no</p>

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			<p><u>immediate capacity for additional convenience shopping floorspace in North Sefton, with a limited capacity arising in the longer term up to 2030. For South Sefton, the RSR forecasts a more significant capacity for additional convenience shopping floorspace in both the short and medium term, providing potential investment opportunities to support future development in Bootle, Crosby and Maghull.</u></p> <p><i>Replace paragraph 7.21 with the following:</i> <u>7.21 The RSR identifies no significant overall need for new comparison floorspace within the Borough in the period up to 2020, with additional capacity for comparison goods floorspace predicted to arise in the latter half of the plan period, The reuse of existing vacant floorspace is expected to absorb some of this identified capacity. The RSR forecasts the majority of the arising comparison floorspace need will be in North Sefton. To reflect this, additional floorspace for comparison shopping would be supported in principle in Southport Town Centre, particularly where it would improve Southport's market share or reuse existing floorspace. Similarly in south Sefton, notwithstanding the availability of capacity in the south of the Borough, any proposed new floorspace should be focused towards the Borough's defined centres in accordance with the sequential approach and the Retail Strategy.</u></p> <p><i>Replace paragraph 7.22 with the following:</i> <u>7.22 The RSR's forecasts will be reviewed regularly to help provide an up to date assessment of the retail needs and capacity within the Borough, and help to address any uncertainties in predicting how the retail sector will perform over time given its fluidity in recent years.</u></p> <p><i>Add new paragraph 7.22A after paragraph 7.22:</i> <u>7.22A The sequential test and impact assessment should be undertaken in a proportionate and locally appropriate way, and ideally agreed at pre-application stages, drawing on and sharing existing information where possible. The applicants and the Council should seek to agree the scope, key impacts for assessment, potentially alternative sites and the level of detail required in advance of applications being submitted.</u></p>
MM29	56	Figure 7.2	<i>Delete Figure 7.2.</i>
MM30	57	Policy ED3	<p><i>Rename the policy 'Existing Employment Areas', and replace 'Primarily Industrial Area' with 'Existing Employment Area' throughout the policy, including the policy links and associated text (paragraphs 7.26 - 7.28).</i></p> <p><i>Amend the policy as follows:</i> ED3 PRIMARILY INDUSTRIAL EXISTING EMPLOYMENT AREAS</p> <p>1. The Primarily Industrial Existing Employment Areas are suitable for the following uses:</p> <ul style="list-style-type: none"> • Office and light industrial (class B1) • General Industrial (class B2) • Storage and distribution (class B8)

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			<p>2. Other uses will only be permitted where they:</p> <ul style="list-style-type: none"> • <u>They are small scale or ancillary to the above uses, and would not prejudice the operation of Class B1, B2, or B8 uses within the Existing Employment Area, or</u> • <u>The land/premises are currently vacant and have been continuously and actively marketed for B1, B2 or B8 uses for at least 12 months (starting from the date the site became vacant) at a reasonable market rate (i.e. rent or capital values) and it has been demonstrated in a formal marketing report that there is no reasonable prospect of the site being used for employment use, or</u> • <u>There would be a significant community benefit that would outweigh the loss of the employment land/premises.</u> • are small scale or ancillary to the above uses, or • maximise job outputs and are compatible with the character and function of the area and with adjacent uses. <p>3. Development within the Primarily Industrial Existing Employment Areas must not:</p> <ul style="list-style-type: none"> • Significantly harm the amenity of any nearby residents, and • Significantly harm the general environment.
MM31	58	Policy ED4	<p><i>Amend the policy as follows:</i> ED4 MIXED USE AREAS</p> <p>1. The Mixed Use Areas listed below are suitable for the following types of development: office and light industry, health and educational uses, civic and community facilities, and other uses that <u>are compatible with</u> complement the character of the area.</p> <ol style="list-style-type: none"> 1. Bootle Central Commercial Area 2. Land at Crosby Road North, Waterloo 3. Land at Copy Lane, Netherton 4. Land to the West of Ormskirk Road, Aintree 5. Switch Island, Aintree 6. Land at Hawthorne Road / Church Road, Bootle
MM32	59	Policy ED5	<p><i>Amend policy ED5 as follows:</i> ED5 TOURISM</p> <p><u>Strategic Tourism Locations</u></p> <p><u>1. Tourism development will be supported in the following locations, subject to there being no adverse effects on the integrity of sites of international nature conservation importance and to , other natural and heritage assets, or</u> other Local Plan policies:</p> <ul style="list-style-type: none"> • Southport Seafront and Southport Central Area • Crosby Coastal Park • Aintree Racecourse • Adjacent to the Leeds and Liverpool Canal. <p><u>Other Tourism Development</u></p>

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			<p><u>2. Elsewhere sustainable tourism development will be supported in principle where it relates to location-specific tourism assets and is consistent with other Local Plan policies.</u></p>
MM33	63	Policy ED7	<p><i>Amend policy ED7 as follows:</i> <u>ED7 SOUTHPORT CENTRAL AREA</u></p> <p>1. Within the Southport Central Area development proposals should be consistent with, and make a positive contribution to, the economic function of the area, the quality of the environment <u>and maintain the significance of heritage assets and their settings.</u></p> <p>2. Development proposals for new within the Southport Central Area for the following uses will be acceptable in principle, subject to other Local Plan policies:</p> <p>a) Hotels and guest houses are acceptable in principle b) for Arts and cultural uses, and visitor attractions are acceptable in principle c) New Education uses development, including the expansion of Southport College, is acceptable in principle d) <u>Uses which secure a sustainable future for vacant or 'at risk' heritage assets.</u></p> <p>53. Development within the Central Area must <u>should</u>:</p> <p>a) Have no unacceptable impact on existing living conditions, and b) Cause no unacceptable harm to the appearance of street frontages, and to the vitality and viability of the town centre in general. c) <u>Take opportunities to enhance heritage assets and their settings including securing their re-use, repair and restoration where appropriate. Where heritage is degraded through poor quality previous changes, enhancements should form part of proposals. Within the Lord Street and Promenade Conservation Areas, new or replacement features should enhance the appearance of buildings, public spaces, and the historic character of the area.</u></p> <p>64. On the Lord Street frontages, new development is expected to <u>should</u> promote active frontages that support vitality and viability. Amusement arcades and centres will not be permitted on the north west Lord Street frontage between 91 and 581 Lord Street.</p> <p>75. The use of upper floors for a range of uses comparable with the retail and commercial character of the area will be encouraged. The use of upper floors for residential development will be permitted where they provide acceptable living conditions.</p>
MM34	65	Policy ED8A	<p><i>Add a new policy ED8A and accompanying explanatory text:</i> <u>ED8A MARINE PARK, SOUTHPORT</u></p> <p>1. Marine Park (16.4 ha) is allocated for major visitor-</p>

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			<p><u>based development [shown on the Policies Map]. Redevelopment of this site must significantly enhance the regional leisure and tourism role of Southport.</u></p> <p><u>2. The redevelopment of this site must:</u></p> <ol style="list-style-type: none"> a) <u>Be of high design quality that compliments the existing historic seaside environment and its open character</u> b) <u>Incorporate active frontages to both Marine Drive and Esplanade</u> c) <u>Significantly improves pedestrian links within and through the site. This must include the provision of a high quality, landscaped pedestrian link through the site continuing the linear route connecting Scarisbrick Avenue and the Venetian Bridge in King's Gardens to the seafront</u> d) <u>Incorporate high quality landscaping, including enhancements to the north western edge of the Marine Lake.</u> e) <u>Retain the open seafront setting of the listed pier, and maintain views to and from it</u> f) <u>Ensure that the position, orientation, and scale of new buildings allows for open views to be retained towards the sea from the Promenade and the Seafront Gardens</u> g) <u>Improve views from the Promenade towards Ocean Plaza.</u> h) <u>Provide appropriate compensatory open space and green infrastructure within the site</u> <p><u>3. The expansion of the existing fairground and the provision of new outdoor leisure facilities are acceptable in principle.</u></p> <p><u>4. Any proposal to partially develop the site should be prepared in the context of a development strategy for the whole site.</u></p> <p><u>5. Development that would adversely affect the integrity of adjacent internationally important nature sites will not be permitted.</u></p> <p><u>Policy links:</u></p> <ul style="list-style-type: none"> • <u>ED5 Tourism</u> • <u>ED6 Regeneration</u> • <u>ED8 Southport Seafront</u> • <u>NH2 Protection and enhancement of nature sites, priority habitats and species</u> <p><u>National /regional context</u></p> <ul style="list-style-type: none"> • <u>LCR Visitor Economy Strategy to 2020, 2009</u> • <u>Southport Investment Strategy</u> <p><u>Explanation</u></p> <p>7.67A The Marine Park site represents a significant opportunity to</p>

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			<p><u>provide high quality development of a scale that enhances Southport's role as a regionally important centre for tourism, and to act as a catalyst for further tourism investment. In particular, this site offers the potential to create a development that increases the number and type of visitors to Southport, and encourages more families to visit the town. The Visitor Economy Strategy also supports the development of a major new tourist attraction at Marine Park. Development of this site will be expected to meet each of the criteria set out in the policy to ensure that the highest quality of development is achieved on this prominent site.</u></p> <p><u>7.67B The site is in a sensitive location between the seafront, the Grade II listed pier and the Promenade Conservation Area, incorporating the Kings and South Marine Registered Historic Gardens. It is essential that the historic and visual connections between the development site, the pier, the historic Promenade frontage, and the historic gardens and the sea are retained. The fairground compliments Southport's heritage as a seaside resort town, and the continuation of this use is seen as maintaining the seafront's historic character</u></p> <p><u>7.67C Marine Park is located at a key gateway to Southport town centre so design, layout and quality of development are critical to the success and perception of the town. The Ocean Plaza buildings currently detract from views across the historic seafront. Opportunities to improve the longer ranging views across the seafront from the Pier, Promenade, and Kings and South Marine Registered Historic Gardens, should be taken.</u></p> <p><u>7.67D The development of this site may involve the loss of some or all of Princes Park (a non-designated heritage asset). It is envisaged that the benefits of meeting parts 1 and 2 of this policy will outweigh this loss. Appropriate new open space and green infrastructure should also be provided within the site to compensate for any loss of open space.</u></p>
MM35	65	Policy ED8B	<p><i>Add new policy ED8B and accompanying explanatory text:</i></p> <p><u>AINTREE RACECOURSE</u></p> <p><u>7.67E Aintree Racecourse is an asset of national importance, and is the home of the Grand National Festival, which hosts the world class National Steeplechase. It is therefore a major and valuable recreation, tourism and conferencing facility which attracts significant numbers of visitors throughout the year thereby contributing positively to the Borough and the wider Region's economy.</u></p> <p><u>ED8B AINTREE RACECOURSE</u></p> <p><u>1. Within the part of Aintree Racecourse which lies within the Green Belt, development must meet all of the following criteria:</u></p> <ul style="list-style-type: none"> <u>a) maintain or enhance the existing use of the Racecourse</u> <u>b) preserve the character of the area</u> <u>c) be consistent with national Green Belt Policy and</u>

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			<p style="text-align: center;"><u>other Local Plan policies.</u></p> <p>2. <u>Within the remaining part of Aintree Racecourse, development which enhances the recreational, tourism and conference functions of the Racecourse will be supported where consistent with other Local Plan policies.</u></p> <p><u>Key Policy Links:</u></p> <ul style="list-style-type: none"> • <u>ED5 Tourism</u> • <u>MN7 Sefton's Green Belt</u> <p><u>National / regional context</u></p> <ul style="list-style-type: none"> • <u>Liverpool City Region Visitor Economy Strategy to 2020, 2009</u> <p><u>Explanation</u></p> <p><u>7.67F Aintree Racecourse is an appropriate use within the Green Belt, in which the majority of the site is located. Development that enhances the recreational use of the Racecourse as a racing venue will be supported where consistent with other Local Plan policies. Development in this area should respect the openness of the Green Belt. It is also important that development does not harm existing outdoor recreation uses in the area of the Racecourse within the Green Belt, due to the special character and function of the Racecourse. This is in addition to the restrictions on development within the Green Belt.</u></p> <p><u>7.67G In the area of the Racecourse which is outside the Green Belt (i.e. the Ormskirk Road frontage), development proposals related to tourism, recreation or conferencing, particularly those relating to the Racecourse, such as hotel and conference facilities, will be supported where consistent with other Local Plan policies. Retail uses, including food and drinks uses, which are ancillary to the function of the Racecourse will be supported.</u></p>
MM36	69	Policy HC1	<p><i>Add new part 4A to policy HC1 after "All Areas" heading:</i></p> <p><u>4A. Vacant Building Credit - Proposals that involve the re-use of a vacant building or where it is demolished and replaced by a new building, will receive a financial credit equivalent to the existing gross floorspace (of relevant vacant buildings) when calculating any affordable housing contributions.</u></p> <p><i>Amend part 5 of the policy by deleting the last sentence:</i></p> <p><u>5. Special needs housing can be substituted for up to 50% of the site affordable housing contribution on a bedspace for bedspace basis. The residual affordable housing requirement should meet the relevant tenure requirement.</u></p> <p><i>Amend part 6 of the policy as follows:</i></p> <p><u>6. Where extra care or sheltered housing is proposed to be substituted for affordable housing, this must meet the tenure requirements set out in parts 2 and 4 of this policy. 80% of this should be provided as social</u></p>

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			<p>rented/affordable rented and the remaining 20% provided as intermediate housing for all parts of the Borough apart from Bootle and Netherton, where it should be provided as 50% social/affordable rented housing and 50% intermediate housing.</p> <p><i>Add new parts 9 and 10 to the policy:</i></p> <p><u>9. Off-site provision of affordable housing, or a financial contribution of broadly equivalent value, will be considered where it can be robustly justified, and where the agreed approach contributes to the objective of creating mixed and balanced communities.</u></p> <p><u>10. In implementing the policy, the Council will have regard to:</u></p> <p><u>a) the definitions and provisions of affordable and/or special needs housing in relevant national guidance as they may change over time; and</u></p> <p><u>b) changes in the Borough's requirements for affordable and special needs housing based on new evidence of need as set out in future commissioned Strategic Housing Market Assessments or similar studies.</u></p>
MM37	70	After 8.13	<p><i>Insert new paragraph 8.13A after paragraph 8.13:</i></p> <p><u>8.13A The Vacant Building Credit is intended to offer an incentive to brownfield development, including the reuse or redevelopment of empty and redundant buildings. The existing floorspace of a vacant building will be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metres is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.</u></p> <p><u>When assessing Vacant Building Credits the Council will consider the following:</u></p> <ul style="list-style-type: none"> • <u>Whether the building has been made vacant for the sole purposes of re-development</u> • <u>Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.</u> <p><u>The Government's Planning Practice Guidance provides more detail on the operation of the Vacant Building Credit.</u></p>
MM38	72	Policy HC2	<p><i>Amend the threshold in part 1 from 15 to 25 dwellings</i></p> <p><u>1. In developments of 15 25 or more dwellings, the mix of new properties provided must be as follows.....</u></p> <p><i>Replace part 2 of the policy with the following:</i></p> <p><u>2. In developments of 50 or more dwellings, at least 20% of new market properties must be designed to meet Building Regulation Requirement M4(2) 'accessible and adaptable dwellings'.</u></p> <p><i>Amend part 3 of the policy as follows:</i></p> <p><u>3. Where housing for older people or people with special needs is provided as part of a larger scheme, this should, where appropriate, be located within the scheme in the</u></p>

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			<p>most accessible location for local services and facilities.</p> <p><i>Add a new part 5 to the policy:</i></p> <p><u>5. The Council will support proposals for Custom or Self-Build homes on appropriate sites. To identify and provide for those who wish to custom or self-build their own homes the Council will:</u></p> <ul style="list-style-type: none"> • <u>Manage a register of interested parties who wish to custom or self-build their own home</u> • <u>Identify at least two pilot schemes to be made available for custom or self-builders.</u>
MM39	73	8.31	<p><i>Amend the first sentence of paragraph 8.31 as follows:</i></p> <p>8.31 In this context, the construction of 20% of new housing <u>in developments of 50 homes or more to Building Regulation Requirement M4(2) Lifetime Homes standards</u> will help to provide more flexible accommodation.</p> <p><i>Delete the remainder of the paragraph and replace with:</i></p> <p><u>Optional Technical Standards for Housing allow planning authorities to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect to access. Optional requirement M4(2) ensures new housing incorporates features that make it adaptable to a wide range of occupants, including older people. The emerging Affordable, Special Needs and Older People's Housing SPD will provide further guidance on policy HC2 part 2.</u></p>
MM40	74	After 8.34	<p><i>Add new paragraph 8.34A after paragraph 8.34:</i></p> <p><u>8.34A Custom and Self-build homes are a means of allowing local people or groups to commission, design, construct or complete their own home. Sefton has recently completed an Assessment of the Potential for Self-build and Custom Build Homes in the borough. Whilst this assessment hasn't been able to determine a level of demand in Sefton for these types of schemes, it proposed a number of recommendations to allow the Council to further understand likely demand. One recommendation is for the setting up of a register to allow people and groups to indicate that they want to custom or self-build their homes. Another recommendation is that the Council identifies a small number of pilot sites to be made available for custom and self-build homes. The Council intends to implement both of these recommendations in the short term. These will provide a much better view of the demand for this type of accommodation in Sefton and may lead to a Supplementary Planning Document and/or a review of how the Council disposes of its excess land.</u></p>
MM41	77	Policy HC5	<p><i>In part 2 of policy HC5, add "including from flood risk" to the end of the first bullet point.</i></p> <ul style="list-style-type: none"> • <u>The site should provide a safe environment for intended occupants including from flood risk</u>
MM42	79	Policy HC7	<p><i>Amend part 2 of the policy as follows:</i></p> <p><u>2. Development of the site must retain key green infrastructure and minimise harm to the historic environment and its setting the heritage characteristics of the site.</u></p> <p><i>Amend part 3 of the policy and header above:</i></p>

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			<p><u>Sites formerly in use as schools, colleges or other-care institutions</u> 3. Development for an alternative use which is compatible with the surrounding area is acceptable in principle, where appropriate evidence is provided that the institution and its ancillary facilities are surplus to recreational requirements.</p>
MM43	81	Policy IN1	<p><i>Amend policy IN1 as follows:</i> IN1 INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS</p> <p>1. The Infrastructure Delivery Plan, Appendix 1 and other policies in the Local Plan lists the essential-infrastructure required for the implementation of the Local Plan strategy.</p> <p>2. Social, <u>community</u>, environmental and physical infrastructure will be protected, enhanced and provided where there is an identified need to support sustainable communities.</p> <p>3. Developer contributions may also be sought in appropriate locations to assist with regeneration objectives set out elsewhere in the plan.</p> <p>4. Where appropriate, contributions will be sought to enhance and provide infrastructure to support new development. This may be secured as a planning obligation through a legal agreement, through the Community Infrastructure Levy or through other agreements.</p> <p>5. Where appropriate, the Council may require developers to provide the necessary-infrastructure themselves as part of their development proposals, rather than making financial contributions.</p> <p><u>5A. Developer contributions may also be sought in appropriate locations to assist with regeneration objectives set out elsewhere in the plan.</u></p> <p>6. Planning conditions or phased legal agreements may be used to ensure essential-infrastructure is provided within appropriate timescales.</p> <p>7. The Council will work with a range of partners to make sure that infrastructure is provided in the right location when required.</p> <p>8. The impact of providing or contributing to infrastructure on the viability of development proposals will be considered. <u>Where scheme viability will be affected, developers will be expected to provide Viability Assessments which will be taken into account as a material consideration in the determination of planning applications. Essential infrastructure is required regardless of viability.</u></p>
MM44	82	9.13	<p><i>Add an additional sentence to the end of the paragraph:</i> <u>However, viability issues must not be a reason to avoid the provision of essential infrastructure, i.e. infrastructure needed to</u></p>

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			<u>make the development acceptable in planning terms.</u>
MM45	83	Policy IN2	<p><i>In the last bullet point of part 1 of policy IN2, replace 'Aintree Curve' with '<u>North Mersey Branch line</u>'.</i></p> <p><i>Amend part 2 of the policy as follows:</i></p> <p><u>2. Improvements to The Council's general priorities for the transport network will take account of the need for:</u></p> <ul style="list-style-type: none"> • <u>Improving safety and accessibility for all transport users</u> • <u>Protecting the freight distribution network</u> • <u>Maintaining, improving and extending the walking and cycling network</u> • <u>Better connecting new and existing neighbourhoods with the public transport network</u> • <u>Creating opportunities for existing transport to become more sustainable such as by promoting/installing charger units at appropriate places along routes/locations.</u> <p><i>Delete 'Highways Agency' from the first bullet point of part 4 of the policy.</i></p> <p><i>Add a new part 7 to the policy:</i></p> <p><u>7. The Council will support initiatives to reconnect the Port of Liverpool (Southern Zone) between Alexandra Dock and Sandon Dock to the rail network. Subject to the compliance with Policy ED1 'The Port and Maritime Zone' and Policy NH2 'Protection and enhancement of nature sites, priority habitats and species', proposals by Peel Ports to extend the existing rail lines within the Port of Liverpool at Seaforth to directly serve the new Liverpool2 container terminal will be supported.</u></p>
MM46	84	9.17	<p><i>Replace the final sentence with:</i></p> <p><u>Options are being explored to reconnect the Port of Liverpool (Southern Zone) from Alexandra Dock to the rail network as part of the Port Master Plan and Long Term Freight Strategy. Network Rail is also developing proposals to improve rail freight capacity on the Bootle Branch Line and the wider rail network and Peel Ports is considering options for a direct rail connection to the new Liverpool 2 container terminal. Highways England is developing proposals for a major highway improvement to the Port, as identified in the Road Investment Strategy, which will be delivered within the Local Plan period.</u></p>
MM47	86	9.33-9.34	<p><i>Add four new paragraphs after paragraph 9.33:</i></p> <p><u>9.33A Further national guidance is set out in National Planning Practice Guidance and the Ministerial Written Statements of 25 March and 18 June 2015. The latter indicates that when determining planning applications for wind energy development for one or more wind turbines, local planning authorities should only grant planning permission if:</u></p> <ul style="list-style-type: none"> • <u>The proposed development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and</u> • <u>Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have</u>

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			<p><u>been fully addressed and the proposal has their backing.</u></p> <p><u>9.33B The Written Ministerial Statement of 25 March 2015 included provisions on the siting of large scale ground-mounted solar panel installations to ensure that the locations chosen for these schemes are the most suitable, taking into account factors such as the agricultural quality of the land concerned.</u></p> <p><u>9.33C The Plan does not allocate any sites for large scale renewable energy schemes in the Green Belt, and does not identify any sites as being suitable for wind energy development. The area of search for wind energy at Ince Blundell identified at the Preferred Options stage of Local Plan preparation has not been taken forward. This area was originally identified in the Liverpool City Region Renewable Energy Capacity Study (2011). This Study looked only at wind speeds and high level constraints with a view to identifying areas suitable for multiple turbine installations, and did not look at, matters such as flood risk, landscape character, cumulative impact or the specific impacts on heritage assets. It did not consider wind energy installations at a small enough scale to comply with the requirements of the 18 June 2015 Ministerial Written Statement. Ince Blundell Parish Council and local residents submitted objections to this proposal at the Preferred Options stage.</u></p> <p><u>9.33D The immediate review of the Plan provides the opportunity for the Council, working where appropriate in collaboration with the other Liverpool City Region authorities, to generate a new evidence base regarding renewable energy, including wind. This would assist the Council to determine such renewable energy applications in the light of the Framework, National Planning Practice Guidance and most particularly the Ministerial Written Statement of June 2015. In light of the current situation, the Council will be unable to consent applications for onshore wind energy development until a review of the Local Plan is undertaken.</u></p> <p><i>Amend the final sentence of paragraph 9.34:</i> Any proposals will be assessed against the Framework and other policies within the Plan, National Planning Practice Guidance and the Ministerial Written Statement of June 2015.</p>
MM48	87	Policy EQ1	<p><i>Amend the sixth bullet point as follows:</i></p> <ul style="list-style-type: none"> • Appropriately locating food and drink shops, hot food takeaways, drinking establishments, restaurants, cafes and other <u>non-food and drink uses which have health impacts</u>, having regard to other land uses in the local area
MM49	90	Policy EQ3	<p><i>Amend policy EQ3 as follows:</i></p> <p>EQ3 ACCESSIBILITY</p> <p>In order to improve accessibility in Sefton, new development must adhere to the following principles:</p> <ul style="list-style-type: none"> • Be located and designed to encourage walking and cycling both within, to and from the site • Where practical, be located in areas that are

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			<p>accessible, or are capable of being made accessible, to bus stops and rail stations</p> <ul style="list-style-type: none"> • Be accessible to an existing range of local services and facilities or, where appropriate, be supported by new services and facilities • <u>Ensure the needs of all residents and users of services and buildings, including those with limited mobility are met</u> Consider the needs of all residents and users of services and buildings, including those with limited mobility • <u>Ensure existing pedestrian and cycle paths are protected and where possible enhanced</u> • <u>Ensure the safety of pedestrians, cyclists and all road users is not adversely affected, and</u> • Consider the safety of pedestrians, cyclists and all road users, and • Comply with the Council's parking standards. <u>Have regard to the Council's parking standards and the recommendations of any submitted Transport Assessment or Transport Statement.</u>
MM50	93	Policy EQ5	<p><i>Amend policy EQ5 as follows:</i> EQ5 AIR QUALITY</p> <p>1. Development proposals must demonstrate that they will not:</p> <ul style="list-style-type: none"> • <u>Hinder the achievement of Air Quality Management Area (AQMA) objectives and the measures set out in an Air Quality Management Area Action Plan; or Result in a significant worsening of air pollution levels in an Air Quality Management Area or</u> • Hinder the revocation of an Air Quality Management Area by: <ul style="list-style-type: none"> ○ introducing significant new sources of air pollutants, or ○ Introducing new development whose users will be especially susceptible to air pollution, or • Lead to the declaration of an Air Quality Management Area; or • Lead to a significant material decline in air quality. <p>2. <u>Where appropriate, major developments must incorporate appropriate measures to reduce air pollution and minimise exposure to harmful levels of air pollution to both occupiers of the site and occupiers of neighbouring sites.</u></p>
MM51	93	10.37-10.38	<p><i>Amend paragraph 10.37 as follows:</i> Development must not compromise Sefton's ability to meet national air quality targets, <u>reflected in its AQMAs and Action Plans and other local air quality plans. As well as the individual impacts, the cumulative effects of development within an AQMA or elsewhere will also be taken into account, where in combination they result in a material decline in air quality.</u></p> <p><i>Add two new paragraphs after paragraph 10.37:</i> 10.37A When assessing the level of the impact of</p>

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			<p><u>development proposals on air quality, relevant issues in relation to both parts of this policy are likely to include:</u></p> <ul style="list-style-type: none"> • <u>The 'baseline' local air quality and the location of the development in relation to existing AQMAs or known air pollution sources or issues;</u> • <u>Whether the proposed development could significantly change air quality during the construction and operational phases;</u> • <u>Whether there is likely to be a significant increase in the number of people exposed to a problem with air quality, e.g. when new housing is proposed in an area known to experience poor air quality; and/or</u> • <u>Other issues set out in local air quality plans or national Planning Policy Guidance (PPG).</u> <p><u>10.37B In relation to part 2 of the policy, the type and scale of both impact assessment and mitigation measures should be proportionate and will depend on the location of the site, the proposed development and the likely impact on air quality. Planning obligations or other legal agreements or mechanisms may be used to secure these measures. Examples of mitigation include:</u></p> <ul style="list-style-type: none"> • <u>Design and layout of development to increase separation distances from sources of air pollution;</u> • <u>Provision of trees or other green infrastructure to absorb dust and other pollutants;</u> • <u>Provision or promotion of infrastructure for means of travel which have a low impact on emissions, including low emissions vehicles;</u> • <u>Funding contributions towards measures to offset the impact on air quality arising from new development, including those identified in local or City Region air quality action plans and low emission strategies; and/or</u> <p><u>Other examples set out in local air quality plans or national Planning Practice Guidance (PPG)'.</u></p> <p><i>Delete paragraph 10.38</i></p>
MM52	95	10.48-10.49	<p><i>Replace paragraph 10.48 with the following:</i></p> <p><u>10.48 In July 2015 the Government indicated that it would not be pursuing the 'Allowable Solutions' mechanism for achieving zero carbon homes in major housing schemes. If the national policy context regarding the use of 'Allowable Solutions' changes in the future, the Council will encourage developments in Sefton which includes 'Allowable Solutions', and any 'Allowable Solutions' themselves, to be compatible with the Council's energy strategies and plans. These include the Sefton Sustainable Energy Action Plan (SEAP), the Liverpool City Region SEAP or the Sefton Home Energy Conservation Act Plan 2013.</u></p> <p><i>Delete paragraph 10.49</i></p>
MM53	96	Policy EQ8	<p><i>Amend policy EQ8 as follows:</i></p> <p>EQ8 MANAGING FLOOD RISK AND SURFACE WATER</p> <p><u>Flood risk generally</u></p> <p>1. Development must be located in areas at lowest risk</p>

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			<p><u>of flooding from all sources, unless the Sequential test and where appropriate the Exceptions test set out in national policy have been passed. Within the site, uses with the greater vulnerability to flooding must be located in areas with lower risk of flooding, unless it is demonstrated that there are overriding reasons why this should not take place in accordance with national policy. Within the site, buildings must be located in the areas at lowest risk of flooding.</u></p> <p>2. Development proposals must not increase flood risk from any sources within the site or elsewhere, and where possible should reduce the causes and impacts of flooding flood risk.</p> <p><u>2A. Development proposals must incorporate an integrated approach to the management of flood risk, surface water and foul drainage.</u></p> <p><u>2B. Ground floor and basement access levels of all development should be a minimum of 600mm above the 1 in 100 annual probability fluvial flood level or the 1 in 200 annual probability tidal flood level with an allowance for climate change, taking into account the presence of defences and the residual risks of failure of those defences.</u></p> <p><u>2C. Ground floor and basement access levels of all development should be a minimum of 300mm above the 1 in 100 annual probability surface water flood level with an allowance for climate change.</u></p> <p><u>Surface water management</u></p> <p>3. In addition to the national requirements, site-specific Flood Risk Assessments will also be required for all development on sites of 0.5 hectares or more in Critical Drainage Areas as defined in the Strategic Flood Risk Assessment. Site-specific Flood Risk Assessments will be required for all development on sites of 0.5 hectares or more in Critical Drainage Areas as defined in the Strategic Flood Risk Assessment.</p> <p>4. Where reasonably practicable, development must incorporate sustainable drainage systems to manage surface water flooding run-off within the site, so that:</p> <p style="margin-left: 20px;">a) Surface water run-off rates and volumes are reduced by 20% (compared to the pre-existing rates) for sites covered by buildings or impermeable hard surfaces, and for greenfield sites do not exceed greenfield rates.</p> <p style="margin-left: 20px;">b) Surface water discharge is targeted using a sequential approach, and proposals to for the attenuated discharge of surface water into anything other than the ground must demonstrate why the other sequentially preferable alternatives cannot be implemented:</p> <p style="margin-left: 40px;">i. Into the ground (infiltration)</p> <p style="margin-left: 40px;">ii. Into a watercourse or surface water body,</p>

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			<p>iii. Into a surface water sewer, or iv. Into a combined sewer.</p> <p>c) Above ground, natural drainage features rather than engineered or underground systems are used.</p> <p>5. <u>Sustainable drainage systems must be designed to provide effective drainage for properties and their capacity must take account of the likely impacts of climate change and likely changes in impermeable area within the site over the lifetime of the development. Sustainable drainage systems and any water storage areas must control pollution and should enhance water quality and existing habitats and create new habitats where practicable.</u> Sustainable drainage systems and any water storage areas must control pollution and should enhance water quality and existing habitats and create new habitats where practicable.</p> <p>5A. <u>Suitable arrangements for long-term access to and operation, maintenance and management of sustainable drainage systems must be incorporated within development proposals. This includes both surface and subsurface components of sustainable drainage systems, over the lifetime of the development.</u></p> <p>6. Development on an area which is an adopted Sustainable Drainage System or has a formal flood risk management function is acceptable in principle where the development proposals do not reduce the ability of the area to manage the surface water or flood risk.</p>
MM54	97-98	10.57-10.60	<p><i>Add a new paragraph 10.57A after paragraph 10.57:</i> <u>10.57A Paragraph 103 of the Framework says that development proposals should not increase flood risk elsewhere, and paragraph 100 says that local plans should use opportunities offered by new development to reduce the causes and impacts of flooding. Part 2 of the policy reflects this. Where development proposals include raising ground levels in areas where surface water or flood water flows or collects (including Flood Zones 2 and 3), compensatory reductions in ground levels within the site must also be included. That is, where infilling of the flood plain or sustainable drainage systems is proposed, flood storage must be provided to compensate for this, including an allowance for climate change. This is to make sure that areas next to the site or further away do not suffer from increased surface water or flood levels.</u></p> <p><i>Add a new paragraph 10.58A after paragraph 10.58:</i> <u>10.58A Part 2A reflects the need for an effective, integrated, approach to management of flood risk, surface water and foul drainage. This would include assessment of potential interactions and the most effective ways of managing these, in combination, rather than considering each in isolation. Paragraphs 10.60 to 10.61 are also particularly relevant in this context. Parts 2B and 2C are based on the recommendations in the 2013 Strategic Flood Risk Assessment, and need to make sure that development is safe.</u></p>

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			<p><i>Amend the first sentence of paragraph 10.59 as follows:</i> <u>10.59 The Framework sets out the national requirements for site-specific Flood Risk Assessments. Part 3 sets out additional requirements.</u> Section 3 is based on the recommendations in the 2013 Strategic Flood Risk Assessment and the 2011 Surface Water Management Plan and reflects the significance of surface water flood risk in Sefton.</p> <p><i>Replace paragraph 10.60 as follows:</i> <u>10.60 Regarding sustainable drainage systems and parts 4, 5 and 5A of the policy, applicants should refer to national and local guidance on sustainable drainage systems (SuDS), and should set out the arrangements for on-going maintenance. It may be that the most sustainable form of surface water drainage varies between different parts of a development site, including where a site includes areas covered by buildings or impermeable hard surfaces as well as undeveloped 'greenfield' areas, or due to the site's topography. In these cases the applicant must incorporate the most sustainable drainage option for each different part of the site within the overall drainage scheme. It is recognised that Parts 4, 5 and 5A may be difficult to achieve for some changes of use or extensions.</u></p> <p><i>Add a new paragraph 10.60A after paragraph 10.60:</i> <u>10.60A The guidance includes the National Planning Practice Guidance, National Planning Practice Guidance, Ministerial Statement (December 2014) and Defra's Non-Statutory Technical Standards for Sustainable Drainage Systems (2015), and CIRIA's SuDS Manual.</u></p>
MM55	98	Policy EQ9	<p><i>Replace part 1 of policy EQ9 with:</i> <u>1. Appropriate high quality new public open space of at least 40 square metres per new-build home must be provided for the following developments:</u></p> <ul style="list-style-type: none"> • <u>Proposals for 150 or more new-build homes</u> • <u>Proposals for 11 to 149 new-build homes on sites which are more than 2 kilometres from a main park or Countryside Recreation Area</u> <p><i>Add a new part 1A to the policy:</i> <u>1A. This new public open space must be provided within the site unless it can be demonstrated that enhancement of off-site open space is more appropriate, in terms of:</u></p> <ul style="list-style-type: none"> • <u>The type and density of housing development and site size, or</u> • <u>Proximity to existing main, neighbourhood and community parks, or</u> • <u>Other site-specific factors.</u> <p><i>Amend part 3 of the policy:</i> <u>3. Development proposals which includes new public open space must incorporate suitable arrangements for long-term management and maintenance of, and public access to, the new open space.</u></p>

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			<p><i>Amend part 5 of the policy:</i> 5. Links to, or extensions of existing public rights of way, strategic paths or cycleways will be supported required where they improve the accessibility of an existing community or a development site.</p>
MM56	99	10.65-10.67	<p><i>Amend paragraph 10.65 as follows:</i> 10.65 Parts 1 Sections 1 and 1A2 of the policy aim to secure appropriate new public open space provision in relation to new housing development. <u>18 square metres per person, or New-build homes include homes in Use Classes C3 and C4: houses, bungalows, and flats and Houses in Multiple Occupation. Conversions are excluded from any count of new build homes on a site. Parts 1 and 1A also apply to proposals for less than 150 homes which are part of phased development for a site of 150 or more new homes.</u></p> <p><i>Add a new paragraph after paragraph 10.65:</i> 10.65A <u>In part 1 the figure of 40 square metres per home is based on the findings of the Open Space and Recreation Study 2015. It does not include provision for new outdoor sports, which may need to be factored in once the Playing Pitch Strategy has been approved. The threshold figure of 150 new-build homes and the extent of accessibility deficiency areas are also based on the findings of the Open Space and Recreation Study 2015. The Council considers that new open space must be at least 0.6 hectares in size, also based on this 2015 Study. While the type of public open space provided should take into account the criteria in part 1A, plus existing local open space provision including identified shortfalls, the Council would generally expect an equipped play area be provided. New public open space must be integrated into the development site and provided to a high design quality, and where appropriate and practicable should provide other green infrastructure benefits, such as tree planting, flood or water storage areas or new habitats.</u></p> <p><i>Amend paragraph 10.66 as follows:</i> 10.66 <u>Part 1A of the policy recognises that there may be some circumstances where on-site provision of new public open space may not be appropriate. However, it is recognised that this is dependent on the type, (e.g. family homes, flats, care homes etc) and size (number of bedrooms) of new homes may be relevant, and that in some cases a lower standard of on-site or off-site provision may be more appropriate. It is also recognised that with higher density housing schemes, on-site provision of new open space a lower level of open space provision may be acceptable where the application of the open space standards would prejudice the delivery of an otherwise acceptable scheme. The type of public open space provided should take into account the needs of future residents of the development, site-specific factors and existing local provision including shortfalls identified in 2015 Sefton Recreation and Open Space study or strategy. New public open space should be provided to a high design quality and where appropriate and practicable should provide other green infrastructure benefits, such as flood or water storage areas or new habitats. There may be situations where the Council and</u></p>

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			<p><u>developer agree that the site is too small to accommodate appropriate public open space, especially for smaller sites in accessibility deficiency areas. There will also be situations where development sites are close to existing public parks and other open space, for example next to a main park, within 1 kilometre of a neighbourhood park or within 400 metres of a community park, as set out in the Open Space and Recreation Study 2015.</u></p> <p><i>Delete paragraph 10.67 and replace with the following:</i> <u>10.67 In these circumstances it may be more appropriate for these existing parks to be enhanced. Even where a site of more than 10 homes is within an accessibility deficiency area, as set out in the Open Space and Recreation Study 2015, site-specific factors may mean it is more appropriate to enhance existing open space or its accessibility from the site. This will be secured through Section 106 planning obligations where these meet the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 [as amended] and paragraph 204 of the Framework, other legal agreements, or other appropriate delivery mechanisms.</u></p>
MM57	101	Policy EQ10	<p><i>Amend part 1 and replace part 2 of policy EQ10 as follows:</i></p> <p>EQ10 FOOD AND DRINK</p> <p>1. Proposals for food and drink uses in the town, district and local centres will only be permitted where they are located so as to meet all of the following criteria:</p> <ul style="list-style-type: none"> • They would not cause significant harm to local amenity • They would not result in unacceptable groupings of similar uses where they would harm the character of the area, <u>the vitality and viability of a centre or shopping parade</u> or harm public health, and • Any external ventilation and extractor systems do not: <ol style="list-style-type: none"> a. Significantly harm the external appearance of the building or the street scene b. Harm the residential amenity of neighbouring properties through noise or odours. <p>2. <u>In order to address the problem of obesity amongst children, proposals for hot food takeaways [Class A5 uses] within 400 metres of secondary schools and further education establishments will not be permitted. Exceptions will be made where:</u></p> <ul style="list-style-type: none"> • <u>It is located within a designated town, district or local centre; or</u> • <u>The premises are not open until after 1700 hours.</u> <p>Proposals for food and drink uses in or adjacent to Primarily Residential Areas and/or close to school and educational establishments will not be permitted where they cause significant harm to living conditions for local people, encourage unhealthy lifestyle choices in local people or harm the residential character of the local area.</p>
MM58	101	10.78-	<i>Amend paragraph 10.78 as follows:</i>

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		10.79	<p>Food and drink uses have the potential to have particular impacts upon the visual and residential amenity of an area and to the health of local communities. They may be acceptable within the Primarily Residential Area, if they do not harm residential amenity. this</p> <p>10.78 <u>Part 1 of this policy specifically refers to food and drink uses as covered by classes A3-A5 of the Use Classes Order, that is, restaurants and cafes, drinking establishments and hot food takeaways. Part two of this policy refers to Use Class order A5, i.e. hot food takeaways. This policy does not apply to shops [Use Class A1] which sell food, such as groceries or sandwiches and other cold food, for consumption off the premises.</u></p> <p><i>Amend paragraph 10.79 as follows :</i></p> <p><u>10.79 Premises selling food and drink have the potential to have particular impacts upon the visual and residential amenity of an area. They may be acceptable within the Primarily Residential Area, if they do not harm residential amenity. In order to protect the amenity of neighbouring occupiers, conditions will be used to restrict opening hours.</u></p> <p><i>Add new paragraph 10.79A after paragraph 10.79:</i></p> <p><u>10.79A In line with paragraph 69 of the NPPF, achieving high quality design and a healthy environment is a key objective of the Sefton Local Plan. The Borough has a higher rate of obese children than England as a whole and this policy seeks to control hot food takeaways within the vicinity of schools and further education establishments. Hot food takeaways typically sell low cost, energy-dense meals with little nutritional value that can contribute towards obesity and its ensuing health issues. When implemented alongside other policies and initiatives, controlling access to A5 uses around schools can contribute towards reducing rates of obesity.</u></p>
MM59	103	Policy NH1	<p><i>Amend policy NH1 as follows:</i></p> <p>NH1 ENVIRONMENTAL-NATURAL ASSETS</p> <p>1. Sefton's natural and heritage assets together with its landscape character should continue to contribute to the Borough's sense of place, local distinctiveness and quality of life. Development proposals and other initiatives should contribute positively towards achieving this.</p> <p>2. A hierarchical approach will be taken to the protection and enhancement of Sefton's natural and heritage assets, according to their designation and significance.</p> <p>3. Development should <u>seek to protect and manage Sefton's natural assets (including natural habitats, sites and Ecological Network and green infrastructure)</u>. Where possible, development should:</p> <ul style="list-style-type: none"> • Maintain, restore, enhance or extend these natural assets; and • Create new habitats and green infrastructure, and • Secure their long-term management of these natural assets.

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			<p><u>4. Where it has been demonstrated that appropriate protection or retention of natural assets cannot be achieved, and there are no alternatives, mitigation and/or as a last resort compensatory provision will be required.</u></p> <p>5. The main priorities are, improving access, quality, linkages and habitat within the city region ecological network (including the Nature Improvement Area), improving access to and the quality of public open space and other outdoor facilities available to the public and urban trees.</p> <p>4. Sefton's heritage assets should be protected from losses and harmful changes to their fabric and features or in their settings. Development should:</p> <ul style="list-style-type: none"> • Secure the long term future of the heritage asset • Be designed to avoid harm • Be of a high quality design which is sympathetic to the historic context of the heritage assets affected • Incorporate proposals for proper repair and re-instatement of historic features and/or involve work which better reveals the significance of Sefton's heritage assets and their settings • Where losses are unavoidable, recording, analysis and reporting must be undertaken where appropriate.
MM60	104	11.5-11.8	<p><i>Add the following new paragraphs after paragraph 11.5:</i></p> <p><u>11.5A Sefton's natural assets include the designated nature and geological sites and Priority Habitats which comprise the Core Biodiversity Area that underpin the Liverpool City Region (LCR) Ecological Network. Paragraph 9 of the Framework recognises that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, in line with wider Government policy set out in 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' (2011). Other national policy for nature conservation is set out in paragraphs 109 to 119 of the Framework. This complements legal duties and requirements for nature conservation set out in a range of legislation including the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 as amended.</u></p> <p><u>11.5B The internationally important nature sites are the most important features of the City Region's outstanding natural environment and network of green infrastructure as set out in the LCR Ecological Network. In line with the hierarchical approach, these sites have rigorous policy and legal protection and should only be developed where there are no alternative solutions, there are imperative reasons of overriding public interest and where there has been appropriate mitigation and / or compensatory provision.</u></p> <p><u>11.5C The key priorities for nature and geology in the City Region are:</u></p>

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			<ul style="list-style-type: none"> • <u>To manage our natural assets better – to protect the integrity of nature sites of international importance in the City Region, and to protect the City Region’s nature and geodiversity assets; and</u> • <u>To make sure there is no net loss of these natural assets and to extend and enhance the City Region’s Ecological Network and natural assets in line with the National Planning Policy Framework.</u> <p><u>11.5D The LCR Ecological Network draws together the evidence (for example, nature site designations and Priority Habitats) and indicates strategic priorities and opportunities in Sefton and across the City Region. Many natural assets occur at a landscape-scale and cross local authority boundaries. Neighbouring areas of Lancashire, Greater Manchester and Cheshire are currently preparing Ecological Networks, which will allow a more integrated approach between Sefton and adjacent local authorities.</u></p> <p><i>Delete paragraph 11.7 and replace with the following:</i> <u>11.7 The local authorities in the City Region have worked together to prepare the LCR Ecological Network as joint evidence and to help plan for biodiversity at a landscape-scale. Discussions with neighbouring areas through Nature Connected, the Government-recognised Local Nature Partnership, have enabled wider connections beyond the City Region to be made.</u></p> <p><i>Add a new paragraph 11.7A after paragraph 11.7:</i> <u>11.7A The LCR Ecological Network includes a Core Biodiversity Area of designated nature and geological sites and Priority Habitats. It also includes linking networks and opportunities for further habitat creation and enhancement. The linking networks and opportunities for further habitat creation and enhancement are set out in seventeen Nature Improvement Focus Areas which together make up the LCR Nature Improvement Area. See www.meas.org.uk/1263 for more information.</u></p> <p><i>Delete paragraph 11.8 and replace with the following:</i> <u>11.8 The local authorities in the City Region continue to work together, and are committed to helping manage visitor pressure on the internationally important designated sites. This is a response to the ongoing Habitats Regulations Assessment process for their respective development plans. The opportunities identified in the LCR Nature Improvement Area provide a mechanism that helps focus and manage visitor pressure on the Sefton coast and at other internationally important nature sites within the City Region appropriately. More information about the hierarchical approach to the protection and enhancement of Sefton’s designated sites, Priority Habitats, Priority Species and protected species, according to their designation and significance, is set out in Policy NH2.</u></p>
MM61	114	11.54	<p><i>Delete paragraph 11.54 and replace with the following:</i> <u>11.54 The most recent Open Space and Recreation Study or Strategy, Playing Pitch Strategy and Non-Pitch Sports Strategy are the basis for assessing whether public open space or outdoor sports facilities are surplus to requirements, as set out in the first bullet point of part 1 b) of the policy. Where replacement provision for facilities that are not surplus to requirements is</u></p>

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			<p><u>necessary under the second bullet point of part 1 b), appropriate delivery mechanisms, such as legal agreements, must be in place before planning permission is granted. Replacement provision may involve the development of new open space or sports facilities, or a significant improvement in the quality of existing facilities such that they are capable of accommodating much greater usage, for example through the provision of artificial '3G' playing pitches for sports use. Policy EQ9 'Provision of public open space, strategic paths and trees in development' sets out the current basis for judging appropriate provision of public open space in new housing development.</u></p>
MM62	116	Policy NH8	<p><i>Amend part 1 of policy NH8 as follows:</i></p> <p>1. To minimise the need for minerals extraction, the use of recycled, secondary and substitute materials will be encouraged. <u>Mineral Safeguarding Areas have been defined for deposits of sub-alluvial sand and windblown silica sand (The Shirdley Hill Formation). Mineral resources found to be present on sites intended for development will be expected to be extracted for beneficial use prior to development taking place, unless special circumstances can be demonstrated that justify proceeding without prior extraction.</u></p> <p><u>Within Mineral Safeguarding Areas, as shown on the Policies Map, proposals for development will not be permitted unless:</u></p> <ul style="list-style-type: none"> • <u>It is compatible with safeguarding the mineral; or</u> • <u>the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or</u> • <u>the mineral can be extracted satisfactorily prior to the development taking place; or</u> • <u>the development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction; or</u> • <u>there is an overriding need for the development; or</u> • <u>the development is included on the list of exempt developments in figure 11.2A</u> <p><i>Delete part 2 of policy NH8 and replace with the following:</i></p> <p>The Port of Liverpool and strategic rail freight links suitable for the movement of minerals will be safeguarded from inappropriate development. Proposals for non-mineral related development that may threaten the functioning of the wharfrage of the Port of Liverpool, transport links or other infrastructure through which minerals are landed, processed (including secondary and recycled materials) and transshipped, will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The infrastructure is not required for mineral purposes, and is unlikely to be so in the future, or <input type="checkbox"/> There is an overriding case for development taking place, or

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			<p>□ Equivalent alternative infrastructure capacity exists which is able to meet commercial needs.</p> <p><u>2. Existing, planned and potential infrastructure supporting the aggregates industry will be safeguarded from inappropriate development. This includes strategic rail freight links and sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Proposals for non-mineral related development that may threaten, lead to the loss of or damage to, the functioning of safeguarded infrastructure or locations will not be permitted unless it can be demonstrated that:</u></p> <ul style="list-style-type: none"> • <u>An alternative site within an acceptable distance can be provided, which is at least as appropriate for the use as the safeguarded site; and</u> • <u>It can be demonstrated that the infrastructure no longer meets the current or anticipated future needs of the minerals, building and construction industry or the waste management industry.</u> <p><i>Amend the second bullet of part 4 of policy NH8 as follows:</i></p> <ul style="list-style-type: none"> • <u>Air and water quality</u> <p><i>Add a new part 5 to policy NH8 as follows:</i></p> <p><u>5. In determining shale gas applications Sefton will seek the highest levels of environmental, health and social protection and benefit consistent with prevailing national policy and regulation, including that relating to Environmental Impact Assessment and Habitats Regulations Assessment. Compliance with industry best practice standards as defined by United Kingdom Onshore Oil and Gas (UKOOG) will also be expected.</u></p>
MM63	117	11.63- 11.68	<p><i>Delete paragraph 11.63 and replace with the following:</i></p> <p><u>11.63 Sefton Council participates actively in the NW Aggregates Working Party and subscribes to the national Managed Aggregate Supply System through market monitoring and production of an annual Local Aggregates Assessment (LAA). The LAA is produced jointly with other authorities to reflect an aggregates sub-region defined by Government to include Merseyside, Warrington and Greater Manchester. Matters related to minerals reserves and land banks are therefore monitored and reported annually at this sub-regional level through the LAA. This is the principal component of the evidence base to inform Sefton's future role in facilitating the appropriate supply of aggregate minerals. Sefton will maintain its commitment to the Managed Aggregate Supply System through continued representation in the North West Aggregates Working Party.</u></p> <p><i>Insert two new paragraphs and a new figure 11.2A after paragraph 11.63:</i></p> <p><u>11.63A Whilst Sefton has defined Mineral Safeguarding Areas [MSAs], identified on the Policies Map, relating to identified sand resources, these are understood to be of limited scale and scope and not currently commercially viable or likely to become so in</u></p>

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			<p><u>the future. The designation of MSAs does not indicate a presumption that resources defined in the MSAs will be worked. However, the policy seeks to avoid sterilisation of aggregate resources through non-mineral development and to encourage mineral resources present on development sites to be extracted where it is sensible to do so. Applications for non-mineral development in the MSAs, which are not listed in Figure 11.2A, will be required to include a Minerals Assessment setting out how it complies with part 1 of the policy. The Minerals Assessment should be proportionate to the situation and should have regard to the BGS report 'Mineral Safeguarding in England: good practice advice, 2011' or any subsequent updates. The Council will provide an Information Note for developers to provide guidance on mineral safeguarding and minerals assessments.</u></p> <p><u>11.63B Safeguarding principles will also be applied to transport and other infrastructure important to the aggregate minerals market. The Port of Liverpool and Sefton's transport infrastructure facilitates the landing and transshipment of minerals, including aggregates from marine and onshore sources. However, as the Port of Liverpool benefits from permitted development rights for many types of development, safeguarding of minerals infrastructure would not be enforceable in the port's operational area. If areas within the Port of Liverpool currently used for minerals purposes are no longer available for port-related reasons, the Council will work with the Port to seek a suitable alternative facility within the port estate. Policy NH8 provides for these facilities to be safeguarded in the interests of facilitating the continuing supply of minerals.</u></p> <p><u>Figure 11.2A Development Types that do not require a Minerals Assessment</u></p> <ul style="list-style-type: none"> • <u>Applications for less than 10 new homes [or if the number of homes isn't known sites less than 0.5 hectare];</u> • <u>Applications for non-residential development where the floor space to be created by the development is less than 1,000 square metres;</u> • <u>Applications for non-residential development on a site having an area of less than 1 hectare;</u> • <u>Applications that are in accordance with the development plan where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications in a MSA came forward;</u> • <u>Applications for advertisement consent;</u> • <u>Applications for reserved matters including subsequent applications after outline consent has been granted;</u> • <u>Prior notifications (telecoms, forestry, agriculture, demolition);</u> • <u>Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);</u> • <u>Applications for works to trees;</u> • <u>Applications for temporary planning permission.</u>

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			<i>Delete paragraphs 11.65 and 11.68</i>
MM64	120	Policy NH9A	<p>Insert a new policy and explanatory text: <u>NH9A HERITAGE ASSETS</u></p> <ol style="list-style-type: none"> 1. <u>Sefton's heritage assets together with its historic landscape character should continue to contribute to the Borough's sense of place, local distinctiveness and quality of life. Development proposals and other initiatives should contribute positively towards achieving this.</u> 2. <u>The Council will seek to protect the significance of Sefton's heritage assets and their settings. Opportunities will be pursued to enhance heritage to reinforce the identity of the distinctive towns, villages and rural landscapes within Sefton.</u> 3. <u>Key elements which contribute to the distinctive identity of Sefton, and which will therefore be a strategic priority for safeguarding and enhancing into the future, include;</u> <ul style="list-style-type: none"> • <u>The verandahs throughout Southport, particularly in Lord Street, which add considerably to its local distinctiveness.</u> • <u>The historic centre, resort and traditional seafront of Southport including the conservation areas of Lord Street and Promenade, and their settings.</u> • <u>The spacious planned character of Victorian and Edwardian suburban conservation areas such as those in Birkdale, Blundellsands, Christ Church, Moor Park and Waterloo Park.</u> • <u>Country estates, their countryside settings and associated villages including Ince Blundell Hall, Crosby Hall and North Meols Hall.</u> • <u>The dispersed layout and simple rural character of village conservation areas such as Lunt, Homer Green and Sefton village.</u> • <u>The open and flat ditched former wetland landscapes.</u> • <u>The broad sands, dune system, pinewoods and habitats that characterise parts of the Sefton coast, and the ancient and modern historic features within them such as the prehistoric footprints and wartime remnants;</u> • <u>The 18th century Leeds and Liverpool Canal, associated historic features and its setting.</u> • <u>Valued historic green spaces and their key features, particularly registered Historic parks and gardens, but also undesignated parkland and cemeteries such as Crosby Hall and Duke Street Cemetery.</u> • <u>Important archaeological sites such as village and wayside crosses, moated sites, Lunt Meadows and St Catherine's Chapel;</u> 4. <u>Designated heritage which is 'at risk' will be a</u>

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			<p><u>priority for action. Opportunities to secure enhancements to safeguard and sustain these assets will be expected to be taken.</u></p> <p><u>5. Proposals affecting Sefton's heritage assets and their settings should ensure that features which contribute to their significance are protected from losses and harmful changes. Development should therefore:</u></p> <ul style="list-style-type: none"> • <u>Secure the long-term future of the heritage asset</u> • <u>Be designed to avoid harm</u> • <u>Be of a high quality design which is sympathetic to the historic context of the heritage assets affected</u> • <u>Incorporate proposals for proper repair and re-instatement of historic features and/or involve work which better reveals the significance of Sefton's heritage assets and their settings</u> <p><u>Where losses are unavoidable, a thorough analysis and recording of the asset should be undertaken.</u></p> <p><u>Key policy links and objectives:</u></p> <ul style="list-style-type: none"> • <u>Other policies in this chapter</u> <p><u>Explanation</u></p> <p><u>11.76A This policy aims to protect, enhance and manage Sefton's strategic heritage assets, taking a proportionate approach according to the designation and significance of the assets.</u></p> <p><u>11.76B Sefton's heritage assets are a finite resource which once lost cannot be replaced. More information about Sefton's approach to its conservation, enhancement and public enjoyment of its heritage assets is set out in policies NH9-NH14 at the end of this chapter.</u></p> <p><u>11.76C Sefton's heritage priorities are set out in part 3 of the policy. The aspects which contribute to the significance of these assets will be expected to be retained. Opportunities should be taken to enhance the character of these key assets through incorporation of relevant priorities within corporate strategies and masterplans, regeneration proposals and development.</u></p> <p><u>11.76D Enhancements might include using an area's heritage as a catalyst for its regeneration, locating and designing new development such that it reflects local identity and creates a positive relationship with heritage assets, or restoring lost historic features and spaces.</u></p> <p><u>11.76E Sefton has a rich archaeological resource and opportunities to investigate it during the course of development will be actively pursued, ensuring sites are not lost without having been explored and recorded, with an emphasis on public engagement and dissemination of the findings to increase awareness of the depth of Sefton's past.</u></p> <p><u>11.76F The Council is producing a Heritage Strategy which will contain a positive and proactive strategy for Sefton in line with national guidance. It will include:</u></p>

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			<ul style="list-style-type: none"> • <u>An overview of the benefits that Sefton's heritage brings</u> • <u>The features which contribute to Sefton's towns and villages</u> • <u>Action Plans for heritage which is at risk, or vulnerable of becoming so, including identifying opportunities for enhancement</u> • <u>Management proposals for these and for Sefton's conservation areas which will provide more detailed guidance, and</u> • <u>Identifying opportunities for funding to help enhance heritage assets and their settings.</u> <p><u>11.76G In addition, the Council intends to develop a 'local list' of heritage assets in accordance with best practice guidelines, enabling local heritage to be more readily identified and conserved when development proposals are being considered.</u></p>
MM65	120	Policy NH9	<p><i>Amend policy NH9 as follows:</i></p> <p>NH9 DEMOLITION OR SUBSTANTIAL HARM TO DESIGNATED HERITAGE ASSETS</p> <p>Development which results in substantial harm to, or demolition of, a designated heritage asset or its setting will not be permitted, unless it can be demonstrated that <u>substantial public benefits outweigh the harm or loss.</u></p>
MM66	121	Policy NH10	<p><i>Amend policy NH10 as follows:</i></p> <p>NH10 WORKS AFFECTING LISTED BUILDINGS</p> <p><u>1. Works affecting a Listed Building or its setting will only be permitted where:</u></p> <ol style="list-style-type: none"> a) Any alterations preserve the historic fabric and features of the building and/or its setting which <u>contribute to its significance</u>are important to it. b) Any new additions are well designed and respect the special architectural or historic interest of the building. c) New development <u>affecting</u>in the building's setting respects and conserves historic and positive existing relationships between the listed building and its surroundings. d) Development does not undermine the long term economic viability of the listed building or otherwise harm options for its long term maintenance. <p><u>2. Opportunities should be taken to enhance the significance of a listed building or its setting</u></p> <p><u>3. Development which harms elements that contribute to the significance of a Listed Building or its setting will not be permitted, unless it can be demonstrated that public benefits outweigh the harm.</u></p>
MM67	123	Policy NH11	<p><i>Amend policy NH11 as follows:</i></p> <p>NH11 DEVELOPMENT AFFECTING CONSERVATION AREAS</p> <p>1. Development within conservation areas or affecting their setting will only be permitted where the proposal is of</p>

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			<p>high quality design and preserves or enhances the character or appearance of the conservation area or its setting. <u>Development must ensure that:</u>Changes of use within conservation areas should retain the mix of uses which are characteristic of the area.</p> <ul style="list-style-type: none"> a) <u>Replacement or new features are of an appropriate style and use materials which are sympathetic to the age, architecture and features of the affected property</u> b) <u>Extensions, alterations or additions respect the layout and historic pattern of development in the conservation area affected</u> c) <u>Hard and soft landscape features which contribute to the historic value of the site to the conservation area are retained (including historically significant features from previous uses), and</u> d) <u>The character of historic boundary treatments, patterns of trees and planting in the conservation area are retained and enhanced.</u> e) <u>Changes of use within conservation areas generally retain the mix of uses which are characteristic of the area.</u> <p>2. Development which affectsharms featureselements which <u>make a positive contribution to positively contribute to</u>the significance of a conservation area or its setting will <u>only not be permitted where, unless it can be demonstrated that public benefits outweigh the harm.</u></p> <ul style="list-style-type: none"> f) Replacement or new features are of an appropriate style and use materials which are sympathetic to the age, architecture and features of the affected property g) Extensions, alterations or additions respect the layout and historic pattern of development in the conservation area affected h) Hard and soft landscape features which contribute to the historic value of the site to the conservation area are retained (including historically significant features from previous uses), and i) The character of historic boundary treatments, patterns of trees and planting in the conservation area are retained and enhanced. <p>3. Development proposals which <u>provide opportunities to better reveal the significance of conservation areas and their settings will be supported. Where the asset affected is degraded, enhancements will normally be required,</u>which affects sites or features which do not contribute positively to the character or appearance of the conservation area, must enhance the site or conservation area.</p>
MM68	124	Policy NH12	<i>Amend part 1 of policy NH12 as follows and add a new part 3:</i>

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Ref.	Page	Policy/ Paragraph	Main Modification
			<p>1. Development within a Registered Historic Park or Garden or affecting its setting will only be permitted where the development must relates well to the elements which <u>contribute to significant features of the significance of the historic park or garden</u>, and <u>is be</u> of high quality design, which conserves and enhances is sympathetic to the special interest and function of the site.</p> <p><u>3. Development which harms elements which make a positive contribution to a Registered Historic Park or Garden or its setting will not be permitted, unless it can be demonstrated that public benefits outweigh the harm.</u></p>
MM69	125	Policy NH13	<p><i>Amend policy NH13 as follows:</i></p> <p>NH13 DEVELOPMENT AFFECTING ARCHAEOLOGY AND SCHEDULED MONUMENTS <u>AND NON DESIGNATED ARCHAEOLOGY</u></p> <p>1. Development affecting, or within the setting of, Scheduled Monuments or nationally important archaeological sites will only be permitted where the development does not detract from the importance of the site <u>harm their significance or setting, unless it can be demonstrated that the development is necessary to deliver public benefits which outweigh the harm.</u> Historically significant relationships between features within the site and between the site and its surroundings must be retained.</p> <p>2. Where Development development which harms the archaeological interest of buildings, and development on or within the setting of <u>designated or non-designated archaeological sites or their setting (i.e. including buildings and sites recognised as having archaeological potential, where their significance, extent and state are unclear), development will not be permitted unless the benefits of the proposals outweigh the loss and:</u></p> <p>a) the nature and value of the archaeology is well understood</p> <p>b) the development has been designed to minimise harm to the archaeology, and</p> <p>c) provision is made for recording, reporting and interpretation where appropriate.</p>
MM70	126	11.109	<p><i>Add a new sentence to the end of paragraph 11.109:</i></p> <p><u>A balanced judgement will therefore be required to establish the scale of harm or loss against the significance of the heritage asset.</u></p>
MM71	139	Appendix 1	<p><i>Amend the first requirement and add new requirements as follows:</i></p> <p>MN2.6 Land south of Dobbies Garden Centre, Southport</p> <ul style="list-style-type: none"> • <u>take all vehicular access from Benthams Way; and unless other equally or more appropriate vehicular access is agreed by the Council;</u> • <u>provide new public open space, flood water storage, and habitat creation on the adjacent land designated as 'Proposed</u>

Ref.	Page	Policy/ Paragraph	Main Modification
			<p><u>Open Space;</u></p> <ul style="list-style-type: none"> • <u>meet the requirements of policy NH2, notably in relation to water voles and invasive species;</u> • <u>make an appropriate financial contribution towards the provision of a new school playing field for the Birkdale Primary School; and</u>
MM72	139	Appendix 1	<p><i>Insert new requirements as follows:</i></p> <p><u>MN2.8 Former Ainsdale Hope School, Ainsdale</u></p> <p><u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment. This must include information about the impact of recreational pressure on the integrity of internationally important nature sites;</u> • <u>ensure that the loss of the former playing pitch(es) is addressed consistent with Local Plan policy NH5. This will be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch(es) at Meols Park or adjacent land; and</u> • <u>provide new habitat and ecological improvements on the adjacent 'Ecological Improvement Area', the extent of which will be determined following the completion of future evidence.</u>
MM73	139	Appendix 1	<p><i>Insert new requirements as follows:</i></p> <p><u>MN2.9 Former St John Stone School, Meadow Lane, Ainsdale</u></p> <p><u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment;</u> • <u>ensure that the loss of the former playing pitch(es) is addressed consistent with Local Plan policy NH5. This will be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch(es) at Meols Park or adjacent land.</u>
MM74	139	Appendix 1	<p><i>Insert new requirements as follows:</i></p> <p><u>MN2.11 Land south of Moor Lane, Ainsdale</u></p> <p><u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment;</u> • <u>preserve the setting of the Grade II listed Formby House Farmhouse.</u>
MM75	139	Appendix 1	<p><i>Insert a new requirement as follows:</i></p> <p><u>MN2.14 Former Holy Trinity School, Lonsdale Road, Formby</u></p> <p><u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>be developed for older persons housing / accommodation (reserved for residents aged 55 and over)</u>
MM76	139	Appendix 1	<p><i>Insert new requirements as follows:</i></p> <p><u>MN2.14A Land at Shorrocks Hill, Lifeboat Road, Formby</u></p> <p><u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment. Any planning application at this site should seek to avoid increased recreational pressure upon the</u>

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Ref.	Page	Policy/ Paragraph	Main Modification
			<p><u>SAC and address any likely significant effects upon these habitats as a result of the individual project alone;</u></p> <ul style="list-style-type: none"> • <u>secure the long term management of the adjacent woodland Local Wildlife Site between the site and Formby Point Caravan Park, to minimise impact on the adjacent internationally important nature sites;</u> • <u>provide for full public access into the area of woodland between the site and Formby Point Caravan Park in a manner which minimises impact on the adjacent internationally important nature sites;</u> • <u>extend the existing Formby no. 52 Bridleway through the woodland area from Lifeboat Road to Alexandra Road;</u> • <u>provide a new 100 space public car park in the northern part of the allocation; and</u> • <u>provide a new public toilet block adjacent to the car park and secure its long term management.</u>
MM77	139	Appendix 1	<p><i>Insert a new requirement as follows:</i></p> <p><u>MN2.15 Formby Professional Development Centre, Park Road, Formby</u></p> <ul style="list-style-type: none"> • <u>The Raven Meols Community Centre is listed as an Asset of Community Value under the Community Right to Bid provisions of the Localism Act 2011. The obligations under the relevant statutory provisions and regulations will need to be met, as will the requirements of policy HC6.</u>
MM78	139	Appendix 1	<p><i>Amend the requirements as follows:</i></p> <p><u>MN2.16 Land at Liverpool Road, Formby</u></p> <p><u>Proposals for development on Land at Liverpool Road, Formby will only be granted planning permission where they are consistent with a single detailed master plan for the whole site which is approved by the Council before any application is submitted. Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>preserve the setting of grade II listed Loveladys Farmhouse and adjacent buildings by leaving the far west of the site (south of the existing gymnasium) open; and</u> • <u>be served by a single point of access onto Liverpool Road; and</u> • <u>identify opportunities to reduce flood risk elsewhere through a site Flood Risk Assessment, and implement any appropriate solutions.</u>
MM79	140	Appendix 1	<p><i>Insert new requirements as follows:</i></p> <p><u>MN2.23 Land at Southport Old Road, Thornton</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment;</u> • <u>provide a proportional financial contribution towards the implementation of the A565 Route Management Strategy (Thornton to Crosby section);</u>
MM80	140	Appendix 1	<p><i>Insert new requirements as follows:</i></p> <p><u>MN2.24 Land at Holgate, Thornton</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment;</u> • <u>provide a proportional financial contribution towards the implementation of the A565 Route Management Strategy (Thornton to Crosby section);</u>

Ref.	Page	Policy/ Paragraph	Main Modification
MM81	140	Appendix 1	<p><i>Insert new requirements as follows:</i> <u>MN2.30 Land East of Waddicar Lane, Melling</u> <u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment; and</u> • <u>identify opportunities to reduce flood risk elsewhere through a site Flood Risk Assessment, and implement any appropriate solutions.</u>
MM82	140	Appendix 1	<p><i>Insert new requirements as follows:</i> <u>MN2.31 Wadacre Farm, Chapel Lane, Melling</u> <u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment; and</u> • <u>identify opportunities to reduce flood risk elsewhere through a site Flood Risk Assessment, and implement any appropriate solutions. This should include improvements to the capacity of the existing watercourse that forms the northern and western site boundaries.</u>
MM83	140	Appendix 1	<p><i>Insert a new requirement as follows:</i> <u>MN2.36 Former St Raymond's School playing field, Harrops Croft, Netherton</u> <u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that the loss of the former playing pitch(es) is addressed consistent with Local Plan policy NH5. This will be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch(es) at Litherland Sports Park.</u>
MM84	140	Appendix 1	<p><i>Insert a new requirement as follows:</i> <u>MN2.39 Former Daleacre School, Daleacre Drive, Netherton</u> <u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that the loss of the former playing pitch(es) is addressed consistent with Local Plan policy NH5. This will be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch(es) at Litherland Sports Park.</u>
MM85	140	Appendix 1	<p><i>Amend requirements as follows:</i> <u>MN2.41 Former St Wilfrid's School, Orrell Road, Bootle</u> <u>Development of this site must:</u></p> <ul style="list-style-type: none"> • <u>ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment;</u> • <u>provide pedestrian and cyclist links between Orrell Road and Hawthorne Road to improve accessibility to the adjacent supermarket; and</u> • <u>take vehicular access from the existing signal controlled junction on Hawthorne Road that serves the adjacent supermarket; and</u> • <u>retain and improve the disused football pitches within the site and bring them back into use.</u>
MM86	140	Appendix 1	<p><i>Insert a new requirement as follows:</i> <u>MN2.45 Former St Mary's Primary School playing fields, Waverley Street, Bootle</u></p>

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Ref.	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none">• <u>ensure that the loss of the former playing pitch(es) is addressed consistent with Local Plan policy NH5. This will be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch(es) at Litherland Sports Park.</u>
MM87	145	Appendix 3	Replace the Monitoring Framework to set out the implications of not meeting targets (Appended to end of Schedule)
MM88	147	Appendix 5	Appendix 5 has been added 'List of saved Unitary Development Plan policies to be replaced by Local Plan policies' (Appended to end of Schedule)

APPENDIX 3 LOCAL PLAN MONITORING

The aim of the monitoring framework is to provide a robust approach to ensuring the strategy, objectives and policies of the Local Plan for Sefton are being implemented correctly and that in doing so they are having the required effect. The monitoring framework is split into two clear sections. The first considers indicators that measure the direct impacts of specific policies. The second looks at indirect indicators, i.e. those they are influenced by the policies in the Local Plan but which are much more influenced by other external factors.

Below is the list of objectives from the Local Plan and the indicators that will measure how well they are being met. The numbers relate to the indicator number from the tables of indicators that follow.

To support **urban regeneration** and **priorities for investment** in Sefton

3	5	6	7	1	1	1	1	1	2	2	2	2	6	7
				2	4	5	6	9	0	1	2	3	1	1

To help meet the **housing needs** of Sefton's changing population for market and affordable housing; homes for families, the elderly, people with other special housing needs and others

1	2	2	2	2	2	3	6	6	6	7
		4	5	6	7	1	2	3	4	1

To promote **economic growth, tourism** and **jobs creation** and support new and existing businesses

3	5	6	7	1	1	1	1	1	5	5
				3	5	6	7	8	7	8

To **meet** the diverse **needs** for homes, jobs, services and facilities, **as close to where they arise as possible**

1	2	2	2	2	2	3	3	3	3	3	3	3	5	5	6	6	
		4	5	6	8	9	0	1	3	4	5	6	7	7	8	2	3

To help Sefton's **town, district and local centres** to diversify and thrive

1	1	1	2	2	2	2	5	6
2	5	9	0	1	2	3	9	0

To make the most of the value of **the Port** to the local economy and jobs, while making sure that the impact on the environment and local communities is mitigated

5	10	11
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To make sure that new developments include the essential **infrastructure, services** and **facilities** that they require

40	41	42	46	47
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To improve **access to services, facilities and jobs**

3	4	4	4	4	4	5	5	5	6	6
8	0	1	2	6	7	7	8	9	0	5

To protect and enhance Sefton's **natural and heritage assets**

8	9	3	4	4	4	4	4	4	4	5	5	5	5	5	5	7	7	7	7	7
		2	3	4	5	6	7	8	9	0	2	3	4	5	6	0	2	3	4	5

To achieve high quality **design** and a **healthy** environment

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8	9	3	4	4	4	4	4	4	4	5	5	5	5	5	5	6	6	7	7	7	7
		2	3	4	5	6	7	8	9	0	2	3	4	5	6	6	9	2	4	5	6

To respond to the challenge of **climate change**, encouraging best use of **resources and assets**

8	9	3	4	4	4	4	5	5	5	6	6	7	7	7	7	7	7	7	7	7	
		2	3	4	5	9	0	1	2	7	8	1	2	3	4	5	6				

To work with partners and make the most of Sefton's place within the **Liverpool City Region**

5	10	11
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TABLE 1 DIRECT IMPACT INDICATORS

Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
MN1	1. Five year housing supply position	2.9 years [2015]	6 ¹ years by 1 st April 2017 and beyond	Contact landowners of housing allocations to determine causes of delay in submitting planning applications. Review policy constraints on housing sites. Undertake annual call for sites exercise. Review of the Local Plan.
	2. Net additional dwellings [total/on allocated sites]	454 net completions [total] [2014/15]	500 pa [2012-17] 694 pa [2017-30]	Contact developers with planning permission for new homes to determine causes of delay in implementing planning applications. Review constraints [including planning obligations] that may be preventing housing delivery. Work with housing colleagues to identify potential funding to help unlock sites for housing, particularly in relation to the need to remediate brownfield sites. Review housing allocations to assess suitability for housing. Undertake call for sites exercise. Review of the Local Plan.
	3. Land available for [general] employment [ha]	56ha [2015]	Not less than 22.66ha ²	Undertake call for sites process. Review of the Local Plan
	4. Employment land lost to non-employment uses	Not available	No loss	Review employment site designations to determine if they remain suitable for employment. Contact landowners to determine reasons why sites are not being developed for employment.

¹ Five years plus 20% as per paragraph 47 of NPPF

² 22.66ha equates to five years employment land requirement when the total Local Plan employment land requirement of 81.59 is annualised [i.e. 4.53ha per annum]

Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
	5. Land available for Port related employment	0ha [2015]	Currently not known. Sefton's requirement to be determined through strategic study. [note: Not less than 125ha in city region ³]	Undertake call for sites process. Review of the Local Plan.
	6. Floorspace [m ²] developed for employment [by type (B1, B2, B8)/location]	1,278m ² 270m ² [B1A - office] 1008m ² [B8 - storage/distribution] [2015]	Increase	Review employment allocations to determine barriers to development. Contact landowners of employment allocations to determine level of interest in development of site. Work with economic development colleagues to identify potential funding to help unlock sites for economic development.
	7. Number of jobs [full time equivalent] created on employment sites	Not available	Increase	Review employment allocations to determine barriers to development. Consider restricting development on certain sites for more labour intensive uses. Work with economic development colleagues to identify potential opportunities for increasing investment in Sefton that will bring in jobs.
MN7	8. Approvals in the Green Belt and % inappropriate	No data/ not available	No inappropriate approvals	Review implementation of policy on inappropriate approvals. Consider Supplementary Planning Document to set out more specific guidance on implementation of policy and NPPF.
	9. Approvals in Safeguarded Land and % inappropriate	Not applicable	No inappropriate approvals	
ED1	10. Approvals in Port and Maritime Zone and % inappropriate	No data/ not available	No inappropriate approvals	Review implementation of policy on inappropriate approvals. Liaise with Port of Liverpool to determine any issues with scope of implementation of port policy.
	11. Improved access to the port consulted on/ approved/ implemented	Not applicable	Consulted on by 2016. Dates for approval and implementation will be	Work with Strategic Transport Team, LEP and Highways England to determine issues restricting progress.

³ 125ha equates to five years port related employment land requirement when the total port related employment land requirement of 500ha over 20 years [as identified in The Liverpool City Region Superport Market Analysis] is annualised [i.e. 25ha per annum]

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Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
			determined by the Highways Agency at a later stage. The Monitoring Framework will be updated to reflect this at the appropriate time.	
ED2	12. Number and % of approved retail/leisure/other town centre uses development in <ul style="list-style-type: none"> designated centres (Primary Shopping Areas) edge of centre retail parks elsewhere 	9,469m ² [528m ² (5.6%) in town centre, 7,168m ² (75.7%) in edge of centre, 1,773m ² (18.7%) out of centre] A1-5 [shops and services] - 4,577m ² B1a [office] - 270m ² D2 [Leisure] - 1,858m ² [2014-15]	Increase in approvals in designated centres. Decrease in number of approvals for retail/leisure/other centre uses approved outside designated centres.	Review implementation of sequential test. Work with colleagues to review the regeneration strategies for Central Southport, Crosby and Maghull to review potential issues restricting investment in Sefton's tourism areas. Work with economic development colleagues to determine potential issues restricting investment in Sefton's centres. Consider Supplementary Planning Document to set out more specific guidance on implementation of sequential test.
ED5	13. Approvals by type in locations listed in Policy ED5 'Tourism'	No data/not available	Increase of appropriate approvals and no inappropriate approvals	Review implementation of policy. Work with Tourism colleagues to determine potential issues restricting investment in Sefton's tourism areas.
ED6	14. Approvals in locations listed in Policy ED6 'Regeneration Areas' by type	No data/not available	Increase of appropriate approvals and no inappropriate approvals	Review implementation of policy. Contact landowners to determine intentions/expectations. Work with economic regeneration colleagues to determine potential issues restricting investment in regeneration areas and to determine what funding may be available to assist regeneration objectives. Consider Supplementary Planning Document or Area Action Plans to set out more specific guidance on how regeneration objectives can be implemented.
ED7	15. Approvals in Southport	No data/not	Increase in uses listed in policy	Review implementation of policy. Undertake an audit of the sites

Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
	Central Area by type	available		available in the Southport Central Area and assess potential for development. Contact landowners to determine intentions/ expectations. Work with Tourism colleagues and partners to determine potential issues restricting investment in Southport Central Area. Consider Supplementary Planning Document or Area Action Plan to set out more specific guidance on how development in Southport Central Area will be managed.
ED8	16. Approvals in Southport Seafront Area by type	No data/ not available	Increase in uses listed in part 1 of policy	Review implementation of policy. Undertake an audit of the sites available in the Southport Seafront Area and assess potential for development. Contact landowners to determine intentions/expectations. Work with Tourism colleagues and partners to determine potential issues restricting investment in Southport Seafront Area. Consider Supplementary Planning Document or Area Action Plan to set out more specific guidance on how development in Southport Seafront will be managed.
ED8B	17. Approvals in Aintree Racecourse [in Green Belt Area] by type 18. Approvals in Aintree Racecourse [outside Green Belt Area] by type	No data/ not available	No inappropriate approvals Increase in uses listed in part 2 of policy	Review implementation of policy. Contact landowners to determine intentions/expectations. Work with Tourism colleagues and partners to determine potential issues restricting investment in Aintree Racecourse. Consider Supplementary Planning Document or Area Action Plan to set out more specific guidance on how development in Aintree Racecourse will be managed.
ED9	19. Approvals in Crosby Centre by type 20. Total units in Crosby Centre 21. Total floorspace in Crosby Centre 22. Reduction in	No data/ not available 117 [2015] 18,563m ² [2015] 12 units	Increase in 'town centre' approvals Increase Increase Decrease	Review implementation of policy. Undertake an audit of the sites available in the Crosby Centre Area and assess potential for development. Contact landowners to determine intentions/expectations. Work with Economic Development colleagues and partners to determine potential issues restricting investment in Crosby Centre.

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Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
	vacancies in Crosby Centre 23. Number of National Retailers in Crosby Centre ⁴	[10.3%] 1,269m ² [6.8%] [2015] 29 [2015]	Increase	Consider Area Action Plan to set out more specific guidance on how development in Crosby Centre will be managed.
HC1	24. Number of affordable housing completions [by type (social rented, affordable rented, intermediate, through section 106) and location]	111 [2014/5]	200 ⁵ by 2018/19 Annual increase	Review implementation of policy. Contact developers of stalled schemes with an affordable housing element to determine reasons for delay. Review planning obligations to determine if these are preventing implementation of development.
	25. % of bedspaces that are affordable in approvals for new homes in qualifying schemes [15 homes or more] [total and by settlement]	Not available	15% in Bootle and Netherton 30% elsewhere	Review implementation of policy. Review planning obligations to determine if these are affecting viability. Consider using off-site affordable housing contributions to support affordable housing schemes. Be more flexible on the split between social rented and other types of affordable homes.
HC2	26. In developments of 15 homes of more the number and % of homes with: <ul style="list-style-type: none"> • 1 or 2 bedrooms • 3 bedrooms • 4 bedrooms or more 	No data	Minimum of 25% 1 or 2 bedrooms Minimum of 40% 3 bedroom Maximum 35% 4 or more bedrooms	Review implementation of policy. Review viability implications of policy. Consider Supplementary Planning Document to provide additional guidance to developers for meeting the policy requirement.
	27. Approvals of older persons housing by type, tenure and settlement [inc extra care, sheltered accommodation,	No data/not available	100 units per year	Consider allocating Council owned sites specifically for housing for older people. Work with providers of homes for older people to see if they can assist in delivery of schemes for older people. Consider Council or external

⁴ Town and District Centre Health checks are likely to be undertaken every 3 to 5 years so indicators 'b' to 'e' are unlikely to be monitored annually.

⁵ This is based on the total anticipated Local Plan Affordable Housing Delivery as set out at Appendix 2 of the Housing Technical Paper.

Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
	nursing homes etc]			funding sources to cross subsidise delivery of homes for older people.
	28. In approved schemes of 50 or more dwellings, the % of market homes designed to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings'.	No data	20%	Review implementation of policy. Review viability implications of policy. Consider Information Note or Supplementary Planning Document to provide additional guidance to developers for meeting the policy requirement.
	29. Number of approved custom or self-build homes 30. Number of people registered on Sefton's Custom and Self-Build Register	No data	To be determined once custom build homes register has been live for minimum six months [June 2016]	Allocate Council land specifically for custom or self-build housing. Provide support services to those who wish to self or custom-build their own home.
HC3	31. Approvals in PRA that are not residential and inappropriate	No data/ not available	No inappropriate approvals	Review implementation of policy. Consider Supplementary Planning Document to provide additional guidance to developers.
	32. Densities in approvals for residential development	No data/ not available	Minimum 30 dwellings per hectare (developable area)	Review implementation of policy. Review Supplementary Planning Document to provide additional guidance to developers.
HC4	33. Applications for conversions to HMOs and the proportions refused/approved (with some explanatory text) 34. Total number of HMOs in Sefton and by ward	No data/ not available	No specific target for these two indicators but commentary will be provide on whether the impact of clusters of HMOs is occurring and whether this is causing significant harm to the character of an area or harming the living conditions of residents.	Review implementation of policy and existing Supplementary Planning Document. Consider the use of an article 4 direction to restrict HMOs in specific areas.
HC5	35. Five year traveller pitch supply	0 years [2015]	5 years by 1 st April 2017	Contact landowners of allocated traveller sites to determine any causes of planning applications being delayed.

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Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
				Review policy constraints on allocated sites. Update traveller needs assessment to determine if identified need remains valid.
	36. Provision of traveller pitches [permanent/transit]	0 in 2014/15	4 additional permanent pitches by 2017/18. 10 additional permanent pitches 2018/19 to 2027/28. 4 transit pitches by 2017/18.	
	37. Number, size and duration of unauthorised traveller encampments	No data/not available	0	Work with traveller liaison officer determine reasons for unauthorised encampments and to ensure Council transit site [when provided] is well advertised. Review access/pricing policy for Council transit site is suitable. Work with neighbouring authorities to ensure they are providing their identified transit pitches. Consider extension of or additional transit site.
HC6	38. No. of applications that affect an Asset of Community Value and the proportions refused/approved (with some explanatory text)	No data	No inappropriate approvals	
HC7	39. Approvals in Sites of Education and Care Institutions and % inappropriate	No data	No inappropriate approvals	Review implementation of policy on inappropriate approvals. Consider Supplementary Planning Document to set out more specific guidance on implementation of policy.
IN1	40. Amount of Community Infrastructure Levy secured [total/by area]	No data	To be determined if and when CIL is implemented	To be determined if and when CIL is implemented.
IN2	41. No. of schemes in part 1 of the policy implemented	Not applicable	All implemented by 2030. Annual review undertaken to determine	Work with transport colleagues to determine potential issues restricting investment in transport schemes. Look at potential funding sources

Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
			progress.	including from developer contributions.
EQ3	42. % of new build housing within appropriate [SPD] distance to bus stop; rail station; GP; primary school	No data/ not available	Increase	Work with transport colleagues to maximise public transport improvements on larger development sites.
EQ6	43. Contaminated land remediated as part of development	No data	No target but commentary will consider impact of the policy	Review implementation of policy. Liaise with contaminated land colleagues to assess whether advice on contamination is being correctly used in planning decisions.
EQ8	44. Number of applications refused on flood risk grounds	No data/ not available	No target but commentary will consider the impact of the policy.	Review implementation of policy. Liaise with drainage colleagues to assess whether advice on flood risk/drainage is being correctly used in planning decisions. Consider Supplementary Planning Document to set out more specific guidance on implementation of policy.
	45. Number of major applications approved with conditions and/or legal agreements related to SuDs	No data/ not available		
EQ9	46. Area of new Public Open Space approved on: <ul style="list-style-type: none"> • schemes of 150 or more dwellings • Proposals for 11 to 149 dwellings on sites which are more than 2km from a main parks or Countryside Recreation Areas' 	No data	40m ² per home	Review implementation of policy. Review other planning obligations to determine if this is limiting implementation of policy. Work with leisure colleagues to ensure policy approach is securing the improvements required. Determine the best approach to ensuring this policy and the implementation of the [potential] Community Infrastructure Levy are compatible and maximise improvements.
	47. Financial contributions secured through section 106 to	No data/ not available	No target but commentary on reasons why off-site contributions	

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Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
	improve existing public open space		was accepted and which existing public open spaces will be improved	
EQ10	48. Approvals of A5 uses in designated centres; Shopping Parades; within 400m of secondary school or college [including those restricted to opening after 5pm]	No data/ not available	No inappropriate approvals	Review implementation of policy and Supplementary Planning Document. Work with education and public health colleagues to determine whether additional A5 uses close to a particular secondary school or college is likely to change eating habits of students.
NH2	49. Approvals in International, National and Local nature sites and % inappropriate	No data/ not available	No inappropriate approvals	Review implementation of policy and Supplementary Planning Document. Liaise with colleagues in Merseyside Environmental Advisory Service and Natural England to determine whether policy approach is appropriate.
NH3	50. Approvals in Nature Improvements Areas and % inappropriate	No data/ not available	No inappropriate approvals	
NH4	51. Approvals in Coastal Change Management Area and % inappropriate	No data/ not available	No inappropriate approvals	Review implementation of policy. Liaise with Coastal Management Team to determine whether policy approach is appropriate. Consider Supplementary Planning Document to set out more specific guidance on implementation of policy.
NH5	52. Approvals in Public Open Space and % inappropriate	n/a	No inappropriate approvals	Review implementation of policy. Liaise with Leisure colleagues to determine whether policy approach is appropriate. Consider Supplementary Planning Document to set out more specific guidance on implementation of policy.
HN6	53. Approvals in Urban Golf Course and % inappropriate	n/a	No inappropriate approvals	Review implementation of policy. Consider Supplementary Planning Document to set out more specific guidance on implementation of policy.
NH9-14	54. % of Listed Buildings	Not available	10-20% of Listed Buildings	Review resources and priorities within Conservation Team.

Policy	Indicator	Baseline	Target or direction of travel	Action undertaken if not met
	surveyed per year			
	55. Conservation Area Appraisals adopted	13/25 [2015]	Increase	
	56. Conservation Area Management Plans adopted	0/25 [2015]	Increase	

TABLE 2 INDIRECT IMPACT INDICATORS

SA Topic Area	Indicator	Baseline	Target or direction of travel
Economy	57. Number of jobs in Sefton	103,000 [2013]	Increase
	58. Unemployment rate	5.3% [June 2015]	Decrease
Local Centres	59. Retail ranking of Bootle and Southport	Bootle 235 th Southport 96 th [2014/15]	Higher Ranking
	60. Vacancy rates [units] in designated centres	23% Bootle 13.1% Southport 10.3% Crosby 10.1% Maghull 9.5% Waterloo 2.8% Formby [July 2015]	Decrease
Communities	61. % of Sefton's population living in 20% most deprived areas in England	27% [2015 IMD]	Decrease
	62. Social housing waiting lists	2883 [2015, OneVision Housing – Housing Register]	Decrease
Housing	63. Population in Sefton	273,500 [2014 ONS estimate]	Increase
	64. Average house prices by area	£86,458 Bootle £166,949 Maghull £168,945 Southport £216,557 Crosby £270,087 Formby [2015 Land Registry]	No target
Accessibility	65. Travel to work by transport mode	56.7% Car or van 9.5% On foot 8.3% Work from home 7.3% Train 6.9% Bus 6.0% Passenger in car or van 2.6% Bicycle 1.3% Taxi 0.7% Other 0.5% Motorcycle	Increase those using public transport and sustainable modes

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		0.4% Rapid transit [2011 Census]	
Health & Wellbeing	66. Obesity rates in adults/children	19.6% of children [2012] 23.6% of adults [2012]	Decrease
Climate Change & Resource Use	67. Carbon emissions by source [tCO ₂ per person]	Total 5.0 Industrial and Commercial 1.8 Domestic 2.2 Transport 1.0 [2013] <i>Source DECC, 25 June 2015</i>	Decrease
Flooding	68. Total of homes and businesses classed at risk from flooding	No data/ not available	No increase
Environmental Quality	69. Air quality at monitoring stations	Quoting lowest and highest levels of the five stations Nitric oxide: Waterloo Primary School 24.5ppb - Princess Way, Seaforth 49.6ppb [2015]	Decrease
		Nitrogen dioxide: Waterloo Primary School 33.7µg/m ³ - Princess Way, Seaforth 44.1 µg/m ³ [2015]	Decrease
		Oxides of Nitrogen: Waterloo Primary School 41.7ppb - Princess Way, Seaforth 72.2ppb [2015]	Decrease
	70. River quality	No data/ not available	Improvement
	71. Vacant home rate	Local Term Vacant Rate – 3236 homes [2.56%]	Decrease
Landscape	None		
Biodiversity	72. Local sites and sites in positive conservation management	60 local sites; 30 sites in positive management [50%] 2014/15 Defra	Increase
Culture & Heritage	73. Number of listed buildings at risk	10 Grade II* Listed Buildings or Conservation Areas [2015]	Decrease
	74. Number of Conservation Areas 'at risk'	6 [Historic England, 2015]	Decrease
	75. Number of Scheduled Monuments 'at risk'	1 [Historic England, 2015]	Decrease
	76. Parks with green flag status	10 Green Flag awarded Parks [2015]	Increase

APPENDIX 5 LIST OF SAVED UNITARY DEVELOPMENT PLAN POLICIES TO BE REPLACED BY LOCAL PLAN POLICIES

Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
CS1 Development and Regeneration	SD1 Presumption in favour of sustainable development SD2 Principles of sustainable development
CS2 Restraint on development and protection of environmental assets	SD1 Presumption in favour of sustainable development SD2 Principles of sustainable development NH1 Natural Assets NH9A Heritage Assets
CS3 Development principles	SD1 Presumption in favour of sustainable Development SD2 Principles of sustainable development EQ1 Planning for a healthy Sefton
UP1 Development in Urban Priority Areas	SD2 Principles of sustainable development
EDT1 Strategic Employment Locations	MN2 Housing, Employment , and Mixed Use Allocations
EDT2 Provision of Employment Land	MN2 Housing, Employment , and Mixed Use Allocations
EDT3 Strategic Employment Sites in the Dunnings Bridge Corridor	ED6 Regeneration Areas MN2.47 Dunnings Bridge Road Corridor, Netherton
EDT4 Southport Commerce Park	MN2.50 Southport Business Park
EDT5 Primarily Industrial Areas	ED3 Existing Employment Areas
EDT6 Development Sites within Primarily Industrial Areas	ED3 Existing Employment Areas MN2 Housing, Employment , and Mixed Use
EDT8 Business and Industrial Development Outside Primarily Industrial Areas	ED3 Existing Employment Areas
EDT9 The Port and Maritime Zone	ED1 The Port and Maritime Zone
EDT10 Bootle Central Area – Development Principles	ED2 Development in town, district and local centres, local shopping parades and outside defined centres ED4 Mixed Use Areas ED6 Regeneration Areas
EDT11 Development in the Bootle Office Quarter	ED6 Regeneration Areas
EDT12 Bootle Central Area Opportunity Sites	ED6 Regeneration Areas
EDT13 Southport Central Area – Development Principles	ED2 Development in town, district and local centres, local shopping parades and outside defined centres ED5 Tourism ED6 Regeneration Areas ED7 Southport Central Area
EDT14 Southport Resort Area	ED5 Tourism
EDT15 Southport Seafront Area	ED5 Tourism ED8 Southport Seafront ED8A Marine Park
EDT16 Mixed Use Areas	ED4 Mixed Use Areas

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Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
EDT17 Employment Opportunity Sites	ED6 Regeneration Areas MN2.34 Aintree Curve Site, Ridgewood Way, Netherton MN2.43 Peoples site, Linacre Lane, Bootle
EDT18 Retention of Local Employment	ED3 Existing Employment Areas
H1 Housing Requirement	<i>Not Saved</i> (equivalent Local Plan Policy MN1 Housing and employment Requirement)
H2 Requirement for Affordable, Special Needs and Key Worker Housing	HC1 Affordable and special needs housing (and accompanying Affordable, Special Needs and Older People's Housing SPD)
H3 Housing Land Supply	MN2 Housing, Employment , and Mixed Use Allocations
H4 Land at Town Lane, Southport	<i>Site has planning permission</i> HC3 Residential development and development in Primarily Residential Areas
H5 Land to the west of Southport and Formby District General Hospital	HC3 Residential development and development in Primarily Residential Areas HC7 Education and Care Institutions in the Urban Area NH5 Protection of open space and Countryside Recreation Areas
H6 Opportunity Sites	ED6 Regeneration Areas MN2.34 Aintree Curve Site, Ridgewood Way, Netherton MN2.43 Peoples site, Linacre Lane, Bootle <i>Other sites developed</i>
H7 Housing Renewal, Clearance and Regeneration	ED6 Regeneration Areas
H8 Redevelopment within the Pathfinder Area	ED4 Mixed Use Areas ED6 Regeneration Areas
H9 Hawthorne Road/ Canal Corridor	ED4 Mixed Use Areas ED5 Tourism ED6 Regeneration Areas
H10 Residential Development and Development in Residential Areas	HC3 Residential Development and Development in Primarily Residential Areas (and accompanying New Housing SPD)
H11 Mixed Use Developments Incorporating Housing	ED4 Mixed Use Areas
H12 Residential Density	HC3 Residential Development and Development in Primarily Residential Areas (and accompanying New Housing SPD) EQ2 Design
R1 Retail Development Strategy	ED2 Development in town, district and local centres, local shopping parades and outside defined centres
R2 Southport Town Centre	ED2 Development in town, district and local centres, local shopping parades and outside defined centres ED5 Tourism ED6 Regeneration Areas ED7 Southport Central Area

Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
R3 Southport Station Complex	ED2 Development in town, district and local centres, local shopping parades and outside defined centres ED6 Regeneration Areas ED8 Southport Central Area EQ3 Accessibility
R4 Bootle town Centre	ED2 Development in town, district and local centres, local shopping parades and outside defined centres ED4 Mixed Use Areas ED6 Regeneration Areas
R5 Edge-of-Centre Retail Development: TAVR Site, Strand Road, Bootle	<i>Not Saved</i>
R6 Development in District and Local Shopping Centres	ED2 Development in town, district and local centres, local shopping parades and outside defined centres
R7 Local Shopping Parades	ED2 Development in town, district and local centres, local shopping parades and outside defined centres
R8 Upper Floors in Defined Centres and Shopping Parades	<i>Not Saved</i>
R9 Edge-of-Centre and Out-of-Centre Retail Developments and Key Town Centre Uses	ED2 Development in town, district and local centres, local shopping parades and outside defined centres ED4 Mixed Use Areas ED5 Tourism
R10 Lanstar Site, Church Road, Litherland	MN2.53 Former Lanstar Site, Hawthorne Road, Bootle
T1 Transport Network Priorities	IN2 Transport
T2 Walking and Cycling	IN2 Transport EQ1 Planning for a healthy Sefton EQ3 Accessibility EQ9 Provision of public open space, strategic paths and trees in development
T3 Pedestrian Priority on Chapel Street, Southport	<i>Not Saved</i>
T4 Safeguarding the Public Transport Network	IN2 Transport
T5 New Car Parks in Designated Areas	IN2 Transport EQ3 Accessibility
EMW1 Prudent Use of Resources	EQ1 Planning for a healthy Sefton EQ7 Energy Efficient and Low Carbon Design IN3 Managing Waste
EMW2 Renewable Energy Infrastructure	EQ7 Energy Efficient and Low Carbon Design
EMW3 Protection of Mineral Resources	NH8 Minerals
EMW4 Proposals for Mineral and Aggregate Developments	NH8 Minerals
EMW5 Onshore Oil and Gas	NH8 Minerals
EMW6 Waste Management Strategy	<i>Replaced by Merseyside and Halton Waste Local Plan (2013)</i>
EMW7 Waste Management Facilities	<i>Replaced by Merseyside and Halton Waste Local Plan (2013)</i>

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Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
EMW8 Landfill Sites	<i>Replaced by Merseyside and Halton Waste Local Plan (2013)</i>
EMW9 Recycling Facilities	IN3 Managing Waste
GBC1 The Green Belt	MN7 Sefton's Green Belt
GBC2 Development in the Green Belt	MN7 Sefton's Green Belt
GBC3 Redevelopment of a Major Developed Site in the Green Belt – The Powerhouse, Hoggs Hill Lane, Formby	MN2.18 Power House phase 2, Hoggs Hill Lane, Formby
GBC4 Redevelopment or Infilling of a Major Developed Site in the Green Belt – Ashworth Hospital, Maghull	MN8.2 Land adjacent to Ashworth Hospital, Maghull
GBC5 Infill Development on Major Developed Sites in the Green Belt	MN7 Sefton's Green Belt
GBC6 Landscape Character	NH7 Rural Landscape Character
GBC7 Agricultural Land Quality	MN7 Sefton's Green Belt
GBC8 Equestrian Development	MN7 Sefton's Green Belt
GBC9 Landscape Renewal Areas	MN7 Sefton's Green Belt
NC1 Site Protection	NH1 Natural Assets NH2 Protection and enhancement of nature sites, priority habitats and species (and accompanying Nature Conservation SPD) NH3 Development in the Nature Improvement Area
NC2 Protection of Species	NH1 Natural Assets NH2 Protection and enhancement of nature sites, priority habitats and species (and accompanying Nature Conservation SPD) NH3 Development in the Nature Improvement Area
NC3 Habitat Protection, Creation and Management	NH1 Natural Assets NH2 Protection and enhancement of nature sites, priority habitats and species (and accompanying Nature Conservation SPD) NH3 Development in the Nature Improvement Area
CPZ1 Development in Coastal Planning Zones	NH1 Natural Assets NH4 The Sefton coast and development
CPZ2 Coastal Protection	NH1 Natural Assets NH4 The Sefton coast and development
CPZ3 Coastal Landscape Conservation and Management	EQ4 Pollution and Hazards NH1 Natural Assets NH2 Protection and enhancement of nature sites, priority habitats and species (and accompanying Nature Conservation SPD) NH3 Development in the Nature Improvement Area NH4 The Sefton coast and development
CPZ4 Coastal Park	NH4 The Sefton coast and development

Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
	NH5 Protection of open space and Countryside Recreation Areas
G1 Protection of Urban Greenspace	NH5 Protection of open space and Countryside Recreation Areas
G2 Improving Public Access to Urban Greenspace	ED3 Existing Employment Areas ED6 Regeneration Areas HC3 Residential Development and Development in Primarily Residential Areas (and accompanying New Housing SPD) HC7 Education and Care Institutions in the Urban Area NH6 Urban Golf Courses
G3 Urban Greenspace Systems	NH1 Natural assets NH5 Protection of open space and Countryside Recreation Areas
G4 Development Adjacent to the Leeds and Liverpool Canal	ED5 Tourism EQ2 Design NH1 Natural assets NH5 Protection of open space and Countryside Recreation Areas
G5 Protection of Recreational Open Space	NH1 Natural assets NH5 Protection of open space and Countryside Recreation Areas
G6 Built Recreation Facilities	HC6 Assets of community value
G7 Strategic Paths for Countryside Recreation	NH5 Protection of open space and Countryside Recreation Areas
G8 Countryside Recreation Areas	NH5 Protection of open space and Countryside Recreation Areas
G9 Aintree Racecourse Recreational Area	ED5 Tourism ED8B Aintree Racecourse MN7 Sefton's Green Belt
HC1 Development in Conservation Areas	NH9A Heritage Assets NH11 Development affecting Conservation Areas
HC2 Demolition of Listed buildings and Demolition in Conservation Areas	NH9A Heritage Assets NH9 Demolition or substantial harm to designated Heritage Assets
HC3 Development or Change of Use Affecting a Listed Building	NH9A Heritage Assets NH10 Works affecting Listed Buildings
HC4 Development Affecting the Setting of a Listed Building	NH9A Heritage Assets NH10 Works affecting Listed Buildings
HC5 Historic Parks and Gardens	NH9A Heritage Assets NH12 Development affecting Registered Parks and Gardens
HC6 Sites and Areas of Archaeological Importance	NH9A Heritage Assets NH13 Development affecting Archaeology and Scheduled Monuments
AD1 Location of Development	EQ1 Planning for a healthy Sefton EQ3 Accessibility

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Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
AD2 Ensuring Choice of Travel	EQ3 Accessibility <i>Ensuring Choice of Travel SPD (2010) was prepared by Merseytavel and Merseyside authorities</i>
AD3 Transport Assessments	IN2 Transport
AD4 Green Travel Plans	EQ3 Accessibility
AD5 Access onto the Primary Route Network	IN2 Transport
DQ1 Design	EQ1 Planning for a healthy Sefton EQ2 Design
DQ2 Renewable Energy in Development	EQ7 Energy Efficient and Low Carbon Design
DQ3 Trees and Development	IN1 Infrastructure and developer contributions EQ9 Provision of public open space, strategic paths and trees in development
DQ4 Public Greenspace and Development	EQ9 Provision of public open space, strategic paths and trees in development
DQ5 Sustainable Drainage Systems	EQ8 Managing flood risk and surface water
EP1 Managing Environmental Risk	EQ1 Planning for a healthy Sefton EQ4 Pollution and hazards EQ5 Air quality EQ8 Managing flood risk and surface water
EP2 Pollution	EQ1 Planning for a healthy Sefton EQ4 Pollution and hazards EQ5 Air quality
EP3 Development of Contaminated Land	EQ1 Planning for a healthy Sefton EQ4 Pollution and hazards
EP4 Development On or Near to Landfill Sites	EQ1 Planning for a healthy Sefton EQ4 Pollution and hazards
EP5 Development and Hazardous substances	EQ1 Planning for a healthy Sefton EQ4 Pollution and hazards
EP6 Noise and Vibration	EQ1 Planning for a healthy Sefton EQ4 Pollution and hazards
EP7 Light Nuisance	EQ4 Pollution and hazards
EP8 Flood Risk	EQ8 Managing flood risk and surface water
MD1 House Extensions	HC4 House extensions and alterations and conversions to Houses in Multiple Occupation and Flats (and accompanying House Extensions SPD)
MD2 Conversion to Flats	HC4 House extensions and alterations and conversions to Houses in Multiple Occupation and Flats <i>Houses in Multiple Occupation (HMO) and Flats Supplementary Planning Document SPD was approved in 2013</i>
MD3 Houses in Multiple Occupation	HC4 House extensions and alterations and conversions to Houses in Multiple Occupation and Flats <i>Houses in Multiple Occupation (HMO) and Flats Supplementary Planning Document SPD was approved in 2013</i>

Unitary Development Plan Policy (2006)	Superseding Local Plan Policy/ies (2016)
MD4 Caravan Sites for Gypsies and Travelling Showpeople	HC5 Planning for Gypsies and Travellers
MD5 Commercial Frontages and Security Shutters	EQ2 Design
MD6 Food and Drink Uses	EQ10 <i>Food and Drink (and accompanying Hot Food Takeaways and Betting Shops SPD)</i>
MD7 Advertisements	EQ11 <i>Advertisements</i>
MD8 Telecommunications Development	IN1 Infrastructure and Developer Contributions
<i>No Policy</i>	MN3 Strategic Mixed Use Allocation – Land east of Maghull (and accompanying SPD)
<i>No Policy</i>	MN4 Land north of Formby Industrial Estate
<i>No Policy</i>	MN6 Land north of Brackenway, Formby
<i>No Policy</i>	MN6A Land at Moss Lane, Churchtown
<i>No Policy</i>	MN8 Safeguarded Land
<i>No Policy</i>	HC2 Housing type, mix and tenure
<i>No Policy</i>	ED9 Crosby Centre (and accompanying SPD)
<i>No Policy</i>	NH14 Development affecting non-designated Heritage Assets
<i>No Specific Policy (although many cover issues)</i>	PIM1 Planning enforcement

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List of further minor changes for adopted Local Plan.

These help improve readability but to not affect any policies in the Plan. Reference will also be made to evidence referred to during the Local Plan examination where appropriate and where this does not go to the heart of any policy.

These are changes which have not previously been consulted on.

General

Simplified policy titles and standard policy and sub-policy numbering with consequential changes to cross references throughout will be made throughout the Local Plan.

Typographical errors will also be corrected, such as:

- Para 1.2, first bullet point - the superfluous 'for' will be deleted.
- in para 1.6B change 'a material consideration' to 'material considerations'.
- para 1.8 capitals for Written Statement
- para 2.26A capital P for Port

Consequential changes as a result of other changes made elsewhere in the Local Plan.

Specific changes proposed

Chapter 1

Paragraph 1.5:

- replace 'draft' with 'Local'.
- move and update the last bullet point in 'Submission stage' to a new section on 'Examination in Public 2015-2017':
 - **Examination In Public 2015-2017:**
 - The draft Plan was submitted in August 2015 and an independent Inspector was appointed by the Secretary of State to examine the Local Plan.
 - The Examination included hearings in November and December 2015 and January 2016. The Inspector issued initial findings in February and March 2016, which indicated that the Local Plan would be sound subject to modifications. .
 - Public consultation on the Council's proposed Main Modifications to the submitted Local Plan took place from June to August 2016. All representations were considered by the Inspector, who also reconvened the examination hearings in November 2016.
 - The Examination was closed in March 2017 when the Council received the Inspector's Report.

Para 1.17 - delete '(under construction at the date of publication)' in line 2.

Chapter 2

Paragraph 2.21A - Change 'imminent' to 'likely future'

Paragraph 2.28 - Update by changing 'leads on' to 'led on', and 'is an ERDF' to 'was an ERDF'.

Paragraph 2.29 - Update by changing 'will provide' to 'provided'.

Add new second sentence: 'Sefton is a member of Viridis, a collective for Registered Providers and Social Landlords throughout the Liverpool City Region which aims to achieve the home energy efficiency, carbon dioxide emission and fuel poverty priorities of the Liverpool City Region.'

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Paragraph 2.35 – delete ‘draft’ before Infrastructure deliver Plan at the end of this paragraph.

Chapter 3

Paragraph 3.3 – Delete ‘latest’ from line 1.

Paragraph 3.8 – Replace ‘in such areas’ with ‘for people living in Bootle and Netherton’ in line 5, and ‘to employ local people at the end of the paragraph.

Paragraph 3.11 – Replace ‘The’ with ‘This’ at the start of the 3rd sentence.

Paragraph 3.20 – change ‘meeting’ to ‘meet’.

Paragraph 3.21 – change ‘provide’ with ‘provided’ and add ‘s, enhanced’ after ‘new industrial area’.

Chapter 4

Paragraph 4.17 - Add a new sentence to the end of this paragraph ‘The employment land study was updated in 2015 and informed the discussion at the examination hearings’.

Paragraph 4.37 – ‘11,461’ should be amended to read ‘11,435’.

Paragraph 4.40 – replace ‘23’ with ‘28’, ‘three’ with ‘two’ and ‘currently’ with ‘previously’.

Paragraph 4.43 – this paragraph has been updated to reflect the latest information about the Highways England consultation on the options relating to improved access to the Port of Liverpool.

Paragraph 4.49 – delete ‘suggested’ from the 1st line and change ‘first’ to ‘firstly’ in the 1st bullet point.

Amend Figure 4.3 to reflect the reduction in the number of homes proposed in Formby as a result of the reduced capacity of the Shorrocks Hill site (MN2.14A).

Paragraph 4.54 – Add ‘Sefton’ before ‘to meet those needs in full.’

Paragraph 4.55 – delete ‘draft’.

Chapter 5

No changes.

Chapter 6 and Appendix 1

Policy MN2 changes:

MN2.14A – Revise the indicative site capacity in the policy table in part 1 from 60 to 34 with consequent revisions to totals.

MN2 part 8 – Reword part 8 as follows: ‘Southport Business Park (Site MN2.50) is also allocated as a Strategic Employment Location for new office and light industrial uses (B1) and has an area of 13.1 ha (net).

MN2.47 – As this identification refers to 3 sites in the Dunnings Bridge Corridor, the site is to be labelled ‘a’, ‘b’ and ‘c’ in the policy and on the policies map.

Paragraph 6.22 – delete ‘for’ before ‘affordable housing’ in line 3.

Paragraph 6.23 – Replace the 1st and 2nd sentence with the following: ‘With the exception of sites previously located in the Green Belt or designated as ‘urban greenspace’ in the UDP, only sites larger than 1 hectare in size have been identified as housing allocations. Sites with an existing planning permission for housing (before 1 April 2012) have also not been allocated.’

Paragraph 6.27 – amend the last line as follows: ‘... 25% would be required for open space and landscaping’....

Paragraph 6.34 – replace ‘new’ with construction of’ in the last line of this paragraph.

Paragraph 6.35 – add ‘the’ before both ‘Ashworth hospital’ and ‘M58’.

Policy MN3 changes:

MN3 part 1Bd - add ‘from the practical completion of the distributor road’ to the end of this bullet point.

MN3 part 3d – replace ‘through’ with ‘within’.

Paragraph 6.63 – add ‘part of a larger area which is’ after ‘The site is’ at the start of this paragraph.

Paragraph 6.64 – delete ‘also’ form line 1.

Paragraph 6.79 – amend the last sentence to read: ‘Sufficient information must be provided with the first planning application for the development of this site....’.

Chapters 7

Paragraph 7.2 – add ‘under policy ED3’ after ‘Existing Employment Araes’.

Paragraph 7.4 – amend the start of this paragraph to read: Town, district and local shopping’....

Paragraph 7.11 – replace the reference to paragraph 4.42 to paragraph 4.44 and remove the reference to the timetable.

Paragraph 7.12 – delete ‘company’.

Paragraph 7.13 – update the start of this paragraph as follows: ‘Liverpool2 has doubled has doubled the Port’s existing contained capacity and made...’

Replace the heading before paragraph 7.18 with ‘Retail, leisure and other town centre uses’.

Policy ED10 – move the reference to the Policies Map to part 1 of the policy.

Chapter 8

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Policy HC1 – under the sub-heading ‘All Areas’ and the text recommended by the Inspector in relation to Vacant Building Credits, and add 3 new paragraphs to the Explanation after paragraph 8.13.

Chapter 9

Para 9.33D - Change ‘The immediate review of the Plan provides the’ to ‘Any review of the Plan provides an’

Chapter 10

Paragraph 10.34 - Change ‘given’ to ‘granted’.

Paragraph 10.51 Change ‘social, health and well-being’ to ‘the community including health and well-being’.

Paragraph 10.58A - change the start of this paragraph to read: Part 2A reflects the aim for an effective and integrated approach to the management of flood risk, surface after and foul drainage. This includes the assessment...’

Paragraph 10.61B – add ‘(SuDS)’ after sustainable drainage system at the end of the 2nd sentence.

Paragraph 10.66 - add to the end of the fourth sentence ‘(i.e. sites more than 2 kilometres from a main park or Countryside Recreation Area)’.

Paragraph 10.69A - delete the word ‘Public’.

Paragraph 10.76 - Change ‘the Design Supplementary Planning Document’ to ‘any future Design Supplementary Planning Document’.

Policy EQ10 part 2 first bullet point - change ‘It is’ to ‘The premises are’.

Paragraph 10.81 - change ‘SPD’ to ‘Supplementary Planning Document’.

Policy EQ11 part 2 second and third bullet points - change ‘They’ to ‘Advertisements’.

Paragraph 10.83 in the list of bullet points change ‘A board’ to ‘A-board’ and ‘Estate agents boards’ to ‘Estate agents’ boards’.

Chapter 11

Paragraph 11.7A Change ‘See www.meas.org.uk/1263 for more information’ to ‘See <http://www.activenaturalist.org.uk/lcren/> for more information’.

Paragraph 11.13 - change the second sentence as follows: ‘Sefton has designated Mineral Safeguarding Areas (MSAs), although it contains no aggregate minerals resources that are currently commercially viable or likely to become so in the future’.

Paragraph 11.18B - change ‘suitably competent persons, such as ecologists,’ to ‘a suitably experienced ecologist’ for consistency with paragraph 11.18.

Paragraph 11.36 - change ‘Sefton Coast Partnership’ to ‘Sefton Coast Landscape Partnership’.

Policy NH4 part 1a - change 'their' to 'an'.

Chapter 12

Paragraph 12.1 - add 'Council' after 'Sefton', and '(LPA)' after 'Local Planning Authority'. Change 'English Heritage' to 'Historic England'.

Paragraph 12.8 - change 'Sefton Coast Partnership' to 'Sefton Coast Landscape Partnership'. Add 'Liverpool' before 'City Region', throughout. Change 'is commissioning' to 'has commissioned'.

Appendix 1

Site MN2.6 –refer to Birkdale Primary School not Bedford Road.

Site MN2.14A - reduce the size of the car park to 100 spaces.

Appendix 3

Footnote7 to Crosby Centre indicators should refer to indicators 20-23 rather than b-e.

Indicator 26 should read 'In developments of 25 homes or more.....'

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Report to:	Cabinet	Date of Meeting:	Thursday 6 th April 2017
Subject:	ERDF Accountable Body Status	Wards Affected:	(All Wards);
Report of:	Head of Regeneration and Housing		
Is this a Key Decision?	Yes	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Purpose/Summary

To seek authority to progress a European Regional Development Fund (ERDF) application on behalf of Viridis for a Liverpool City Region (LCR) Low Carbon Retrofit Project, and to act in the role of accountable body for the project should it be approved.

Recommendation(s)

- (1) That Cabinet agrees to Sefton Council acting as accountable body status for the Liverpool City Region low carbon retrofit project should the European Regional Development Fund application be successful.
- (2) Subject to #1 above the Cabinet approves the submission and consents to the full submission for European Development Fund application on behalf of Viridis
- (3) It be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because Viridis had not decided to progress with an European Regional Development Fund proposal at the point at which the Forward Plan was published.

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How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		x	
2	Jobs and Prosperity		x	
3	Environmental Sustainability	x		
4	Health and Well-Being		x	
5	Children and Young People		x	
6	Creating Safe Communities		x	
7	Creating Inclusive Communities		x	
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

Reasons for the Recommendation:

Not to apply for European funding and act in an accountable body function would be to forego the opportunities arising from the European Structural Investment Fund (ESIF) programme available to the city region and the associated benefits for the citizens of Sefton and wider Liverpool City Region.

Alternative Options Considered and Rejected:

The Viridis is not an economic entity and therefore is unable to apply for ERDF funding directly or act as an **accountable body**. Viridis is the collective name for a group of Registered Housing Providers (social landlords) and local authorities in the Liverpool City Region which Sefton Council project manages and therefore receives fees for acting in this capacity.

Registered Housing Providers have been approached about acting as accountable body and the response has been that they do not have the necessary skill, expertise and experience to fulfil the role.

As the activity will be undertaken by registered providers and falls outside of the remit of the Combined Authority and therefore it is not appropriate for the Combined Authority to act as Accountable Body for this type of initiative.

What will it cost and how will it be financed?

(A) Revenue Costs

The value of the proposal is estimated to be £531,282.00 (to be confirmed once projects are finalised). ERDF will fund 50% of the budget, the remaining 50% will be funded by the Registered Housing Providers and Viridis. It is important to note that Sefton Council will not be providing a revenue financial contribution but will recover the salary costs of those staff members undertaking the **accountable body** functions.

Proposed Funding Breakdown

	Source	Amount (£)	Status
REVENUE	ERDF	265,641	Bid required
	Registered Housing Providers (RP's)	235,641	Funding in place prior to bidding
	Viridis	30,000	Funding in place
Total Revenue		531,282	

(B) Capital Costs

The value of this proposal is estimated to be £6,686,178 (to be confirmed once projects are finalised). ERDF will fund 50% of the budget the remaining 50% will be funded by the Registered Housing Providers and potentially ECO funding and Owner Occupiers/Private Landlords. Sefton Council will not be providing a capital financial contribution.

	Source	Amount (£)	Status
CAPITAL	ERDF	3,343,089	Bid Required
	Registered Housing Providers	3,124,889	Funding in place prior to bidding
	ECO	63000	In discussion, if unsuccessful would be replaced by RP funding
	Owner Occupiers & Private Landlords	155,200	If Owner Occ's don't participate funding not required.
Total Capital		6,686,178	

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial

Taking on the accountable body status will impose financial responsibilities on the authority. As with REECH, legal agreements and SLAs would have to be agreed with all partners, and the delivery of activities relating to the project would have to be pro-actively managed, and co-ordinated.

Legal

Taking on the accountable body status will impose legal responsibilities on the authority. As with REECH, legal agreements and SLAs would have to be agreed with all partners, and the delivery of activities relating to the project would have to be pro-actively managed, and co-ordinated.

Human Resources

The accountable body functions would need to be resourced. Sefton Council will receive funding to cover the costs of the staff delivering the accountable body function. The authority has the necessary personnel and skills in place.

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Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact of the Proposals on Service Delivery:

The proposal should not impact on service delivery; resources will be appraised in light of the income derived from the bid for ERDF (European Regional Development Funding.)

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD.4592/17) has been consulted and notes the report indicates no direct financial implications for the Council. The cost of Council staff will be covered by external funding. The Sefton area will also benefit from fully funded revenue and capital spend as part of the Liverpool City Region (LCR) Low Carbon Retrofit Project . The Head of Regulation and Compliance (LD.38754/17) has been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

Contact Officer: Paula Lowrey
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Background Papers:

There are no background papers available for inspection

1. Introduction/Background

- 1.1 Sefton Council was the accountable body for the award winning REECH project (2011-2015), a £13.9 million ERDF city region low carbon retrofit project, focusing on improving energy efficiency in some of the most deprived communities in the city region.
- 1.2 Sefton Council acts as the **project manager** for Viridis, for which the Authority currently receives a fee of **£34,902.00 p.a.**
- 1.3 Viridis submitted a Stage 1 application for European Regional Development Fund (ERDF) monies to support a low carbon retrofit project. The Department for Communities and Local Government (DCLG) have invited Viridis to submit a Stage 2 (full) application, subject to a number of conditions being met. Viridis are now working up a full ERDF application with a DCLG submission deadline of 25th April 2017.

2. Viridis Proposal

- 2.1 Viridis have identified a number of schemes that would be eligible for ERDF funding and in so doing increase the energy efficiency of homes within the City Region, through the implementation of innovative low carbon technologies. This will be complemented by a programme of detailed performance monitoring, awareness raising and behavioural change activity.

The contactable deliverables for the project would be:

- No. of Households with improved energy consumption
- Green House Gas reductions, Carbon Tonnes

Lessons will be learnt, good practice captured and disseminated, ensuring that the implementation and management of future retrofit schemes is fit for the future.

- 2.2 It is envisaged that the project will run from June 2017 to September 2019. DCLG have indicated that the project can run into 2019 with assurances that the ERDF funding or UK equivalent will be in place. The timetable will be finalised once the component schemes have been worked up.
- 2.3 The value of this proposal is £7.2m of which 50% will be funded via ERDF the remaining 50% by the Registered Housing Providers/owner occupiers/landlords and potentially ECO funding. Sefton Council will not be providing a financial contribution. Please Note: the individual schemes are currently being worked up and some figures may be amended, however the overall value will be no higher than £7.2m.

3. Accountable Body Status

- 3.1 All ERDF applications require a main applicant in order for DCLG to be able to issue a contract. Projects with multiple partners require an accountable body;

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usually one organisation will hold both roles. The alternative options for accountable body status have been outlined on page 2 of this report. Sefton Council has a proven track record in ERDF project management and administration. Many of the Viridis members were also REECH Delivery Partners. The Council has the skills and experience to deliver this function because of its experience in managing the REECH and similar large-scale programmes.

- 3.2 Taking on the accountable body status will, however impose a level of risk including financial, legal, delivery and reputational. These risks exist during the delivery of the scheme and the financial risk will remain for a number of years after the scheme has completed – post project audit. Sefton Council has experienced staff who can put in place steps to mitigate these risks. Examples of how risks will be mitigated include drawing up legal agreements thereby passing risk and liability on to the delivery partner for any activity they undertake as part of the project. The delivery of activities relating to the project would have to be pro-actively managed, and co-ordinated by the accountable body. Good practice and the lessons learnt from delivery of the REECH project will be used to inform the management and administration of this proposal.
- 3.3 Notwithstanding the above, the benefits of Sefton Council being the accountable body would allow the authority to build on and further develop its accountable body experience and expertise and increase its income levels from Viridis to circa **£133,627.00** i.e. all project management (officer time) would be funded; there would be no direct costs to the Authority. The combination of ERDF funding and Viridis funding will provide an opportunity to review how we support the Viridis overall with the finance supporting a dedicated project manager (through the creation of a specific post either on a temporary or secondment basis.)
- 3.4 Acting as the accountable body is also likely to offer significant economic and social benefits to the south of the borough, as well as address the climate change, and low carbon economy agenda. In addition it would enable the Authority to highlight its role in an LCR initiative.

Report to: Cabinet **Date of Meeting:** 6 April 2017

Subject: Tender for Provision of Electoral Printing for the Merseyside Region and Associate Authorities **Wards Affected:** All

Report of: Head of Regulation & Compliance

Is this a Key Decision? Yes **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

In accordance with Contracts Procedure Rules, this report seeks Cabinet approval for the proposed method of procurement and the basis of tender evaluation for the provision of electoral printing for the Merseyside authorities of Knowsley, Liverpool, St Helens, Sefton, Wirral and the associate authorities of Halton, Preston and West Lancashire, and seeking delegated authority for acceptance of the most advantageous bids received.

Recommendation(s)

That Cabinet:

1. Approve the proposed method of procurement and evaluation as set out within the report.
2. Authorises the contract period of 3 years from 1 July 2017 to 30 June 2020 with an option to extend for one 12 month period.
3. Gives delegated authority to the Head of Regulation and Compliance to award the Contracts resulting from the procurement exercise.
4. It be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the current print expires on the 30 June 2017 and sufficient time is required to undertake the necessary procurement process to ensure a new contract can be in place from the 1 July 2017.

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How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		*	
2	Jobs and Prosperity		*	
3	Environmental Sustainability		*	
4	Health and Well-Being		*	
5	Children and Young People		*	
6	Creating Safe Communities		*	
7	Creating Inclusive Communities		*	
8	Improving the Quality of Council Services and Strengthening Local Democracy	*		

Reasons for the Recommendation:

The Returning Officer and Electoral Registration Officer have a statutory responsibility for the administration of elections and referenda and the compilation of the electoral register. These services require the sourcing of specialist printing in the form of poll cards, ballot papers, postal vote packs, annual canvass forms and other statutory documents.

A collaborative approach has been undertaken by all the Merseyside authorities on the administration and delivery of elections and electoral registration since 2004. As a result of this collaboration, the costs to each authority have been reduced due to economies of scale. Other authorities outside of Merseyside have recognised this approach in terms of offering best value and consistency in delivery of the service. As such, Halton, Preston and West Lancashire Councils have requested to be included in the process, which will strengthen the group and attract greater efficiencies.

Alternative Options Considered and Rejected:

That each authority, within the group, undertakes an individual procurement process. However, a recent joint procurement exercise to produce and print a booklet for the Liverpool City Region Combined Authorities Mayoral Election delivered a 30% saving on projected costs.

What will it cost and how will it be financed?

(A) Revenue Costs

The average annual print cost for Sefton is £90,000.00 (£650,000 for the eight authorities involved in this procurement process). At this stage it is not anticipated that the current

approved budget provision in respect of the cost of delivering the service will require adjustment following this process.

(B) Capital Costs

Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial
Legal
Human Resources
Equality
1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact of the Proposals on Service Delivery:

The new contract will allow each authority within the group to plan effectively in terms of delivery of elections and provision of electoral registration. It is anticipated that central funding for the delivery of Individual Electoral Registration (IER) will reduce annually through to 2020 and this contract will ensure that service provision is maintained and that each authority is fulfilling its legal requirements, whilst demonstrating value for money.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD4594/17) has been consulted and notes the report indicates no direct financial implications for the Council. It is anticipated negotiated costs can be met from existing budgets. Indeed the Council may even benefit from economies of scale as Halton, Preston and West Lancashire Councils have requested to be included in the process, which will strengthen the five Merseyside Council District's group and potentially attract greater efficiencies.

Head of Regulation and Compliance (LD3877/17) has been consulted and has no comments on the report

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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Contact Officer: Neil Middlehurst
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Background Papers:

There are no background papers available for inspection

1. Introduction/Background

- 1.1 The five Merseyside authorities have a current contract for the provision electoral printing which expires on the 30 June 2017.
- 1.2 It is proposed that the new framework will commence on the 1 July 2017 and will also include Halton, Preston and West Lancashire Councils, and will run for a period of three years to cover the Parliamentary General and other combined elections on the 7 May 2020.
- 1.3 The proposal also contains an option to extend the contract by one year up to a maximum of four years.
- 1.4 The contract will include the following:
 - All statutory printing associated with the administration of national and local elections.
 - All statutory printing associated with the administration of national and local referenda.
 - All statutory printing associated with the administration of Individual Electoral Registration, the annual publication of the Register of Electors and maintenance of such.

2.0 Procurement Process

- 2.1 It is proposed that the process to be followed will be an open EU procurement process conducted via 'The Chest' electronic opportunities portal.
- 2.2 An Invitation To Tender (ITT) document will be created and issued to all providers who express an interest. A number of assessment criteria will be developed in order to determine the supplier's ability to deliver a contract of this nature.
- 2.3 Bids would be assessed using a combined price / quality scoring system to ensure that as well as obtaining a competitive market price, bids also meet the Council's requirements in terms of financial standing, capacity and ability to complete the work, quality of performance and approach to managing the work. The Council can be assured of obtaining the best value for the requirements and reduce as far as possible the risk of selecting a provider whose performance may be unsatisfactory.
- 2.4 Accordingly, delegated authority is sought for the Head of Regulation and Compliance to approve the resulting post procurement contract award.

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Report to:	Cabinet	Date of Meeting:	6 th April 2017
Subject:	Sefton New Directions Shareholder Report		
Report of:	Head of Commissioning Support and Business Intelligence	Wards Affected:	All Wards
Cabinet Portfolio:	Regulatory, Compliance & Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

To provide members of Cabinet with an update on the Local Authority Controlled Company – Sefton New Directions

Recommendation(s):

That the Cabinet:

- (1) Note the report;
- (2) Agree that an annual Shareholder report be provided to Cabinet;
- (3) Reaffirm the Council's commitment to continue to contract with Sefton New Directions for a further 24 month period to 31st March 2019;
- (4) Agree a review of the contractual arrangements and governance of the company, to be reported back to Cabinet in due course;
- (5) Note the ongoing review of the service specifications; and
- (6) Request the Board of Sefton New Directions to submit a report on the use of surpluses identified including the possibility of the payment of a dividend to the Council.

Reasons for the Recommendation(s):

The Council is the sole shareholder in Sefton New Directions as it is a local authority controlled company established under the Local Government and Housing Act 1989.

Cabinet is authorised through the terms of delegation contained in the Constitution (Chapter 5, paragraph 59) to take all necessary steps to manage and safeguard any shareholding the Council owns in a company. To improve the Council's governance of its shareholdings and

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oversight of the activities of the local authority controlled company it is recommended that reports of this nature be received by Cabinet.

Alternative Options Considered and Rejected: (including any Risk Implications)

It was an option to not bring a Shareholder Report to Cabinet as there is no explicit requirement to do so. This option was rejected as it was considered that receipt of such a report by Cabinet would improve the Council's governance of its shareholdings and oversight of the activities of the local authority controlled company.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no additional costs arising directly from this report.

(B) Capital Costs

N/A

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There are no additional resource implications associated with this report. The services provided by Sefton New Directions will continue to be funded from existing approved budgets.

Legal Implications:

Sefton New Directions is a local authority controlled company within the meaning of the Local Government and Housing Act 1989. This means that the Council have a 100% shareholding.

The provisions of Regulation 12 of the Public Contract Regulations 2015 apply to the relationship between the Council and Sefton New Directions, allowing for the ongoing direct award of public contracts from the Council to the Company so long as the specific conditions set out by that regulation apply.

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

Protect the most vulnerable:

Sefton New Directions is the Council's principal trading Company and strategic partner in the delivery of a range of adult social care services, commissioned to protect and support the most vulnerable.

<p>Facilitate confident and resilient communities: The ongoing review of service specifications will ensure that the services provided reflect the Council's required approach, including facilitating confident and resilient communities.</p>
<p>Commission, broker and provide core services: Sefton New Directions is the Council's principal trading Company and strategic partner in the delivery of a range of adult social care services.</p>
<p>Place – leadership and influencer: Not applicable</p>
<p>Drivers of change and reform: The continued delivery of services through a local authority controlled company is wholly consistent with the Council's Framework For Change and Public Sector Reform programme. The ongoing review of service specifications will ensure that the services provided change and reform as required and better enable the company to support/drive change and reform.</p>
<p>Facilitate sustainable economic prosperity: The provision of services through a local authority controlled company retains the Council's investment within the Borough and can help to support the employment of local people.</p>
<p>Greater income for social investment: The status of the company enables it to trade and generate income streams above and beyond those provided directly from Council commissioned services. The Council's 100% Shareholding enables it to receive any and all surplus generated, which it may then use to support social investment.</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD4593/17) and Head of Regulation and Compliance (LD3876/17) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

The Chief Operating Officer for Sefton New Directions has been consulted in respect of this report. The Chief Operating Officer has in turn liaised with the Board of the company on the preparation and approval of the attached Shareholder Report.

Implementation Date for the Decision

Immediately following the Committee meeting

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Contact Officer:	Peter Moore
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Appendices:

The following appendices are attached to this report:

Appendix 1 – Report of Sefton New Directions Chief Operating Officer

Background Papers:

There are no background papers available for inspection.

Introduction/Background

1. Sefton New Directions (SND) was incorporated in 2007 as a local authority trading company. Sefton Council is the sole shareholder. The Company is an independent legal entity and operates under the governance of a Board. The Board is responsible for the Governance of the Company and currently consists of the following Directors: Councillor Robert Brennan; Councillor John Joseph Kelly; and the Council's Chief Executive.
2. The Company is registered with the Care Quality Commission and conducts a range of care services, including: day services; reablement; intermediate care; respite services; supported living; shared lives services; and residential homes. The services are provided to older people, adults with learning and physical disabilities, and adults with mental health issues and dementia. The client groups are primarily Sefton residents with some services being provided to Sefton NHS and other bodies.
3. In September 2012 SND and the Council adopted a set of Core Values to provide the foundation for development of the strategic partnership between the two organisations. These Core Values state that: we will demonstrate openness in all our dealings; we will share common goals; and we will work in a way which demonstrates trust and belief in each other.
4. The Council's Adult Social Care Market Position Statement (published May 2014) states that *"SND is the principal trading Company for the Council, and as such will be considered as first choice provider, where it maintains high quality, efficient and outcome-focused service delivery. It is recognised that New Directions will be unable to deliver all that the Council requires and as such others will continue to be commissioned and deliver services where appropriate. When considering the commissioning/procurement of Adult Social Care and similar services the Council will always consider whether those services could be provided by New Directions as its principal trading company and primary provider of such services. This consideration will always be undertaken within the context of the legal and constitutional parameters that apply to the commissioning/procurement of services and with a focus on the quality and cost effectiveness of the service and outcomes delivered"*.
5. The legal framework relating to the award of public contracts has changed since the Company was established and the initial Service Agreement implemented, with the implementation of the Public Contracts Regulations 2015. These regulations impose obligations on public bodies (referred to as contracting authorities) in relation to how they award public contracts for works, goods/products or services. In particular, they set out: the scope of the regulations; general rules and principles that apply; and detailed rules to be followed in relation to procurement procedures. The requirements of the regulations are reflected within the Council's Contract Procedure Rules.
6. The regulations also address the issue of public contracts between entities within the public sector, providing a specific exemption from most of the requirements of the regulations and, in particular, allowing direct award of public contracts by a "contracting authority" to a "controlled person". This exemption applies where:

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- (a) the contracting authority exercises over the legal person concerned a control which is similar to that which it exercises over its own departments;
- (b) more than 80% of the activities of the controlled legal person are carried out in the performance of tasks entrusted to it by the controlling contracting authority or by other legal persons controlled by that contracting authority; and
- (c) there is no direct private capital participation in the controlled legal person with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the controlled legal person.

Paragraph (a) above is deemed to apply where a contracting authority exercises a decisive influence over both strategic objectives and significant decisions of the controlled legal person. This provision applies to contracts awarded by the Council to Sefton New Directions and would continue to apply whilst the above circumstances exist.

7. The attached report of the Company's Chief Operating Officer sets out the current context in which the Company operates, the key achievements made and the challenges the company faces. The primary purpose of sharing it is to enable Cabinet to consider the performance and position, on behalf of the Council, as the sole shareholder of the Company. However, the report will also inform Cabinet's considerations of the Council's ongoing relationship with the Company and the services it provides, as shareholder and commissioner of those services.
8. In the strategic commissioning context, in addition to the issues, challenges and opportunities referred to in the attached report, Members should also be cognisant of:
 - The Council's Framework for Change Programme and Public Sector Reform Projects;
 - Specific funding adjustments/reductions, to be implemented in the first quarter of 2017/18, following completion of the remodelling of commissioned Day Care services, as previously agreed by Cabinet;
 - Potential impact from the review of services as part of the implementation of the Council's new model for Supported Living;
 - The pending roll-out of community referrals into the commissioned Reablement service;
 - Other funding adjustments as a result of any potential cessation, realignment or decommissioning of services by the company for operational purposes
 - The general pressures and difficulties within some sectors of the local care market.
9. There have been significant reductions in Council funding to the Company and the complete cessation of the Community Meals Service which formed part of the original agreement, but the Service Agreement otherwise remains largely unchanged since it was implemented in 2007. The detailed Service Requirements (set out in Schedule 1 to the Service Agreement) relating to Reablement, Day Care, and Supported Living services are currently subject to review, in line with the new service models referred to above, and it would seem timely and appropriate in light of the massive changes faced by local government; the Council's Framework for Change Programme and Public Sector Reform

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Projects; and the other issues, challenges and opportunities highlighted above to also undertake a wider review of the service agreement and Company governance. It is recommended that Cabinet reaffirm the Council's commitment to continue to contract with Sefton New Directions and agrees the award of a new contract. It is proposed that the term of that contract be limited to 24 months from 1st April 2017, whilst the reviews referred to above are completed.

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Appendix 1 – Report of Sefton New Directions Chief Operating Officer

REPORT TO: SEFTON NEW DIRECTIONS SHAREHOLDER
DATE: 6 APRIL 2017
SUBJECT: NEW DIRECTIONS SHAREHOLDER REPORT 2016/17
REPORT OF: CHIEF OPERATING OFFICER

1. CHAIR'S INTRODUCTION

The Board of Sefton New Directions (SND) are pleased to submit to the Shareholder our Report for the year 2016/17 that sets out below current context in which the Company operates, the key achievements SND has made and the challenges the Company faces. In reading our Report the Shareholder will see that, although there is much more to do to tackle challenges facing the business, the Board has already overseen the delivery of some key achievements that will stand the Company in good stead for the future.

Key Achievements

Over the past three years we have delivered **the following key achievements:**

- **net operating profit has increased** by £208,000 from 2014 to 2015, with a further increase in this financial year giving a total projected profit of c£1M;
- **reablement productivity has been increased** from 4,000 hours in 2013/14 to 14,000 hours in 2015/16, and in the last year from 1 March 2016 to 1 March 2017, over 1250 people have been supported by the service with over 27,000 hours of care delivered, with outcomes that are well above the average for the North West region as a whole;
- **private client income has increased by** over 55 per cent since 2013/14;
- **sickness absence has reduced** to less than 6 per cent since March 2015, and is now meeting the industry average;
- **SND has been appointed to Liverpool City Council** multiple approved provider lists;
- **SND is one of only six Shared Lives providers** in England appointed to participate in the national pilot scheme to establish Shared Lives 'Home from Hospital', and SND is one of the first three schemes selected to launch the pilot nationally;
- **the SND SMT has been completely restructured** - this has improved the Company's commercial standing and operational service effectiveness and efficiency;
- **staff at all levels have been actively engaged in meetings** over the past three years to explain Company commercial objectives, and encourage their contribution to retaining and expanding services and income whilst reducing expenditure; and,
- **SND Care Quality Forum was set up 2015/16** to explain Company service delivery priorities and to listen to service user and carer service delivery needs.

Challenges

The SND Board has agreed there are four key challenges that need to be tackled by the Company. These are the need to:

- **rollover the Sefton Council (SMBC) Block Contract by the end of March 2017** with detail required on intended levels of service provision and cost so they can be negotiated with SMBC officers;
- **account for decisions made at national level that will particularly affect health and social care sector employers' finances** including an annual 2 per cent rate of inflation over the period;
- **exert further downward pressure on SND expenditure** such as agency costs – by targeting a reduction in agency costs of 5 per cent in this financial year 2016/17, and further reductions year on year over financial years 2017/18 and 2018/19; and,
- **increase business income**, such as through the continuation of existing contracts with all commissioners, and additional successful tenders.

As Chair, and on behalf of the Board, I commend the Sefton New Directions Report 2016/17 to the Shareholder for consideration. In so doing I look forward to discussing how the Council and Company can continue to build a relationship that will not only mutually benefit both our organisations but perhaps more importantly will build on the support we provide for the most vulnerable service users, their carers and their families in Sefton.

Councillor Robert Brennan
Chair
Sefton New Directions

2. CHIEF OPERATING OFFICER'S OVERVIEW

In line with the challenges identified in the Chair's introduction the key operational issues facing the Company can be summarised in priority order as follows:

- the rollover of the Service Agreement between SMBC and SND;
- further improving operational services and expanding service growth, building a sustainable business that offers high quality support to as broad a range of vulnerable people as possible, together with opportunities for career development and long-term jobs for SND staff; and,
- identifying political, economic, social and technological issues that will directly or indirectly affect the Company and its ability to manage a sustainable business.

These issues are explored in detail in Sections 5-8 below.

3. OUR TEAM

Board Profiles

Councillor Robert Brennan is SND Chair. Appointed to the SND Board in January 2007, Cllr Brennan has been an elected member on Sefton MBC since 1994. He has held a number of positions of responsibility for the Council, including Party Spokesperson for Social Services, Chair of Overview and Scrutiny Committee (Children, Schools and Families), Deputy Chair of Housing Committee, and former Mayor of the Authority, and is current Chair of the Audit and Governance Committee and also Armed Forces Champion. Outside of the Council, Cllr. Brennan is an Equalities Officer and national mental health tutor, and he has a background in the legal profession, including welfare law, debt, housing, and mental health.

Councillor John Kelly. Appointed to the SND Board in March 2015, Cllr Kelly was elected as a Labour councillor to Manor Ward in May 2012, and has been Cabinet member for Children's Services since June 2016. Cllr Kelly is a qualified social worker who worked for 33 years in Social Services and, from 2000, for the NHS; he has held a number of senior executive roles in both Social Services and the NHS; and he retired from his post as Executive Director of Operations for a large mental health trust in September 2011. Cllr Kelly has considerable experience of large scale change management in public sector organisations, and has professional expertise in specialist mental health services. He is currently a Specialist Professional Advisor to the Care Quality Commission.

Margaret Carney. Margaret is Chief Executive of Sefton Council in the Liverpool City Region and has held this position since January 2009, when she was also appointed to the SND Board. In a local government career spanning over 38 years, Margaret has held senior executive positions at Knowsley, Warrington and Rochdale Councils before joining Sefton. Margaret was born in Huyton, Knowsley, and currently lives in Sefton. She was educated at Notre Dame College in Everton Valley and qualified as an accountant at Liverpool Polytechnic (now John Moores University) in 1989. Margaret takes the sub regional lead for healthier and safer communities and is the North West lead Chief Executive on health transition and transformation.

Senior Management Team

Penelope Fell is Chief Operating Officer. Appointed in March 2014, Penny heads up the SND team of around 350 qualified staff delivering health and social care services to residents across Sefton. Penny has worked in a range of national and regional strategic roles in partnership with public sector provider authorities (both NHS and local authority) in the North West of England, in London, and across the UK. Her previous role was as Head of Business Development with the South London and Maudsley NHS Foundation Trust that saw her deliver £65M of new business for the Trust inside 20 months, and she has a strong track record in delivering successful multi-million pound pan-national and regional bids, and bringing to the market and delivering a range of innovative new business approaches, including integrated care pathways and support for people with personal health budgets.

Julie O'Brien is Head of Operational Delivery. Appointed in March 2015, Julie leads on all aspects of operational delivery across the full range of SND services. Julie has managed services across a range of service models, including supported living, residential care, outreach support, and provider brokerage. She has experience of managing operations across a wide range of client groups including learning disabilities, mental health, complex care, physical disabilities, and children's services, and her experience includes working in both the public and private sector. Julie has also set up and managed a range of innovative services across Lancashire and North West England, responding to both commissioning requirements and national, regional and local policy.

Sue Bayes-Williams is Head of Care Quality and Service User Experience. Appointed in November 2014 to a new senior management role, Sue has specific responsibility for ensuring that both established and developing services operate to the highest standards and are responsive to the needs of service users and their carers, whilst remaining fully compliant with the changing legislative framework including the CQC Fundamental Standards.

Elaine Davies is Head of HR and Organisational Development. Promoted to the post in January 2015, Elaine leads the HR team with day-to-day responsibility for the operational management of the HR function and, through the change management and organisational development strategy, for ensuring the Company's aims for commercial development are embedded in the HR agenda.

Diane Harrison is Head of Finance and IT. Promoted to the post in January 2015, Diane leads the Finance Team with day-to-day responsibility for the operational management of the finance function; assisting managers in the running of efficient and effective services, and on the roll out of the programme of dedicated IT provision, in particular working directly with the NHS to develop robust systems including in supporting the expansion of sharing electronic patient records.

4. KEY MEDIUM TERM PRIORITIES

Strategic Review

The Board carries out an annual Strategic Review each year in early summer. The resulting decisions roll forward the Company's three year Strategic Aims and SMART Business Objectives and Activities. They are also communicated to staff at all levels and discussed in detail with in-house trade unions through the Joint Consultative Committee set up in July 2007.

The Board have reported annually to the Shareholder on progress made over each previous financial year on the challenging key medium term priorities set to both improve and expand the quality of SND services and to enhance the commercial and financial status of the Company in an increasingly difficult economic and political climate. Current key medium term priorities are as follows.

Rollover of the Service Agreement between SMBC and SND See Sections 5-8 below.

Improving Operational Services

Over the last eighteen months four priorities have been set by the Board to improve way the Company:

- delivers efficient and effective high quality operational services;
- uses effective and efficient financial systems to maintain and improve financial sustainability, increase income and reduce expenditure;
- introduces effective organisational development systems for managers and staff; and,
- communicates effectively with managers and staff.

5. OUR BUSINESS AND CUSTOMERS

Main Customer Profile

The Company's main customer is SMBC for whom the following services are provided:

- day care for people with learning and physical disabilities and older people, including those with a diagnosis of dementia;
- residential and nursing care, including for people with mental health or complex care needs;
- reablement;
- supported living; and,
- Shared Lives.

Other Business and Customers

The expansion of Company's internal business development roles and responsibilities have also enabled it to build its commercial capabilities in tandem with external partners; some examples are as follows:

- partnership working with the SMBC Leisure services team in the SMBC day service transformation project; and,
- enhanced commercial understanding as well as potential joint tendering opportunities with the following partnerships:
 - SMBC – Parks and Open Spaces, Area Coordinators, Transitions Team, and Aiming High;
 - South Sefton and Southport and Formby CCGs – Intermediate Care Gateway Groups, North and South Intermediate Care Development Group meetings, and Shaping Sefton Events;
 - Lancashire Care Foundation Trust; and,
 - Liverpool based Moving on with Life and Learning.

Competitive Tendering and Contracting

Prior to 2014, SND had had no success in its bids in competitive tendering and contracting rounds either in Sefton or in adjacent local authority or health authority areas. However, with both the development of a more structured approach to bids (as described above) as well as access to the skills and experience now available in the SND SMT, SND has had the following recent successes in competitive exercises:

- appointment to multiple approved provider lists for Liverpool City Council;
- one of only six Shared Lives providers successfully appointed to participate in the national pilot scheme to establish Shared Lives 'Home from Hospital' – in effect , intermediate care in Shared Lives settings. SND is one of the first three schemes selected to launch the pilot nationally; and,

- as mentioned above, is currently engaged with Lancashire Care Foundation Trust in multiple collaborative submissions for a range of health and social care services being commissioned by Lancashire County Council.

Competitor Analysis

In order to properly understand SND's current market position in relation to its principle competitors, including cost comparisons, geographic spread and customer base, the SND Board has tasked the Chief Operating Officer with commissioning expert advice and analysis of the local provider market, including pricing structures, market share analysis, and service quality and customer feedback. This report will support SND to structure its service pricing more effectively as well as the best service areas to develop.

Private Client Income

As requested by the Board, during 2015/16 the financial focus of the Company has been to look for efficiencies whilst also gaining income from alternative sources. Despite the difficult external economic and political climate, SND has increased private client income by more than 56 per cent since 2013/14. It is anticipated that, with SND's improved profile and branding and marketing activity, as well as the focus on analysing SND's competitiveness both in pricing and offering best value when compared with other providers, the SND share of the private market will continue to increase.

Marketing and Promotion

Finally, the urgent need to both raise organisational profile with and service users and their families and to market more effectively and efficiently the services SND provides to commissioners has also been addressed by the establishment of the Company's business development roles and responsibilities.

7. MANAGING RISKS

In order to ensure SND maintains business sustainability and commercial viability, the following risks must be managed:

Operational

Whilst the dedication and commitment of SND staff is reflected on above, there is a clear need for SND to meet the demands set for effective and up-to-date provision by ensuring that:

- staff experience, improved skills, and specialist qualifications continue to be mapped and delivered;
- a refreshed performance management process is implemented so that the dedicated team work taking place throughout the business drives excellence in performance and delivers excellent outcomes for the people SND supports and for those who commission our services;
- staff flexibility is developed to deliver services across more service categories, additional geographic areas, and expanded hours; and,
- improved management structures provide the intended additional capacity supporting effective and efficient service expansion.

Without these issues being effectively addressed, neither the existing or future needs of the vulnerable people SND supports will be effectively and sustainably addressed, nor will the requirements and expectations of commissioners be met.

Financial

As referred to above, SND's principle customer is SMBC and this has the dual potential effect of exposing SND to the risk of losing some or all of its principal source of income, as well as SMBC losing its principal care provider of choice.

The need to introduce new income streams, and to maintain existing business - both personal (for example, in the form of private clients) and commissioned (for example, by SMBC and other local authorities) - is therefore critical in order to ensure sustainability for SND as a business, as well as service provision for SMBC as SND's main customer, with the additional advantage of using any surplus accrued to provide SMBC with enhanced service support. Without developing:

- new relationships that lead to different approaches to delivering public sector services;
- a broader service footprint across additional public sector commissioners;
- improved commercial awareness; and,
- continued brand positioning as the service provider of choice for individuals as well as public sector customers;

SND's financial sustainability will be at risk, and with it the current cost effective and efficient delivery of its existing range of services to vulnerable Sefton residents with disabilities.

Reputational

As previously reported to the Shareholder, with the implementation over the past two years of an effective and cohesive PR, marketing and communication strategy that has maximised the service improvements delivered by SND as well as the enhanced service environments provided by SMBC through its Transformation programme, SND as a brand has been gaining in overall market recognition. However, heightened brand awareness as well as improved service quality brings with it increased levels of customer expectation and therefore higher brand risk. The need to maintain effective customer communications, as well as a consistent continued presence in the local media is key to managing this risk, as is the need to maintain effective oversight of overall service quality and delivery.

In addition, improvements to service delivery and quality mean change, and this is not always accepted easily by those affected, both service users and carers alike. In this case, the role of the SND Care Quality Forum - in both supporting effective carer and service user communications, as well as providing the opportunity for consultation, face to face discussions, and information sharing, has proved invaluable - although it is acknowledged there will always be those who are resistant to change, however beneficial to quality service delivery.

8. FINANCIAL REVIEW

Financial Review

Over the last eighteen months, priority has been given to maintaining and improving financial sustainability, increasing income, and reducing expenditure.

As is noted elsewhere in this Report, private client income has increased since 2013/14, for example by retaining clients at SND services who no longer qualify for all or part of their previous service following client re-assessments by SMBC and who now purchase a private service from SND.

Four brief examples illustrate work underway to improve SND financial sustainability and increase income, namely: SMBC reablement contract variations; appointment to Liverpool City Council's approved provider list; participation in a national pilot programme providing intermediate care in Shared Lives services; and collaborative tender submissions in partnership with Lancashire Care Foundation Trust.

Current and Forecast Financial Position

The Strategic Aims 2016/19 and Business Objectives 2015/16 and 2016/17 set by the SND Board contain a number of ambitious finance, spending and budget monitoring activities intended to support SND Operational Service Delivery and Business, Service and Policy development.

SND's current financial position reflects the existing contractual arrangements with SMBC, services commissioned by other public sector bodies, as well as private client income. The forecast financial position is a small surplus of around £1M year on year projected over the medium term.

In summary, as is noted above, this forecast is subject to:

- timely action that needs to be taken by SMBC in relation to commissioned services;
- other external factors including assumptions about the financial effect of decisions made at national level that will affect all employers generally but in particular those in the health and social care sector;
- internal action by SND, including exerting further downward pressure on expenditure such as agency costs; and,
- internal action by SND including increases in income, the continuation of existing contracts, and additional successful tender submissions.

9 CONCLUSION

Full outcomes from progress made against the Strategic Plan 2016/19 and for Business Objectives 2016/17 will be reported to Shareholder as part of the rolling Strategic and Business planning cycle, together with the necessary Annual Report and Accounts.

The Shareholder is asked to note the contents of this Report.

Penelope Fell
Chief Operating Officer
Sefton New Directions
13 March 2017

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