

**OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND ENVIRONMENTAL SERVICES)**

**MEETING HELD AT THE TOWN HALL, BOOTLE  
ON TUESDAY 9TH DECEMBER, 2014**

**Overview  
& Scrutiny**



**PRESENT:** Councillor McKinley (in the Chair)

Councillors Atkinson, Gatherer, Hartill, Lappin,  
P. Maguire, S. McGuire, Weavers and Bradshaw

**Also Present:** Cllr Maria Bennett  
Cllr Tony Robertson

**13. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Kelly and Councillor O'Brien.

**14. DECLARATIONS OF INTEREST**

No declarations of pecuniary interest were received.

**15. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 16 September 2014, be confirmed as a correct record.

**16. INFRASTRUCTURE WORKING GROUP FINAL REPORT**

The Committee considered the report of the Director of Corporate Services in relation to the Infrastructure Working Groups' Final Report.

The Lead Member of the Working Group, Councillor Weavers introduced and presented the Final Report to the Committee and reported that the purpose of the review was to investigate and consider infrastructure issues arising from the preparation of the draft Local Plan.

Councillor Weavers took the opportunity to commend all the Members, Officers and the Senior Democratic Services Officer, Mr. Paul Fraser for all their hard work in carrying out the review, investigating all the issues set out in the scoping document and the writing of the Final Report.

**RESOLVED:**

That the Overview and Scrutiny Committee (Regeneration and Environmental Services) supports the contents of the Infrastructure Working Group Final Report and recommends the Cabinet to agree the recommendations as set out in paragraph 5 of the report.

## 17. LOCAL PLAN FOR SEFTON: PUBLICATION DRAFT PLAN

The Committee considered the report of the Head of Planning Services in relation to the Local Plan for Sefton. The report presented the Publication Draft Plan, a key stage in the preparation of Sefton's Local Plan. The Plan set out issues and challenges facing Sefton that included:

- a vision for Sefton looking ahead to 2030
- a strategy for how Sefton's housing, business and other development needs can be met
- development management policies to help guide development and provide a policy framework for making decisions on planning applications
- detailed site allocations showing how needs can be met
- details of the Publication period and next stages.

It was reported that the Publication Draft Plan is an important corporate strategy document which is being developed within the statutory planning framework.

The Chair reported that two public petitions had been submitted for consideration at the meeting.

The Committee heard representations from Ms. Patricia O'Hanlon of the Maghull and Lydiate Action Group on behalf of a deputation who had submitted a petition containing the signatures of 26 residents of the Borough which stated:-

"Sefton's Local Plan continues to encroach on our beautiful high grade agriculture/green belt land. With a falling population, why have you increased the numbers of houses? Maghull and Lydiate does not have the infrastructure in place to cater for any additional capacity, roads are already badly congested, schools oversubscribed, traffic and parking is a major problem and we are already experiencing significant flooding problems.

We, the undersigned, urge the Overview and Scrutiny Committee (Regeneration and Environmental Services) to listen to the community, to re-examine and vote for building on brownfield sites only and not on green belt and high grade agricultural land, this is now possible due to a sharp fall in housing need."

Members sought a point of clarification in relation to Ms. O'Hanlon's representation in relation to the area of land East of Maghull being the area of specific concern.

Ms. Patricia O'Hanlon stated that it was the land East of Maghull where the proposal was to build 1400 houses, the land behind Mortons Dairy where the proposal was to build 295 houses and the Bells Lane site where the proposal was to build 40 houses.

The Committee then heard representations from Mr. Bob McCann of Formby Residents Action Group Opposition from Formby on behalf of a deputation who had submitted a petition containing the signatures of 25 residents of the Borough which stated:-

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“The recently published Draft Local Plan shows Green belt loss up from 3% to 3.6%, despite new figures from the ONS suggesting that the population is likely to be significantly less than previously projected. The assumptions and guess work used to inform the plan has moved significantly, this manipulation of data demonstrates that it is not an exact science and there is scope for interpretation and counter argument.

We the undersigned urge the Overview and Scrutiny Committee (Regeneration and Environmental Services) to scrutinise this plan fully to give yourselves the time to study it at length, to cross examine it and challenge the data and assumptions within.”

Members raised the following questions, observations and comments:-

Question/Observation/Comment	Response
<p>What work has been undertaken to ascertain flood risk within the development sites identified in the Local Plan?</p>	<p>Extensive work has been undertaken including flood risk assessments for sites where there is a risk of flooding. This has been undertaken in consultation with the Environment Agency and Sefton’s Flood Risk Team. They are satisfied that the identified sites within the Local Plan can be satisfactorily drained and comply with Government’s guidance; the policy is to ensure that any flood risk to development sites built on Greenbelt land should not increase, and the rate of surface water run-off should also not increase. A 20% improvement in the rate of surface water run-off is required from development on Brownfield sites.</p>
<p>The report refers to “The Consequences Study that evaluated the environmental impacts and concluded that under the proposed option they could often be mitigated or compensated for and, where this was not possible, on balance the benefits of development outweighed the harm”. Harm to whom?</p>	<p>The Consequences Study which was commissioned before the Preferred Option stage evaluated the social, economic and environmental consequences of each of three Options on the Borough, and adjoining boroughs, and it was concluded that the positives of the Preferred Option outweighed the negatives. The National Planning Policy Framework requires Local Authorities to promote sustainable development. This includes the benefits of providing homes to meet the needs of the local Community.</p>

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<p>We are anticipating that sea levels will rise by 54 cm; there is no mention in the report of how this will be addressed.</p>	<p>The Environment Agency is satisfied with the development sites proposed through the Local Plan in terms of flood risk arising from the rise in sea levels.</p>
<p>Is it correct that Government are re-considering the position of Sustainable Drainage Systems (SuDS)? Will this result in a financial implication to the Local Authority?</p>	<p>There has been recent consultation with regards to SuDS. This has resulted in a delay in the regime being implemented and no final view has been expressed by Government. However, it is likely that the overall responsibility for the management of SuDS will fall to the Local Authority which will inherit the regulatory role. There could be financial implications; it's currently too early to know.</p>
<p>What requirement is there to provide affordable housing on the development sites identified in the Local Plan.</p>	<p>The Strategic Housing Market Assessment indicates that by 2030 the Local Plan should deliver over 7,000 affordable houses. The areas of highest demand are deemed to be Southport, Maghull, Lydiate and Formby.</p>
<p>The Keppie Massie viability study indicates that the site east of Maghull will not deliver 30% affordable housing.</p>	<p>We are aware that viability issues on some sites, and especially urban brownfield sites, may mean in some instances there will be failure to meet the 30% target of delivering affordable housing. The majority of Greenbelt sites are expected to provide 30% affordable housing, although one or two may fall below this threshold.</p>
<p>Is there a risk of affordable housing not being provided? The Keppie Massey viability study states apartments would be unviable.</p>	<p>The risk is at the margins. Most sites will deliver the target figure of 30% of affordable housing. All sites will be the subject of a viability assessment at the planning application stage where they propose to deliver less than the policy requirement. There is a risk with some sites not delivering 30% affordable housing; however we are reasonably confident that many of the sites will deliver affordable housing.</p>

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<b>Question/Observation/Comment</b>	<b>Response</b>
<p>How will the target figure of 30% be delivered? Wasn't the question will the 7500 affordable housing units required be delivered?</p>	<p>There are various mechanisms of achieving the delivery of affordable housing. In addition to seeking 30% affordable housing through the planning application process through legal agreement, significant additional provision will be delivered through the private rented sector. The Council also liaises with the Homes and Communities Agency and Registered Social Landlords who also provide affordable houses through different funding mechanisms .</p>
<p>What is the definition of "Affordable Housing"?</p>	<p>This comprises social rented housing or affordable rented housing or intermediate housing. Our policy position strongly prefers social rented and affordable rented housing as these do more to meet affordable housing needs than the latter.</p>
<p>Review of Nathaniel Lichfield and Partners – we have referred to their methodology as being sound, is their work still to be trusted?            What is the impact of the Inspector's recommendations during the Cheshire East Local Plan examination, do we need to make any changes as a result of this?            Non-specialists find the housing calculation methodology difficult to understand, eg population shrinking and housing needs increasing.</p>	<p>We are confident that the figure of 615 quoted for Sefton is broadly of the correct order.            Nathaniel Lichfield and Partners are independent consultants who have a very good track record of defending their housing requirement studies at examination, both for Local Authorities and for private clients. The Inspector's comments to Cheshire East related to the need to carry out an objective assessment of housing need according to Government's guidance.</p>

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Reference Paragraph 5.14 to the report – There is a desperate need in Southport for affordable homes and housing for the elderly. The Local Plan does not address this; the identified sites do not achieve the 30% target figure.	The Planning Inspectorate examine the Local Plan and aim to be satisfied that the Local Plan is doing what it can and is going as far as it can in meeting affordable housing requirements . When we package all the possible ways of providing affordable housing together we would hope to get close to the affordable housing target , albeit most local plan inspectors, including in the West Lancs local plan inquiry, accept that not all affordable needs can or should be met. This will be debated at the Local Plan examination.
How are empty properties calculated, how are they factored into the requirements of the Local Plan?	Empty properties are calculated by adding the vacancy rate (4.34) to the second homes rate (0.29%) which gives a figure of 4.63%.
Empty Properties – assumption that this will remain the same at 4.63% (4.34% vacants and 0.29% second homes rate). 18 months ago at Preferred Option stage this was 4% - why has the figure changed?	The figure of 4% did not take account of almost 0.3% second homes rate. Other factors have also led to a slight increase in the vacancy and second homes figure we are currently using.
The provision of affordable homes depends on viability and it seems that the odds are in favour of the developer, what can we do to even the imbalance?	The viability appraisal will address this issue. There are challenges because both landowner and developer are expected to receive a reasonable return. We will try to secure as much affordable housing as possible, consistent with government guidance, as long as the development remains viable.
Viability: Concerns over the provision of infrastructure and the Community Infrastructure Levy (CIL). There is no guarantee infrastructure needs can be met through CIL, so is there a risk that community needs will not be met.	Discussions and negotiation with developers would take place site by site and as much of the relevant infrastructure achieved as possible.

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20 Hectares business park at land east of Maghull – what uses would be allowed? Where will business park be located within the site?	Uses: light industrial, offices, research and development (B1), general industrial (B2) & warehousing and distribution uses (B8) – as in other business parks too. The business park use will be located in a linear strip to the east of the site, with links to M58 junction 1.
Traffic access to the Port and improvement to the eastern approach to Southport is vague in the Local Plan.	There is not a firm proposal yet with regards Port access. Modelling has taken place with regards the eastern approach to Southport and any improvements which may be required could be the subject of a bid to the Local Growth Fund.
The proposal of 1400 homes at land east of Maghull will have an impact on traffic, what traffic assessment has been carried out?	The developers have carried out traffic assessments for this site and, in addition, traffic modelling of the cumulative impact of development will be carried out as part of a business case for the new slip roads which would also consider trips generated to and from Kirkby.
Reference Page 122, paragraph 3 (a) reference to the timing of Maghull North station not being operational before 500 dwellings are completed, this does not give enough opportunity for individuals to develop travel patterns other than use of car.	The new rail station is programmed to be in place by 2018 - the policy sets out the worst case scenario.
Traffic flow - what is the “tipping point” for increase in traffic and at what stage do highway improvements become essential? What happens if traffic flows reach a point where mitigation is not possible?	There is no “tipping point”; there would be regular assessments of the flow of traffic, and of the implications for the highway network undertaken by Sefton’s Highways Team.
Concerns about traffic movement and the lack of public transport provision. National Planning Policy Framework constantly talks about sustainability but Government should restrict developments based on cars.	Noted.

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<p>How can we be sure 3<sup>rd</sup> party infrastructure providers will be able to provide infrastructure when required? Some are privately owned companies. There is a risk.</p>	<p>There will always be a certain element of risk. However, we have regular discussions with those who have infrastructure responsibilities to check their ability to provide the appropriate infrastructure at the right time. We receive regular assurances that the proposed level and pattern of development is not likely to cause any problems.</p>
<p>How do we address the proposed concentration of development on Dunningsbridge Corridor with a commitment to improve air quality and pollution issues in this area; what level of health impact is undertaken?</p>	<p>A Health Impact Assessment of the overall Plan would be undertaken as part of the Sustainability Appraisal. Local Authorities are required to carry out a review and assessment of air quality in their areas. Air Quality Management Areas are monitored closely and measures proposed to improve air quality and reduce pollution.</p>
<p>How can we resist developers building solely 3+ bedroom houses?</p>	<p>A new 'housing mix' policy (Policy HC2) is proposed to secure a better mix.</p>
<p>Will the Council have the resources to monitor compliance with planning conditions given the ongoing reduction in resources?</p>	<p>This is something for the Council to decide in allocating resources.</p>
<p>No reference in the Local Plan of a vision regarding Education and the importance of education and retaining students within the Borough.</p>	<p>Noted.</p>
<p>What provision in Catholic Schools will be provided for those at land east of Maghull? Concerns regarding access to St. George's school which is via a single track wooden bridge over the canal.</p>	<p>There are three possible schools that could be accessed from this site. School places are assessed each year. If a particular school is popular then provision is closely monitored. The rate of development is relatively slow giving ample time to assess and address school provision issues. The highways authority has responsibility for monitoring the highway network and suggesting improvements as necessary.</p>



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Concerns raised regarding secondary school provision and the ability to meet Southport's needs given the closure of schools in Southport.	Unlikely to be more pupils over the plan period – some children may have to travel further to secondary schools than now.
Can you confirm that the area of search for wind farms at Ince Blundell is no longer proposed?	Yes – this is no longer proposed.
What proportion of agricultural land is taken up by development allocations in both Formby and Maghull?	Unsure at present, we will make this calculation.
Sub-regional review - review of land – would it be appropriate to include safeguarded land as part of this future review?	The local authority must provide for a certain amount of safeguarded land within the Local Plan, otherwise the Authority could be challenged at examination.
How do we ensure that our various plans are synchronised with other neighbouring Authorities and link into the Combined Authority, Liverpool City Region.	The Local Authority has good relationships with neighbouring authorities. Consistency of Plans across Districts can be a challenge because of different timetables. Officers attend regular meetings to discuss issues and comment as and when appropriate.
Are there any examples of Inspectors' reports where the conclusion was too much land was being released for housing?	No, not come across any reports where the conclusion has been too much land being released for housing. The consistent benchmark applied by planning inspectors is what is required to meet assessed housing needs, but if any have departed from this we would be interested to hear examples.
Reference paragraph 9.33 – request to amend the following wording: “The main opportunities for large scale renewable energy within Sefton are in the Greenbelt”.	We will examine this request further.
Request that wherever possible affordable housing is provided in Town Centres to boost regeneration.	We will endeavour to encourage Town Centre residential development wherever possible, but there are many difficulties in achieving this.

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The National Planning Policy Framework definition of sustainable development and viability places greater emphasis on the requirements of developers and landowners than on the needs of communities who may be affected.	Viability is as defined within the Framework and this is what we have to work with. The National Planning Policy Framework defines sustainable development as having three dimensions – economic, social and environmental. The challenge is for the Plan to achieve these together.

The Chair, Councillor McKinley thanked Members of the Committee, Officers and Petitioners for all their contributions during the meeting. He reported that the Senior Democratic Services Officer had recorded all questions, comments and observations and as proposed in the report, comments would be referred to the Cabinet and the Council.

**RESOLVED:**

That the content, approach and conclusions of the Publication Draft Plan be noted and the above questions, observations and comments, together with the responses given, be referred to the Council for consideration.