

# **F.R.A.G.O.F.F.**

**FORMBY RESIDENTS ACTION GROUP OPPOSITION FROM FORMBY**

**OBJECTION TO:**

Planning Application S/2013/0905

---

Land bounded by Monks Drive, Savon Hook, River Close, Alt Road, Formby Bypass and Liverpool Rd Formby

September 2013

We would like to object to the proposed development in the strongest possible terms for the reasons outlined in this objection report

# TABLE OF CONTENTS

INDEX	DESCRIPTION	PAGE NUMBER
1	Green Belt	3
2	Housing and Local Market	4 – 5
3	Drainage and Flooding	6 – 8
4	Transport	9 - 13
5	Ecology	14
6	Geology	15
7	Design	16
8	Agricultural Land	17 – 18
9	Infrastructure	19
10	Human Rights	20
11	Developers Reports	21

<b>APPENDIX OF PHOTOGRAPHS</b>		
	Appendix 1 – Flooding of Site	1 - 5
	Appendix 2 – Flooding of Alt Park	6
	Appendix 3 – Front Gardens Flooding	7
	Appendix 4 – Overflowing Drains	8
	Appendix 5 – Traffic Jams Liverpool Road	9 – 10
	Appendix 6 – Traffic Jams Alt Road	11
	Appendix 7 – Traffic Jams Lpool Road Works	12
	Appendix 8 – Lack of car parking facilities	13
	Appendix 9 - Agricultural farming	14 - 15

<b>REPORTS SUPPLIED</b>		
	Appendix A – Planning Consultant	Separately Attached
	Appendix B – Flooding/Drainage Report	Separately Attached
	Appendix C – Bat Report	Separately Attached
	Appendix D – Geology Report	Separately Attached
	Appendix E – Schools Report	Separately Attached

# GREEN BELT LAND

---

The proposed development site is within the green belt, and serves 4 of the 5 purposes of the green belt **(NPPF Chapter 9 Section 80)**.

**To check unrestricted sprawl of large built up areas**, the development site has provided a defined edge to the south east corner of Formby throughout its existence, it has prevented the town spreading towards and beyond the A565 Formby Bypass and presents a semi rural aspect to visitors approaching Formby from the South

**To assist in safeguarding the countryside from encroachment**, the countryside would be overwhelmed with housing and the last commercially farmed area of Formby will pass into history, with genuine fears that this expansion will only be checked by our border with West Lancashire and the River Alt to the south.

**Preserve the setting a special character of historic towns**, Formby has managed to keep its own separate Identity throughout the expansion of Liverpool and Southport, the surrounding countryside has aided the impression of a semi rural community and the Liverpool Rd site certainly lends a semi rural aspect to the Alt Rd estate, it is clear by the uproar amongst residents that local people consider this to be a very important local amenity and part of the historic character of Formby.

**To assist in urban regeneration, by encouraging the recycling of derelict and other urban land**, Urban regeneration is a stated aim of the previous Unitary Development plan and a commitment made in the draft Local Plan, restricting the outward expansion of Formby does encourage the regeneration of other Urban brown field sites in the borough.

As stated in the National Planning Policy Framework “Green belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan” **(NPPF Chapter 9 Section 83)**. The proposed development amounts to inappropriate development within the green belt and is “by definition, harmful to the green belt and should not be approved except in very exceptional circumstances” **(NPPF Chapter 9 Section 87)**. A lack of a 5 year land supply does not amount to very exceptional circumstances.

We are of the opinion that all Brownfield sites should be developed prior to any release of greenbelt which in our opinion is premature. We would urge our council to ensure that they set a target for all Brownfield sites to be developed before any greenbelt it developed. **[NPPF Section 11, 111]**

The Local Plan is currently undergoing a public consultation and has yet to be examined at a public enquiry and therefore this site should not be released for development until such time as the public enquiry has taken place and the Local Plan has been seen to be robust against all challenges.

The applicant refers to the site as being green field, this is incorrect, this site is currently Green Belt and not Green Field, **which is both misleading and confusing to the general public and should be referred to as greenbelt.**

# HOUSING AND LOCAL MARKET

---

Formby is being made to shoulder the second largest number of new homes in Sefton as a proportion to its size, 12.8%, this grossly disproportionate distribution of housing has not been examined and will certainly be challenged when the local plan comes before Public Inquiry, it is therefore possible that green belt sites around Formby may be removed from the Local Plan, because of the significant constraints of building on this location, this site would be a very good candidate for removal as the plan is progressed towards adoption. Consequently it would be unsafe and premature to release this land for development before the Local Plan is adopted in 2015.

Local Authorities should, “identify the size, type, tenure and range of housing that is required in particular locations and reflect local demand” **(NPPF Chapter 6, Section 50)**. It is quite clear that the local housing market in Formby is very slow with more supply of homes coming onto the market than demand can meet. With another 75 homes destined for the newly approved Powerhouse site and the near completion of a block of 8 apartments on Church Road, added to the unsold homes on the 4 year old Cable Street Development and lack of interest in the Cedar Point (Kirklake Road) homes forcing a change in tenure in order for them to be occupied, there is little evidence that the homes provided by the proposed Liverpool Rd site will be needed in the next 5 years, which negates the need for a premature decision on this current application and weighs against the necessity for early release of green belt land in Formby.

Currently in Formby the lack of demand for housing has shown that the supply outstrips the demand. There are many houses on the current market in Formby which could be put into the bracket of affordable to anyone wishing to purchase a home in this area and indeed we welcome new people to our area. There are currently many 3 bedroom family houses on the market costing from £150,000.00 which would clearly be a great deal less than what the developers propose to build and sell for.

The development of these new properties in addition to the Powerhouse site would flood the local market with new builds of which we currently have many that have not sold. This would make it difficult for the current residents to sell properties and would also have an impact on the local Estate Agents who would not be used to sell the new properties as this is done via the developer initially and only when the development is complete and the developer has left would any unsold houses be passed to the local Estate Agents. There are a variety of properties currently on sale starting from £145,000 and up to £199,950 to include apartments, 2 bedroom, 3 bedroom and 4 bedrooms.



3 bedroom house currently on sale for £150,000.00



4 bedroom house currently on sale for £185,000.00

FRAGOFF also challenge the necessity for and the size of the backlog added to the 5 year land supply. Depending whether you believe the Nathaniel Lichfield and Partners Headroom report commissioned by the council or the Council's own figures, Sefton has built on average 429-481 homes per year respectively for the last 20 years. During the period of the Government's Housing Market Renewal Initiative (HMRI), wrapped up in 2010, the Council set a target build for housing in Sefton at 350 dpa and as you can see consistently provided more. Through this period there was no suggestion that there was not enough Land supply to provide for 500 dpa set by the RSS indeed they must have had provision for this number in their Plan, for it to be accepted by the inspectorate, but rather that the Housing Market could not sustain the amount of new homes coming onto the market at this time due to the extensive demolitions and regeneration throughout this period.

The HMRI skewed the housing market considerably and it is absolutely apparent that the short fall in housing numbers was as a result of a lack of demand for ever more new houses rather than a lack of supply. This is backed up by a consistent decline in Sefton's population during the HMRI period and is reflected in the higher than the national average Vacant Homes figure, all suggest that supply has more than met demand during this period. There is no 'pent up' demand in the system and therefore no need to add this backlog to the housing requirement calculation.

If the backlog is removed from the 5 year land supply calculation Sefton has between 4.2 and 4.9 years land supply, it has also become apparent from a conversation between ourselves (FRAGOFF) and Alan Young in a meeting on the 23<sup>rd</sup> of September 2013 that at least two more sites will be brought forward for development in the 2013 Strategic Housing Land Supply Assessment, bringing the supply to over 5 years, minus the backlog which has not been tested at Public Examination and is contested by FRAGOFF.

**These arguments are elaborated upon and expanded in our Planning Consultants Report which should be read as a separate report and which we rely upon. [Appendix A]**

# DRAINAGE AND FLOODING

---

As set out in **the NPPF Core Principles section 17**, Planning should “recognise that some open land can perform many functions *[among which are]* Flood risk mitigation and food production”

The site of this proposal acts as an important mitigation against the flooding of homes in Monks Drive and Savon Hook, David Wilson Homes have shown that during 100 year storm conditions these streets will flood. Currently as the undeveloped Liverpool Rd site is lower than the surrounding estate roads, during a 100 years flood event excess flood water is able to drain naturally along that gradient greatly reducing the risk of inundation to the existing homes. If the Planning Proposal was to go ahead and the Liverpool Rd site was raised, the water would no longer be able to flow along its natural course, this would not only seriously exacerbate flooding to existing homes, but it would be in direct contravention of the **Land Drainage Act 1991 which states “a land owner must accept the flow of water from an upstream property, whether it is in a pipe, and open ditch or over the surface of the land”**.

**The NPPF chapter 10 Section 100** also states that “inappropriate development should be avoided by directing development away from areas of high risk, but where necessary making it safe without increasing flood risk elsewhere”.

You will clearly see from the photos below and attached photos at **[Appendix 1]** the problems with flooding and drainage in the area. You should also note that we have only included a few photographs of the flooding but we have available several discs of photographs taken over a period of time from August 2012 to July 2013 which amount to several hundred pictures, these are available to view.



As it quite clearly states in the drainage report produced for FRAGOFF and attached to this document as **[Appendix B]** it would be very difficult to develop the Liverpool Road Site at its current level, as the land is some of the lowest in Formby and to do so would result in significant flood risk to any new homes built. This is why David Wilson Homes have chosen to raise that site in order to mitigate against flooding to their own properties. However raising this land will have a profound effect on the way floodwater and ground water runoff will behave and in the drainage report, Consultant John Williams has shown



that significant amounts of water that currently collects on the development site will find its way onto neighbouring land, streets, gardens and homes, significantly exacerbating problems of which the Council are already aware, in Savon Hook, Monks Drive, and Alt Road Park. This land cannot be developed in the way proposed without increasing flood risk elsewhere therefore planning permission should be refused.

Pictures of Blocked Drains of which we have many surrounding this particular area and Formby in general. You will note all the toilet paper which has come up through the drains, not to mention other debris and effluent from toilets that also comes to the surface which would clearly be classed as a health and safety issue.



#### Sustainable Drainage Design?

The swale system proposed for the Development site, doesn't function as a conventional Sustainable Drainage System (SuDS), indeed as none of the swales are permeable it behaves the same as a traditional piped design. A more conventional design would allow the swales to be permeable allowing stored water to soak as well as flow away, reaching the River Alt through both natural discharge and a throttled out flow. As such the scheme manages to encapsulate most of the limitations of a traditional piped system with the increased maintenance of a SuDS Design!

It is clear from the 2 sample photos below that these can break down and therefore are not the answer to the problems. These pictures relate to Downholland Brook.



Before Rain




After Rain

In addition to the flooding problems on this particular site there are also issues relating to the flooding of Alt Road Park **[Appendix 2]**, flooded gardens **[Appendix 3]** and overflowing drains in the area **[Appendix 4]** You should note that in the past residents have been issued with sandbags to try and prevent flooding. **These arguments are elaborated upon and expanded in our Drainage Consultants Report which should be read as a separate report and which we rely upon. [Appendix B]**

You will clearly see from the map below which is from the Environmental Agency and dated 2004 that this land was in the flood zone, as it was in 2010. We are of the opinion that nothing has changed except that our weather has become wetter in the past few years and therefore the land acts as a natural flood barrier to Formby.

Environment Agency - Flood Map Page 1 of 1

Text Only Cymraeg October 8, 2004 [HOME](#) [ABOUT US](#) [OUR VIEWS](#) [CONTACT US](#) [HELP](#) [SEARCH](#)

 **Environment Agency** creating a better world

You are in: Flood Map I'm looking for...

## Flood Map

[Back](#)

[How to use the Flood Map](#)

[What to do in a flood](#)

[Current Flood Warnings](#)

[Flood risk and home insurance](#)

[Your questions answered](#)

---

**Search for another location:**

Search for:

Place name  
 Postcode


---

By using this map you accept the following terms and conditions...

[Disclaimer and terms and conditions](#)

---

**Overview map:**



**Interactive Map :**

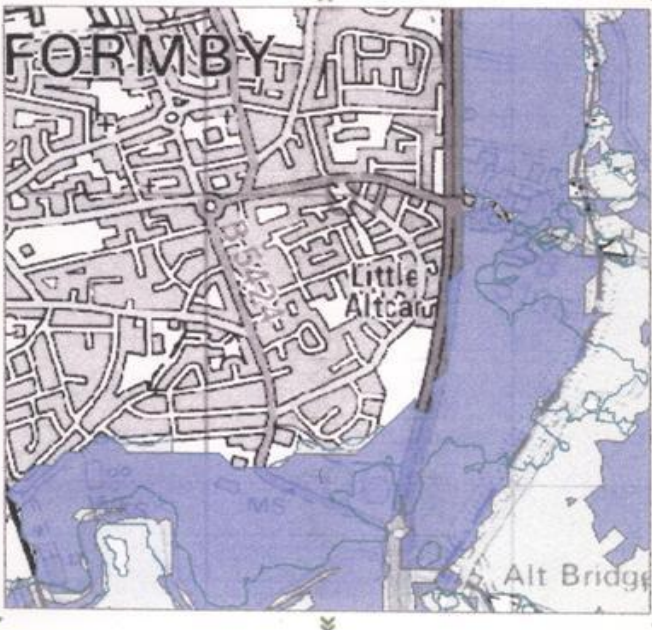
Click on 'learn more', then on your map location.

Click on the map to ...

Zoom  Learn more

[-] [0] [1] [2] [3] [4] [5] [+]

Current map scale: 1:20,000



© Crown copyright. All rights reserved. Environment Agency, 100026380, 2004

**What's new**

1. T
2. P

Fit

five def

floc

frot

Fk Ar



# TRANSPORT

---

Formby has its own specific constraints in that there is only one way in and one way out, you can only approach Formby from the West and can only gain access to Formby from the A565 road (Formby Bypass) as it is enclosed by the Sea to the West, the River Alt to the South and the Airfield to the North making it in our opinion unique for its size in Sefton.

The proposed traffic measures would not alleviate the problems already associated with Liverpool Road but only serve to exacerbate them. You will see from the photographs attached **[appendix 5, 6, and 7]** that during peak times and also weekends that there are long queues waiting to join the Formby Bypass. This can also be extended into the weekends with many people visiting Formby to include its beaches and Red Squirrel Reserve.

With the approval of a further 75 new homes on the Powerhouse Site, each home to include 2 car parking spaces, these cars will also join Liverpool Road and add even more congestion to the frustrated drivers who have to wait in these queues on a daily basis to go to work.



Liverpool Road



Altcar Road

Formby has always been a commuter town and will continue to be so with very little jobs available in the area. Formby cannot be described as an industrial town but as a semi rural location where cars are used on a regular basis to get to work and around Formby. The fact that all these additional cars will now descend on this area brings up the question of sustainability and how sustainable this is. We as a nation are trying to reduce our footprint not add to it.

You may argue that there are good train links direct to Liverpool, which there are, however many people work in Preston, Manchester, Warrington, Leeds where getting to work via public transport is extremely problematic and therefore use their own transport, this will not change. Even if you could encourage people to use the trains and altered the infrastructure of same to make it easier to people to travel to the other cities they work in then you would have the problem of where people would park when getting the

train as many would need to drive to the station first. These car parks are already constantly full on a daily basis and this would also have to be addressed as parking is a serious problem **[Appendix 8]**



This objection was produced with the help of an experienced Highways Design and Feasibility Assessor who did not wish to be identified for commercial reasons but we would hope that this will be treated as a professional opinion.

### **“Review of Planning Application A077071 and the Transportation Assessment by SBA Transport Planning Specialists – July 2013.**

“I would like to congratulate SBA on a thorough review provided by the report, but would point out several anomalies, errors and omissions. I would further raise that several of their details and therefore their overall conclusions are flawed. I would also take to task the way in which Sefton MBC Planning Team seems to have accepted some of this important data, when as the local element on the ground so to speak they should know better and indeed must do better as local planning guardians.

While I agree with SBA in the overall use of the National Planning Policy Framework (NPPF) I must disagree with several uses of the Framework wording when used in isolation within the report, such as;

*2.2.2 “Local Authorities will be required to grant permission”*

*2.2.3 “Local plans should follow the approval of the presumption of sustainable development so that it is clear that development which is sustainable can be approved without delay”*

*2.2.7 “Ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised”*

*It should be remembered that above all else and as stated in the SBA report that the NPPF is a “Guidance” document and neither a statutory requirement or policy.*

### **FLAWED DATA AND INFORMATION**

In order for any development to be classed as sustainable I believe that everyone would agree that it needs to have as little impact as is possible on the services and resources of the local area and in fact needs to “Consume its own smoke” so to speak. While the

SBA report has tried to justify this as so, their assumptions and conclusions are based upon the following flawed dataset and therefore cannot be relied upon:

### **Existing Conditions**

In 3.1.3 the use of “nearby” in the report is slightly ambiguous. The word nearby would usually refer to the under 800mtr calculation and I would draw your attention to the fact that there are no Doctors or Dentists operating within this radius. There is a Dental Laboratory within the radius but this location is a business premises carrying out the manufacture of Dentures, Bridgework etc.

### **Manual Turning Counts**

I would note that the data collection of turning counts is flawed as the evening surveys only operated until 18:00 and as the location is classed as a commuter town for the major employment centres of Liverpool, Warrington, Preston and Manchester these counts should use a later close off point of 19:00 or 19:30 to provide the Local planning Officers and Committee members with a full and complete picture. I would also state that while “one swallow a summer does not make” neither does a one day traffic survey were I would expect to see at least 10 days worth of data to enable a full review of the facts.

### **Modal Split**

In 3.8.3 the report states that just over 60% of commuters travel by car. It could also be stated that 72% of commuter travel is by Motor vehicle. I would also draw attention to the figures in table 3.6 (Summary of Modal Split) are Sefton wide rather than Formby specific and as such due to its remote location and specific demographics car ownership and use are much higher than the borough averages being used.

### **5.1 Accessibility on Foot:**

The table 5.1 (Approximate walking distances to local facilities) and a portion of section 5.2 contains both inconsistencies and errors for example;

Table states Fitness centre is 450 Mtr from the site while the text states 300Mtr.

Table states Doctors/Dentist/Pharmacy is 11mins away in fact nearest medical facility is closer to 20/30 minutes walk away.

I would therefore suggest that no conclusion as too the accessibility on foot of the site can be drawn.

### **5.3 Accessibility by Cycle:**

All evidence is reliant on the 5Km catchment from the site. This radius encapsulates Formby, Hightown and “The outskirts” of Ainsdale. It should be noted that when read with historic cycling data freely available as to Regional work patterns it equates to less than 0.01% of the working population and therefore a poor statement on which to form the conclusion given in 5.3.10

### **Accessibility Summary:**

I cannot agree with many of the statements regarding the accessibility sections as I believe while wonderful “Green Bling” they will be under used due to the target demographic that the development is likely to attract.

### **Transport Impact Assessment (6)**

Unfortunately I am unable to comment as to the validity of any of the data in Section 6 due to the overriding fact that the data has been collected over a time period that will

drastically skew the figures in favour of the development. I am sure that this has been an oversight on the part of the Sefton MBC planning team and their previous acceptance of the same should not be seen as collusion or a deliberate attempt to massage the data to the applicants' advantage.

I would suggest that a completely new data set be collated, this time taking due cognisance that the survey is carried out within the school term time, **rather than during a quite period of school half term that can reduce traffic flow by up to 25%**. I am disappointed in the Planning Department in not picking up this major point and would hope that it becomes a matter of course that SMBC provide this important data to all applicants in the future.

## **REVIEW OF MEETING MINUTES 21<sup>ST</sup> NOVEMBER 2012 BETWEEN SMBC AND APPLICANTS REPRESENTATIVES AND CONSULTANTS**

### Item 5 – Trip Rates

As previously stated, this trip data was collected 4 weeks prior to the meeting. Sefton MBC should issue a formal clarification the data is in fact not acceptable due to it being collected during a period of time likely to skew the findings in favour of the applicant. The period of time in question is **Monday 22<sup>nd</sup> October - to – Friday 26<sup>th</sup> October 2012 (School half term)**

### Item 8 – Growth Factors:

I would agree with all of the observations within the report i.e. Design Horizons and Sensitivity Tests but until a robust set of figures can be collated SMBC need to distance themselves from the previous dataset.

### Item 9 – Trip Distribution:

I refer to my previous statement regarding the flawed dataset.

### Item 15 – Accessibility:

I refer back to my earlier statement as to the site “consuming its own smoke.” I believe that the any service provided for the development needs to be viable after developer funding has ceased. I would suggest that due to the demographics of the proposed development residents the services will be underutilised and should be classed as short term “Green Bling” rather than a sustainable resource.

### Site Access:

Mark Edwards of SBA states that the traffic volumes do not warrant a sophisticated junction from the development. I would respond by stating the volumes remain unknown at this time. I would further state that it is for SMBC to decide what does and does not warrant an upgraded junction and once a robust set of data is in place a full and proper review should be carried out.

### Liverpool Rd/ Formby Bypass Junction:

This section of the minutes has left me slightly confused. On one hand it states that “All” agreed the congestion is caused by people turning north **(to the Left in case of confusion)**. This is followed by the statement by SBA that there are extremely low numbers of left turners?

I confirm my agreement that without a major reconfiguration of the roundabout, two way right turning would not be possible due to the existing road geometry.



I object to the statement by SBA that it would not be sensible to make improvements that would only effectively solve the morning peak hour problems. I would suggest SBA meant it is not commercially viable for their clients, something that only a non resident could say.

### **Review of Technical Note 3 Site Sensitivity Test: 22<sup>nd</sup> March 2013**

Section 1 - 1.3.5:

Once again without a robust data set no conclusions can be relied upon.

Section 1.4 Priority Controlled Layout:

I would enquire if the applicant will be providing increased illumination on this section of modified highway under their section 278 obligations or will this fall to the local authority to fund?

Conclusions 1.5:

I cannot agree that the assessments have demonstrated the proposals are acceptable until a robust dataset has been produced.

#### **Review and Conclusion Statement:**

The Dataset on which the majority of the conclusions in the SBA assessment are based have clearly been proven to be flawed in there collation. This flawed data, together with other data that is up to 12 years out of date and based upon the 2001 census will ultimately skew the results away from reality

It should be noted that both social and professional mobility have drastically altered over the past 12 years with many day to day items and institutions not being available in 2001. In order to give a flavour of these changes a few interesting launch dates are listed below: Google – 2004, You Tube – 2005, Facebook – 2006, Apple i-phone – 2007”

# ECOLOGY

---

The Ecology Report produced ERAP Ltd in support of the development, failed to conduct dusk and dawn activity surveys, despite acknowledging in section 4.3.4 that the “**hedgerows around the boundaries [of the site] where suitable for use by edge-feeding foraging bats.**” Many local residents to this site can confirm and state that bats are very evident.

This insufficient survey effort not only runs contrary to best practice, but it is also a failure of obligations under the **Conservation of Habitats & Species Regulations 2010 (as amended)** whereby “**the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat**”.

We would like to draw your attention to the conclusion of Stan Irwin who has submitted an objection to this planning application on behalf of the Merseyside & West Lancashire Bat Group; the full objection is attached as **[Appendix C]**

*“Not only has the survey failed to establish if the site is used by foraging bats it has also failed to establish if the boundaries are used for commuting purposes from or to roost sites that may be present in residential properties that are close to the site. Breeding roosts of Pipistrelle bats are proportionally higher in modern occupied residential dwellings where the warm, dry conditions favour the requirements of a maternity colony”.*

*“In conclusion it is my informed and expert opinion that insufficient survey effort has been undertaken at this site to allow Sefton Council to determine this application where a protected species may be affected. Taking into consideration the time of year and the level of survey effort that is required it is clear that surveys would have to be undertaken at an appropriate time over the main active season of bats during 2014”.*

So it is clear that this site could not come forward for development before September 2014 at the earliest as David Wilson Homes have failed to carry out its obligations under the law, even if the results of were to survey suggest that the effects on protected wildlife could be mitigated against.

# GEOLOGY

---

Due to the nature of the underlying geology of the Liverpool Rd site and the character of the sediments, in particularly the presence of peat, soils like this can be expected to present a demonstrable soil-gas risk. In accordance with the National House Building Council Guidance, this risk can only be assessed with a minimum of six sets of data, obtained over a three month period.

However according to the Phase 2 site investigation report "Gas monitoring was undertaken .... across the site on only one occasion in September 2012 prior to all of the installations being vandalised". It should be noted that we object very strongly to stating that all the installations were vandalised. From residents reports it appears that on one occasion they saw a couple of youths in the field messing about with one installation and they called the police who came and chased them away. The residents are very proud of this site and are vigilant in watching that nothing untoward happens on it

It is essential that monitoring is conducted over a longer period as readings can be affected by atmospheric pressure and in coastal areas tidal variation and its interaction with ground water levels. The Phase 2 site investigation report goes on to recommend further testing, however this is ignored in the executive summary where it suggests that no gas protection measures are required. This recommendation has been made on the basis of a single set of gas monitoring data from the site.

This does not amount to robust evidence as to the absence of soil-gases and therefore either further testing is required or the adoption of gas mitigation measure in the proposed dwellings. The full report and conclusions by our Consultant Geologist is attached to this objection as **[Appendix D]**.

# DESIGN

---

**NPPF Chapter 7 Section 58 states that** “Planning policies and decisions should aim to ensure that developments respond to local character and history and reflect the identity of the local surroundings and materials ...”

The proposed development is out of character with the existing housing estate which was expanded throughout the 1960’s and consists of many Dormer style houses and bungalows particularly in adjacent areas to the proposed development. The style and architecture of the proposed development and the proposed ‘Shared Surface’ nature of the street layout with associated green spaces jars with rather than acts as a continuation of the established street layout in Formby.

Many of the photographs used in the developers proposals are of houses further into Formby and towards Freshfield, they do not relate to the existing housing estate currently there and which will suffer most from this development.

The application states in this document on page 76

## **4.5.5 Highway Surfacing**

To add further richness and legibility to our street structure, we propose to use alternative surfacing techniques to aid the informality of the tertiary streets in the layout. The use of alternative surface treatments also aids the sense of the streets being shared spaces for pedestrians and vehicles. This aids the reduction in vehicle speeds and promotes pedestrian primacy

There are numerous approaches that can be taken to achieve the above aims including the use of modular paving solutions and dressed macadam designs as illustrated in the adjacent precedents

We would draw your attention to **[NPPF, Section 8, 69]** which states **safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.**

## **Road Safety and inclusivity for disabled residents**

As this would be a major development and would mark a significant expansion of the Alt Rd estate, it is important that a site such as this should be inclusive and reflect the needs of blind, partially sighted and disabled residents. The proposed ‘Shared Surfaces’ design of the ‘tertiary’ road network throughout this site would see motorists, cyclists and pedestrians share the same space. This requires all road users to be in visual contact with one another and consequently puts visually impaired residents at considerable disadvantage and additional risk. The Royal National Institute for the Blind (RNIB) has been working in partnership with other disability charities supporting Guide Dogs for the Blind Association’s “Say No to Shared Streets” campaign; this is aimed at stopping the implementation of shared surface areas. Similarly the ‘Secondary’ roads will not have a standard 100mm concrete kerb but rather their pavements will be demarcated by slightly raised (between 0-25mm) sets which to the visually impaired would in practical terms be no different from a shared surface! All local authorities are covered by the Disability Equality Duty (DED) and the Disability Discrimination Act (DDA). The DDA requires public authorities to make adjustments to designs and plans to make sure that disabled people are not disadvantaged by them, and are obliged by the same act to seek to promote equality. This site has been designed with no thought to the requirements or safety of visually impaired residents, and Sefton Council should refuse as it fails to be inclusive to and provide adequate safety for disabled residents.



# AGRICULTURAL LAND

---

This land has been farmed each year for over 50 years, of which we have much evidence to support this and has produced a variety of crops during this time with good yields. Under [NPPF, section 11, 109] *“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.....[ and] recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);”*

ADAS whose report Sefton Council relies upon, on their website states: **“one of the most significant challenges facing mankind is the provision of food from a sustainable and profitable production system”**, yet our council and developers want to destroy this for the future generations. They state that it is a small amount of agricultural land to be eaten up by housing however how does this stack up in Sefton: 415 Ha divided by 0.62 (size of a FIFA approved international football pitch) gives us a total of 669 FOOTBALL PITCHES or 8 tons of wheat per hectare = 1 ton , 1 ton = 39.4 bushels, 1 bushel gives 42 lbs = 42 loaves, 13104 loaves = 1 hectares, 13,104 x 415 = 5,438,160 lb, = (large) loaves of bread. Assuming 2 loaves a week for a hungry family of four, we reckon that's over 69,720 families fed for a year with bread. Would you say that is small?

We challenge the data provided by the applicant that this land is grade 3a/3b and sub standard. This land was originally surveyed in 1992 by ADAS and was reported to be grade 2/3a, depending on which part of the field you referred to. The new ADAS report which was commissioned by Sefton Council in 2012, has now upgraded all the agricultural land in Formby which means that this land is now Grade 1 / 2. We have not had the opportunity of testing this land as the land owner has not responded to any of our letters of request to have this land independently tested however we do rely on Sefton's own classification which was carried out by ADAS as shows that the land has been upgraded to grade 1 and 2. We would also ask the committee to rely on Sefton's own agricultural study which clearly states that the land has been upgraded and that *“where significant development of agricultural land is demonstrated to be necessary, local authorities should seek to use areas of poorer quality land in preference to that of a higher quality”* [NPPF, Section 11, 112]



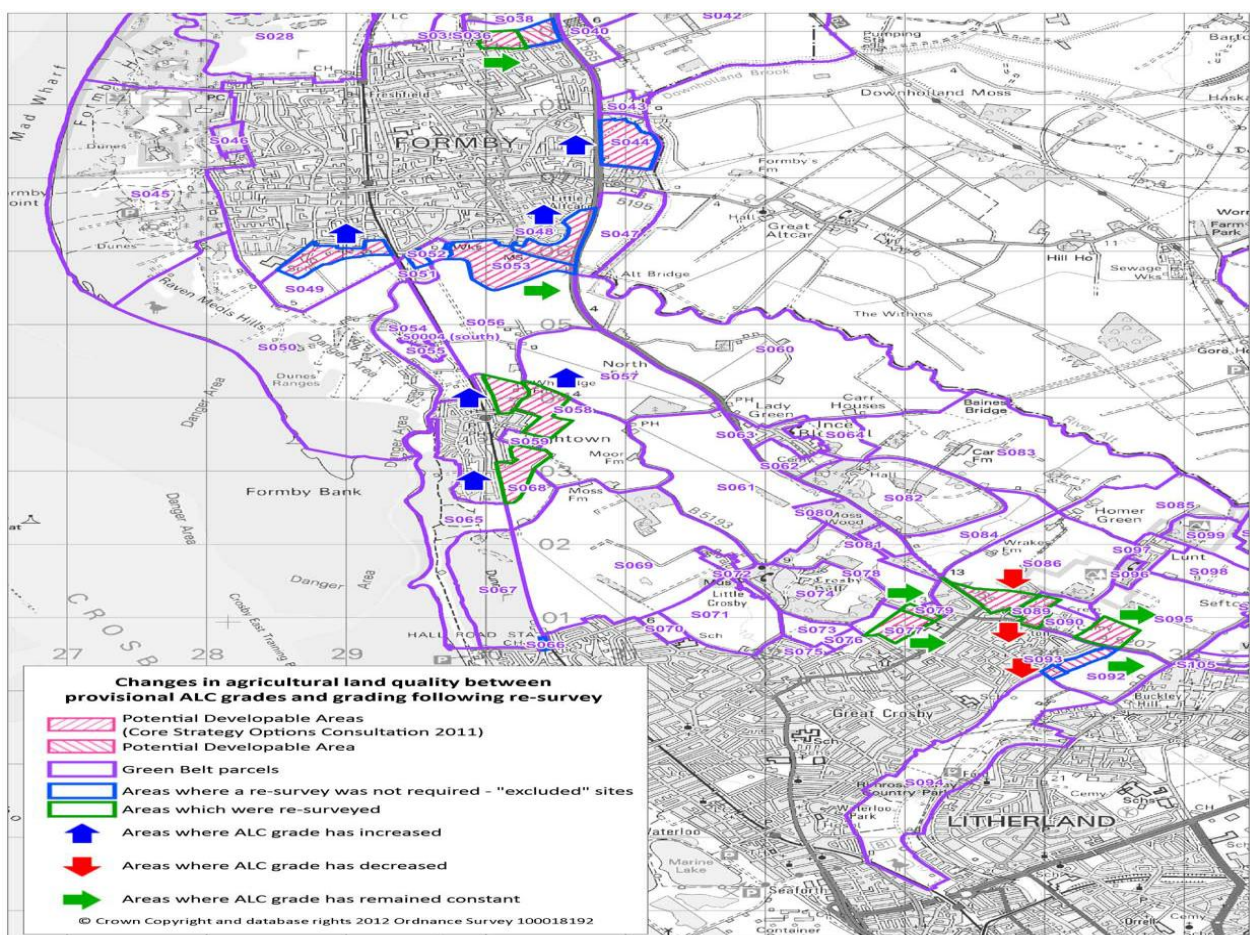
We have major concerns with the various farmers' reports, and in particular from Silcocks report. He states that no root vegetables can be grown, this is incorrect there have been carrots and other root vegetables grown on this land in the past as have livestock been on this land. He refers to the residents treating this field as their own

refuse disposal area, which it totally untrue and the amount of rubbish he claims to have been put on this land would constitute it being re classified as a recycling centre/landfill site. If what he is saying is correct then no doubt he would be able to provide the crime reference numbers to these incidents.

He states that the children use this land as a BMX track, assault course, football and cricket pitches and a camping site, again this is totally untrue and in fact it would be impossible for children to use this land for these types of activities due to the field being farmed on a yearly basis and when a crop is not growing, being flooded, they could of course use it as a boating lake, although we have not yet heard of anyone doing this. Anyone seeing this field and especially with a full crop, as it has had each year, would clearly see that these statements are totally incorrect and untrue; common sense would tell you that. We have attached pictures [\[Appendix 9\]](#)

He states that it is dangerous to gain access to this field from the Formby Bypass yet the applicant for the development proposes to use the same access for an emergency access, therefore if it is dangerous for him and his tractor it is certainly dangerous for other vehicles. Also this access is known as Lunts Lane and is in fact a public right of way across the land in question so if it is so dangerous then why is it open to the public.

We would ask the committee to disregard these supporting letters for this application as there is a clear case of conflict of interest in that they own the land and stand to gain financially out of this application being approved.



This map is taken from Sefton Councils commissioned agricultural study 2012 which clearly shows the land in question as being upgraded. This means that the land tested in 1992 by ADAS for Sefton Council and graded the land 2/3a have now confirmed in 2012 that it has upgrade the land to grade 1 and 2

# INFASTRUCTURE/PUBLIC SERVICES

---

## SCHOOLS

We have many concerns in this area not least the current school position in Formby. You will note from our school report **[Appendix E]** that it is clear that the school places available are in the Bootle/Litherland area and not in Formby or indeed its surrounding areas.

As this development is predominantly family homes as is the Powerhouse Estate then you have to consider the impact of over 350 new builds most of which are either 3 or 4 bedrooms and would indicate that there would be the possibility of at least 2 children in each family home, maybe more, this would generate school age children in the region of approximately 500 minimum.

There are many variables you have to take into account with schooling not least families moving into the area with more than one school age child. We are aware of new families who have moved into the area during the past 12 months who have children in different schools as whilst there might be a place in Reception there is none in the Juniors for the second child, indeed we are aware of a family who have 4 children, one of which has to travel to Crosby to school as there is no places in the year they require in Formby schools. So whilst we might have a number of places available in each school this does not mean that they are available in all years and this is a very big consideration for any family moving into the area. If they want their children to attend a catholic primary school then this would be impossible as both these schools are oversubscribed.

There are no NHS dentists in the area that currently take new patients and the ones what we know about have very long waiting lists and indeed they appear to practice NHS for one year before moving to the private sector. Many people cannot afford a private dentist and we are aware of some residents who have to travel as far as Liverpool and the Wirral to visit a NHS dentist.

There are only 4 doctors surgeries based in Formby which are all stretched to their maximum.



# HUMAN RIGHTS ACT

---

## Human Rights Act, in particular Protocol 1, Article 1.

This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

## Human Rights Act, Article 8

States that a person has the substantive right to respect for their private and family life. In the case of **Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8**. Private and family life therefore encompasses not only the home but also the surroundings.



# DEVELOPERS REPORTS

---

We ask the council to seriously consider the validity of the Developers' reports. These are littered with inconsistencies and inaccuracies and therefore should not be relied upon in their entirety.

In one report they state that the River Alt drains into North Sea. I think we all know that unless the North Sea has been moved that this is incorrect.

They carry out surveys for data purposes which they intend to rely upon during school holidays when the data would not reflect the true extent of traffic flow.

Their Economic report is prepared by NLP, the same consultant who is retained by Sefton MBC and who has advised them on the local plan and is currently advising them on the Local Plan, we feel that this is a clear conflict of interest.

Their gas report has failed to produce the required results due to their inability to carry out the survey for the period of time required. The soil type is a risk factor for soil gas and they have failed to establish whether it is there or not and in these circumstance they should mitigate as a precaution and they have not.

They have failed to address any issues relating to foundations of the properties and have therefore provided insufficient explanation of how they are going to carry out these works.

The report from the farmer is clearly inaccurate and is coming from the very person who stands to gain financially from any development on this site.

We trust that the planning committee and officers have taken their time to read through all the documents submitted by DWH and if so, will clearly see where there are various inconsistencies in the reports.