

Fraser, Andrew S.

From:
Sent: 09 February 2017 14:06
To: Forward Planning
Subject: Ref: Corporation Road. Your ref:ES/FP/BNNA/NA&NF

To Forward Planning Manager

Thank you for your telephone call earlier today. To discuss our initial concerns, regarding what authority and influence the Neighbourhood Planning Forum for Birkenhead North may have, over our property in the future.

As a privately owned commercial site, we would object to any restrictions imposed on any potential future development. Other than current national planning policies.

I therefore would like to be kept informed of any information that arises regarding this matter.

If the new local Planning Forum is elected and has influence as suggested above, we would have to consult our agent DJ Cooke & Company (Chartered Building Surveyors) to clarify our position.

Yours sincerely,

Fraser, Andrew S.

From:
Sent: 10 February 2017 09:10
To: Forward Planning
Subject: APPLICATION FOR A COMMUNITY-LED NEIGHBOURHOOD PLANNING
BIRKENHEAD NORTH

Thank you for consulting Sport England on the above Neighbourhood Consultation.

Planning Policy in the **National Planning Policy Framework** identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.

It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Parts 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, '**A Sporting Future for the Playing Fields of England – Planning Policy Statement**'.

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

Sport England provides guidance on developing policy for sport and further information can be found following the link below:

<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations.

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/>

If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If you need any further advice please do not hesitate to contact Sport England using the contact details below.

Yours sincerely

Planning Administration Team
Planning.north@sportengland.org



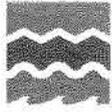


Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



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Historic England

Andrew Fraser
Forward Plans Manager
Environmental Services
Wirral Council
PO Box 290
Brighton Street
Wallasey
CH27 9FQ

Our ref: PL00065368
Your ref: 13th February 2017

13th February 2017,

Dear Andrew,

Re: Application for Neighbourhood Forum and Boundary for Birkenhead North

Thank you for consulting Historic England, we have no comment on the proposed establishment of a Forum for a Birkenhead North Neighbourhood Plan area or on the proposed boundary.

Yours Sincerely

Historic Places Adviser



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW
Telephone 0161 242 1416 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.





Health and Safety Executive

Senior Planning Officer
Forward Planning/Environmental Services
Wirral Council

Hazardous Installations Directorate

BY EMAIL

CEM HD5E
2.2 Redgrave Court
Merton Road
BOOTLE
L20 7HS

<http://www.hse.gov.uk/>

Date:14 February 2017

Dear Sir/Madam

**CONSULTATION ON YOUR NEIGHBOURHOOD PLAN – REPRESENTATIONS BY HSE
BIRKENHEAD NORTH NEIGHBOURHOOD ALLIANCE APPLICATION**

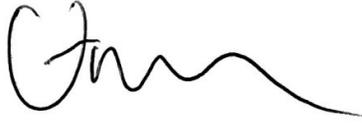
Thank you for your request to provide a representation on the above consultation document. When consulted on land-use planning matters, HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard establishments and major accident hazard pipelines (MAHPs) is achieved.

We have concluded that we have no representations to make on this occasion. This is because our records show that the Birkenhead North Neighbourhood boundary and the land within does not encroach on the consultation zones of major hazard establishments or MAHPs¹. As no encroachment has been detected, HSE does not need to be informed of the next stages in the adoption of the Birkenhead North Neighbourhood Plan.

¹ Planning authorities are advised to use HSE's Planning Advice Web App to verify the advice given. The Web App is a software version of the methodology used in providing land use planning advice. It replaces PADHI+. All planning authorities should have an authorised administrator who can access the Web App; further information is available on HSE's website: <http://www.hse.gov.uk/landuseplanning/padhi.htm>. HSE also advises that you contact pipeline operators for up-to-date information on pipeline location, as pipelines can be diverted by operators from notified routes. Most incidents involving damage to buried pipelines occur because third parties are not aware of their presence

If you have any questions about the content of this letter, please contact us at the address given.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G. M.', written over a horizontal line.

HM Specialist Inspector of Health and Safety (Risk Assessment)

From:
Sent: 15 February 2017 10:43
To: Oates, Robert A.
Subject: Wirral - Birkenhead North Neighbourhood Plan

Wirral - Birkenhead North Neighbourhood Plan

Thank you for the opportunity to provide feedback to the proposed policy.

Network Rail is the public owner and operator of Britain's railway infrastructure, which includes the tracks, signals, tunnels, bridges, viaducts, level crossings and stations – the largest of which we also manage. All profits made by the company, including from commercial development, are reinvested directly back into the network.

The proposal area includes sections of existing operational railway.

(1)
Network Rail is looking at how we can work smarter to help enable development near to the railway.

It has come to our attention that where applications have an impact on the railway network, in particular on level crossings, the application is delayed or is objectionable because negotiations with developers are not agreed before a Planning Application is submitted.

I am sure you are aware that Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order); in addition you are required to consult the Office of Rail and Road (ORR).

Where there is an adverse impact on the operation of the railway, Network Rail will require appropriate mitigation measures to be delivered as part of the planning application process. By this stage in the process our request for further information such as a Transport Assessment (to provide detail of the suspected impact) and where necessary, the provision of planning obligations can cause significant delay. This can be highly frustrating for any developer who has undertaken pre-application advice, and invested time and money, in working through mitigation measures including Heads of Terms for Section 106 agreements.

To help alleviate this problem it is requested that you add a standard paragraph to any pre- application response you provide. I have put together a paragraph which if included as general advice, may help avoid any disruption further along the process.

Should your development be likely to increase the level of pedestrian and / or vehicular usage at a level crossing any future planning application should be supported by a full Transport Assessment assessing such impact. Any required qualitative improvements to the level crossing as a direct result of the development proposed should be included within the Heads of Terms.

(2)
Within Transport Assessment's there is a review of local needs regarding public transport; this usually focuses on buses. However, Transport Assessments should also take into account their impact upon footfall at railway stations. Developers are encouraged to consider including within Transport Assessments trip generation data at railway stations. Location of the proposal, accessibility and density of the development should be considered in relation to the relevant railway station in the area.

Where proposals are likely to increase footfall at railway stations the Local Planning Authority should consider a developer contribution (either via CIL, S106 or unilateral undertaking) to provide funding for enhancements as stations as a result of increased numbers of customers.

Should you wish to discuss the impact of your proposal on the railway network you are advised to contact Network Rail via [**TownPlanningLNW@networkrail.co.uk**](mailto:TownPlanningLNW@networkrail.co.uk)

(3)

When designing proposals, developers and LPA are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary fence, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments which might be adversely impacted by third party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

(4)

Any proposal within the Birkenhead North Neighbourhood Plan area must not impact upon the railway infrastructure / Network Rail land and we should be made aware of the following in planning application proposals, e.g.

- Drainage works / water features
- Encroachment of land or air-space
- Excavation works
- Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
- Lighting impacting upon train drivers ability to perceive signals
- Landscaping that could impact upon overhead lines or Network Rail boundary treatments
- Any piling works
- Any scaffolding works
- Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949)
- Any use of crane or plant
- Any fencing works
- Any demolition works
- Any hard standing areas

We would request that the Birkenhead North Neighbourhood Plan authority / group when submitting proposals for a development contact Network Rail's Town Planning Team and include a location plan and a description of the works taking place for review and comment.

All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:

Town Planning Team LNW
Network Rail
1st Floor
Square One
4 Travis Street
Manchester
M1 2NY

Email: TownPlanningLNW@networkrail.co.uk

Date: 10 February 2017
Our ref: 208227



Wirral Council
Environmental Services
PO Box 290
Brighton Street
Wallasey
CH27 9FQ

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Mr Oates

Birkenhead North Neighbourhood Development Plan - Application to designate neighbourhood area.

Thank you for your letter dated 08/02/2017 notifying Natural England of the above Neighbourhood Planning Area

Natural England does not wish to make comment on the suitability of the proposed plan area or the proposed neighbourhood planning body.

However we would like to take this opportunity to provide you with information sources the neighbourhood planning body may wish to use in developing the plan, and to highlight some of the potential environmental risks and opportunities that neighbourhood plans may present. We have set this out in the annex to this letter.

Natural England's role

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. The local planning authority will be aware and should advise the neighbourhood planning body when Natural England should be consulted further on the neighbourhood plan.

Planning policy for the natural environment

Neighbourhood plans and orders present significant opportunities, but also potential risks, for the natural environment. Proposals should be in line with the National Planning Policy Framework. The key principles are set out in paragraph 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;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

The neighbourhood planning body should also consider the natural environment policies in the area's Local Plan. The neighbourhood plan or order should be consistent with these, and the neighbourhood planning body may decide that the emerging Neighbourhood Plan should provide more detail as to how

some of these policies apply or are interpreted locally.

The attached annex sets out sources of environmental information and some natural environment issues you may wish to consider as the neighbourhood plan or order is developed.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Wirral Council
Forward Planning
PO Box 290
Brighton Street
Wallasey
CH27 9FQ

Our ref: SO/2006/000255/OR-08/PO2-L01

Your ref: ES/FP/BNNA/NA&NF

Date: 22 February 2017

FAO Robert Oates

Dear Sir

**APPLICATION FOR A COMMUNITY-LED NEIGHBOURHOOD PLANNING
FORUM FOR BIRKENHEAD NORTH**

Thank you for consulting us on the above application which was received in this office 9th February 2017.

We have no comments to make with regards to the above application for Birkenhead North Neighbourhood Alliance to be designated as a statutory community-led Neighbourhood Forum.

Yours faithfully

Planning Advisor

Fraser, Andrew S.

From:
Sent: 02 March 2017 11:40
To: Forward Planning
Subject: Birkenhead North Neighbourhood Area

Dear Sir/Madam

Thank you for the consultation on the Birkenhead North Neighbourhood Area, the proposed boundary area of which would not include, or be adjacent to, any of our waterways or land and as such the Canal and River Trust have no comment to make on the proposed designation.

Kind regards

Area Planner North West & North Wales / Cynlluniwr Ardal Gogledd Orllewin a Gogledd Cymru

Canal & River Trust / Glandwr Cymru,
Red Bull Wharf, Congleton Road South, Church Lawton, Stoke-on-Trent, Staffordshire, ST7 3AP

Follow @canalrivertrust from the Canal & River Trust on Twitter

Please visit our [website](#) to find out more about the Canal & River Trust and download our 'Shaping our Future document' on the **About Us** page / Ewch i <http://www.canalrivertrust.org.uk/cymraeg> i ddysgu mwy am Glandŵr Cymru ac i lawrlwytho ein dogfen 'Llunio ein Dyfodol' ar y dudalen **Amdanom ni**.

The Forward Planning Manager
Wirral Council Environmental Services
PO Box 290
Brighton Street
Wallasey
CH27 9FQ

(Representations submitted by email to forwardplanning@wirral.gov.uk)

20th March 2017

Re: Birkenhead North Development Plan – Application for Neighbourhood Area Designation

Dear Sir/Madam

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman's representations on the application made by Birkenhead North Neighbourhood Alliance for the designation of a neighbourhood area, for the purposes of preparing a neighbourhood development plan.

As this is the first formal stage of preparing a neighbourhood plan, Gladman would like to take this opportunity to comment on the Birkenhead North Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging neighbourhood area should have regard.

Gladman wish to participate in the neighbourhood plan's preparation and to be notified of further developments and consultations in this regard. We would also like to offer our assistance in the preparation of the neighbourhood plan and invite the Neighbourhood Alliance to get in touch regarding this.

Legislation

Before a Neighbourhood Plan can proceed to referendum it must be tested against a set of Neighbourhood Plan Basic Conditions, set out in §8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by section 28a of the Planning and Compulsory Purchase Act 2004). The Basic Conditions which the Neighbourhood Plan must be found in compliancy with are as follows:

- a) *Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*

- b) *Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order*
- c) *Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order*
- d) *The making of the neighbourhood plan contributes to the achievement of sustainable development*
- e) *The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- f) *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*

If the Neighbourhood Plan is not developed in accordance with all of the Neighbourhood Plan Basic Conditions as set out above, then there is a real risk that it will fail when it reaches Independent Examination.

High Court Judgments

Woodcock Judgement

The Woodcock High Court judgment demonstrates the implications for progressing a neighbourhood plan where there is no local plan in place nor a five-year housing land supply. In summary, this High Court judgment demonstrates the following key points:

- That §14 and §49 of the Framework in regard to five-year housing land supply and the weight to be given to extant housing land supply policies applies equally to both emerging and 'made' neighbourhood plans as well as other development plan documents otherwise adopted and/or emerging by the local planning authority.
- There is nothing in policy or statute that elevates neighbourhood planning to a level above the wider development plan that enables special consideration.
- Neighbourhood Plans must respect national planning policy and the core planning principles outlined within the Framework.
- Prematurity must be assessed against the whole of the requirements of the PPG. In neighbourhood planning, there is no requirement for qualifying bodies to produce an objective assessment of housing needs.

Crownhall Judgment

On 21st January 2016, Holgate J handed down judgment in R(Crownhall Estates Ltd) v Chichester District Council [2016] EWHC 73 (Admin). This judgment summarises the respective legislation at §12-§28 (further detailed below), and the relevant principles at §29.

This judgment does not however mark the end of policy development, on 11th February 2016, the Secretary of State published a series of updates to the Neighbourhood Planning chapter of the Planning Practice Guidance (PPG). In particular, the PPG now stresses the importance of housing reserve sites and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise to ensure that a neighbourhood plan is not ultimately overridden by the contents of an emerging Local Plan.

It is important to note that the updates to the PPG were drafted following the Crownhall judgment and it is essential that the steering group consider all of the advice and guidance contained in the PPG.

National Planning Policy Framework

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area in which they control.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".

It is clear from the above that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted Development Plan. As highlighted above, on 11th February 2016, the Secretary of State published a series of updates to the PPG for the preparation of neighbourhood plans. This update makes clear that neighbourhood plans should take account of the latest and up-to-date evidence of housing needs. In particular, where a qualifying body is attempting to identify and meet housing needs, a local planning authority should share relevant evidence on housing need gathered to support its own plan making.

Neighbourhood Plans should also provide indicative delivery timetables and consider the allocation of reserve sites to ensure that emerging evidence of housing need is addressed in order to help minimise any potential conflicts where a post Framework Local Plan is yet to be adopted.

A further update to the PPG was published on 19th May 2016. Paragraph 50 of the PPG¹ makes clear that all settlements have a role to play in delivering sustainable development and should avoid blanket policies restricting housing development. Accordingly, the neighbourhood plan should not include policies that would act to arbitrarily preclude the delivery of sustainable development coming forward within the neighbourhood area.

¹ PPG Reference ID 50-001-20160519

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

Adopted Local Plan

The adopted Development Plan relevant to the preparation of the Birkenhead North Neighbourhood Plan consists of the adopted Unitary Development Plan covering the period from 1986 – 2001. This plan was adopted in February 2000 and therefore is out of date against the requirements of the Framework which requires local planning authorities to identify and meet full Objectively Assessed Needs (OAN) for housing. Whilst this is the Development Plan that the Birkenhead North Neighbourhood Plan will be tested against it is important that sufficient flexibility is included within the Plan so that its contents are not superseded by the provisions of s38(5) of the Planning and Compulsory Purchase Act 2004.

Emerging Local Plan

To meet the requirements of the Framework, the Council has commenced work on a new Core Strategy. The Council consulted on the need for additional housing in Wirral and on the Council's assessment of the land that may be available to accommodate this in August 2016. The Council are currently expecting that the submission draft will go out to public consultation in September 2017. As such, given that the Plan is in the early stages of preparation, there remains considerable uncertainty over what level of development that the Birkenhead North area may need to accommodate to assist the Council in meeting its OAN for housing. Accordingly, the Plan will need to ensure that it allows for sufficient flexibility to ensure that it is able to react to changes that may arise through the emerging Local Plan Examination.

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified, by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements.

The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

Should you require any further information about the contents of this response or would like to arrange a meeting with a representative from Gladman then please do not hesitate to contact me.

Yours Faithfully,

Gladman Developments Ltd.

Fraser, Andrew S.

From:
Sent: 22 March 2017 13:20
To: Oates, Robert A.
Subject: FW: APPLICATION FOR A COMMUNITY-LED NEIGHBOURHOOD PLANNING FORUM FOR BIRKENHEAD NORTH
Attachments: BNNA Notification Letter 08 February 2017.pdf

For the attention of Robert Oates

In respect of your notification that a community-led forum for Birkenhead North is being formally proposed, Highways England confirm that this initiative is duly noted.

If you could contact us again when this is further advanced that would be welcomed.

Asset Development Team
Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

Web: <http://www.highways.gov.uk>
GTN: 0300 470 5157
