

1
From The Bromborough Society.

Mr. Andrew Fraser
Forward Planning Manager
P.O. Box 290, Brighton Street,
Wallasey CH27 9FQ

[REDACTED]
Bromborough,
Wirral,
[REDACTED]

July 13, 2018
[REDACTED]

Dear Mr. Fraser,

- re
- a) Application for the Re-Designation of a Community-Led Neighbourhood Planning Forum for Hoylake.
 - b) Application for the Re-Designation of a Community-Led Neighbourhood Planning Forum for Denunshire Park.
 - c) Withdrawal of Designation of Bokerhead and Tranmore Neighbourhood Forum.

Thank you for the above letters; we have no comments to make.

2 Wirral's Green Belt - we understand that a new document will be available after July 23rd, 2018 -

2 and we look forward to receiving notification
of it as soon as possible. We intend to
respond in detail.

Yours sincerely,



(Hon. Archivist, The Bromborough Society)

Oates, Robert A.

From: [REDACTED]
Sent: 16 August 2018 14:09
To: Oates, Robert A.
Subject: RE: APPLICATION FOR RE-DESIGNATION OF A COMMUNITY-LED
NEIGHBOURHOOD PLANNING FORUM FOR DEVONSHIRE PARK

Dear Mr Oates

Thank you for your consultation

The Canal & River Trust do not own or manage any waterways within or adjacent to the neighbourhood plan area and as such we have no comments to make.

Kind regards

[REDACTED]
Area Planner / Cynlluniwr Ardal

M [REDACTED]
E [REDACTED]
W www.canalrivertrust.org.uk

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

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

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

16th August 2018

**Re: Devonshire Park Neighbourhood Development Plan – Application for Neighbourhood Area
Re-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 Devonshire Park Residents Association for the re-designation of the Devonshire Park Neighbourhood Planning Forum, as neighbourhood forum in connection with the Neighbourhood Plan that is in force.

As this is an application for the continuation of its designation as a Neighbourhood Forum, Gladman would like to take this opportunity to comment on the Devonshire Park Neighbourhood Area application to highlight a number of key requirements to which the adopted Devonshire Park Development Plan 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 Parish Council 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 compliance 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 order.

(d) The making of the order contributes to the achievement of sustainable development.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order 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

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.

The Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper.

Paragraph 213 of the revised Framework makes clear that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the revised Framework, and due weight should be given to the policies according to their degree of consistency with the revised Framework. The Parish Council should therefore understand the implications of the changes in the revised Framework for plan making and ensure consistency with the revised Framework moving forward. It is against the previous Framework that this response has been prepared.

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.

¹ PPG Reference ID 50-001-20160519

Adopted Local Plan

The adopted Development Plan relevant to the preparation of the Devonshire Park Neighbourhood Plan consists of the saved policies of the adopted Unitary Development Plan for Wirral (UDPW), saved with a Direction from the Secretary of State in 2007. It must be noted the adopted development plan is now significantly out date in terms of policies relating to housing and economic development following the publication of the National Planning Policy Framework.

Emerging Local Plan

The Council are currently in the process of preparing the Wirral Core Strategy Local Plan and are currently undertaking a 'Development Options Review', with a view to approving a revised Draft Local Plan by July 2019. It is essential that the adopted Devonshire Park Neighbourhood Development Plan remains flexible for it to conform with the strategic policies of the emerging Local Plan.

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.

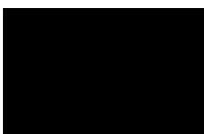
In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood 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. 

Oates, Robert A.

From: [REDACTED]
Sent: 05 July 2018 07:36
To: Forward Planning
Subject: Re: APPLICATION FOR RE-DESIGNATION OF A COMMUNITY-LED
NEIGHBOURHOOD PLANNING FORUM FOR DEVONSHIRE PARK

Good morning

Thank you for consulting Highways England regarding the redesignation of the Neighbourhood Forum and Neighbourhood Area for Devonshire Park. We currently have no comments to make.

Kind regards

[REDACTED]

[REDACTED] Assistant Asset Manager
Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD
Tel: [REDACTED] | Mobile: [REDACTED]
Web: <http://www.highways.gov.uk>

Oates, Robert A.

From: [REDACTED]
Sent: 10 July 2018 10:58
To: Forward Planning
Subject: RESPONSE: Hoylake and Devonshire Park

Dear forward planning manager

Thank you for consulting Historic England on the applications for the re-designation of a community – led neighbourhood planning forum for Hoylake and Devonshire Park. We have no comment to make on these applications.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

Planning Group

Historic England, Canada House, 3 Chepstow Street, Manchester, M1 5FW

Direct Line: [REDACTED]

<https://www.historicengland.org.uk/> | [@HE_NorthWest](#)

How can we transform our historic textile mills into 21st century engines of growth? Read our exciting research findings and find out about our work on our [Mills of the North](#) webpage. #lovemills



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Oates, Robert A.

From: Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 19 July 2018 09:31
To: Oates, Robert A.
Subject: 252099 Devonshire Park NP Forum - Natural England response
Attachments: Devonshire Park Notification Letter July 2018 .pdf

Our ref. 252099

Dear Robert

Thank you for your letter dated 04/07/2018 notifying Natural England regarding the re-designation of a community-led Neighbourhood Planning Forum for Devonshire Park.

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

Yours sincerely


Natural England
Consultation Service
Hornbeam House
Crewe Business Park
Electra Way,
Crewe
Cheshire, CW1 6GJ

Enquiries line: 
Email: consultations@naturalengland.org.uk
www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)
For further information on the Pre-submission Screening Service see [here](#)

Oates, Robert A.

From: TownPlanning LNW <TownPlanningLNW@networkrail.co.uk>
Sent: 06 July 2018 10:38
To: Forward Planning
Subject: Wirral - Devonshire Park Neighbourhood Plan

Wirral - Devonshire Park Neighbourhood Plan

FAO Planning Policy

As you are aware 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).

Network Rail have no comments to make on the neighbourhood plan.

Regards


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

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