

DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Maghull Neighbourhood Plan

- 1.1 I confirm that the Maghull Neighbourhood Plan (MNP), as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. A provisional date has been set for the referendum of 18 December 2018.
- 1.2. I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed

Stuart Barnes

Chief Planning Officer

2. Background

- 2.1 Sefton Council confirms that for the purposes of section 5 (1) the Neighbourhood Planning (General) Regulations 2012 ('the Regulations') of the Parish Council is the "Qualifying Body" for their area.
- 2.2 In April 2014 Maghull Parish Council requested that, in accordance with section 5(1) of the Regulations, the Parish of Maghull with minor exceptions¹ be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan will be prepared.
- 2.3 In accordance with section 6 of the Regulations, Sefton Council placed on their website this application, showing the designated boundary map, for a 6 week period ending on 25 April 2014.
- 2.4 Sefton Council approved the Maghull Neighbourhood Area on 5 February 2015 (Minute 60, Cabinet).
- 2.5 In accordance with Regulation 7 of the Regulations, the decision to designate the Maghull Neighbourhood Area was advertised on the Council website together with the name, area covered and map of the area.
- 2.6 The Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 29 July and 9 October 2018 fulfilling all the obligations set out in Regulation 14 of the Regulations.
- 2.7 The Parish Council submitted their Neighbourhood Plan to Sefton Council on 6 April 2018 in accordance with Regulation 15 of the Regulations.
- 2.8 Sefton Council publicised the submitted Plan and its supporting documents for 6 weeks between 13 June and 30 July 2018 in accordance with Regulation 16 of the Regulations.
- 2.9 Patrick T Whitehead DipTP (Nott) MRTPI of Intelligent Plans and Examinations (IPe) was appointed by Sefton Council to examine the Plan. The Examination took place between August and October 2018, with the Examiner's report being issued on 22 October 2018.
- 2.10 The Examiner concluded he was satisfied that the Maghull Neighbourhood Plan and its supporting documents were capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report, as set out in the table below.
- 2.11 Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a Local Authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the Local Authority is satisfied that, subject to the modifications made, the draft Neighbourhood Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the 'making' (adoption) of the Plan by the Local Authority. If the Local Authority is not satisfied that the plan meets the basic conditions and legal

¹ A small area within the Ashworth complex located in Maghull parish was 'exchanged' for the area immediately to the southwest of junction 1 on the M58 located in Melling parish for Neighbourhood Planning purposes.

requirements then it must refuse the proposal. Should a referendum take place, a majority of residents who turn out to vote must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.

- 2.12 Once the Maghull Neighbourhood Plan is 'made' (adopted) by Sefton Council, it becomes part of the Development Plan for the area. Planning applications have to be decided in line with documents in the Development Plan unless there is a very good reason not to do so.
- 2.13 The Basic Conditions are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. They set out the Neighbourhood Plan must:
1. Have regard to national policy and guidance issued by the Secretary of State;
 2. Contribute to the achievement of sustainable development;
 3. Be in general conformity with the strategic policies contained in the development plan for the area;
 4. Be compatible with and not breach, European Union (EU) obligations; and
 5. Meet prescribed conditions and comply with prescribed matters.
- 2.14 Regulation 32 of the Regulations prescribes a further Basic Condition that requires a Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.

3 Examiner's Recommendations and Local Authority's Response (Regulation 18(1))

Examiner's Recommendation (incl. page and para no. in his report)	Page no. in submission draft MNP	Sefton Council Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version MNP
Maghull Vision and Objectives (p11, para 4.9)			
<p>Historic England has suggested that, given the MNP mentions heritage and includes Policy MAG3 relating to the Maghull Local List, the Vision and Objectives should include an appropriate reference. There is wisdom in the suggestion and the Town Council has responded with a bullet point on heritage assets and Local Character Areas as a fourth objective. Although this is not a necessary amendment to meet the Basic Conditions, it is an appropriate objective to include a link to and basis for Policy MAG3. However, the argument for including an objective to protect and enhance the distinctive characteristics of the Local Character Areas is not convincing since the characteristics are broadly defined and lack the precision for effective protection. I have included an amended text at proposed Modification PM1.</p>	<p>Section 4, p24</p>	<p>Modification PM1 agreed.</p> <p>The re-drafted policy accords with the modification requested by the Examiner. The modification provides an appropriate link to and basis for policy MAG3. This is not deemed to be a Basic Conditions matter.</p>	<p>A new fourth bullet point has been inserted into the Maghull Vision and Objectives:</p> <ul style="list-style-type: none"> • <u>Protect and enhance the heritage assets of Maghull.</u>

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Policy MAG1: List of Infrastructure Projects (p13, paras 4.17-4.20)			
<p>The first issue with Policy MAG1 is the intention to seek contributions over and above that necessary, which is in clear contradiction to the tests in the 2010 Regulations and so cannot form part of the Policy statement. The second, and equally important, issue is that the six proposals forming the list of priorities amount to community aspirations rather than requirements necessary to make proposals acceptable in planning terms. The projects are, in addition, not directly related to the development proposals.</p> <p>Consistency between Policy MAG1 and the NPPF has also been raised as a matter of concern in the Regulation 16 representations.</p> <p>The list of projects to which the community aspires cannot form part of the policy statement and should be identified separately in the Appendix.</p> <p>I In order for the Policy to remain in the MNP it is necessary to remove</p>	Section 5, p25	<p>Modification PM2 agreed.</p> <p>The re-drafted policy and other changes accord with the modification requested by the Examiner. The modification provides an appropriate link to and basis for policy MAG1 and the funding priorities are listed separately in Appendix 6, in order of priority. As such, the amended policy meets the Basic Conditions test.</p>	<p>Amend the Policy Title and replace the Policy text with the following:</p> <p><u>“List of Priorities for funding Infrastructure Projects</u> <u>“The Town Council will work with Sefton Council, developers, community groups and other organisations to find ways to secure the delivery of the infrastructure priorities for Maghull, including through appropriate funding mechanisms.”</u></p> <p>Provide additional text to the first sentence of paragraph 5.2.3 as follows:</p> <p><u>“In addition, potential funding may come from Section 106 contributions from developers, subject to viability considerations.”</u></p> <p>Delete paragraph 5.2.4 and replace with:</p> <p><u>“The Town Council’s priorities for infrastructure provision and improvement during the Plan period are listed in Appendix 6 in order of importance. These are the projects that the Town Council consider necessary to accommodate both the requirements of the existing population and those arising from new developments”.</u></p> <p>The projects identified in Appendix 6 should be listed in priority order of importance.</p>

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<p>references to the list of infrastructure projects, necessitating a change of title, and to provide an amended first paragraph concentrating on securing funding. The Town Council has suggested an alternative form of wording which provides the basis for proposed modification PM2.</p>			

Examiner's Recommendation (incl. page and para no. in his report)	Page no. in submission draft MNP	Sefton Council Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version MNP
Policy MAG2: Regeneration of Maghull District Centre (p14, para 4.22)			
<p>The regeneration and re-use of vacant sites would be aided by the preparation of a regeneration plan and, clearly, the Town Council representing the local community is ideally placed to identify opportunities for redevelopment and prepare an appropriate plan. The problem, identified by Sefton Council², is that it would be difficult for the Town Council to implement the plan since it is Sefton Council, as the local planning authority (LPA), which would determine any planning applications. As a consequence, whilst in general terms the Policy would be in general conformity with the strategic policies ED6 and ED2, it would be necessary to ensure detailed proposals are worked up in co-ordination with the LPA, responsible for their implementation. This, in turn, requires amendments to the wording of Policy MAG2. Provided the amendments contained in proposed modification PM3 are incorporated, the Policy meets the Basic Conditions, notably in respect of ensuring the vitality of the centre in line with the NPPF, paragraph 23, and being in general conformity with the SLP.</p>	Section 5, p27	<p>Modification PM3 agreed.</p> <p>The re-drafted policy accords with the modification requested by the Examiner. The modification ensures collaboration with Sefton Council and other stakeholders. As such, the amended policy meets the Basic Conditions test.</p>	<p>Policy MAG2</p> <p>Amend the Policy to read as follows:</p> <p>“In the Maghull Centre, as defined on the <u>Proposals Map</u>, the Town Council will prepare a District Centre Regeneration Plan <u>in collaboration with Sefton Council</u>, and in consultation with stakeholders including landowners, shop keepers, residents, <u>and the NHS and Sefton MBC</u>. Once the Regeneration Plan is agreed the Town Council will co-ordinate its implementation. <u>Subsequent provide a basis for the consideration of any proposals for new developments and all planning applications within the Centre /permissions must adhere to and be in conformity with the terms of the Regeneration Plan.</u>”</p>

² Response by Sefton Council, *ibid*, paragraph 2.

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Policy MAG3: Maghull Local List (p15 paras 4.25, 4.26)			
<p>Historic England (HE) supports inclusion of the Policy. However, the text of the Policy could be clarified, particularly by including reference to the significance of the property in criterion (a). It is also true that the supporting text would benefit from some amendments to clarify the status of the list. However, the suggestion that the requirement for a Design and Access Statement (DAS) should be incorporated in the Policy text would be too onerous and, in any event, the property owners have not been consulted on its inclusion. Nonetheless, paragraph 5.4.2 could be amended to encourage the use of a DAS in support of applications for planning permission.</p> <p>The Town Council has suggested some amendments to the supporting text in response to the Regulation 16 comments. Where appropriate I have incorporated these into amendments to the Policy and its supporting text as shown in proposed modification PM4.</p>	Section 5, p28	<p>Modification PM4 agreed.</p> <p>The re-drafted policy and other changes accord with the modification requested by the Examiner. The modification provides an appropriate link to and basis for policy MAG3. As such, the amended policy meets the Basic Conditions test.</p>	<p>Policy MAG3 has been amended as follows:</p> <p><i>“a) Extensions or alterations requiring planning permission to any property named on the Maghull Local List should <u>take into account the significance of the asset including, where appropriate, be designed sympathetically and not detract from the appearance of the property.</u></i></p> <p><i>b) Proposals within the setting of a property on the Maghull Local List must <u>should demonstrate that they have taken account of its the significance of the asset.</u></i></p> <p>The final part of paragraph 5.4.1 has been amended as follows:</p> <p><i>“The Neighbourhood Plan supports the creation of Town Council has produced a list of such properties in Maghull, to be known as the Maghull Local List. <u>In a separate exercise owners of properties on the Maghull Local List have been consulted and their responses addressed.</u> The Neighbourhood Plan proposes a policy that deals with development that affects property included in the list <u>and that recognises the significance of these properties.</u></i></p> <p>Paragraph 5.4.2 has been amended as follows:</p> <p><i>“Development of property on the Maghull List must demonstrate in <u>Where appropriate, developers are encouraged to submit a Design and Access Statement in support of any planning application relating to a property on the Maghull Local List to demonstrate</u> how it has addressed the Policy MAG3 requirements.”</i></p>

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		<p>Paragraph 5.4.3 has been amended as follows:</p> <p>“Currently there are only 7 properties on the Maghull Local List includes the following properties and this list will be kept under review:</p> <ul style="list-style-type: none">• <u>High Pastures;</u>• <u>Frank Hornby’s House;</u>• <u>158 Liverpool Road South;</u>• <u>160 Liverpool Road South;</u>• <u>Kensington House;</u>• <u>King George V Playing Field Gates;</u>• <u>St Andrew’s Parish Hall;</u> <p><u>The properties are described and their significance assessed in chapter 5 of the Residential Character Assessment and their locations shown on the map at Appendix 4 of the Plan. The Town Council will keep the list under review. Owners of properties on the Maghull List have been consulted and their responses addressed.”</u></p> <p>Paragraph 5.4.4 should be amended as follows:</p> <p>“This policy will help preserve and where possible enhance these distinctive features of properties in Maghull which themselves contribute to an the excellent quality of the <u>town life.</u>”</p>
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Examiner's Recommendation (incl. page and para no. in his report)	Page no. in submission draft MNP	Sefton Council Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version MNP
Policy MAG4 – Character Areas (p16 paras 4.28, 4.29)			
<p>The Policy, as drafted, lacks precision. It should be clear that the Policy refers to the <i>Residential</i> Character Areas, rather than just Character Areas or <i>Local</i> Character Areas to clearly show it is based on the Residential Character Assessment document. It should also be clear that the evaluation of development proposals in design terms will be based on characteristics identified in the Residential Character Assessment. Some amendments have been proposed which go some way to answering the criticism by improving and strengthening the Policy. However, a suggestion for the inclusion in the Policy of a requirement for the submission of a Design and Access Statement for all applications would be too onerous. It would also be contrary to the advice in the NPPF, paragraph 193, that the information requirements for planning applications “..should be proportionate to the nature and scale of development proposals..”. Accordingly, I have indicated that</p>	Section 5, p31	<p>Modification PM5 agreed.</p> <p>The re-drafted policy and other changes accord with the modification requested by the Examiner. The modification provides appropriate clarification that it applies to residential areas and that DAS cannot be required in all circumstances. As such, the amended policy meets the Basic Conditions test.</p>	<p>The Policy has been amended as follows: “Policy MAG4: <u>Residential</u> Character Areas”</p> <p>“Development proposals will be supported that respects the distinctive characteristics of the Character Area in which they are located, as defined in the Maghull Residential Character Assessment document, in terms of type of development, scale, design, open space provision and general layout, and which enhance improves but does not detract from its their surroundings in the Local Character Areas in which it is located, will be supported.”</p> <p>The following sentence at the end of paragraph 5.5.15: “Where appropriate, developers are encouraged to submit a Design and Access Statement in support of development proposals to demonstrate how the requirements of Policy MAG4 have been addressed”.</p>

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<p>developers could be encouraged to use DAS where appropriate by additional supporting text at paragraph 5.5.15.</p> <p>The suggested textual amendments do, however, form a useful basis for providing a more precisely worded Policy. I have adapted the suggestions for incorporation in proposed modification PM5.</p>			

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MAG5: Green corridors (p17 paras 4.31 - 4.33)			
<p>The Policies Map (Appendix 2) identifies a single existing Green Corridor – the A59 – and a single new Green Corridor linking from the centre of the proposed new development East of Maghull to the railway line east of the existing built-up area. The 'network' appears incomplete for the following reasons:</p> <ul style="list-style-type: none"> • The Policies Map omits identified Green Corridors shown on a map of Green Corridors provided on the Town Council's own website under the general heading 'Neighbourhood Plan Evidence', including one along the main railway line and another within the proposed development site east of Maghull; • There appears to be a significant omission from the network in the Leeds and Liverpool Canal which runs across the town following a roughly north-west to south-east route. From my visit, the towpath provides an attractive green walking and cycling route and, as is usual for towpaths, the potential for a wildlife 	Section 5, p34	<p>Modification PM6 agreed.</p> <p>The re-drafted policy and other changes accord with the modification requested by the Examiner. The addition to the policies map corrects an omission. The recommendation to include the Leeds and Liverpool Canal on the policies map at a future review of the MNP is noted. As such, the amended policy meets the Basic Conditions test.</p>	<p>Amend the Policy to read as follows:</p> <p><i>"MAG5: Green Corridors"</i></p> <p><u>"Development proposals will not be permitted in areas identified as supported where they would have a significant adverse impact on Green Corridors which would prejudice their open character, visual amenity and purpose of Green Corridors identified on the Proposals Map."</u></p> <p>The first sentence of paragraph 5.6.1 should be amended as follows:</p> <p>"The Town Council has identified proposes a network of Green Corridors (shown on the Proposals Map) which provide natural buffers within the built-up fabric of Maghull".</p> <p>The first sentence of paragraph 5.6.2 should be amended as follows:</p> <p>"It is important that the Green Corridors as identified on the Proposals Map and...."</p>

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<p>corridor. These attributes are referred to in the MNP, notably under the heading Natural Environment at paragraphs 2.9.1 and 2.9.4 - 6. The Plan also refers to the Canal as being “..a truly green corridor through the town and beyond” (paragraph 3.4.4), and the use of the towpath by commuters to the train station and by recreational users is also noted at paragraph 3.4.1.</p> <p>4.32 The Policies Map should be amended, where necessary, to include omitted routes from the Plan evidence. However, the Leeds and Liverpool Canal route cannot be included without further consultation and it may be more appropriate to give further consideration to its inclusion at a future review of the MNP.</p> <p>4.33 A second concern is the effectiveness of the Policy. It refers to development not being permitted in areas identified as Green Corridors, but shows the corridors only as linear features on the Proposals Map. As a consequence, it would not be possible to determine whether a proposed</p>			

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development would be located within the areas identified. I have provided a suggestion for amendments to the Policy text to provide a clear basis for considering proposals.			

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MAG6: Land East of Maghull Master Plan (p18 paras 4.36 - 4.33)			
<p>Parts of the Policy lack clarity and there are a number of inconsistencies with the SLP and SPD Development Framework which should be addressed through amendments to the text. In detail, these are:</p> <ul style="list-style-type: none"> • For consistency with the SLP and SPD, the term 'Master Plan' rather than 'Masterplan' should be used throughout the Policy and the supporting text; • reference to the delivery of 'off-site' infrastructure should be omitted from MAG6 to avoid confusion with the purpose and content of Policy MAG1, and to ensure consistency of approach with the SLP and SPD; • the text of sub paragraph (b) should be amended to exclude reference to phased delivery of development for reasons of consistency and, for clarity, the reference to 'character' should be qualified as 'residential character'; <p>Continued ...</p>	<p>Section 5, p35</p>	<p>Modification PM7 agreed.</p> <p>The re-drafted policy and other changes accord with the modification requested by the Examiner. The modification provides appropriate clarity and consistency with other parts of MNP and references to the Local Plan, the LEM SPD and the Master Plan. As such, the amended policy meets the Basic Conditions test.</p>	<p>The policy title has been amended to:</p> <p><u>"MAG6: Land East of Maghull Masterplan- Plan"</u></p> <p>The 1st sentence of policy MAG6 has been amended as follows:</p> <p><u>"The agreed Masterplan Plan for the Land East of Maghull, to be submitted and approved before prior to submission of the first planning applications have been approved, should include not only the distribution of proposed land-uses and layouts, but also and a framework for infrastructure delivery, phasing and a programme of implementation for the delivery of essential ,both on-and-off-site-infrastructure(where possible)."</u></p> <p>Sub-paragraph b) has been amended as follows:</p> <p><u>"b) in the phased delivery of the development should include design each phase clearly defined residential areas, each with its own and so that it has a distinctive built character areas of its own."</u></p> <p>Continued ...</p>

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<ul style="list-style-type: none"> • the existence of the SPD document should be acknowledged in paragraph 5.7.1; • reference to off-site infrastructure should be deleted from paragraph 5.7.2; • the fourth bullet point in paragraph 5.7.4 should be deleted. The Town Council's views regarding the location of the local centre within the new development are at odds with the locational requirement contained in Policy LEM8 of the Development Framework SPD. The SPD provides justification for the location chosen and has been subject to public consultation so the MNP reflects the requirement; and • The fifth bullet point in paragraph 5.7.4 would benefit from amendments to the text to ensure all necessary infrastructure is provided as required. Sefton Council has suggested an alternative form of words which address the issue of consistency. <p>The amendments listed above have been included in proposed modification PM7.</p>			<p>Paragraph 5.7.1 has been amended by the addition of the following sentence:</p> <p><u>“Sefton Council has also adopted, September 2017, a Supplementary Planning Document (SPD) for the land East of Maghull which provides further detailed policies and guidance regarding the expectations for the site, including the need for a comprehensive Master Plan.”</u></p> <p>In paragraph 5.7.2 “, both on and off site,” has been deleted in the second sentence, and “(both on and off site)” has been deleted in the final paragraph.</p> <p>In paragraph 5.7.4 the fourth bullet point has been deleted in its entirety, and the fifth bullet replaced as follows:</p> <p><u>“to ensure the phasing and infrastructure for the Business Park is provided strictly in accordance with the requirements of Sefton Local Plan Policy MN3, the Land East of Maghull SPD and the agreed Master Plan for the site.”</u></p>

Assessment of the Neighbourhood Plan in achieving sustainable development objectives as required by the National Planning Policy Framework

Objective	Contribution made by Maghull Neighbourhood Plan
Economic	<p>The Plan seeks to support the local economy through the regeneration of Maghull District Centre; securing the delivery of infrastructure priorities and supporting the creation of a Business Park on the Land East of Maghull site. There is one existing employment site and existing businesses will be supported through the protection and enhancement of the character of Maghull.</p> <p>If implemented these policies will have a positive impact on the local economy helping to safeguard jobs and local services.</p>
Social	<p>The Plan promotes the protection and enhancement of existing facilities to support the well being of residents; supports the creation of a new housing and other facilities on the Land East of Maghull site; protects and enhances existing and promotes new Green Corridors particularly to support recreational amenity and walking and cycling routes.</p> <p>Policies seek to create a strong sense of place through promotion of high standards of design and layout and the recognition of locally important properties on The Maghull Local List.</p> <p>If implemented these policies will help promote and support a strong, vibrant and healthy community.</p>
Environmental	<p>The Plan has policies to safeguard the existing residential character areas; preserve and enhance the local historic environment and preserve and enhance Green Corridors for future generations. It supports the creation of a new public park on the Land East of Maghull site.</p> <p>If implemented these policies will have a positive impact on the environmental sustainability of the plan.</p>

3. Conclusion

3.1 Sefton Council concurs with the view of the Examiner that:

- Subject to the policy modifications above, the Maghull Neighbourhood Plan meets the Basic Conditions and other relevant legal requirements set out in paragraph 2.12 above;
- That, once modified the Plan proceeds to referendum;
- The boundary for the referendum area should be the boundary of the designated Neighbourhood Plan area.

4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))

This Decision Statement and the Examiners Report can be inspected online at:

www.sefton.gov.uk/neighbourhoodplanning

A paper copy is available at:

Sefton Council Offices,
Magdalen House,
30 Trinity Road,
Bootle, L30 3NJ

Please ring 0151 934 3898 if this is required.