



**Intelligent Plans**  
and examinations

# **Report on Maghull Neighbourhood Plan 2017 - 2037**

**An Examination undertaken for Sefton Council with the support of the Maghull Town Council on the November 2017 submission version of the Plan.**

Independent Examiner: Patrick T Whitehead DipTP (Nott), MRTPI

Date of Report: 22 October 2018

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

## Contents

	Page
<b>Main Findings - Executive Summary</b>	3
<b>1. Introduction and Background</b>	3
• Maghull Neighbourhood Plan 2017 – 2037	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
<b>2. Approach to the Examination</b>	6
• Planning Policy Context	6
• Submitted Documents	6
• Site Visit	7
• Written Representations with or without or Public Hearing	7
• Modifications	7
<b>3. Procedural Compliance and Human Rights</b>	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	8
• Excluded Development	8
• Human Rights	9
<b>4. Compliance with the Basic Conditions</b>	9
• EU Obligations	9
• Main Issues	9
• Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted local planning policies	10
• Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services	12
• Other Matters	19
<b>5. Conclusions</b>	20
• Summary	20
• The Referendum and its Area	20
• Overview	21
<b>Appendix: Modifications</b>	22

## **Main Findings - Executive Summary**

From my examination of the Maghull Neighbourhood Plan (the Plan/MNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Maghull Town Council;
- The Plan has been prepared for an area properly designated – the Maghull Neighbourhood Area shown on the map at Appendix 1 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2017 - 2037; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### ***Maghull Neighbourhood Plan 2017-2037***

1.1 Maghull is around 14km (8m) north of Liverpool city centre, 19km (12m) south of Southport and 22km (14m) west of Wigan. Nearby settlements include Lydiate, Aintree, Netherton and Sefton Village. The Green Belt separates Maghull from Liverpool and also provides separation between the smaller settlements such as Kirkby and Ormskirk. From its origins as an agricultural settlement with a population of 50 according to the Domesday Survey, Maghull has grown to a present population of some 20,000 with a great deal of expansion taking place in the 1960s and 70s. The town is well served by bus routes and by rail, with the existing station to be supplemented by a new one – Maghull North - being built within the Poppyfields development.<sup>1</sup> In addition to the town centre, there are a number of shopping parades, and Maghull is served by 3 secondary schools, 8 primary schools and 4 medical practices and a Community Police Station. It also has a leisure centre with a swimming pool.

---

<sup>1</sup> Maghull North Station opened on 18 June 2018.

- 1.2 Maghull Town Council conducted a large survey of households in 2013 to gauge residents' views on Sefton's proposed local plan which proposed that land east of Maghull should accommodate some 1,400 new dwellings. There was a large response with a significant number of residents expressing serious concerns over inadequate infrastructure, the drainage system, increased congestion and health and community facilities. Further concerns were expressed about loss of agricultural land and Green Belt. As a consequence, the Town Council decided in December 2013 that it should start work on a Neighbourhood Plan and a request for designated status for a Neighbourhood Plan Area was submitted in January 2014. A Steering Group was set up meeting for the first time in March 2014. Issues for action were identified through engagement with the local community using consultation events, with the Regulation 14 consultation taking place in the summer of 2017.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Maghull Neighbourhood Plan by Sefton Council, with the agreement of the Maghull Town Council.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

*The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the 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.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Sefton Council, not including documents relating to excluded minerals and waste development, is the adopted Sefton Local Plan (SLP), April 2017 which covers the plan period 2012 - 2030.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published during this examination on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans, 'submission' in this context means where a qualifying body submits a plan to the local planning authority (LPA) under Regulation 15 of the 2012 Regulations. The Maghull Neighbourhood Plan was submitted to Sefton Council in June 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Maghull Neighbourhood Plan 2017-2037, November 2017;
  - Map, Appendix 1 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, November 2017;
  - the Basic Conditions Statement, November 2017;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment Screening Opinion prepared by Sefton Council; and

- responses to my questions set out in the annex to my letter of 17 August 2018 and my further questions dated 28 August 2018<sup>2</sup>.

#### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 21 August 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

#### *Written Representations with or without or Public Hearing*

- 2.5 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

#### *Modifications*

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The MNP has been prepared and submitted for examination by Maghull Town Council which is a qualifying body for an area that was designated by Sefton Borough Council on 5 February 2015.
- 3.2 It is the only neighbourhood plan for the Maghull Neighbourhood Plan Area, and does not relate to land outside the designated Neighbourhood Plan Area. The Strategic Mixed Use Allocation (SMUA) identified as Land East of Maghull in Policy MAG6 supports the allocation of the site through Policy MN3 of the adopted Sefton Local Plan. A small part of this allocation lies in the neighbouring Parish of Melling and, as a consequence a small area of Melling Parish has been included in the Neighbourhood Plan Area, whilst a small part of Maghull Parish has been included in the Melling Neighbourhood Plan Area. The 'land swap' was subject to a six

---

<sup>2</sup> View at: <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/neighbourhood-planning.aspx>

weeks consultation following which the Neighbourhood Plan Area was formally designated.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2037.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The preparation of the MNP was delegated by the Town Council to the Neighbourhood Plan Steering Group. A consultation process was instigated with the aim of involving as much of the community as possible so that the Plan was informed by the views of local people and other stakeholders from the start of the process. This ensured that the consultation events took place at critical points during the process and that the results of the consultation were fed back in an appropriate manner to local people during the four years of the preparation process.
- 3.5 The consultation process is documented in detail in the Consultation Statement (November 2017) which provides information regarding those consulted, how they were consulted, the main issues and concerns raised, and how they were addressed in the proposed MNP. The process included a survey of households in 2013, followed by the distribution of a leaflet to 8,000 households in 2014 and a consultation event at Maghullfest in the summer of 2014. The statutory Regulation 14 consultation was undertaken from 29 July to 26 September, and then extended to 9 October 2017. Twenty representations were received, detailed in the Consultation Statement along with the Town Council's responses. Following submission of the Plan for examination on 6 April 2018, the Regulation 16 consultation took place between 13 June and 30 July 2018, with 16 responses.
- 3.6 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan, having regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

#### *Development and Use of Land*

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.8 The Plan does not include provisions and policies for 'excluded development'.



## *Human Rights*

- 3.9 Sefton Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Sefton Council, which found that it was unnecessary to undertake SEA. Having read the SEA Screening Opinion, I support this conclusion.
- 4.2 Maghull Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The Neighbourhood Plan will have no additional impacts compared to its parent policy MN2 in the adopted Sefton Local Plan. In effect, the HRA of the Local Plan accepted that for the Maghull site allocations, HRA issues could be devolved to the planning application stage. Natural England agreed with this conclusion, indicating that the proposals contained within the Plan will not have significant effects on sensitive sites that it has a statutory duty to protect. From my independent assessment of this matter, I have no reason to disagree.

### *Main Issues*

- 4.3 Having regard for the Maghull Neighbourhood Plan, the consultation responses and other evidence, including the site visit, I consider that there are 2 main issues relating to the Basic Conditions for this examination. These are:

*Issue 1: - General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted local planning policies; and*

*Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous having regard to advice in the PPG that the neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when

determining planning applications. It should be concise, precise and supported by appropriate evidence<sup>3</sup>.

Issue 1: - *General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted local planning policies.*

- 4.5 The level of housing provision for Maghull in the adopted SLP formed part of a housing strategy developed by Sefton Council as a consequence of:
- a: Sefton being unable to meet its housing and employment needs without encroaching on Green Belt land; and
  - b: adjacent authorities indicating that they would be unable to accommodate Sefton's housing need in their areas<sup>4</sup>.
- 4.6 On the basis of this Sefton, Knowsley and West Lancashire Councils undertook a joint review of the Green Belt in their areas, with the area east of Maghull being identified as a suitable site for a SMUA.
- 4.7 The adopted SLP considered 3 levels of development, with the Council's preference being Option Two which comprised 510 dwellings a year (plus a 'backlog' for unmet housing needs). The overall figure arrived at was around 594 dwellings a year, resulting in a total requirement over the SLP period (i.e. up to 2030) of 10,700 dwellings. The actual total amount of development proposed is for around 11,500 dwellings representing the full objectively assessed need for Sefton. In relation to employment, new business parks were proposed in central Sefton to serve both the north and south of the Borough. For Maghull, Policy MN3 proposed a SMUA on land east of Maghull in response to Maghull/Lydiat being identified as having amongst the highest need for affordable housing, and the ability of the site to viably provide the 30% affordable housing required by Policy HC1. It is the largest development site proposed in the SLP, providing for a minimum of 1,400 dwellings, a 20ha business park, small scale retail and commercial development and a new 'main park'.
- 4.8 The decision to prepare a neighbourhood plan resulted from the proposal for the SMUA in the SLP. The community and the Town Council have accepted the allocation, although the level of additional housing clearly significantly exceeds the identified need for Maghull, so no further allocations are made in the MNP<sup>5</sup>. However, the Town Council has determined that there are a number of key issues which would need to be addressed consequent upon the impact of the development of the SMUA, together with further nearby proposals (SLP Policies MN2.28 and 2.29)

---

<sup>3</sup> PPG Reference ID: 41-041-20140306.

<sup>4</sup> Sefton Local Plan, paragraph 1.17.

<sup>5</sup> Maghull Neighbourhood Plan, paragraph 3.5.5.

totalling over 300 dwellings located in Lydiate Parish. The issues include infrastructure provision, impact on Maghull Centre, healthcare provision, protection of greenspace and housing – notably the need for affordable housing. Each of these key issues are analysed in depth in Chapter 3 of the Plan.

- 4.9 The Plan sets out a clear vision for Maghull (Chapter 4) underpinned by a set of six core objectives. These aim to make a positive contribution to sustainable growth which is economically, environmentally and socially viable. 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**.
- 4.10 In broad terms the Plan provides six policies which are largely land-use based and provide guidance on funding for infrastructure projects (MAG1), the regeneration of the District Centre (MAG2), protecting and enhancing local heritage assets (MAG3), the definition of character areas (MAG4), the definition of Green Corridors (MAG5) and the Master Plan for development of the Land East of Maghull (MAG6).

*Regard to National Policy and Guidance (including Sustainable Development)*

- 4.11 There is no specific mention of the national policy in the NPPF within the Plan, although the Basic Conditions Statement indicates that it has been prepared with regard to national policies and is mindful of the guidance in the PPG. In particular, the Plan identifies a set of core objectives that aim to make a positive contribution to sustainable growth which is economically, environmentally and socially viable. As a result, I am satisfied that the Plan does make a contribution to the achievement of the economic, social and environmental aspects of sustainable development in line with the core objectives referred to above.
- 4.12 In all of these matters, subject to the detailed comments and modifications I recommend in relation to individual policies and proposals, I am satisfied that the Plan has had regard to national policies and advice to meet the Basic Conditions.

## *General Conformity with Strategic Policies in the Development Plan*

4.13 The starting point for the preparation of the MNP was a Residents Survey linked to the early stages of the SLP, and the proposal to locate a significant amount of housing development in Maghull to meet the overall housing need for the Borough. The MNP accepts the allocation and seeks to ameliorate the impact of the proposals on the town. It is to this end that the policies set out in the Plan are aimed. As a consequence, those policies are designed with the intention to achieve general conformity with the strategic policies in the SLP. This has been a difficult task and problematic issues of general conformity remained in the submission draft Plan. However, the MNP has sought to take account of the policies in the adopted SLP and the general intent remains to achieve general conformity. Subject to the detailed comments and modifications proposed for individual policies in the analysis of Issue 2, the MNP is in general conformity with the strategic policies of the development plan for the area and so meets the Basic Conditions.

Issue 2: - *The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.*

4.14 There are a total of six policies contributing towards the achievement of the Plan's Vision and Objectives, which will now be considered against the Basic Conditions.

### *Policy MAG1 – List of Infrastructure Projects*

4.15 The Town Council has identified a list of infrastructure projects it would wish to see attract funding so that the town can develop in a managed way. It has also prioritised these in order of importance and they are listed in Appendix 6 to the Plan. Policy MAG1 indicates an intention to seek contributions to the infrastructure provision and improvements "*..over and above that necessary to make developments acceptable..*", subject to viability. The Basic Conditions Statement (BCS), Section 4, suggests this meets a number of NPPF aims, for example promoting sustainable travel and healthy communities. Section 5 of the BCS indicates a belief that it is also in conformity with a number of policies within the SLP.

4.16 Legal and policy tests for when a Section106 (s106) obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) ('the 2010 Regulations'), and in the NPPF at paragraph 204. Essentially, an obligation should only be sought where it is necessary to make the

development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The SLP includes Policy IN1 concerning infrastructure and developer contributions, sub-paragraph 3 of which indicates that "*where appropriate, contributions will be sought to enhance and provide infrastructure to support new developments*" including through the use of planning obligations. Advice on the limitations of planning obligations is provided at paragraph 9.8 of the SLP.

- 4.17 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.
- 4.18 Community aspirations may be identified in a neighbourhood plan, but must be clearly and separately identified from matters relating to development and land use<sup>6</sup>. They cannot form part of a policy requirement. For these reasons, as drafted, Policy MAG1 cannot be included in the MNP.
- 4.19 Sefton Council made the Town Council aware that Policy MAG1 went beyond reasonable planning requirements, and that the list of projects were community aspirations rather than requirements to make the developments acceptable in planning terms<sup>7</sup>. Consistency between Policy MAG1 and the NPPF had also been raised as a matter of concern in the Regulation 16 representations. In response, the Town Council has proposed amendments to the wording of the Policy<sup>8</sup>. However, whilst the amendments delete the reference to contributions over and above that necessary, it retains the list of priority projects.
- 4.20 There is no reason why the Town Council should not identify a list of projects to which the community aspires, nor is there any reason why the list should not identify priorities should funding, from whatever source, become available. However, that list cannot form part of the Policy statement and should be identified separately in the Appendix. There is also no reason why the Town Council should not declare an intention to seek funding for those projects from whatever source may be available, including from developers through s106 obligations, where these can be

---

<sup>6</sup> PPG Reference ID: 41-004-20140306.

<sup>7</sup> Response by Sefton Council to the Examiner's further questions, 28 August 2018.

<sup>8</sup> Response by Maghull Town Council to the Examiner's further questions, 13 September 2018.

justified in the terms set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. As drafted Policy MAG1 is neither in general conformity with strategic policies in the SLP (particularly Policy IN1 concerning Infrastructure and Developer Contributions), nor does it have regard for Government advice in the NPPF, paragraph 204. In order for the Policy to remain in the MNP it is necessary to remove 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**. The amended Policy meets the Basic Conditions.

#### *Policy MAG2 – Regeneration of Maghull District Centre*

- 4.21 The Town Council has determined the need for a comprehensive approach to the regeneration of Maghull District Centre. In this respect, it follows the lead given by the SLP, Policy ED6 – Regeneration Areas, which identifies Maghull as a priority for regeneration with a focus on the provision of “...modern, high quality town centre floorspace, consistent with Policy ED2”. This latter Policy provides a hierarchy of centres and identifies development appropriate to the role and function of the centre. Maghull is one of four centres identified as priorities for regeneration, but only two – Southport and Crosby - are subject to more detailed policies within the Plan. The SLP also indicates, paragraph 7.48, that the regeneration areas contain vacant and under-used brownfield land, the re-use and redevelopment of which is central to the regeneration of the areas.
- 4.22 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 Council<sup>9</sup>, 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.

---

<sup>9</sup> Response by Sefton Council, *ibid*, paragraph 2.

### *Policy MAG3 – Maghull Local List*

- 4.23 The SLP, Policy NH9, aims to protect Sefton’s heritage assets and, in addition, Sefton Council intends to develop a ‘local list’ of heritage assets enabling local heritage to be more readily identified and conserved (paragraph 11.104). In support of the Policy, the Town Council has identified a number of properties which make a contribution to the quality of the town, creating a local list of 7 properties, which it intends should be kept under review. MNP Policy MAG3 proposes that alterations to these properties should be designed sympathetically and those within the setting of a property on the list should take account of its significance.
- 4.24 The Town Council has taken a somewhat narrow approach to the identification of buildings to incorporate within the list – using only the criterion of ‘particular architectural worth’<sup>10</sup> – although for individual buildings the listing does refer to some historical context. Nevertheless, the list does identify buildings of local importance and forms the basis for a more consistent and accountable way of identifying local heritage assets and ensuring they are taken into account in any development proposals.
- 4.25 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.
- 4.26 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**. With the proposed modifications, the Policy meets the Basic Conditions.

### *Policy MAG4 – Character Areas*

- 4.27 The Town Council has developed a Local Character Assessment identifying design strengths and weaknesses of the built and green environments based on residents’ and MNP surveys and public consultation. Eleven residential character areas are defined, forming the basis for Policy MAG4

---

<sup>10</sup> Residential Character Assessment, November 2017, paragraph 5.1.

which supports development proposals which respect the area characteristics defined for each Residential Character Area. The Policy provides a useful basis on which to make a general assessment of the design characteristics of development proposals and has the support of Historic England. In general, it follows advice in the NPPF, including paragraph 60 which indicates that it is "*..proper to seek to promote or reinforce local distinctiveness*". It is also in conformity with the SLP, and particularly Policy EQ2 which is concerned with the achievement of good design, including the requirement for proposals to respond positively to the character, local distinctiveness and form of its surroundings.

- 4.28 The MNP Policy, as drafted, lacks precision. It should be clear that the Policy refers to the *Residential* Character Areas, rather than just Character Areas or *Local* 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 developers could be encouraged to use DAS where appropriate by additional supporting text at paragraph 5.5.15.
- 4.29 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**. The Policy, as modified, meets the Basic Conditions.

#### *Policy MAG5 – Green Corridors*

- 4.30 The Town Council has proposed a network of Green Corridors to provide natural buffers within the built-up fabric of Maghull. The Policy itself provides a simple statement indicating that development will not be permitted in areas identified as Green Corridors where it would prejudice the open character. The supporting text, paragraph 5.6.1, suggests that the Green Corridors will have a dual function of maintaining and creating sustainable travel patterns (by providing attractive green routes for pedestrians and cyclists – paragraph 5.6.2) and increasing biodiversity (by providing linkages in the urban area for wildlife).



- 4.31 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:
- 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 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.
- 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.
- 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 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.
- 4.34 In general terms the Policy is in general conformity with the SLP, particularly Policy EQ9 concerning the protection and enhancement of strategic paths. It also follows advice in the NPPF, paragraph 114, encouraging networks of green infrastructure and paragraph 117 promoting ‘wildlife corridors’. Accordingly, with the proposed amendments in **PM6**, the Policy meets the Basic Conditions.

*Policy MAG6 – Land East of Maghull Masterplan*

- 4.35 The SLP provides for the development of Land East of Maghull through Policy MN3 and Policy MN2.47, the former detailing the requirement for a comprehensive approach to the development of 1,400 dwellings and a business park, and including infrastructure provision. Sefton Council followed up the Local Plan allocation with a more detailed Development Framework Supplementary Planning Document (SPD) which includes policies LEM1 – LEM9 covering comprehensive development principles, infrastructure contributions, and design amongst other matters.
- 4.36 The MNP is supportive of the approach and, in particular, sees the requirement for a Master Plan as an essential pre-requisite to development. To this end, the MNP includes Policy MAG6 which the Town Council sees as providing additional detail to the requirements for a Master Plan. In general, this is a useful addition to the policy framework which is intended to guide the form of development. However, 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:
- 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';
  - 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.

4.37 The amendments listed above have been included in proposed modification **PM7**. They will ensure the Policy is in general conformity with the SLP and follows government policy and guidance. The amended Policy meets the Basic Conditions.

### Other matters

#### *Proposed Policy MAG7: Flood Mitigation*

4.38 Following a suggestion at Regulation 16 stage for the inclusion of a policy regarding surface water management, the Town Council has proposed to include a new Policy indicating that proposals for flood mitigation will not be permitted where they contravene Policy MAG5 (Green Corridors) or where they reduce the amount of publicly available green space. The protection of useable public open space from flooding is problematic, not least because of Government advice in PPG<sup>11</sup> which states that "*Green infrastructure can help urban, rural and coastal communities mitigate the risks associated with climate change and adapt to its impacts by....improving drainage and managing flooding....*". It is also by no means clear how such protection might be achieved without significant engineering works and increasing the flood risk to other, vulnerable areas such as residential developments.

4.39 No supporting text has been provided justifying the Policy through the evidence base, and prior to its incorporation it would be necessary to undertake a public consultation. For these reasons, I have not proposed a modification to incorporate the proposed Policy MAG7.

#### *Local Green Space*

4.40 The MNP makes reference to the large amount of open space within the town, including 15 parks and 18 open spaces which contribute to the overall green nature of the town (paragraph 3.4.1). However, there is no indication within the documentation that the Town Council recognises the provisions within the NPPF (paragraphs 76-78) for the designation and protection of Local Green Space through neighbourhood plans. This is surprising since, from my visit there are many areas of open space which do make significant contributions to the character and visual quality of the town. Examples might include the open spaces adjacent to South Meade and that contained within Round Meade.

---

<sup>11</sup> PPG Reference ID: 8-030-20160211.

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

4.41 The advice in paragraph 76 of the NPPF states that *"by designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances"*. Whilst it is too late to consider the designation of green spaces in this Plan, the Town Council may wish to give consideration to undertaking a survey of all open spaces. This may identify those areas eligible for inclusion within the designation as Local Green Space for incorporation at the next review of the Plan.

### *Section 2.2 History*

4.42 Following suggestions by Historic England, the Town Council has proposed to expand the section of the MNP which provides a commentary on the historic development of Maghull. As drafted, the section on the history of the settlement is brief but provides a clear picture of Maghull's origins and development. The expansion of the section is unnecessary so far as providing background information to the policies and meeting the Basic Conditions. However, there is no barrier to the Town Council including the amendments if it so wishes.

## **5. Conclusions**

### *Summary*

5.1 The Maghull Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Maghull Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

## Overview

- 5.4 The Town Council faced a difficult situation when it set out to prepare a neighbourhood plan. A large scale development was already proposed by Sefton Council to take place on land East of Maghull (Policy MN3 in the SLP). This would be significantly larger than necessary to meet local housing need so no further allocations would be necessary. However, the planned development would have a significant impact on the town and would undoubtedly lead to pressure on local services and facilities. The Town Council determined that, through the preparation of a neighbourhood plan, the community would have greater local control over development and could seek ways to ameliorate its impact. To its credit, the Town Council has followed this intention, working successfully with the community and with Sefton Council. The resulting Plan should provide a basis for achieving improvements to what is already an attractive town.

*Patrick T Whitehead DipTP (Nott) MRTPI*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 24	<p>Maghull Vision and Objectives</p> <p>Insert the following objective as a new fourth bullet point:</p> <ul style="list-style-type: none"> <li>• Protect and enhance the heritage assets of Maghull.</li> </ul>
PM2	Page 25	<p>Policy MAG1</p> <p>Amend the Policy Title and replace the Policy text with the following:</p> <p><del><b><i>“List of Priorities for funding Infrastructure Projects</i></b></del></p> <p><b><i><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></i></b></p> <p>Provide additional text to the first sentence of paragraph 5.2.3 as follows:</p> <p>“In addition, potential funding may come from Section 106 contributions from developers, <u>subject to viability considerations.</u>”</p> <p>Delete paragraph 5.2.4 and replace with:</p> <p>“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”.</p> <p>The projects identified in Appendix 6 should be listed in priority order of importance.</p>

PM3	Page 27	<p>Policy MAG2</p> <p>Amend the Policy to read as follows:</p> <p><b><i><u>“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>. <del>Once t</del> <u>The Regeneration Plan is agreed the Town Council will co-ordinate its implementation. 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>”</u></i></b></p>
PM4	Page 28	<p>Policy MAG3</p> <p>Amend the Policy to read as follows:</p> <p><b><i><u>“ a) Extensions or alterations requiring planning permission to any property named on the Maghull Local List should take into account the <u>significance of the asset including, where appropriate, be designed sympathetically and not detract from the appearance of the property.</u></u></i></b></p> <p><b><i><u>b) Proposals within the setting of a property on the Maghull Local List <u>must should demonstrate that they have taken account of its the significance of the asset.</u></u></i></b></p> <p>The final part of paragraph 5.4.1 should be amended as follows;</p> <p><b><i><u>“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</u></u></i></b></p>

		<p><u>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></p> <p>Paragraph 5.4.2 should be amended as follows:</p> <p><del>“Development of property on the Maghull List must demonstrate in</del> <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.”</p> <p>Paragraph 5.4.3 should be amended as follows:</p> <p><del>“Currently there are only 7 properties on</del> <u>†The Maghull Local List includes the following properties and this list will be kept under review:</u></p> <ul style="list-style-type: none"> <li>• <u>High Pastures;</u></li> <li>• <u>Frank Hornby’s House;</u></li> <li>• <u>158 Liverpool Road South;</u></li> <li>• <u>160 Liverpool Road South;</u></li> <li>• <u>Kensington House;</u></li> <li>• <u>King George V Playing Field Gates;</u></li> <li>• <u>St Andrew’s Parish Hall;</u></li> </ul> <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><u>“This policy will help preserve and where possible enhance these distinctive features of properties in Maghull which themselves</u></p>
--	--	---



		contribute to an <u>the</u> excellent quality of the town-life."
PM5	Page 31	<p>Policy MAG4</p> <p>Amend the Policy to read as follows:</p> <p><b><i>"Policy MAG4: <u>Residential Character Areas</u>"</i></b></p> <p><b><i>"<u>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.</u>"</i></b></p> <p>Add the following sentence at the end of paragraph 5.5.15:</p> <p><u>"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"</u>.</p>
PM6	Page 34	<p>Policy MAG5</p> <p>Amend the Policy to read as follows:</p> <p><b><i>"MAG5: Green Corridors"</i></b></p> <p><b><i>"<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>"</i></b></p> <p>The first sentence of paragraph 5.6.1 should be amended as follows:</p>

		<p>"The Town Council <u>has identified</u> <del>proposes</del> a network of Green Corridors (shown on the <u>Proposals</u> 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 <u>Proposals</u> Map and....".</p>
PM7	Page 35	<p>Policy MAG6</p> <p>Amend the Policy title as follows:</p> <p><b><i>"MAG6: Land East of Maghull <del>Masterplan</del> <u>Plan</u>"</i></b></p> <p>Amend the first sentence of the Policy to read as follows:</p> <p><b><i>"<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>"</i></b></p> <p>Sub paragraph (b) should be amended as follows:</p> <p><b><i>"b) in the phased delivery of the development <u>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>"</i></b></p> <p>Paragraph 5.7.1 should be amended by the addition of the following sentence:</p> <p><b><i>"<u>Sefton Council has also adopted, September 2017, a Supplementary Planning Document (SPD) for the land East of</u></i></b></p>

		<p><u>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>Paragraph 5.7.2 should be amended by:</p> <p>Deleting ", both on and off site," in the second sentence, and by deleting "(both on and off site)" in the final paragraph.</p> <p>Paragraph 5.7.4 should be amended by:</p> <p>Deleting the fourth bullet point in its entirety, and by replacing the fifth bullet point 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>
--	--	--