

INDEPENDENT EXAMINATION OF THE MAGHULL NEIGHBOURHOOD PLAN

EXAMINER: Patrick Whitehead DipTP (Nott) MRTPI

This response is to the further questions raised by the Examiner in his letter of 28th August 2018. It has been prepared by **Sefton Council** in liaison with **Maghull Town Council** and is dated 14 September 2018.

General question for Maghull Town Council

1. The Consultation Statement includes the Town Council's responses to the Regulation 14 representations. It would be helpful if, in addition, the Town Council were able to provide responses to the Regulation 16 representations.

Response: Please see the document appended.

Specific questions for both Councils

2. Legal and policy tests for when a section 106 agreement can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended), and in the NPPF at paragraph 204. Further reference to the use of agreements is made in Policy IN1 and specifically in paragraph 9.8 of the Sefton Local Plan. Consistency between Policy MAG1 and the NPPF has been raised as a matter of concern in the Regulation 16 representations, notably by Messrs Barton Willmore (representation 15). I would be grateful for any comments from the Councils.

Response: Sefton Council made Maghull Town Council aware that policy MAG 1: List of Infrastructure Projects went beyond reasonable planning requirements and was not compatible with the CIL regulations and therefore was unlikely to be considered acceptable.

In response Maghull Town Council have suggested amends to the policy as follows:

The Infrastructure priorities for the Town Council during the plan period are;

a) Maghull District Centre Regeneration

b) Traffic Management schemes

c) Community Hub (Town Hall Improvements)

d) New Sports Hall

e) New Outdoor Running Track

f) Open Space improvements including enhancing Green Corridors.

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.

3. Sefton Council has produced a Supplementary Planning Document (SPD) to guide development of the Land East of Maghull. There appear to be potential differences in the requirements placed on developments by the SPD and those of Policy MAG6 in the

Neighbourhood Plan. In particular, the SPD does not provide for phasing of the development, only for the delivery of infrastructure and the Main Park Policy (LEM9) and the Design Policy (LEM2) indicates that architectural treatment “..should contribute to the overall character and identity of the development”. In contrast the Neighbourhood Plan Policy MAG6 requires a Masterplan to show “*phasing and a programme of implementation*”, and for the phased delivery of the development with each phase having “..a distinct character of its own”. Whilst the SPD may be regarded as a non-strategic policy (and is not part of the statutory development plan for the area), it is intended to provide for the implementation of strategic policies of Sefton Council (Policies MN1 - MN3). Accordingly, the requirements of paragraph 185 of the NPPF must be taken into account. The matter is considered at some length in representation 14, by White Peak Planning, with suggestions for revised wording. Comments from both Councils on the matters of conformity with strategic policies and duplication of planning processes for non-strategic policies in relation to the requirements of MAG6 would be welcome. (I have noted that matters of general conformity with strategic policies of the adopted Local Plan are considered in Part 6 of the Basic Conditions Statement).

Response: for Maghull Town Council’s response to White Peaks comment in accompanying statement

Sefton Council made Maghull Town Council aware there were inconsistencies between MAG6 and some of the requirements set out in the Land East of Maghull SPD, most notably the off-site implementation of ‘infrastructure’ (MAG 1) as referred to in and the response to question 2 above. Sefton agree ‘infrastructure’ does not include for the items listed in MAG 1. However, the words ‘*and a programme of implementation*’ suggested for omission by White Peak Planning in representation 14, Sefton Council would maintain are needed as this relates to the infrastructure required by Local Plan Policy MN3 rather than the items listed in MAG 1. This confusion would be avoided if clarity was provided between ‘infrastructure’ essential for the delivery of MAG6 and items for inclusion on a potential Regulation 123 list.

It was Sefton’s understanding that MAG 6 part b meant each phase of **residential** development would instigate a distinctive character area based on current design and layout requirements. Phasing in this instance relates to ‘stage in residential development’. Sefton had discussions with Maghull regarding the merits of the ‘Character Assessment’ resulting in the renaming of this to ‘Residential Character Assessment’. In this respect Sefton Council consider White Peak’s suggested wording: ‘*include a number of character areas so that different locations within the site have a distinctive built character of their own*’ helpful.

Sefton Council agree with White Peak’s suggestion that the fourth bullet point of paragraph 5.7.4 requesting local shopping provision be centrally located be removed. We urged Maghull to consider this, but they resisted as it was contrary to the results of early public consultation.

Sefton Council acknowledge White Peak’s suggestion that the fifth bullet point of paragraph 5.7.4 be removed, but would suggest the following alternative wording: ‘*to ensure the phasing and infrastructure for the Business Park is provided strictly in accordance with the requirements of Local Plan policy MN3, the Land East of Maghull SPD and the agreed Master Plan for the site.*’ This is to ensure all necessary infrastructure is provided as required.

