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VIA EMAIL TO: neighbourhoodplanning@sefton.gov.uk

29153/A3/CB/DM

29 June 2018

Dear Sir/Madam,

RE: PUBLICATION MAGHULL NEIGHBOURHOOD PLAN – REPRESENTATIONS FOR ANWYL LAND LTD

Introduction and Summary

This representation has been prepared on behalf of our Client, Anwyl Land Ltd (“the Client”) in relation to the current consultation on the Publication version of the Maghull Neighbourhood Plan (“MNP”).

The consultation provides the final opportunity to submit comments on the MNP ahead of its Examination by the appointed Examiner. The comments expressed for our Client within this representation, reflect the theme of comments submitted to the Town Council in response to the Draft Version of the MNP. The comments focus on ensuring, that the MNP is effective as a statutory document and is consistent with the Basic Condition as defined under Paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990.

In summary, the basic conditions relevant to Neighbourhood Plans are:

- (a) Having regard to the national policies and advice contained in guidance issued by the Secretary of State;
- (b) The making of the Order (or neighbourhood plan) contributes to the achievement of sustainable development;
- (e) The making of the Order (or neighbourhood plan) 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 (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations; and
- (g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

Our Client acknowledges and welcomes the changes made to the MNP which have been made in response to the representations submitted on our Client's behalf to the draft version of this document. The publication version of the MNP marks an improvement on the draft, providing a better



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reflection of the Town and provides a Neighbourhood Plan which is for the whole of Maghull rather than focussing on the allocated extension at East Maghull. However as set out below our Client maintains their concerns with the approach of several policies of the MNP and the overall effectiveness the implementation of the MNP will have in securing the ambitions of the Town Council for Maghull overall the plan period.

For the reasons set out in this representation, our Client does not consider that the MNP should be advanced to its examination at this stage. Instead a further review is required. Should the examination be proceeded with, our Client respectfully requests that due regard is given by the appointed examiner to the content of this representation and the previous representation made to the draft version of the MNP.

Proposed Policies

Policy MAG1

Our Client maintains their concerns with Policy MAG1 of the MNP. The Policy sets out that contributions from planning applications within the plan area will be sought over and above that necessary to make the development acceptable. Policy MAG1 lists the following infrastructure:

- Maghull District Centre Regeneration;
- Traffic Management Schemes;
- Town Hall Improvement Works;
- A New Sports Hall;
- A new Outdoor Running Track; and
- Open Space Improvements including enhanced Green Corridors.

This list identified above is loosely defined with Appendix 7 of the MNP offers only limited further explanation of these projects. There is no detail provided of cost, timescales or responsibility for delivery. As such there is no mechanism provided by the MNP to secure the delivery of these projects.

The approach of Policy MAG1 is clearly inconsistent with Paragraph 204 of the NPPF. Paragraph 204 of the NPPF seeks to ensure that policy burdens on development are:

- Necessary to make the development acceptable;
- Directly related to the development; and
- Proportionate to the scale of the development proposed.

The approach of the NPPF is carefully considered, aiming to secure the delivery of sustainable development which does not adversely affect existing communities and the environment, whilst also protecting the viability of development to greater their deliverability (as set out in Paragraph 173 of the NPPF).

Policy MAG1 does not hide its inconsistency with the NPPF. This is reflected by the wording of the Policy which states that “contributions from planning applications within the plan area will be sought over and above that necessary to make the development acceptable” (Our Emphasis).

Beyond this, it is unclear what level of contribution would be required of proposed developments to respond to this policy requirement. The Policy therefore introduces uncertainty for applicant’s and decision makers alike and has the potential to result in the refusal or failure for otherwise sustainable development in coming forward.

On account of the above, our Client considers that Policy MAG1 is inconsistent with basic conditions (a) and (b). In response Policy MAG1 should be removed from the MNP.

An alternative approach for the Town Council in securing this infrastructure which would be consistent with national policy would be to draw up a Regulation 123 list. This list would provide the basis against which collated CIL monies would be spent from qualifying applications determined and delivered within the Neighbourhood Plan Boundary. The Town Council should focus on refining the infrastructure identified within the bullet points to Policy MAG1 into a definite Regulation 123 list. This approach would be most effective in securing the Town Council's ambitions Maghull, including securing the infrastructure necessary to support and facilitate the delivery of the Regeneration Framework for the Town Centre.

Policy MAG2

Our Client is supportive of the Town Council's aim to prepare and adopted a Regeneration Plan for Maghull Town Centre. The Regeneration Plan provides an excellent opportunity for the Town Council, stakeholders and the community to achieve real improvements to the Town Centre, attracting new occupiers including smaller independent businesses and to provide for a vibrant centre. The approach of this document however will need to be sufficiently flexible to ensure that sustainable developments are allowed. The Town Council should also seek a mix of land uses and should not adopt allocations which are inflexible to other uses where proven to be unviable or where it has been proven that there is no demand.

Policy MAG5

Our Client notes that the Green Corridor identified within Maghull is defined along the route of the Merseyrail link into Liverpool. Whilst our Client is supportive of the Town Council's aims to secure the longevity of this Green Corridor, it must be recognised by the Town Council that the Borough Council are powerless in controlling developments which occur within the railway boundary which are undertaken by Network Rail through Permitted Development Rights. Furthermore, Network Rail are highly critical and influential of developments adjacent to working sections of their land which might prevent access, affect maintenance, safety or which might result in subsidence. Our Client would suggest that the Town Council (or Borough Council) contact Network Rail to determine the acceptability of this policy.

Other Matters

Our Client maintains the view that there is a general absence within the MNP of any long-term strategies/policies which will be effective in achieving the ambitions of the local community.

An objective of the MNP is to support housing development which meets identified needs. Despite the inclusion of this objective within the MNP, the remainder of the Neighbourhood Plan is silent on this issue. The absence of a policy relating to the provision of housing means that the MNP is ineffective in securing the development of new housing which is responsive to local needs. The MNP should be reviewed to consider how local housing need is to be addressed with sites identified as allocations. The adoption of this approach will provide for a robust neighbourhood plan which is consistent with the ministerial statement on neighbourhood planning (as outlined within the draft revisions to the NPPF).

The proposal for a Regeneration Strategy for the town centre represents a positive starting point in secure the Town Council's economic ambitions. However, the Regeneration Strategy is off set from the preparation of this Neighbourhood Plan and as such will cover a reduced timeframe to the MNP.

In our Client's view, the MNP should focus on how the aspirations for the community will be achieved over the next 20 years. The MNP should set out clear mechanisms to enable the Town Council's Town Centre Regeneration ambitions to be achieved, securing a revitalised and vibrancy centre which supports and retains the local community. Included within this could be site allocations, a design code, or the adoption of an Area Action Plan. There are many policy outlets available to the Town Council for this to be secured, however these do not appear to have been fully explored by the Town Council during the preparation of the MNP.

The Town Council should look forwards to see how Maghull should sit within Sefton and the wider Liverpool City Region over the next 20 years. Sefton, as part of the Liverpool Combined Authority, is reviewing its development requirements through the SHELMA study (after all the requirements of the adopted Sefton Local Plan fail to deliver evidenced housing needs for the authority). Recent studies indicate an uplift in housing needs within the Liverpool, with a proportion of this likely to be delivered within Sefton. Noting the ambitions of the Town Council for the Town Centre, this opportunity should be grasped within the context of the MNP.

There is scope with the Neighbourhood Plan making process, for Neighbourhood Plan Bodies to review the Green Belt. The Town Council could use therefore legitimately use the MNP to review current Green Belt boundaries within the plan area in the aim of achieving its infrastructure and economic ambitions, and meeting housing need, whilst securing new communities which are truly shaped by local people. An alternative to this approach could be the identification of safeguarded land, to be reviewed when confirmed that Sefton is to accommodate a proportion of Liverpool's housing need.

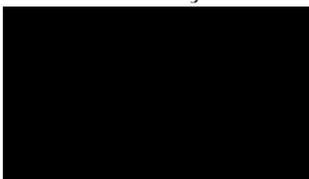
Conclusions

Whilst it is acknowledged that the Town Council has actioned a number of comments made to the draft MNP, our Client remains concerned about the approach of the MNP towards infrastructure and the general absence of policies which proactively direct development over the longer term to achieve the Town Council's ambitions.

Policy MAG1 needs to be revised in order to ensure that it is consistent with the basic conditions and does not prevent the delivery of sustainable development. In our Client's view, the MNP represents a missed opportunity for the Town Council to consider Maghull and the potential of the Town on a borough wide and indeed city regional level. The MNP could be used by the Town Council to set the milestone for future development responding to strategic housing needs but adapting this to local conditions and aspirations.

In view of the comments made within this representation, our Client does not consider that the MNP should be advanced to examination, and instead should be reviewed by the Town Council. We thank Sefton Council for the opportunity provided to comment on this Plan at this final stage ahead of the examination. We hope that the comments made within this representation are taken into account by the Borough Council and Town Council alike. We request that we are kept informed about future progress made with the MNP.

Yours sincerely



Partner