

Mr P Whitehead
Examiner

Date: 13th September 2018
Our Ref:
Your Ref:
Tel: 0151 526 3705

Email: angela.mcintyre@maghull-tc.gov.uk

Dear Sir,

Re: Maghull Town Council Response to Examiner's Letter Dated 28th August 2018.

Maghull Town Council has considered the additional questions detailed in your letter of 28th August 2018 and has prepared the response detailed below. This includes the Council's comments on the Regulation 16 consultation as requested.

Maghull Neighbourhood Plan Regulation 16 Consultation

Ref 1: Janet Ward

This representation is a repeat of that made to the Regulation 14 Consultation in that the respondent wishes to see a plot of land to be excluded from the Green Belt and thereby available for development.

The Town Council has nothing further to add to its previous response to this representation.

Ref 2: Sport England

This representation sets out generic advice for the protection of playing fields and the development of planning policy.

The Town Council notes the information provided.

Ref 3: Network Rail

Network Rail raises concerns that the scale of proposed residential development will increase level crossing users and could create more accidental or deliberate misuse with potential for cumulative impact requiring contributions towards mitigation. It also seeks consultation with regard to any transport and sustainable drainage proposals.

The Town Council notes Network Rails concerns and would also wish to see the transport and sustainable drainage assessments address these issues and if necessary provide for mitigation.

Ref 4: United Utilities

United Utilities suggest the inclusion of a policy regarding Surface Water Management.

The Town Council supports the policy as suggested but notes that an equivalent policy, EQ8 Flood Risk and Surface Water, is already included in the Sefton Adopted Local Plan. The policy however does not safeguard usable public open space and so the Town Council would like to submit a new policy.

5.8 Flood Mitigation

MAG 7: Flood Mitigation

Proposals for Flood Mitigation will not be permitted when they contravene Policy Mag 5 or where they reduce the amount of publicly available green space.

5.8.1 Maghull Town Council notes the observations by Network Rail and United Utilities suggestions to include a policy regarding surface water management, within their feedback on Regulation 16. The Council also notes that there is a policy in Sefton's Local Plan EQ8 Flood Risk and Surface Water and further details in the Supplementary Planning Document.

5.8.2 However, what isn't clear in any policy statement related to flood mitigation is the 'knock on' effect on how any proposed flood mitigation methodologies, which may address flooding issues, but may as a by product have a severe impact on other policies contained in the Neighbourhood Plan. For example Policy Mag 5 Green Corridors states that 'Development will not be permitted in areas identified as Green Corridors which would prejudice their open character, visual amenity and purpose. Potentially there may be issues related to the loss of public amenity space as a result of proposed flood mitigation measures, effectively reducing the public amenity space available to the public.

5.8.3 Our additional policy is in keeping with the overall achievement of our Neighbourhood Plan policies and does not repeat/replicated any policies in the Local Plan or the SPD.

Ref 5: Natural England

Natural England do not raise any specific comments, but notes that changes may require further screening exercises.

The Town Council notes the information provided.

Ref 6 Historic England

Historic England suggests that the section on the history of Maghull could be expanded upon. The Council propose the section to be replaced as follows:

2.2 History

2.2.1 Maghull is an ancient settlement with an obscure origin, identified in the Domesday survey of 1086 as "Magele" on a ridge of high ground. It was a tiny agricultural hamlet, consisting of fifty people and six square miles of agricultural land.

2.2.2 The name Maghull may have been derived from the Celtic word "magos", the Old Irish "Magh" and the Old English "halh", meaning "flat land in a bend of the river". Another theorised origin is Anglo-Saxon mægðehalh = "nook of land where mayweed grows".

2.2.3 The Manor of Maghull was held by Uctred in 1066. In 1212 Alan de Halsall held the estate and the Halsall family continued to be regarded as the superior Lords of Maghull until the 14th Century. A church is known to have existed in the area in 1100.

2.2.4 Maghull's scattered rural community remained part of the Parish of Halsall until becoming an independent parish in the mid-19th Century. The settlement was made somewhat more accessible by the building of the Leeds-Liverpool Canal between 1770 and 1774. Despite a wharf being constructed near Red Lion Bridge to handle agricultural produce and coal, Maghull remained a fairly static dispersed, marginal community until the early part of the 19th Century.

2.2.5 By 1840 the agriculture of the area had changed from animal to arable farming and soon an increasing population brought the railway to Maghull in 1849, with a station on the Liverpool, Ormskirk and Preston Railway.

2.2.6 "Maghull School" was established in 1832, with a new school being subsequently built in 1839 with further extensions in 1878. The school room doubled as the social centre of Maghull until 1909 when the "Maghull Parish Institute was opened.

2.2.7 The foundation stone for the Parish Church of St Andrews was laid in 1878 and the Church consecrated in 1880.

2.2.8 In 1888 the Maghull Homes were established as a charitable trust primarily to care for people suffering from epilepsy. The Homes expanded rapidly and took over in 1901 buildings and land of the 17th Century Chapel House Farm.

2.2.9 The town has a history of providing accommodation for convalescence which can be seen at Ashworth Hospital (formerly Moss Side Hospital) which pioneered the development of treatment for Post-Traumatic Stress Disorder (shell shock) in the First World War. Convalescence homes for epilepsy and tuberculosis were also utilised. Victorian and Edwardian development can be seen in the Parkhaven and Hall Lane Character Areas.

2.2.10 In 1933 Northway (the A59 Road) was built initially as a tree-lined single carriageway which bisected Maghull. It was subsequently dualled in the 1960's re-inforcing the separation between east and west Maghull. The completion of Northway triggered an increased rate of expansion in Maghull.

2.2.11 Maghull has developed in a haphazard manner with a great deal of its expansion taking place in the 1960s and 70s. This includes the Meades development to the west of the town and the large development to the east which spans out from Whinneybrook Park. Maghull has developed to its current size through the building of significant housing estates.

2.2.12 The population is currently 20,444 (2011 Census).

2.3 Heritage

2.3.1 The area has one Conservation Area (see Appendix 4), the Damfield Lane Conservation Area and ten listed buildings and Maghull Manor moated site a Scheduled Monument

2.3.2 The Conservation Area focuses on a loose cluster of buildings around the junction of Damfield Lane and Deyes Lane, enclosed by the Leeds-Liverpool canal and includes 6 listed buildings. The area encompasses a significant number of surviving elements of Maghull's early character. This includes the attractive and informal arrangement of buildings which relate to the area's medieval, agricultural past. Also of significance are landscape features such as tree groupings, boundary walls and canal setting.

2.3.3 The Canal forms an important part of the Conservation Area, as does the open land sweeping down to the canal from the Church. These areas contribute to the rural feel of the area and the setting of the buildings centred on St Andrews Church, Maghull Chapel and the rectory. Although it has been rebuilt at least once and the Chapel still stands, in the churchyard of the Victorian St Andrew's and is the oldest ecclesiastical building in Merseyside

Historic England supports the content of the vision and objectives but would welcome the inclusion of heritage within them. The Town Council suggest the following:

4. Maghull Vision and Objectives

4.3 Our objectives are to:

- Promote retail activity in the town by supporting local, independent Small and Medium Enterprises (SMEs);
- Ensure that infrastructure is improved in a manner and timescale suitable for any planned development within the area;
- Improve local community services and facilities;
- Protect and enhance both the heritage assets of Maghull and the distinctive characteristics of the Local Character Areas.
- Create, maintain and improve an attractive mixture of green corridors and spaces;

- Support housing development which meets identified needs where such housing is appropriate to its environment with good design features and usable public green space for the benefit of all residents;
- Integrate the planned development at the Land East of Maghull into the town as a cohesive unit.

Historic England suggests some strengthening of MAG3. The Town Council suggest the following changes:

5.4 Heritage

5.4.1 The Sefton Local Plan sets out in Policy NH9 Heritage Assets, measures to protect the nationally recognised heritage assets in Conservation Areas, Listed Buildings and Ancient Monuments. The Neighbourhood Plan supports this policy and notes that in Para 11.104 the Local Plan proposes the creation of a “local list” of heritage assets. The Town Council recognises that there are a number of properties which individually make a significant contribution to the quality to the town of Maghull. The ~~Neighbourhood Plan supports the creation~~ of Town Council has produced a list of such properties in Maghull, to be known as the Maghull List. In a separate exercise owners of properties on the Maghull List have been consulted and their responses addressed. The Neighbourhood Plan proposes a policy that deals with development that affects property included in the List and that recognises the significance of these properties.

MAG 3: Maghull List

- Proposals for extensions or alterations requiring planning permission to any property named on the Maghull List should demonstrate how it takes into account the significance of the asset, including where appropriate, the appearance of the property
 - Proposals within the setting of a property on the Maghull I List should demonstrate that they have taken into account the significance of the asset, including sustaining, enhancing or protecting the property.
 - Development of a property on the Maghull List must demonstrate in a Design and Access statement how it has addressed the above requirements of this policy.
- ~~Extensions or alterations requiring planning permission to any property named on the Maghull List should be designed sympathetically and not detract from the appearance of the property.~~
- ~~Proposals within the setting of a property on the Maghull List must demonstrate that they have taken into account its significance.~~

5.4.2 Currently there 7 properties on the Maghull List as follows: -

- High Pastures
- Frank Hornby's House
- 158 Liverpool Road South
- 160 Liverpool Road South
- Kensington House
- King George V Playing Field Gates
- St Andrews Parish Hall

The locations of these properties are shown in Appendix 4. It is the intention of the Town Council to keep this list under review.

~~5.4.3 Currently there only 7 properties on the Maghull List and this list will be kept under review. Owners of properties on the Maghull List have been consulted and their responses addressed.~~

5.4.4 This policy will help preserve and where possible enhance ~~the~~ these distinctive features of properties in Maghull which themselves contribute to an excellent quality of life.

Historic England have suggested a number of amendments to Policy MAG4. The Town Council suggest the following changes:

MAG 4: Character Areas

- Development proposals that respects and demonstrates how it has taken into account the distinct characteristics defined in the Maghull Residential Character Area Assessment in terms of the type of development, scale, design, open space provision and general layout, and enhances improves but does not detract from its surroundings in the Local Character Areas in which it is located, will be supported.
- Development proposals must demonstrate in a Design and Access statement that accompanies any application how it has addressed the above requirements of this policy.

Ref 7: National Grid

This representation confirms that National Grid has no apparatus in the Neighbourhood Plan area and clarifies that the gas pipeline within the Land East of Maghull site is a local distribution pipeline not belonging to National Grid.

Ref 8, Ref 11 and Ref 12: Gerard Crilly

These are very detailed and comprehensive submissions regarding the issue of existing local flooding and the potential for this issue to become worse as a result of the large scale development proposed at Land East of Maghull.

These representations are essentially a repeat of those made previously to the Regulation 14 consultation.

The Town Council with regard to the existing flooding issues experienced by residents notes the adverse impact on individuals and supports the actions set out in an Environment Agency Flooding Report for Maghull actions from lead agencies to provide solutions including Sefton, the Environment Agency, United Utilities and the Canals and Rivers Trust.

The Town Council does not appear in this list largely because it carries no responsibilities (other than on its own land) to be engaged in flood prevention works. The ambit of the Neighbourhood Plan is focussed on future development and land uses and cannot be used to address existing issues. However, it is likely that the agencies such as Sefton MBC and the Environment Agency which are responsible for ensuring that development proposed does not exacerbate existing problems or cause new problems would look to drainage solutions helping relieve existing problems.

The Town Council is assured that through the planning process and consultations with the appropriate bodies that drainage and the need to protect areas downstream/upstream from flooding will be addressed. There are Policies already in the Adopted Local Plan with regard to drainage and flood prevention. The Town Council will urge Sefton MBC in dealing with both planning applications and the masterplan to carefully consider the potential flooding issues and to liaise with those in the community already experiencing flooding.

It is also suggested that Neighbourhood Plan Policy MAG 1: List of Infrastructure Priorities should include improvements to the “inadequate” drainage system to prevent flooding. The Town Council understands the concerns of residents but new development will have to satisfy the appropriate bodies that it does not exacerbate the potential for flooding outside of the site(s) and will not per se deal with the problems currently encountered. The Town Council notes the Action Plan previously submitted and that it is not listed as a lead body in taking action. The Environment Agency has also reminded the Town Council in Ref 13 (See below) that any drainage proposals are matters for it as Lead Local Flood Authority. On this basis the Town Council does not intend to add to the Infrastructure List in Policy Mag 1.

Ref 9: Maureen Webb

This representation objects to the development of the Land East of Maghull, noting that existing infrastructure cannot cope with more houses.

The Land East of Maghull is an allocated site in the Adopted Sefton Local Plan and is already the subject of planning applications. The Town Council however notes the concerns regarding infrastructure provision and wishes to see measures included that mitigate the impact of the development but also build a community rather than a housing development.

Ref 10: John Miller

This representation largely repeats that made under Regulation 14, although the emphasis has moved slightly to the poor design and monotony of estates semi-detached brick housing as opposed to its previous focus on the Town Centre.

The Town Council is looking to create both a vibrant Town Centre by taking the lead on producing a Regeneration Plan and on proposing that the large scale development at Land East of Maghull is designed to create distinctive well designed areas, with Green Corridors.

Ref 13: Environment Agency

The representation reminds the Town Council that in any infrastructure improvement drainage proposals are for it as the Lead Local Flood Authority. (See Ref 8, Ref 11 and Ref 12 above)

Ref 14: White Peak

There are a number of matters raised in this representation which are dealt with in turn:-

a) Policy relating to Land East of Maghull

The representation notes that an Adopted SPD is in place for the site and this should be referred to in Para 5.7.1 and more information provided so that its role is understood in guiding future development.

At the time of preparation of the Neighbourhood Plan the SPD was in draft. The Town Council accepts its updated status and will alter the text accordingly.

b) MAG 6 : Land East of Maghull Masterplan

This part of the representation raises concerns over the terms “programme of implementation” included in the Policy, as exact timing is difficult to present due to the number of variables and in particular off-site provision will be under the control of Sefton Council and not the developers. This is a repeat of the matter raised at the Regulation consultation.

The Town Council understands the reservations of the respondent if a programme of implementation description is interpreted as requiring absolute timescales. However the intention of the Policy is to influence and understand the overall sequencing of development irrespective of the delivery body so that the respective bodies can be held to account. The ambition of the Town Council is to secure a development on the Land East of Maghull site that mitigates its impact in a timely and co-ordinated fashion and provides for infrastructure and facilities that ultimately build a self-contained community as possible.

On this basis the Town Council does not see the need to change the wording of the Policy MAG 6.

c) Character Areas

The representation queries the wording in the Policy that each phase should have its own character and suggests b) of the Policy be amended to “include a number of character areas so that different locations within the site have a distinctive built character of their own.”

The difference in the wording takes away the concept as in the Policy that each phase should have its own character and rather that character areas will be defined irrespective of phasing. On the basis that the masterplan will ultimately control both phasing and character areas then the Town Council will accept the revised wording for Policy MAG 6 b).

d) Local Shopping Provision

This part of the representation notes the potential conflict of the adopted SPD and the policy regarding the location of local shopping provision.

The Town Council remains of the view that a more central position for the local shopping provision in close proximity to other local facilities such doctors/health facilities; the proposed Central Park and other open space facilities and community facilities would provide a more sustainable location and would help build a sense of community. In addition such a more central location could still continue to serve the proposed Business Park at its south western end.

Unfortunately in the process to adopt the SPD the proposals in the emerging Neighbourhood Plan were not taken into account and to date the Town Council has seen no evidence that would persuade it to alter its position on the location of the shopping provision. Whilst it accepted that the developers would wish for certainty in bringing forward proposals there is nothing to prevent the an agreed Masterplan being at variance with the guidance in the SPD and more in accord with the Neighbourhood Plan

e) Business Park

The representation raises concerns over Bullet 5 of paragraph 5.7.4 which requests that the Masterplan includes more detail in relation to the Business park and an assessment of potential impacts on Maghull Town Centre and the propose local shopping provision within the Land East of Maghull site.

It is argued that the Local Plan policies have already allocated the land for a Business Park and the impacts of this on the surrounding area should not need to be assessed within the Masterplan. The adopted SPD provides further guidance.

The Town Council notes that the SPD in LEM 7 Business Park - Para 8 and 9 its issues of concern have been largely dealt with and will delete Bullet 5 of Paragraph 5.7.4.

- a) The representation questions the validity of Policy MAG 1 in light of Government guidance on “Developer Contributions” towards infrastructure provision.

The Town Council during the course of the preparation of the Neighbourhood Plan has seen a delay in the preparation of CIL by Sefton Council so that a Policy originally written to accord with CIL has become difficult to make workable in the current circumstances but where the time span of the Neighbourhood Plan makes it desirable to have an infrastructure list agreed. The representation suggests that the Infrastructure Priorities forms part of the Regulation 123 List as part of the CIL process which was always the Town Council’s intention.

Working with Sefton Council the Town Council now proposes to amend Policy MAG1 List of Infrastructure Priorities 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.

- b) Policy MAG 2

The representation generally supports this Policy however it stresses the need for flexibility to ensure that sustainable developments are allowed, and for there to be a mix of land uses.

The Town Council acknowledges this support and notes the comments. It is proposed to amend Paragraph 5.2.6 as follows:-

The Town Council sees the need for a comprehensive approach to the regeneration of the Centre. There is a need for a planned approach that clearly sets out the potential areas for development that provide for a mix of land uses and will produced a modern Centre that provides a wide range of facilities and services for local residents and visitors.

- c) Policy MAG 5

The representation notes a proposed Green Corridor is alongside the Merseyrail link into Liverpool and reminds the Town Council of the need to closely liaise with Network rail over any proposals.

The Town Council acknowledges this advice.

- d) Other Matters - Absence of a long term view.

The representation queries the absence of any long term strategies/policies which will be effective in achieving the ambitions of the local community and is silent on housing development to meet local needs. It is suggested that the Neighbourhood Plan should be reviewed to consider how local housing need is to be addressed with sites identified as allocations. In addition it is argued that it is legitimate for the Town Council to review the current Green Belt boundaries in the aim of achieving its infrastructure and economic ambitions, and meeting local 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. The Neighbourhood Plan should not be advanced to examination but rather reviewed.

This latter part of the representation is similar to that submitted to the Regulation 14 Consultation and the Town Council's position remains the same. The Sefton Local Plan was only adopted in April 2017 and it is inevitable that focus of the Town Council and its residents is on the Land East of Maghull site which will add on current figures over 1,600 new dwellings to Maghull over the plan period, and how perceived impacts will be addressed. In terms of future development assuming the demands on Sefton and Maghull, it is worth noting that the Town is surrounded by Green Belt on 3 sides and abuts the Parish of Lydiate to the north, meaning that until Green Belt boundaries are reviewed through the Local Plan process it is difficult for the Town Council to propose, if it wanted to, additional sites. In any case the Adopted Local Plan identifies 2 sites as safeguarded land shown in the Local Plan (MN1 and MN2) that would be suitable for longer term development. Both these sites are adjacent to the northern boundary of Maghull and whilst not within the Neighbourhood Plans boundary both sites will obviously look to Maghull for day to day services, and as such the Town Council will argue that Maghull is taking its share of additional new development without the need for further sites being identified. The development of these sites for about 1,000 dwellings adds weight to the importance of the infrastructure list identified in MAG 1 (as amended).

I trust this answers your queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. McIntyre'.

A. McIntyre (Miss)

Chief Executive Officer and Clerk to Maghull Town Council