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<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	5 <sup>th</sup> February, 2015
<b>Subject:</b>	Designation of the Maghull and Melling Neighbourhood Development Plan areas	<b>Wards Affected:</b>	Park, Sudell, Molyneux
<b>Report of:</b>	Director Built Environment		
<b>Is this a Key Decision?</b>	Yes	<b>Is it included in the Forward Plan?</b>	Yes
<b>Exempt/Confidential</b>	No		

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### Purpose/Summary

To designate the Maghull and Melling Neighbourhood Development Plan areas, in accordance with Section 61G(1) of the Town and Country Planning Act 1990 and Part 2 of the Neighbourhood Planning (General) Regulations 2012.

### Recommendation(s)

That Cabinet approves the designation of the revised Maghull and Melling Neighbourhood Development Plan areas.

### How does the decision contribute to the Council's Corporate Objectives?

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		x	
2	Jobs and Prosperity		x	
3	Environmental Sustainability	x		
4	Health and Well-Being		x	
5	Children and Young People		x	
6	Creating Safe Communities		x	
7	Creating Inclusive Communities	x		
8	Improving the Quality of Council Services and Strengthening Local Democracy	x		

**Reasons for the Recommendation:**

The Council, as Local Planning Authority (LPA), is required to determine applications submitted for the designation of a Neighbourhood Development Plan area.

**Alternative Options Considered and Rejected:**

The LPA must decide whether to approve any application or refuse it. If it does decide to refuse the application because it considers the area is not an appropriate area to be designated, it must give reasons to the applicant why it has refused the application.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

There is no specific budget set aside for Neighbourhood Planning. The Local Planning Authority can claim £5,000 for each Neighbourhood Plan area designated from the CLG. Further claims can be made as specified stages of the Neighbourhood Development Plan preparation process are reached. Other costs arising from the statutory requirement to support the preparation of Neighbourhood Plans by the community (Town or Parish Council or specially created Neighbourhood Forum) will be met from within the 2014/15 Planning Department’s (Planning Policy) Revenue budget.

**(B) Capital Costs**

None.

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Financial</b>		
<b>Legal</b>		
<b>Human Resources</b> None		
<b>Equality</b>		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact of the Proposals on Service Delivery:**

Planning Services (the Local Planning Authority) has a statutory duty to provide assistance to groups proposing to prepare a Neighbourhood Plan. This must not deflect from the preparation of the Sefton Local Plan.

### **What consultations have taken place on the proposals and when?**

The Head of Corporate Finance and ICT (FD 3393/15) has been consulted and notes there are no direct financial implications arising from the report. It is noted The Council can:

1. Claim £5,000 for each Neighbourhood Plan area designated from the CLG.
2. Further claims can be made as specified stages of the Neighbourhood Development Plan preparation process are reached.
3. Other costs, including referendum costs, arising from the statutory requirement to support the preparation of Neighbourhood Plans by the community (Town or Parish Council or specially created Neighbourhood Forum) will be met from within the 2014/15 Planning Department's (Planning Policy) Revenue budget

Head of Corporate Legal Services (LD.2685/15) have been consulted and has no comments on the report.

### **Implementation Date for the Decision**

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting on 5<sup>th</sup> February

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### **Background Papers:**

The following papers are available for inspection on the Council website via this link <http://www.sefton.gov.uk/neighbourhoodplanning> :

Application from Maghull Town Council for the designation of the Maghull Neighbourhood Development Plan area, as amended.

Application from Melling Parish Council for the designation of the Melling Neighbourhood Development Plan area, as amended.

## **1 Introduction/Background**

- 1.1 In April 2014, Maghull Town Council applied to have the whole of its parish designated as a Neighbourhood Plan area, and Melling Parish Council applied to have most of its parish designated as a Neighbourhood Plan area, with the exception of that part of its parish to the north and west of the M58 motorway.
- 1.2 In parished areas, Neighbourhood Plans are prepared by Parish Councils, supported by the Council through Planning Services as the Local Planning Authority (LPA). This new tier of plan-making was introduced by the Localism Act 2011.
- 1.3 If adopted, and following a successful referendum of the local community, the Council must approve the Neighbourhood Plan as part of the Development Plan / Local Plan. Its policies will supersede any relevant policies in the Council's emerging Local Plan. The Neighbourhood Plan will be used to determine planning applications in the Neighbourhood Plan area. The Neighbourhood Plan does not have to cover all the same topics as the Local Plan, but should be consistent with its strategic policies. It can contain a limited range of policies or be more wide-ranging.
- 1.4 The cost of preparing the Neighbourhood Development Plan falls on the community. Some external assistance is available, but the LPA has a duty to support this process. The Council has resolved previously that no financial support will be made available.

## **2. Consultation on the original Neighbourhood Development Plan areas**

- 2.1 The consultation carried out in April – May 2014 on the original proposals elicited few relevant responses. There were no responses in relation to the Maghull proposal. The majority of people responding to the Melling consultation appeared to be confused about whether they were responding to a consultation on the Neighbourhood Plan, and instead objected to proposals in the emerging Sefton Local Plan. Two responses suggested different boundaries to those proposed; they considered that this should follow the M58 (and therefore include an area in Maghull parish) rather than follow the parish boundary which lies to its east.

## **3. Revisions to the submitted Neighbourhood Development Plan areas**

- 3.1 However, neither proposal was considered acceptable because neither boundary was considered 'appropriate. Both proposed Neighbourhood Development Plan areas included part of the 'land east of Maghull' site which is proposed as a strategic allocation in the draft Sefton Local Plan (policy MN2.46). This is consistent with the Planning Guidance issued by Central Government in March 2013 which states (at paragraph ID 41-036-20140306) that a neighbourhood area can include land allocated in a Local Plan as a strategic site. Where the proposed area includes such a site, those preparing the plan should agree with the LPA the particular planning context and circumstances that may inform the LPA's decision on the area it will designate.
- 3.2 As a result, discussions were held with both Maghull Town Council and Melling Parish Council who were advised that the above site, and the land required to

provide the motorway slip roads on the south side of Junction 1 on the M58 motorway, should be included in a single Neighbourhood Development Plan. As the majority was in Maghull parish, all parties agreed that the whole area should be included in the Maghull Neighbourhood Plan area.

- 3.3 The Melling Neighbourhood Plan area was also correspondingly amended to exclude that area. However, Melling Parish Council also resolved to include an area which had previously been excluded within and adjacent to Ashworth Hospital. This area includes a small area which is in Maghull parish, which has been included with the agreement of Maghull Town Council.
- 3.4 It should be noted that this area at Ashworth has been included as 'safeguarded land' (policy MN8.2) in the draft Local Plan, which was for publication by Council on 22<sup>nd</sup> January, 2015.
- 3.5 A protocol has been agreed between the parishes setting out how they will deal with the areas in the other Council's parish.
- 3.6 Revised plans were submitted by both Maghull Town Council and Melling Parish Council.

#### **4. Consultation on the revised plan areas**

- 4.1 The revised plans were advertised on the Council's Neighbourhood Planning webpage for 6 weeks, in accordance with the Regulations.
- 4.2 Both applications were advertised on Sefton Council's website, in accordance with the Regulations, and on those of Maghull Town Council and Melling Parish Council. In view of the previous consultation responses, both stressed that this consultation related to the proposed preparation of a Neighbourhood Development Plan by the local community and not Sefton Council's Local Plan.
- 4.3 As part of the process to raise the profile of its Neighbourhood Development Plan, Melling Parish Council delivered leaflets to every property in the parish and also held a drop in event to raise awareness of their proposal and to ask residents to identify the issues that the Neighbourhood Development Plan should address. This was held over a four hour period in December and was well-attended by about 50 people.
- 4.4 Maghull Town Council also put the details on Twitter, and this was re-tweeted by 'Coast 1079', 'Crosby Village' and 'Sefton Hour' at least once.

#### **5. The consultation responses**

- 5.1 40 emails were received as a result of the consultation relating to the Melling Neighbourhood Development Plan, although most supported the preparation of a Plan rather than the area proposed to be included in the plan. A few specifically opposed any further development in Melling, including one of the two sites included in the emerging Local Plan.

5.2 One of the Melling responses also supported the principle of the preparation of a Neighbourhood Development Plan for Maghull. This was the only response relating to the designation of the Maghull plan.

5.3 The only other response relating to the Melling plan area was received from Peel Holdings (Land and Property) Limited. They object on two grounds:

(a) The Parish Council has not justified why the area proposed is appropriate; and

(b) The proposed area includes an area that Peel Holdings are promoting as a strategic site through the Local Plan process (although it is not in the Local Plan which was approved for publication by Council on 22<sup>nd</sup> January), and should therefore exclude the part of this site in Melling parish.

## **6. Response to the comments received as a result of the consultation**

6.1 In determining the application the Council must, in accordance with Section 61G of the Localism Act 2011, consider the 'desirability' of designating the whole or part of the area as a Neighbourhood Development Plan area. In a letter to another LPA, Nick Boles MP, the then Planning Minister stated that the Plan area should have "coherent, consistent and appropriate" boundaries. This is reflected in the national Planning Guidance.

6.2 In addition to the guidance referred to in paragraph 3.1 above, the Planning Guidance also indicates that:

- A single parish or town council can apply for a multi-parished Neighbourhood Development Plan area as long as the area includes all or part of that parish or town council's area, and it has obtained the consent of the other Council's approval (Planning Guidance paragraph ID 41-027-20140306) ; and

- In a parished area, a LPA is required to have regard to the desirability of designating the whole of the area of the parish or town Council as a neighbourhood area (Planning Guidance paragraph ID 41-032-20140306 and Section 61G (4) of the Town and Country Planning Act 1990).

6.3 The first requirement has been met (see paragraphs 3.2 – 3.5 above).

6.4 Whilst Neighbourhood Development Plans should normally follow a parish boundary, paragraphs 3.1 and 3.2 above set out why the LPA considers that the neighbourhood area should not follow the parish boundaries. This is because the proposed Maghull plan area would only include part of a strategic site allocated in the draft Sefton Local Plan and would therefore not secure the designation of a coherent and appropriate boundary (see Planning Guidance paragraph ID 41-035-20140306).

6.5 In response to Peel Holdings' first point, that the letter accompanying the proposed area does not properly or adequately explain why part of the parish west of the M58 was excluded from the original application, this point has been largely addressed by the revised plan for Melling. This takes the parish boundary as its starting point, in accordance with Planning Practice. It therefore includes the

majority of Melling parish with the exception of the area included in the proposed Maghull neighbourhood area. It also includes a small area in Maghull parish within the Ashworth Hospital complex that has outline planning permission for the construction of up to 300 residential units.

- 6.6 Peel Holdings quote paragraph ID 41-033-20140306 of the Planning Guidance on Neighbourhood Planning which sets out the criteria that should be taken into account when defining a neighbourhood area. However, the LPA considers that the Planning Guidance contained in paragraph ID 41-032-20140306, is more relevant to these proposals. This states that, in parished areas, the parish boundary should be the starting point for deciding the appropriate area to designate as a neighbourhood area. (The considerations for revised plan areas are covered in paragraphs 3.1-3.6)
- 6.7 The boundaries of both the Maghull and Melling neighbourhood plans have been amended to reflect a strategic site contained in the draft Sefton Local Plan, in accordance with Planning Guidance paragraph ID 41-036-20140306.
- 6.8 The Council is not proposing to include the site Peel Holdings are promoting in the draft Local Plan and does not see any reason to exclude this land from the Melling Neighbourhood Plan area.
- 6.9 The decision to include the whole of the 'additional site' proposed by the Mersey Care NHS Trust (which has subsequently been included in the draft Local Plan as 'safeguarded land' in the draft Local Plan (see paragraph 3.3 above), which is virtually all in Melling parish, in one Neighbourhood Plan area is also considered to be appropriate.
- 6.10 As required, both changes have been formally agreed by both Maghull Town Council and Melling Parish Council before the applications were re-submitted.

## **7. Conclusion**

- 7.1 The Council considers that the revised Neighbourhood Development Plan areas for the Maghull and Melling Neighbourhood Plans areas should be approved as they comply with the guidance contained in the Town and Country Planning Act 1990, the Neighbourhood Planning (General) Regulations 2012 and the national Planning Guidance.
- 7.2 It does not consider that any further revision to the area included in the Melling Neighbourhood Development Plan should be sought. The plan area should not be further amended to exclude the whole of the site being promoted by Peel Holdings through the Local Plan preparation process in Melling parish.

# Appendix 1: Plans showing the revised Maghull and Melling Neighbourhood Development Plan areas

