

<b>Report to:</b>	Cabinet Council	<b>Date of Meeting:</b>	10 January 2019 24 January 2019
<b>Subject:</b>	Making the Lydiate and Maghull Neighbourhood Plans		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	Molyneux; Park; Sudell
<b>Portfolio:</b>	Cabinet Member - Planning and Building Control		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

### Summary:

Neighbourhood Plans can be prepared by the local community to guide development in their local area. Once they have been submitted to the Council, the Local Planning Authority has a legal duty to arrange an independent examination of the submitted Plan to make sure it meets the 'basic conditions' and determine whether it can go to referendum.

Following examination, the respective Examiners have recommended that both the Lydiate and Maghull Neighbourhood Plans can proceed to referendum. These were held on 18<sup>th</sup> December 2018. As long as a simple majority of those who vote (50% + 1) in each parish vote in favour of their respective Plans (i.e. agree with the proposals in their respective Plan) being approved, the Council has a legal duty to 'make' (i.e. adopt) the Neighbourhood Plans as part of the Development Plan for Sefton.

The purpose of this report is to seek the Council's formal approval to 'make' the Lydiate and Maghull Neighbourhood Plans part of the statutory Development Plan for Sefton as required by the Town and Country Planning Act 1990 and the Localism Act 2011. This will mean that the plans will be used to determine planning applications in Lydiate and Maghull Parishes in addition to the Local Plan.

### Recommendation(s):

Cabinet notes that the Lydiate and Maghull NPs were passed at referendum and that they will now proceed to Council to be 'made'.

Council 'make' the Lydiate and Maghull Neighbourhood Plans part of the Development Plan for Sefton.

### Reasons for the Recommendation(s):

The preparation of the Lydiate and Maghull Neighbourhood Plans have followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012

(as amended). The plans have successfully undergone examination, have satisfied the basic conditions and are in conformity with the Sefton Local Plan. Where a Referendum results in a majority 'yes' vote, the Local Planning Authority is required to 'make' the Neighbourhood Plan within 8 weeks of the referendum decision in accordance with Regulations. This will enable the Council to use the Lydiate and Maghull Neighbourhood Plans to determine planning applications in the respective parishes.

**Alternative Options Considered and Rejected:** (including any Risk Implications)

As set out in the various Neighbourhood Planning Regulations, the referendum and subsequent 'making' of Neighbourhood Plans following a successful referendum is part of the legal process for a community (Neighbourhood Forum or Town or Parish Council) to make a Neighbourhood Plan for its area. As such Sefton Council does not have any option other than to make the plans.

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

**(A) Revenue Costs**

Sefton Council is required to pay for the referendum. However, it can claim a fixed sum towards the costs of supporting the preparation of each Neighbourhood Plan and holding the referendum from the Department of Housing, Communities and Local Government (DHCLG). Implementation of the Neighbourhood Plans will be covered by general staffing costs.

**(B) Capital Costs**

None.

**Implications of the Proposals:**

<p><b>Resource Implications (Financial, IT, Staffing and Assets):</b> Once 'made' implementing both plans will be covered by general staff costs.</p>
<p><b>Legal Implications:</b> The referendum is part of a legal process and the outcome has to be complied with.</p>
<p><b>Equality Implications:</b> There are no equality implications.</p>

**Contribution to the Council's Core Purpose:**

<p>Protect the most vulnerable: N/A</p>
<p>Facilitate confident and resilient communities: The preparation of the Lydiate and Maghull Neighbourhood Plans establish the respective communities' aspirations for how its area should be developed in the future.</p>
<p>Commission, broker and provide core services: N/A</p>
<p>Place – leadership and influencer:</p>

N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener The Maghull Neighbourhood Plan contains policies that seek to provide infrastructure, regenerate Maghull District Centre, protect and enhance properties named on the Maghull Local List, protect and enhance the residential character of Maghull, protect and enhance green corridors and support development on Land East of Maghull in line with the approved Master Plan. The Lydiate Neighbourhood Plan contains policies that seek to protect and enhance non-designated heritage and cultural assets and protect and enhance footpaths, cycleways, canal towpaths and bridle paths.

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

### (A) Internal Consultations

The Head of Corporate Resources (FD.5473/18) has been consulted and notes there are no direct financial implications for the Council. The costs of holding the two referendums can be covered by Grant receipt from DHCLG. The implementation of the Neighbourhood Plans can be met from existing budget.

The Chief Legal and Democratic Officer (LD.4598/18) has been consulted and any comments have been incorporated into the report.

### (B) External Consultations

Consultation, carried out by Lydiate Parish Council and Maghull Town Council, took place at various times during the preparation of their respective Neighbourhood Plans, as required by the Neighbourhood Regulations and national Planning Practice Guidance. In accordance with the Plan Regulations, Sefton Council also consulted on the Neighbourhood Plans following submission of the Neighbourhood Plans by each Council.

## Implementation Date for the Decision

Following the Council Meeting on 24 January 2019.

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## Appendices:

There are no appendices to this report

## Background Papers:

None

## **1. Introduction**

- 1.1 The Localism Act 2011 gives local communities the right to prepare a Neighbourhood Plan to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The Council has a statutory duty to support this activity.
- 1.2 The process for preparing a Neighbourhood Plan is set out by the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#) ('The Regulations') is subject to several key stages which include:
  1. Designation of the neighbourhood plan area;
  2. Pre-submission publicity and consultation;
  3. Submission of the plan to the Local Planning Authority;
  4. Consultation by the Local Planning Authority;
  5. Independent Examination;
  6. Referendum; and
  7. Making the Neighbourhood Plan (i.e. bringing it into force).
- 1.3 Policies in Neighbourhood Plans are used when determining planning applications. It is a requirement that a Neighbourhood Plan contain policies which are broadly in accordance with the strategic policies in the Local Plan. If Neighbourhood Plan policies conflict with policies in the Local Plan, the policies in the Plan that was approved most recently take precedence.

## **2. Plan preparation**

- 2.1. Application for the designation of Lydiate Parish and Maghull Parish (with a small 'land swap' agreed with Melling Parish Council) as Neighbourhood Plan Areas were submitted in 2015. Following statutory publicity, the Neighbourhood Plan Areas were approved by Sefton Council on 28 September 2015 (Lydiate) and 5 February 2015 (Maghull).
- 2.2. Lydiate Parish Council and Maghull Town Council have each completed a number of tasks that are required to prepare a Neighbourhood Plan. These included the preparation and gathering of evidence and undertaking various consultation exercises before drawing up a draft version of the plan, known as the Pre-submission Plan. The Pre-Submission Plans underwent consultation (under Regulation 14 of the Regulations) from 1 December 2017 to 9 March 2018 (Lydiate) and 29 July 2017 to 9 October 2017 (Maghull).
- 2.3. The Pre-Submission Plans were amended as appropriate in response to the comments made and both Plans were formally submitted to the Council. Sefton Council consulted on the Submission Versions of both Plans in accordance with Regulation 16 of the Regulations between 13<sup>th</sup> June 2018 and 30<sup>th</sup> July 2018.
- 2.4. Both plans and supporting documents were then sent to the Council's retained independent examiners Intelligent Plans and Examinations (IPE) Ltd. Sefton appointed Andrew S Freeman in agreement with Lydiate Parish Council to examine the Lydiate Plan and Patrick T Whitehead in agreement with Maghull Town Council to examine the Maghull Plan. The purpose of an Examination is to

determine whether a Plan meets the 'Basic Conditions' and other legislative requirements and therefore should proceed to referendum.

- 2.5. The [Examiner's Report for the Lydiate Neighbourhood Plan](#) was formally received on 18 September 2018. The [Examiner's Report for the Maghull Neighbourhood Plan](#) was formally received on 22 October 2018. Both Examiners' Reports concluded that, subject to modification, Lydiate and Maghull Neighbourhood Plans may proceed to Referendum on the basis that they meet all the relevant legal requirements.
- 2.6. The [Referendum Version of the Maghull Neighbourhood Plan](#) together with its supporting [Residential Character Assessment](#) and the [Referendum Version of the Lydiate Neighbourhood Plan](#) together with its supporting [Character Assessment](#) are available online. Other 'specified documents' that are required by the Regulations for both referendums are also on the website at [www.sefton.gov.uk/neighbourhoodplanning](http://www.sefton.gov.uk/neighbourhoodplanning) and include:
  - Regulation 16 Consultation summary of Comments made
  - A decision statement confirming the Plan complies with the Regulations, setting out the stages of preparation and the decision and reasons for accepting the modifications proposed by the Examiner.
- 2.7. The [decision](#) for the Lydiate Plan to proceed to Referendum was made by the Cabinet Member: Planning and Building Control on 1 November 2018. The [decision](#) for the Maghull Plan to proceed to Referendum was made by the Cabinet Member: Planning and Building Control on 5 November 2018.

### **3. Referendum outcome**

- 3.1. The referendums for both plans were held on 18<sup>th</sup> December 2018. The purpose of the referendum is to confirm that the local community (people on the electoral roll living in Maghull and Lydiate parishes) agree with the proposals in their respective Plan. A simple majority (50% + 1) voting 'Yes' requires Sefton to 'make' (i.e. adopt) the Neighbourhood Plan.
- 3.2. The rules covering all aspects of organising and conducting the polls can be found in the [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\) \(Amendment\) Regulations 2013](#) and 2014) and the [Neighbourhood Planning \(General\) Regulations 2012](#).
- 3.3. The results were declared as follows (further details are available by following the links):
  - [Lydiate](#) – votes 'yes' 715; votes 'no' 108 – 86.77% in favour (turnout 16.36%)
  - [Maghull](#)- votes 'yes' 2,253; votes 'no' 369 – 85.73% in favour (turnout 16.04%)

### **4. Next steps**

- 4.1 As a result of the Referendum, the Council is required, in accordance with legislation to formally 'make' both the Lydiate and the Maghull Neighbourhood Plans as over 50% of those who voted were in favour of the Plans. This will allow

the Plans to be given full weight in determining planning applications within the Parishes of Lydiate and Maghull respectively.

- 4.2 The Council is required to 'make' the plans within 8 weeks of the Referendum in accordance with the Regulation 18A of the Regulations.