

Report to:	Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	12 March 2019
Subject:	Item Called In - Land East of Maghull Masterplan		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	Molyneux and Sudell
Portfolio:	Cabinet Member – Planning and Building Control		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet Member – Planning and Building Control on the above item, as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:
 - (a) referral of the matter to the Cabinet Member – Planning and Building Control for re-consideration, setting out the nature of the Overview and Scrutiny Committee’s concerns; or
 - (b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

Recommendation(s):

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly;
- (2) That the Committee determines whether it is concerned about the decision made by the Cabinet Member – Planning and Building Control; and
- (3) If the Committee is concerned about the decision, that the Committee indicates which of the two options set out in paragraph (3) of the summary set out above, it

wishes to pursue.

Reasons for the Recommendations:

The decision of the Cabinet Member – Planning and Building Control has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

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

Not applicable. The Council’s Constitution requires the Overview and Scrutiny Committee to consider called in items.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no revenue costs.

(B) Capital Costs

There are no capital costs.

Implications of the Proposals:

The Implications of the Proposals are set out within the attached Cabinet Member report, as follows:

Resource Implications (Financial, IT, Staffing and Assets): none
Legal Implications: none
Equality Implications: none

Contribution to the Council’s Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: The Cabinet Member report indicates that the “Masterplan will help secure delivery of business park”
Greater income for social investment: Not applicable
Cleaner Greener The Cabinet Member report indicates that the “Masterplan sets out that open space and landscaping is to be delivered”

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources has been consulted and has no comments on this report. (FD 5561/19)

The Chief Legal and Democratic Officer is the author of this report. (LD 4685/19)

(B) External Consultations

Not applicable

Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

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Appendices:

The following appendices are attached to this report:

- Report to Cabinet Member – Planning and Building Control dated 4 February 2019 - Appendix 1
- Call-in procedure to be adopted at the meeting – Appendix 2

Background Papers:

None.

1. Introduction/Background

1.1 Cabinet Member – Planning and Building Control Decision

1.2 The report attached as Appendix 1 to this report was considered as an issue by the Cabinet Member – Planning and Building Control on 4 February 2019. The decision on the matter was taken by the Cabinet Member – Planning and Building Control on 11 February 2019.

1.3 The decision of the Cabinet Member – Planning and Building Control is set out below:

Decision Made: That:

- (a) the Land East of Maghull Masterplan, as detailed with the report and its annexe, as a means to ensure a comprehensive approach to the development of the Land East of Maghull Local Plan allocation site be

approved; and

- (b) the Land East of Maghull Masterplan, as detailed with the report and its annexe, for use as a material planning consideration in determining planning applications in so far as it accords with the Sefton Local Plan, Maghull Neighbourhood Plan and Land East of Maghull Supplementary Planning Document be approved.

Reason for Decision:

To ensure that development of the strategic development allocation at Land East of Maghull is managed and development in a coordinated manner.

Alternative Options Considered:

None. The Sefton Local Plan specifies that no development will be permitted in the absence of an approved detailed masterplan for the whole site.

2. Details of the Call-In of the Cabinet Member Decision

2.1 The following Members of the Council (who are not Members of the Cabinet), on 13 February 2019, signed the requisition for the call-in, in relation to the Land East of Maghull Masterplan, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution:

- Councillor McKinley
- Councillor John Sayers
- Councillor Yvonne Sayers

2.2 In the requisition for the call-in, the following reasons were given:

(b) to question the soundness of the decision based on facts taken or not taken into account; including:

- Lack of detailed information that would/may impact of the robustness of the Master Plan relating to;
- Flood Mitigation: research and evidence to substantiate the proposed methodology
- Research based evidence on the amount of time the 'linear park' will be inaccessible because of flood events
- How public safety will be protected as a result of the proposals for flood mitigation
- How the Environment Agencies objections to the proposals have been dealt with and if the EA is still objecting to the proposals
- Traffic assessments, including measures to protect the community from pollutants from site traffic. And amount of pollution in residential areas as a result of development (including risk to the health of vulnerable groups such as young children and the ageing population (25% of total are over 65 years of age) in line with the Council's Clean Air Policy.

- Little evidence of robust assessment of the risk of the development becoming an unsustainable urban development
- Providing hard and soft infrastructure at the right place and at the right time
- The efficacy of the implementation of the 17 recommendations from the LP Infrastructure Working Group in relation to the proposed Master Plan

(e) to question whether the decision conforms with agreed policies:

- Potential conflicts/discrepancies with policies in Sefton's Local Plan, Maghull's Neighbourhood Plan and the NPPF

2.3 The Constitution sets out the following requirements with respect to call-in:

"All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- (a) to seek more understanding of the decision and its implications;
- (b) to question the soundness of the decision based on facts taken or not taken into account;
- (c) to identify the need for Council policies to guide decisions;
- (d) to make recommendations to the Cabinet and/or Council;
- (e) to question whether the decision conforms with agreed policies."

2.4 Members are asked to consider the requisition cited above (in paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.