

Notice of:	LEADER OF THE COUNCIL
Decision Number:	PH61/2022
Relevant Officer:	Jane Saleh, Head of Planning Strategy
Relevant Cabinet Member:	Councillor Lynn Williams, Leader of the Council and Cabinet Member for Tourism, Arts and Culture
Date of Decision:	5 October 2022

MARTON MOSS NEIGHBOURHOOD PLAN: REGULATION 16 CONSULTATION

1.0 Purpose of the report:

1.1 The purpose of this Report is to inform the Cabinet Member:

- (i) of the submission of the Marton Moss Neighbourhood Plan (MMNP) by Marton Moss Neighbourhood Forum to the Council in accordance with the Neighbourhood Plan (General) Regulations (as amended) 2012; and
- (ii) request authority to proceed to publicise the documents for consultation and appoint an independent examiner;
- (iii) that officers will bring a further report setting out the Council's comments on the Submission draft of Marton Moss Neighbourhood Plan Regulation 16 consultation.

2.0 Recommendation(s):

2.1 To agree to publicise for consultation for a period of 6 weeks during October/November 2022, the Submission Draft of the Marton Moss Neighbourhood Plan and supporting documentation (Appendix A refers) in accordance with Regulation 16 of the Neighbourhood Plan Regulations.

2.2 To agree that following the consultation on the plan agrees that the Council appoint an independent examiner in agreement with the Neighbourhood Forum to allow the plan to move forward to examination stage.

3.0 Reasons for recommendation(s):

3.1 The Council formally designated the Marton Moss Neighbourhood Area on 26 March 2019 in accordance with the Neighbourhood Plan (General) Regulations (as amended) 2012 - Regulation 10. This established the process for the Neighbourhood Forum to produce a neighbourhood plan for the designated area. Regulation 16 requires the Council to publicise the draft Plan for consultation. The regulations also require the Council to appoint an independent examiner, in agreement with the Neighbourhood Forum, to allow the plan to progress towards becoming a 'made' plan and part of Blackpool's development plan. It is the examiner who will decide if the plan has satisfied the basic conditions, so the Council would need to make representations at this stage to ensure any concerns with policy are taken into account.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 There are no alternative options to be considered as the Council are required to progress the plan in accordance with the Regulations, as the Neighbourhood Plan meets the legal requirements.

5.0 Council priority:

5.1 The relevant Council priorities are both

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

6.0 Background information

6.1 The Blackpool Local Plan Part 1: Core Strategy (Policy CS26) promotes a neighbourhood planning approach for Marton Moss, to develop neighbourhood planning policy, which supports the retention and enhancement of the distinctive character of the Moss, whilst identifying what circumstances development may be acceptable. Policy CS26 also defines the boundary for the neighbourhood area.

6.2 On November 2017, the local community voted in favour of producing their own neighbourhood

plan for Marton Moss and Executive endorsed this approach at their meeting on the 19 February 2018. The Council subsequently formally designated the Marton Moss Neighbourhood Area on 26 March 2019, in accordance with Regulation 10 of the Neighbourhood Plan Regulations.

6.3

Over the past 3 years the Neighbourhood Forum have been developing a draft Neighbourhood Plan which was subject to public consultation in March and April 2022 in accordance with Regulation 14 of the Neighbourhood Planning Regulations. This consultation allowed residents and stakeholders, including the Council, to comment on the policies and site allocations within the draft plan.

6.4

Following this consultation the Neighbourhood Forum made some changes in response to the representations received and have now submitted the Submission Draft Plan to the Council in accordance with Regulation 15 of the Neighbourhood Plan (General) Regulations (as amended) 2012 which comprises the following documents Appendix A refers:

- the proposed neighbourhood development plan (including map) (Appendix A(i))
- Basic Conditions Statement (Appendix A(ii)); and
- Consultation Statement (Appendix A(iii))

6.5

Alongside these documents a range of other supporting documents including evidence base documents that have informed the policies and proposals in the draft plan were also submitted.

6.6

Regulation 16 now requires the Council to publicise the draft plan and supporting documents for consultation for a minimum of 6 weeks. Following the consultation on the plan, the Council are required to appoint an independent examiner in agreement with the Neighbourhood Forum and allow the plan to move to examination, in accordance with Regulation 17. The examiner will determine whether the plan meets basic conditions in accordance with Regulation 18 and whether there is a need to recommend any modifications to ensure this. The basic conditions comprise the following:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the plan is in general conformity with the strategic policies contained in the development plan of the authority (or any part of that area)
- the making of the plan does not breach, and is otherwise compatible with, EU

obligations

- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposals for the order

6.7 At the Regulation 16 consultation stage it is appropriate for the Council to make comments on the Neighbourhood Plan if necessary. As the Neighbourhood Plan will become part of Blackpool's Development Plan, its policies and site allocations must be in conformity with national and local planning policies. It is the intention of officers to bring a separate report once the Regulation 16 consultation has commenced, to agree the Council's response to the Submission Draft Marton Moss Neighbourhood Plan as it is considered that there are some parts of the plan which may not meet the basic conditions which will be considered and determined by the appointed examiner.

6.8 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 **Appendix A(i)** Marton Moss Neighbourhood Plan Submission Draft

Appendix A(ii) Marton Moss Neighbourhood Plan Basic Conditions Statement

Appendix A(iii) Marton Moss Neighbourhood Plan Consultation Statement

8.0 Financial considerations:

8.1 The work is being undertaken within existing budgetary provisions.

9.0 Legal considerations:

9.1 The ongoing process conforms to the legal requirements for Neighbourhood Plans. The Marton Moss Neighbourhood Plan, when made, will become part of the Council's statutory development plan.

10.0 Risk management considerations:

10.1 The Marton Moss Neighbourhood Plan will form part of the Development Plan for Blackpool. Without its progression this will compromise the implementation of adopted policy in the Core Strategy - Policy CS26 Marton Moss; and undermine the neighbourhood planning process determined through the designation of the neighbourhood plan area and forum to

provide a local policy framework to further direct development within the designated area which reflects the priorities of the community. In addition as the Neighbourhood Development Plan is considered to meet the legal requirements, the Council are required to publicise the plan as soon as possible to meet the requirements of the regulations.

11.0 Equalities considerations:

11.1 Local authorities need to have regard to the Public Sector Equalities Duty, as referred to in the Equality Act 2010, in respect of considering people with 'protected characteristics' in decision making. The Neighbourhood Plan must be in conformity with Blackpool Local Plan policy and the latter have been subject to an Equality Analysis.

12.0 Sustainability, climate change and environmental considerations:

12.1 Sustainability, climate change and the environment are key considerations that have to be taken into account in the preparation of the statutory Blackpool Local Plan. The Neighbourhood Plan will add further detail to and be in conformity with policies in the Blackpool Local Plan which assist in helping to deliver on the Council's Climate Change Declaration and Climate Change Action Plan. The Neighbourhood Plan has been subject to a Sustainability Appraisal and Habitats Regulation Assessment.

13.0 Internal/external consultation undertaken:

13.1 The Neighbourhood Forum have undertaken Consultation on the Neighbourhood Plan, up to and including at Regulation 14 stage. Officers have worked alongside the Neighbourhood Forum since its establishment and provided comments on the plan prior to Regulation 14 stage and on the consultation draft of the plan at Regulation 14 stage. The Consultation Statement (Appendix A (iii)) details who has been consulted on the plan to date, including the local community and consultation bodies as set out in Schedule 1 of the Neighbourhood Planning Regulations.

14.0 Background papers:

14.1 None.

15.0 Key decision information:

15.1 Is this a key decision? No

- 15.2 If so, Forward Plan reference number:
- 15.3 If a key decision, is the decision required in less than five days? No
- 15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

- 16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No
- 16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

18.0 Declarations of interest (if applicable):

18.1 None.

19.0 Executive decision:

19.1 The Leader of the Council agreed the recommendations as outlined above namely:

1. To agree to publicise for consultation for a period of 6 weeks during October/November 2022, the Submission Draft of the Marton Moss Neighbourhood Plan and supporting documentation (Appendix A refers) in accordance with Regulation 16 of the Neighbourhood Plan Regulations.
2. To agree that following the consultation on the plan agrees that the Council appoint an independent examiner in agreement with the Neighbourhood Forum to allow the plan to move forward to examination stage.

20.0 Date of Decision:

20.1 5 October 2022

21.0 Reason(s) for decision:

21.1 The Council formally designated the Marton Moss Neighbourhood Area on 26 March 2019 in accordance with the Neighbourhood Plan (General) Regulations (as amended) 2012 - Regulation 10. This established the process for the Neighbourhood Forum to produce a neighbourhood plan for the designated area. Regulation 16 requires the Council to publicise the draft Plan for consultation. The regulations also require the Council to appoint an independent examiner, in agreement with the Neighbourhood Forum, to allow the plan to progress towards becoming a 'made' plan and part of Blackpool's development plan. It is the examiner who will decide if the plan has satisfied the basic conditions, so the Council would need to make representations at this stage to ensure any concerns with policy are taken into account.

22.0 Date Decision published:

22.1 5 October 2022

23.0 Executive Members in attendance:

23.1

24.0 Call-in:

24.1

25.0 Notes:

25.1