

Appendix Aii

# Marton Moss Neighbourhood Plan Basic Conditions Statement

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## INTRODUCTION

1. This Statement has been prepared on behalf of the Marton Moss Neighbourhood Forum to meet requirements under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to accompany the submission of the Marton Moss Neighbourhood Plan to the local planning authority, Blackpool Borough Council.

2. The Statement first covers a series of preliminary administrative matters before going on to consider the Basic Conditions themselves.

3. There are broadly four types of Basic Conditions requirements that apply to Neighbourhood Development Plans. These are:

- A. Have regard to national policies and advice contained in guidance issued by the Secretary of State**
- B. Contribute to the achievement of sustainable development**
- C. Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**
- D. Does not breach, and is otherwise compatible with, specific obligations and meets prescribed conditions**

4. This Statement will consider each of these requirements in detail.

## **PRELIMINARY ADMINISTRATIVE MATTERS**

### **Qualifying Body**

5. This is the Marton Moss Neighbourhood Forum which was designated on 26 March 2019.

### **Neighbourhood Development Plan**

6. This is the Marton Moss Neighbourhood Plan.

### **Plan Period**

7. This is from 1 April 2020 to 31 March 2030.

### **Excluded Development**

8. This Plan does not refer to any types of development that are excluded from those that can be covered by a Neighbourhood Plan.

### **Neighbourhood Area**

9. This is known as Marton Moss and is the Area shown in Appendix A. It was designated on 26 March 2019.

### **Other Neighbourhood Plans in place for this Area**

10. There are no other Neighbourhood Plans covering any part of the Marton Moss Neighbourhood Area.

### **Supporting Evidence**

11. The evidence used to inform the preparation of the Neighbourhood Plan is listed in Appendix B and can be viewed at [www.martonmossforum.org](http://www.martonmossforum.org)

## MEETING THE BASIC CONDITIONS

### A. Have regard to national policies and advice contained in guidance issued by the Secretary of State

12. That means the relevant policies in the National Planning Policy Framework<sup>1</sup> and the pertinent advice contained in the Planning Practice Guidance<sup>2</sup>, also produced by the Government.

13. 'Have regard to' means the Neighbourhood Plan must not constrain the delivery of important national policy objectives. In broad term these objectives are focussed on enabling economic growth and development, particularly for housing but ensuring this is achieved through high quality design and safeguarding the natural and historic environment.

14. Marton Moss Neighbourhood Forum believes that the Marton Moss Neighbourhood Plan, as submitted, properly demonstrates due regard to relevant National Policy, specifically that set out in the National Planning Policy Framework (NPPF) 2021 as supplemented by the advice in the Planning Practice Guidance (PPG).

15. The Neighbourhood Plan takes full account of the advice contained in the PPG especially the paragraphs as updated to 25 September 2020 related to neighbourhood planning matters.

16. Paragraphs 29-30 of the NPPF describe how neighbourhood planning can be used to give communities direct power to deliver a shared vision for their neighbourhood and deliver the sustainable development that they need. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development that is at the heart of national policy.

17. In terms of what national policies are 'relevant' - the key ones in the NPPF are:

- Paragraph 13 - under which neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies, and more specifically;
- Paragraph 29 - states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

18. Beyond these the content of a Neighbourhood Plan determines which other aspects of national policy are, or are not, a relevant consideration to be taken into account. This Basic Conditions Statement sets out what, in the Neighbourhood Forum's view, constitutes relevant national policy provisions based on the Plan's content.

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

19. For planning to deliver sustainable development, the NPPF provides policy guidance in key areas, the following of which, where relevant to the Neighbourhood Area, the Neighbourhood Plan has had close regard:

- Delivering a sufficient supply of homes
- Supporting a prosperous rural economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land and achieving appropriate densities
- Achieving well-designed places
- Planning for climate change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

20. The conformity between the policies of the Marton Moss Neighbourhood Plan and the guidance given in the National Planning Policy Framework is demonstrated in further detail in Table 1 reproduced from page 9.

## **B. Contribute to the achievement of sustainable development**

21. This is consistent with the planning principle that all plan-making and decision-making will either help achieve improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).

22. The NPPF explains the three dimensions of sustainable development that give rise to the need for the planning system to perform a number of roles. These objectives should not be undertaken in isolation as they are mutually dependent.

- **An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- **An environmental objective** – to protect and enhance our natural, built and historic environment; including making efficient use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and updating to climate change including moving to a low carbon economy.

23. The pursuit of sustainable development is at the heart of the Marton Moss Neighbourhood Plan, as is highlighted by the Neighbourhood Plan's Vision and Objectives.

24. During the operation of the Plan Marton Moss will continue to be an area with a distinctive and largely open character, whilst evolving to accommodate limited scale appropriately designed housing development which takes full account of the need for sustainable drainage and biodiversity net gains. The Plan provides opportunities for local land-based businesses to prosper, improved local recreational resources and better facilities for non-vehicle based sustainable movement. All of which will make positive contributions to achieving an improved sense of place and community health and well-being.

25. The Sustainability credentials of the Plan are thoroughly appraised in the Strategic Environmental Assessment (SEA). The need for a SEA was triggered by the requirement to produce a Habitats Regulations Assessment, itself related to the proximity of Marton Moss to the internationally important wildlife habitats associated with the Ribble Estuary and nearby waters.

26. The SEA has been prepared in accordance with a set methodology and has a broad scope covering a wide range of topics associated with the state of the local environment and related objectives. The extent to which the topics are relevant in terms of Marton Moss was considered through a scoping exercise. Taking account of the policies in the Plan the following topics were adjudged to be relevant – biodiversity, climatic factors, historic environment, landscape, along with population and housing.

27. The SEA Environmental Report was consulted on in draft form at the Regulation 14 stage and has since been revised to take full account of the revisions made for Regulation 16. It considers the sites proposed to be allocated for housing development and compares the effects of that scale of growth compared with the alternative of higher growth using the additional sites suggested in the Call for Sites that are not proposed for inclusion in the Plan. The Report builds upon the Sites and Options Assessment which considers all the sustainability factors related to pursuing residential development on the suggested sites.

28. The initial outcome of this assessment work was that the Plan as proposed prior to Regulation 14 had mainly positive effects with the possible exception of the impact on the historic environment in some instances. In comparison the higher growth alternative would predominantly have significant negative effects.

29. To address the possibility of a minor negative effect on the historic environment of the proposed Plan the Draft Environmental Report recommended that:

- the archaeological potential [of relevant sites] must be explored and appropriate action taken to protect and record features of importance – the relevant sites were referenced in the Regulation 14 draft Plan Policy MM4 [housing site allocations] and in a specific clause (e) in Policy MM1 [building design], and;
- Policy MM6 [market gardening businesses] should include a requirement for an ecological survey of the site(s) considered for re-development to avoid potential harm to established biodiversity on such sites.

30. Those amendments incorporated in the Regulation 14 stage Plan remain relevant as confirmed by the finalised SEA Environmental Report and are included in the Regulation 16 submitted Plan. Outside of the SEA additional assessment of the suggested housing sites has been done as set out in the Housing Site Allocations Appraisal document taking account of a broader range of factors and the comments of expert agencies. Its results confirm the findings of the SEA work.

### **C. Be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

31. For this Neighbourhood Plan this essentially means relevant policies in the Blackpool Local Plan Part 1 (Core Strategy). To assist neighbourhood planning groups with Plan preparation local planning authorities are obliged to identify which Local Plan policies are strategic.

32. When considering whether a policy is in general conformity with the strategic policies the Neighbourhood Forum has considered the following in this Basic Conditions Statement:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft Neighbourhood Plan and the evidence to justify that approach

33. Those that were identified by Blackpool Council as potentially strategic as set out at the start of the process of preparing the Neighbourhood Plan are listed in Appendix C which also explains why some Core Strategy policies are not relevant to the Neighbourhood Plan. This outcome represents the conclusion of close dialogue with the local planning authority.

34. Although a Neighbourhood Plan ‘only’ needs to be in general conformity with strategic policies the Plan has also been prepared so as to complement the policies in the emerging Local Plan Part 2 which also means there is no need to repeat those more detailed policy provisions that will apply across Blackpool, in the Neighbourhood Plan.

35. The Blackpool Local Plan Part 1 (Core Strategy) was adopted in January 2016. The emerging Local Plan Part 2 (Site Allocations and Development Management Policies) was submitted for examination in 2021 and remains at that stage following public hearings held in December 2021. Post-hearings proposed main modifications for the Local Plan Part 2 were published for consultation in July 2022.

36. Local Plan strategic policy CS26 is key to the preparation of the Neighbourhood Plan as part 1 of the policy advocates a neighbourhood planning approach be pursued for Marton Moss and in the meantime sets out an interim series of policy provisions that limit development opportunities. When the Neighbourhood Plan is made it will replace CS26.

37. The only other pertinent component of the development plan is Joint Lancashire Minerals and Waste Local Plan which is being partly revised although that work has not reached an advanced stage. The Local Plan Context chapter of the Neighbourhood Plan explains the very limited relevance of the Minerals and Waste Local Plan to the Neighbourhood Area and provides more background to the production of the Blackpool Local Plan in relation to Marton Moss.

38. Table 1 below sets out how the Neighbourhood Plan policies have regard to national policies and generally conform with the relevant strategic policies and also how they are consistent with the Local Plan Part 2 policies.



**Table 1 Regard to National Policy Guidance and General Conformity with Local Plan Policies**

<p><b>Neighbourhood Plan Policy</b></p>	<p><b>Policy MM1 Building Design</b></p> <p>The design of proposals for new development will be supported provided that:</p> <ul style="list-style-type: none"> <li>a. the provisions set out in the Marton Moss Design Code are appropriately reflected in the submitted scheme; and,</li> <li>b. consistent with the Code, schemes would minimise their impact on the appearance of the wider area through retaining existing trees and hedgerows, providing appropriate landscaping, and garden layouts; and,</li> <li>c. a Sustainable Drainage System compliant with the most up to date requirements of CIRIA * Manual 753, or any future replacement thereof, is to be installed with suitable arrangements to be put in place for its future maintenance and proposals for this system to outfall to a fully functioning and intact local dyke network, with no site level raising; and</li> <li>d. there is a commitment to provide nature conservation information packs to new residential development occupiers, and to wildlife habitat creation within the site as set out in the Marton Moss Biodiversity Strategy; and</li> <li>e. in respect of land with high archaeological potential, that aspect has been fully assessed and there is a commitment to take appropriate action to protect and record features of importance.</li> </ul> <p>* Construction Industry Research and Information Association</p>
<p>National Planning Policy Framework (2021)</p>	<p>Achieving high quality buildings, beautiful and sustainable buildings and well-designed places are key features of National Policy. Plans should have a clear design vision and expectations as can be achieved through the production of design codes so as to establish or maintain a strong sense of place, with policies developed along with the local community to reflect residents’ aspirations and an area’s defining characteristics. (Paragraphs 126, 127 ,129 and 130)</p> <p>National Policy also advocates that development plans should have policies that support appropriate measures to help ensure future resilience of communities and infrastructure to climate change impacts including with the assistance of Sustainable Drainage Systems. (Paragraph 153)</p> <p>Achieving biodiversity net gain is also a fundamental requirement of new development proposals, an aspect that should be integrated into a scheme’s design. (Paragraph 174)</p>

Comments	<p>Policy MM1 is firmly aligned with national policy with its fundamental foundation on the Design Code work which provides a very clear steer as to what is expected from new development. The Code is well aligned with community expectations as shown through the engagement work that has contributed to and endorsed it.</p> <p>Surface water management is a key requirement across Marton Moss and Policy MM1 has close regard to national policy in this respect as it does with biodiversity expectations.</p>
Blackpool Local Plan Part 1 (Core Strategy)	<p>Local Plan Part 1 Core Strategy Policy CS1: Strategic Location of Development point 3 refers to recognising the important character of land at Marton Moss. Policy CS6: Green Infrastructure – sets out how high-quality and well-connected networks of green infrastructure in Blackpool will be achieved. Policy CS7: Quality of Design - requires that new development should be well designed and enhances the character and appearance of the local area. In respect of heritage – Policy CS8 - development proposals should respect and draw inspiration from the built, social, and cultural heritage of Blackpool and complement its rich history.</p> <p>Core Strategy Policy CS9: Water Management - requires that all new developments must incorporate appropriate mitigation and resilience measures to minimise the risk and impact of flooding, incorporating appropriate Sustainable Drainage Systems (i.e. that meet approved technical specifications) and avoiding the discharge of surface water into the sewer network.</p>
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	<p>Part 2 of the emerging Local Plan in draft Policy DM1: Design Requirements for New Build Housing Development - reinforces the importance of designs and layouts responding to a local character. The Policy also sets out a series of minimum expectations on internal and external space requirements, waste management and parking arrangements. It also advocates what energy and carbon saving measures should be built into new homes. Policy DM41: Transport Requirements for New Development – sets out all the factors to be taken account of in terms of accessibility.</p> <p>Local Plan Part 2 draft Policy DM17: Design Principles – sets out the fundamental aspects of good design and Policy DM27: Conservation Areas – the particular design expectations that apply in these locations. Policy DM21: Landscaping – outlines the design requirements of outdoor areas that developments need to incorporate and Policy DM31: Surface Water Management – underlines the importance of incorporating the most sustainable drainage option available for new development. Policy DM35: Biodiversity - covers all the minimum expectations in relation to wildlife matters, including habitat creation where opportunities exist.</p>
Comments	<p>Policy MM1 conforms closely with the relevant strategic policies particularly in terms of design requirements and water management as well as complementing the relevant Local Plan Part 2 policies.</p>

<p><b>Neighbourhood Plan Policy</b></p>	<p><b>Policy MM2 Open Land Character</b></p> <p>To maintain their vital contribution to the overall character of Marton Moss and their green infrastructure significance the following areas, as shown on the Policies Map, are safeguarded as Major Open Land:</p> <ol style="list-style-type: none"> <li>1. Between Chapel Road and Yeadon Way</li> <li>2. South of Ecclesgate Road</li> <li>3. East of Sandy Lane and Worthington Road</li> </ol> <p>Development proposals on Major Open Land, and significant open land elsewhere, will be supported provided that the open appearance of the site would be substantially retained, and limited to the following:</p> <ol style="list-style-type: none"> <li>a. outdoor recreational, camping or other open-air leisure uses appropriate to a rural area, provided any buildings are demonstrated to be essential and no larger than is necessary to serve the use proposed; or,</li> <li>b. conversion or change of use of existing buildings for agricultural or equestrian purposes; or,</li> <li>c. extensions or replacement dwellings in keeping with the scale and character of the area and not exceeding 33% of the original ground floor footprint of the existing dwelling.</li> </ol> <p>Where appropriate schemes should provide better public access and encompass local nature recovery measures.</p>
<p>National Planning Policy Framework (2021)</p>	<p>Although making effective use of land (when it is being developed) is a central feature of national planning policy that approach does also recognise the benefits of keeping land undeveloped. Such open land can serve a variety of functions (e.g. for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage, food production) and in terms of maintaining an area’s character and setting. (Paragraph 120)</p> <p>Achieving biodiversity net gain is also a fundamental requirement of new development proposals. (Paragraph 174)</p>
<p>Comments</p>	<p>The existence of open land across Marton Moss is a defining feature of the Area’s character and also serves the wide range of functions recognised by national policy. So, this is a locally appropriately balanced approach to the standard remit of making effective use of land.</p> <p>The open land also provides opportunities to make the most of achieving biodiversity net gain from nearby development proposals through coherent ecological networks.</p>
<p>Blackpool Local Plan Part 1 (Core Strategy)</p>	<p>Local Plan Part 1 Core Strategy Policy CS1: Strategic Location of Development point 3 refers to recognising the important character of land at Marton Moss. Policy CS6: Green Infrastructure - promotes protecting, enhancing, creating and connecting all the facets of the green</p>

	<p>infrastructure network. Policy CS7: Quality of Design - recognises the importance of green infrastructure in the overall design of places. Policy CS21: Leisure and Business Tourism – aims to focus tourism investment in central parts of Blackpool and at existing outdoor leisure and tourism facilities elsewhere, only exceptionally will new holiday accommodation be allowed in peripheral locations outside these areas.</p>
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	<p>Part 2 of the emerging Local Plan in draft Policy DM35: Biodiversity - covers all the minimum expectations in relation to wildlife matters, including habitat creation where opportunities exist.</p>
Comments	<p>The open land character of Marton Moss and the related importance of green infrastructure with design considerations are key threads that unite Policy MM2 with the relevant strategic policies. The focus on outdoor recreation and leisure also conforms with the strategic policy approach to leisure and business tourism across Blackpool. That aspect plus the restrictions on conversions/changes of use of existing buildings as well as the size of dwelling extensions/replacement homes in areas of open land provide a continuity tie to strategic Policy CS26 which will otherwise be replaced by the new Neighbourhood Plan policies.</p>
<b>Neighbourhood Plan Policy</b>	<p><b>Policy MM3 School Road/Midgeland Road Junction</b></p> <p><b>The design of any proposal for development on land adjacent to the School Road/Midgeland Road crossroads, as shown on the Policies Map, will be supported provided it:</b></p> <ul style="list-style-type: none"> <li><b>a. is in accordance with Policy MM2; and,</b></li> <li><b>b. includes appropriately designed boundary treatment adjacent to the road frontage.</b></li> </ul> <p><b>An appropriately designed and sited art installation will be supported at this location.</b></p>
National Planning Policy Framework (2021)	<p>National Planning Policy urges that plan makers and decisions on planning applications take account of the sense of place, arrangement of streets, spaces, building type and materials to create attractive, welcoming, and distinctive places to live, work and visit.</p>
Comments	<p>The School Road/Midgeland Road junction is an important gateway to Marton Moss but has a poor appearance. Policy MM3 focusses on the attractive welcome potential of such opportunities identified in national policy.</p>

Blackpool Local Plan Part 1 (Core Strategy)	None are relevant.
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	Emerging Local Plan Part 2 draft Policy DM25: Public Art – outlines the Council’s approach to encouraging appropriate public art installations and specifically mentions Marton Moss as a location opportunity.
Comments	The School Road/Midgeland Road junction would be a good location to install public art and so conforms well with the Local Plan policy.
<b>Neighbourhood Plan Policy</b>	<p><b>Policy MM4 Housing Site Allocations</b></p> <p><b>The following sites, as shown on the Policies Map, are proposed for housing development:</b></p> <p>(See Appendix D for list of sites)</p>
National Planning Policy Framework (2021)	<p>A long-standing Government policy is to significantly boost the overall supply of new homes across the country. Neighbourhood Plans are not required to bring forward land for housing development but are encouraged to do so. National policy advises neighbourhood planning groups should consider the opportunities for allocating suitable small and medium sized sites taking account of local market conditions and viability, availability and capacity of infrastructure and services, maintaining an area’s prevailing character and setting, as well as the importance of securing well-designed, attractive and healthy places (Paragraphs 69, 70 and 124)</p> <p>Where there is a shortage of land to meet housing needs low density development should be avoided (Paragraph 125)</p> <p>National policy states that Plans should reflect in their policies the different residential accommodation requirements of different groups in the community. Also, the specific need for affordable housing is acknowledged but national policy states this is normally not to be sought on market housing schemes of less than ten dwellings. Above this size at least 10% of homes to be provided on a site should be for affordable home ownership (unless this would prejudice the ability to meet the identified affordable housing needs of specific groups). Also at least a quarter of the affordable homes on a site should be ‘First Homes’. The exceptions to this are developments that are solely ‘Build for Rent’ schemes, specialist accommodation such as for elderly or student accommodation, self or</p>

	custom-built housing, and schemes exclusively for affordable housing. (Paragraph 62, 63 and 65)
Comments	<p>Policy MM4 is another example of appropriately balancing national policy. There is no housing requirement imperative for Marton Moss to contribute to available housing land supply in Blackpool. However, the Neighbourhood Plan proposes housing allocations are well in excess of the indicative housing figure for the Area (NPPF Paragraph 67). However, at the same time low density development is a key aspect of the local character that is embedded in the Design Code.</p> <p>National policy recognises the importance of local market conditions and the viability of new housing development. This can be a difficult balance at the neighbourhood level especially in a place like Marton Moss where the national policy reference to ‘maintaining an area’s prevailing character’ is a key consideration.</p> <p>The Plan is bringing forward a range of small and medium sized sites. Due to their size these offer limited opportunities for achieving affordable housing. However, by advocating the types of accommodation that would be appropriate including terraced housing (that would be a cheaper type) and bungalows (that would help meet the identified local need for older persons’ housing) an appropriate diversity of new properties can be achieved.</p>
Blackpool Local Plan Part 1 (Core Strategy)	<p>Local Plan Part 1 Core Strategy Policy CS2: Housing Provision - sets out an overall housing requirement figure for the whole of Blackpool for the 2012-2027 Plan period of 4,200 homes. The following policies also apply to the whole of the Borough including Marton Moss: Policy CS13: Housing Mix, Density and Standards – specifies the sizes of homes on sites so as to achieve a balanced mix of properties and Policy CS14: Affordable Housing – seeks on sites in the 3-14 dwelling size range, the direct provision of such housing, or a financial contribution to be used on another site. On larger sites thirty percent of the total number of units provided are required to be affordable. These provisions are all subject to the financial viability of the overall scheme.</p> <p>The various requirements for new developments to contribute to infrastructure and community facilities are Policy CS11: Planning Obligations, Policy CS12 Sustainable Neighbourhoods and, specifically school places, in Policy CS15: Health and Education.</p>
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	Emerging Local Plan Part 2 draft Policy DM3: Supported Accommodation and Housing for Older People – sets out criteria for the various forms of specialist housing for older people and the acceptable distribution of such developments.

Comments	Although a contribution in numeric terms to Blackpool’s housing provision is not required from Marton Moss, the mixed balanced approach to house types will help meet the needs identified in strategic policies and so Policy MM4 generally conforms with those.
<b>Neighbourhood Plan Policy</b>	<p><b>Policy MM5 Windfall Housing</b></p> <p><b>Housing development proposed on land not allocated for such purposes will be supported provided the site comprises either:</b></p> <ul style="list-style-type: none"> <li>a. a small gap in an otherwise built-up street frontage; or,</li> <li>b. land currently or recently occupied by buildings,</li> </ul> <p><b>and the scheme would not significantly reduce the open character of the immediate locality or undermine the intentions of Policy MM2.</b></p> <p><b>Subject to these provisions, proposals that would help meet a specific locally identified housing need will be favoured.</b></p>
National Planning Policy Framework (2021)	National policy recognises the contribution windfall sites can make to help meet housing requirements but cautions that there should be compelling evidence that this will be a reliable source of supply in the future if there is reliance on this source of provision to help meet the housing requirement figure. National policy also says that Plans should consider the case for policies that would resist development of residential gardens, such as where schemes would cause harm to the local area. (Paragraph 71)
Comments	There is no reliance on windfall sites at Marton Moss to ‘make up the numbers’ but it is sensible to anticipate they will arise, have a policy that appropriately manages their development and avoids harm. That will be ensured through the use of the Design Code and its incorporation into Policy MM1.
Blackpool Local Plan Part 1 (Core Strategy)	Local Plan Part 1 Core Strategy Policy CS2: Housing Provision - recognises the contribution to overall housing provision that can be made by windfall sites.
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	Emerging Local Plan Part 2 draft Policy DM2: Residential Annexes refers to ancillary living accommodation proposed as additional to the main dwelling, such proposals will be restricted in accordance with their occupancy and whether the development would create a separate dwelling.
Comments	Policy MM5 will make a worthwhile contribution to the provision of windfall housing opportunities and so conforms with the relevant strategic policy.

<p><b>Neighbourhood Plan Policy</b></p>	<p><b>Policy MM6 Market Gardening Businesses</b></p> <p>Proposals for development involving the re-use of an existing glasshouse and/or the diversification of an operating horticultural business will be supported providing that the proposed use:</p> <ul style="list-style-type: none"> <li>a. can be appropriately accessed by delivery vehicles; and,</li> <li>b. has sufficient vehicle parking provision within the site;</li> <li>c. any retail use is limited to local catchment or bulky goods operations and,</li> <li>d. would not unduly disturb neighbouring residential occupiers.</li> </ul> <p>Proposals to re-develop land previously used for market gardening will be required to respect the scale and form of the horticultural plot, accord with the design requirements of Policy MM1 and, where the land has been left to go wild, include an ecological survey of the site.</p>
<p>National Planning Policy Framework (2021)</p>	<p>National policies recognise that the diversification of agricultural and other land-based rural businesses should be enabled. (Paragraph 84)</p>
<p>Comments</p>	<p>Policy MM6 appropriately enables suitable diversification proposals in line with national policy.</p>
<p>Blackpool Local Plan Part 1 (Core Strategy)</p>	<p>None are relevant.</p>
<p>Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)</p>	<p>Part 2 of the Local Plan does not have a specific policy concerning market garden uses although draft Policy DM34: Development in the Countryside - does recognise horticulture as being appropriate to a rural area.</p>
<p>Comments</p>	<p>Market gardening has been a defining influence over the character of Marton Moss and Policy MM6 provides a way of it continuing through forms of diversification that help retain its rural appropriateness as recognised by the Local Plan policy.</p>
<p><b>Neighbourhood Plan Policy</b></p>	<p><b>Policy MM7 Horse Stabling and Riding Activities</b></p> <p>Proposals for development involving equestrian use will be supported provided the buildings and any other installations proposed accord with:</p> <ul style="list-style-type: none"> <li>a. British Horse Society good practice; and,</li> <li>b. Policy MM2 where they relate to extensive open land; or elsewhere,</li> <li>c. any substantial structures (such as indoor riding centres) are appropriately located adjacent to existing buildings.</li> </ul>



National Planning Policy Framework (2021)	Equestrian uses are essentially rural in character, whether they be run as businesses or are personal leisure activities. National policies support the sustainable growth and expansion of such rural enterprises provided they respect the character of the area. (Paragraph 84)
Comments	Policy MM7 pays close regard to national policy and applies it to equestrian activities that are a common occurrence across Marton Moss.
Blackpool Local Plan Part 1 (Core Strategy)	None are relevant.
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	None are relevant.
Comments	Not applicable.
<b>Neighbourhood Plan Policy</b>	<p><b>Policy MM8 Midgeland Farm</b></p> <ul style="list-style-type: none"> <li><b>a. The Midgeland Farm site, as shown on the Policies Map, is safeguarded for community use as a community park complete with paths for people to use on foot, cycle, or horse as well as appropriate tree planting and other landscaping; and,</b></li> <li><b>b. measures to retain at least part of the structure of the farmhouse, stable, barn and early shippens will be supported.</b></li> </ul>
National Planning Policy Framework (2021)	<p>National policies state that plans should be positive about the conservation and enjoyment of the historic environment including heritage assets most at risk of loss through neglect, decay and other threats. (Paragraph 190)</p> <p>National policies encourage plan makers to provide for social, recreational, and cultural facilities. (Paragraph 93)</p> <p>Access to high quality open spaces is recognised as providing opportunities for physical activity that is important for the health and well-being of communities. (Paragraph 92)</p>
Comments	Sadly, the locally listed historic buildings at Midgeland Farm are now beyond feasible restoration, having deteriorated significantly recently. New structural condition reports reveal the highly dilapidated, unstable state of the remaining structures. There is though the prospect of retaining the footprint of the main buildings and providing interpretative material of what once existed. Under the circumstances that would be a positive

	<p>outcome for a site that would otherwise be destined to be excluded from public access indefinitely.</p> <p>Clearing the buildings would also greatly improve the prospects for achieving a high quality, much needed local open space.</p>
Blackpool Local Plan Part 1 (Core Strategy)	Local Plan Part 1 Core Strategy Policy CS8: Heritage – supports proposals to retain, reuse or convert heritage assets whilst conserving or enhancing their significance. Design Policy CS7 promotes new pedestrian and cycle routes as well as the provision of green infrastructure. The latter is also supported by Policy CS6: Green Infrastructure. Policy CS15: Health and Education - advocates developments that encourage healthy and active lifestyles.
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	In the emerging Part 2 of the Local Plan draft Policy DM28: Non-Designated Heritage Assets – supports a presumption in favour of repairing and appropriate re-use of structures such as locally listed buildings. Policy DM36: Controlling Pollution and Contamination – stresses the importance of development proposals relating to contaminated land properly dealing with any risks through appropriate management and remediation measures.
Comments	Policy MM8 aims to at least partially retain a locally listed historic building in the spirit of the relevant strategic policy whilst also safeguarding the prospect of creating useable and safe green infrastructure with distinct health and educational benefits.
<b>Neighbourhood Plan Policy</b>	<p><b>Policy MM9 Local Green Space</b></p> <p><b>Open land used for informal recreation immediately to the North of St Nicholas School, as shown on the Policies Map is designated as Local Green Space where only minor buildings or similar structures ancillary to and essential for the open recreational enjoyment of this land will be permitted.</b></p>
National Planning Policy Framework (2021)	<p>Designating Local Green Space is a task that national policy specifies for Neighbourhood Plans but states the designation should only be used where the green space is:</p> <p>“</p> <ul style="list-style-type: none"> <li>a) <i>in reasonably close proximity to the community it serves</i></li> <li>b) <i>demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational (including as a playing field), tranquility or richness of its wildlife; and</i></li> <li>c) <i>local in character and is not an extensive tract.</i></li> </ul> <p><i>Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”</i></p> <p>(Paragraphs 101 and 102)</p>

Comments	After a thorough search for candidate sites the land to the North of St Nicholas School is the only one that meets the national criteria and makes an important contribution to local recreation opportunities.
Blackpool Local Plan Part 1 (Core Strategy)	Local Plan Part 1 Core Strategy Policy CS6: Green Infrastructure - refers to the wide-ranging benefits of protecting and improving open green space. However, there is no specific mention in any part of the Local Plan to the School Road /Ecclesgate Road land which includes the area to the North of St Nicholas School.
Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	None are relevant.
Comments	The Local Green Space protection afforded by Policy MM9 is entirely in line with the aims of the relevant strategic policy.
<b>Neighbourhood Plan Policy</b>	<p><b>Policy MM10 Footpaths, Bridleways and Cycle Routes</b></p> <p><b>Development proposals will, wherever feasible, be required to:</b></p> <ul style="list-style-type: none"> <li><b>a. incorporate measures to improve accessibility to/off nearby existing off-road paths (including where these are currently blocked or obstructed); and,</b></li> <li><b>b. take opportunities to create new multi-mode paths along routes that represent missing links provided they would not lead to increased access to land associated with internationally designated wildlife habitats.</b></li> </ul>
National Planning Policy Framework (2021)	<p>National policy urges plan makers to identify opportunities to promote walking and cycling with policies that provide for high quality path networks. (Paragraph 104)</p> <p>Planning policies and decisions on planning applications should protect and enhance public rights of way and be added to where appropriate. (Paragraph 100)</p>
Comments	Policy MM10 pays close regard to national policy for improving local routes that are poorly available currently.
Blackpool Local Plan Part 1 (Core Strategy)	Local Plan Part 1 Core Strategy Policy CS5: Connectivity - puts emphasis on the need for a safe, enhanced, and extended network of well signed routes for pedestrians and cyclists to increase the number of these types of journeys. Policy CS27 reaffirms this in South Blackpool and Policy CS15 stresses the importance of new development in helping to enable the leading of healthy and active lifestyles. Policy CS6: Green Infrastructure - recognises the value of public rights of way in connecting-up open spaces.

Emerging Blackpool Local Plan Part 2 (Site Allocations and Development Management Policies)	None are relevant.
Comments	Policy MM10 closely accords with strategic policies generally across Blackpool and more locally.

**D. Does not breach, and is otherwise compatible with, specific obligations and meets prescribed conditions**

39. Those relevant to a Neighbourhood Plan are those relating to Human Rights law, Strategic Environmental Assessment (SEA), the conservation of natural habitats and wild fauna (including wild birds) and flora (all considered in the Habitat Regulation Assessment (HRA) process) plus any aspects pertaining to the Waste Framework, Air Quality and Water Framework Directives.

**Strategic Environmental and Habitats Regulations Assessments**

40. This Neighbourhood Plan has been subject to both a SEA and HRA following a screening decision concluding that the latter Assessment was required which automatically triggered the need for a SEA as well. That screening decision was based on the proximity of Marton Moss to internationally protected habitats in the nearby Ribble and Alt estuaries.

41. The Fylde coast, especially the Ribble Estuary, is home to many sea birds and the marine areas are protected wildlife habitats of European importance. New development and their use by residents can have harmful effects on these bird populations which can rely on grounds in-land from the shoreline for feeding and roosting. A Habitats Regulations Assessment is a prescribed systematic way of establishing the likelihood of development proposals causing any harm to protected wildlife and proposing measures that would minimise any such harm.

42. After evidence is gathered on the wildlife species present in the study area the first step in the assessment process is to carry out what is called a ‘screening’ exercise to gauge whether there are likely to be ‘significant effects’ on the European protected site(s). This screening work is done in consultation with the national wildlife conservation body – Natural England. For Marton Moss the screening work took account of the proposed policies, including the envisaged housing sites, being considered for inclusion in the Regulation 14 draft of the Neighbourhood Plan. The conclusion was that for three policies relating to housing site allocations, windfall housing and that intended for footpaths, bridleways, and cycle routes it was possible that significant effects could arise. This meant that a full ‘Appropriate Assessment’ of the situation was required.

43. The screening process had examined a range of ‘potential impact pathways’ arising from increased development on the European protected sites and had concluded that two types of impact were a concern – ‘recreational pressure’ and ‘loss of functionally linked land’. These were considered in the subsequent assessment.

44. Recreational pressure is the direct and indirect effect of human activity associated with people passing through habitat associated land such as by hiking and dog walking, leading to species distance and trampling of vegetation. Nearby additional housing development can directly lead to more people locally taking part in these pursuits as can improvements to footpaths and other offroad routes. Functionally linked land takes account of wildlife species ‘straying’ from the defined protected areas to feed and sleep.

45. The potential impacts on protected habitats in the wider Fylde area are not a matter confined to the proposals in the Marton Moss Neighbourhood Plan as there have been and continue to be other developments locally elsewhere and the measures that have already been taken to deal with adverse effects on wildlife are factored in to the assessment. The Marton Moss work concludes that it is not likely there will be loss of functionally linked land through sites being developed and in fact such land should increase with the envisaged community use of Midgeland Farm. However, measures are proposed to minimise recreational pressure impacts by requiring developers of new housing to provide information packs to new residents and recommending that foot/bridle path improvements should be done in ways which avoid adverse wildlife effects.

46. Those findings were agreed and approved by Natural England and the Regulation 14 draft of the Neighbourhood Plan incorporated in the recommendations. Policy MM1 included a clause requiring nature conservation information packs and Policy MM10 a clause to avoid new paths increasing access to internationally designated wildlife habitats.

47. Both assessments have been revised following the Regulation 14 stage taking account of the proposed changes to the Plan for Regulation 16. The SEA process is referred to in detail in Part B above. The revised HRA has taken full account of the additional and amended sites proposed as housing allocations and especially considered the potential recreational impact and effects on land functionally linked to the coastal habitats. The Assessment concluded that the previously incorporated amendments to Policies MM1 and MM10 are sufficient to avoid adverse significant effects on protected habitats.

## **Human Rights**

48. The Human Rights Act 1998 incorporates into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for consultation on its proposals at various stages, and an independent examination process to consider representations received.

49. Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

50. The Neighbourhood Plan is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and local level strategic planning policies, which are both compatible with the Convention. In accordance with established process, the Plan has been produced in full consultation with the local community and wider stakeholders. Furthermore, it is subject to independent examination. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders and will not have a discriminatory impact on any particular group of individuals.

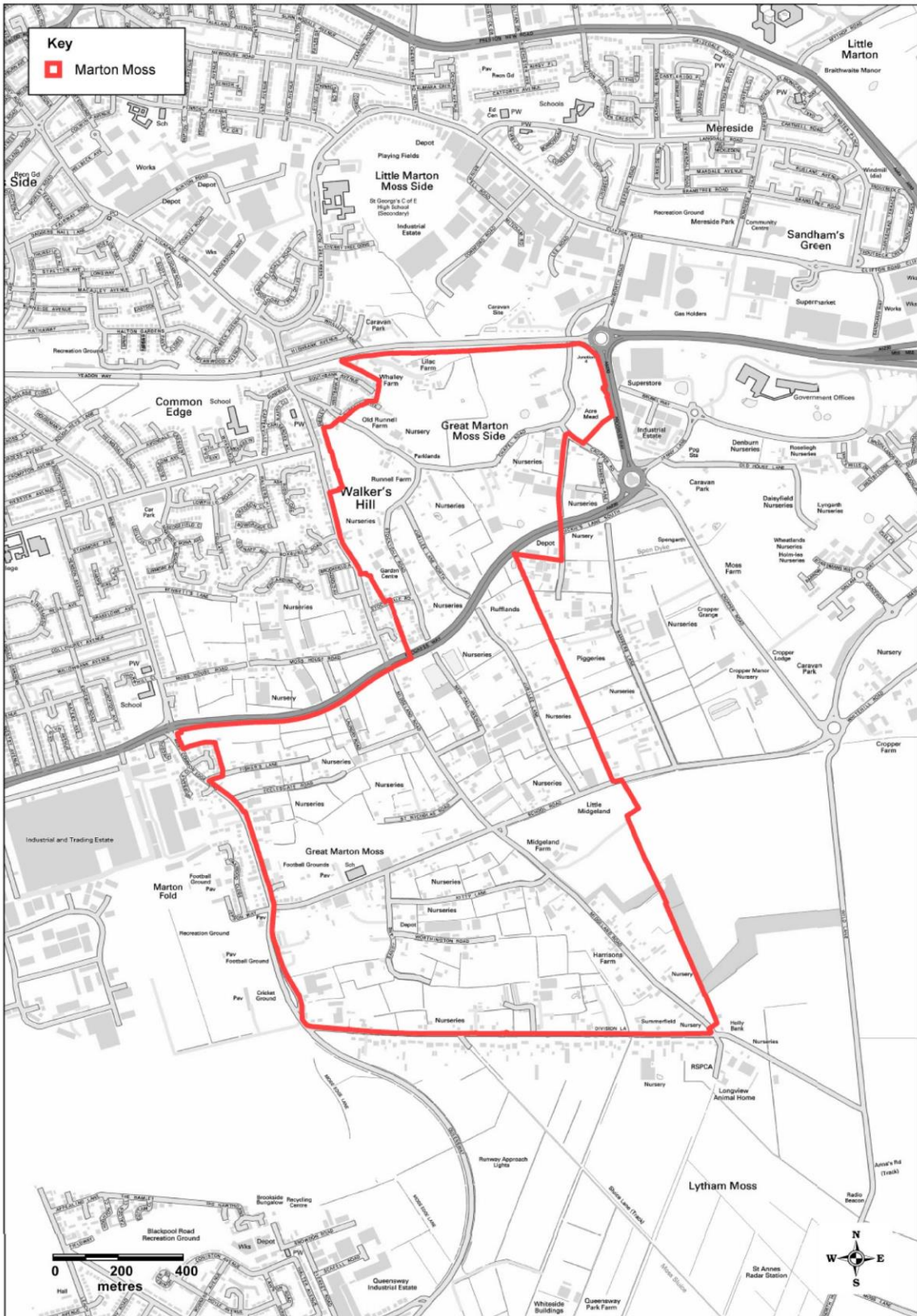
### **Other specific obligations and prescribed conditions**

51. No aspect of the Neighbourhood Plan breaches the provisions of the Waste, Air Quality or Water Frameworks and there are no other prescribed matters to consider.

## **CONCLUSION**

52. The Marton Moss Neighbourhood Plan has been prepared from the outset to ensure that it meets the Basic Conditions. This is evident from how its text has been presented at each draft Plan stage in respect of the justification for each policy and the extensive work that has been done in terms of Habitats Regulations and Strategic Environmental Assessments. This Basic Conditions Statement also demonstrates there has been no breach of any other obligations or prescribed conditions.

# Appendix A – Marton Moss Neighbourhood Area



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## Appendix B - List of Evidence Documents

The following documents (in order of first citation) have been used to help inform the preparation of the Neighbourhood Plan:

- Census of Population, 2011, Office for National Statistics
- Indices of Deprivation, 2019, Office for National Statistics
- Historic Characterisation of Marton Moss, 2009, Archaeo-Environment
- Marton Moss Conservation Area Appraisal, 2018, Blackpool Council
- Marton Moss Design Code, 2020, AECOM
- Watercourse and flood risk mapping, latest published, Environment Agency/Gov.uk
- Blackpool's Green and Blue Infrastructure Strategy 2019-2029, 2019, Blackpool Council
- Marton Moss Major Open Land Study, 2022 (Further Revised), Envisionuk
- Marton Moss Footpaths, Bridleways and Cycle Routes Study, 2022 (Revised), Envisionuk
- M55 Hub Extended Phase 1 Ecology Report, 2009, Bowland Ecology
- Nature conservation records, various
- Marton Moss Housing Needs Assessment, 2020, AECOM
- Marton Moss Site Options and Assessment, 2020, AECOM
- Marton Moss Housing Site Allocations Appraisal, 2022 (Revised) Envisionuk
- Midgeland Farm Historic Building Assessment, 2009, Stephen Haigh
- Marton Moss Local Green Space Study, 2022 (Revised), Envisionuk
- Marton Moss Biodiversity Strategy, 2022 Envisionuk
- Habitats Regulations Assessment: Marton Moss Neighbourhood Plan, 2022, AECOM
- Strategic Environmental Assessment: Marton Moss Neighbourhood Plan, Environmental Report, 2022, AECOM
- Marton Moss Housing Site Viability Study, 2022, AECOM
- Marton Moss Housing Viability – a Local Commentary, 2022, (Revised) Envisionuk



## Appendix C - Relevant Strategic Local Plan Policies

At the outset of preparing the Neighbourhood Plan Blackpool Council identified a list (see below) of Local Plan Part 1 - Core Strategy Policies – that may, dependent on the subsequently decided scope of the Neighbourhood Plan be relevant for it to be in general conformity with. Those policies which are considered by the Neighbourhood Forum to be relevant to the Neighbourhood Plan as now produced are shown in **bold type** followed by the conforming Neighbourhood Plan policy. For those strategic policies in plain type the reason for their irrelevance is set out.

**CS1: Strategic Location of Development (point 3) - MM1, MM2**

**CS2: Housing - MM4, MM5**

CS3: Economic Development and Employment - no significant employment proposals

CS4: Retail and Other Town Centre (point 3 a-e) - no significant retail or other town centre use proposals

**CS5: Connectivity - MM10**

**CS6: Green Infrastructure - MM1, MM2, MM8, MM9, MM10**

**CS7: Design - MM1, MM8**

**CS8: Heritage - MM1, MM8**

**CS9: Water Management - MM1**

CS10: Sustainable Design and Renewable and Low Carbon Energy - no significant non-residential development proposals nor any stand-alone energy capture/generation schemes

**CS11: Planning Obligations - MM4**

**CS12: Sustainable Neighbourhoods (point 1 a-f) - MM4**

**CS13: Housing Mix, Density and Standards - MM4**

**CS14: Affordable Housing - MM4**

**CS15: Health and Education - MM4, MM8, MM10**

CS16: Traveller Sites - not a topic covered by the Neighbourhood Plan

**CS21: Leisure and Business Tourism (point 2) - MM2**

CS23: Managing Holiday Bed Spaces (point 2) - no policies relation to existing holiday accommodation

CS24: South Blackpool Employment Growth - no significant employment proposals

**CS26: Marton Moss (will be superseded by the Neighbourhood Plan once adopted)**

**CS27: South Blackpool Transport and Connectivity MM10**

## APPENDIX D – Policy MM4 Housing Site Allocations (showing Regulation 16 changes in red)

### Policy MM4 Housing Site Allocations

The following sites, as shown on the Policies Map, are proposed for housing development:

Site	AECOM	Location	Appropriate forms of development
A	MM29	<del>Adj. to Fern Bank, Division Lane</del>	<del>4 detached dwellings fronting Division Lane</del>
B	MM19	Adj. to 322, Common Edge Road	4 detached dwellings facing Common Edge Road
C*	MM26	Land on the Corner of Common Edge Road and <del>Adj. to Primrose Terrace</del> , School Road	At least 6 terraced houses fronting Common Edge Road and 1 detached dwelling or 5 terraced houses fronting School Road
D~	MM20	Adj. to Ral Mar, Sandy Lane	2 detached dwellings
E~	MM27	Adj. to Lemmington House, Worthington Road	1 detached dwelling
F	MM21	The Bungalow Nurseries, Worthington Road	1 detached dwelling
G	MM18	Corner of Midgeland Road and Kitty Lane	5 detached dwellings or 3 detached plus 5 terraced houses
H	MM13	Caradaw Farm, School Road	3 detached dwellings or 1 detached plus 5 terraced houses
I	MM22	Adj. to Rushy Meade, School Road	<del>2</del> 1 detached dwellings
J	MM23	Adj. to Larchfield, St. Nicholas Road	2 detached dwellings
K	MM25	<del>Former Klondyke Nurseries, St. Nicholas Road</del>	<del>1 detached dwelling</del>
L	MM24	Adj. to 9 Fishers Lane	2 detached dwellings
M	MM9	<del>Between 231 &amp; 245 Midgeland Road</del>	<del>2 detached dwellings</del>
N	MM16	Former Marina Nurs, New Hall Avenue	<del>3</del> 2 detached dwellings
O	MM17b	Remaining land at former Baguley's Garden Centre, off Midgeland Road	5 detached bungalows, reserved for older people, accessed off new estate road
P~	MM14b	Dean Nurseries, Chapel Road	6 detached dwellings off new estate road
Q~	MM14a	The Hollies, Chapel Road	1 detached dwelling
R^	MM10	Adj. to 1 Runnell Villas, Chapel Road	2 detached dwellings off short private drive fronting Chapel Road
S^	MM5	Off Magnolia Way	10 detached dwellings and 5 terraced houses accessed off Magnolia Way
T	MM31	Adj. to Moss Lodge, Jubilee Lane North	3 detached dwellings fronting Jubilee Lane – avoiding surface water sewer
U	MM30	Adj. to 58 Stockydale Road	2 detached dwellings fronting Jubilee Lane – avoiding surface water sewer
V	-	Grazing Land, Jubilee Lane North	1 detached dwelling
W"	-	41 Stockydale Road	2 detached dwellings – avoiding surface water sewer
X	-	Amarella, School Road	1 detached dwelling fronting School Road and 3 detached dwellings fronting Kitty Lane/Sandy Lane

\*Plus subsequent site suggestion. ~Site within the vicinity of a sewer flooding incident – prospective developers advised to engage early with United Utilities. "Subject to demonstrating there would be no amenity impact of the nearby pumping station on any proposed development of the site. ^ Site with high archaeological potential – see Policy MM1