

Notice of:	Leader of the Council and Cabinet Member for Tourism, Arts and Culture
Decision Number:	PH44/2023
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:	6 June 2023

MARTON MOSS NEIGHBOURHOOD PLAN: REGULATION 17a: DECISION ON THE EXAMINER'S RECOMMENDATIONS

1.0 Purpose of the report:

1.1 The purpose of this Report is to:

- (i) appraise the Cabinet Member of the findings of the Examiner's report (Appendix A refers) into the examination of the Marton Moss Neighbourhood Plan (MMNP) including endorsement of the Examiner's proposed modifications (Appendix A pages 17-18 refers); and
- (ii) Inform the Cabinet Member of the next steps for the Marton Moss Neighbourhood Plan, including agreeing that the modified plan can proceed to a referendum undertaken in accordance with the Neighbourhood Plan Referendum Regulations.

2.0 Recommendation(s):

2.1 To endorse the proposed modifications to the Marton Moss Neighbourhood Plan for the reasons given in the Examiner's Report as set out in Appendix B.

2.2 To agree that the draft decision statement at Appendix C can be issued to inform interested parties that the modified Marton Moss Neighbourhood Plan should proceed to Referendum as soon as reasonably possible with a potential Referendum date of 5 October 2023.

2.3 To note that Marton Moss Neighbourhood Forum has agreed, on the 21 April 2023 to an extension to the deadline for the Council to consider Examiner’s Report to the 7 June 2023.

2.4 To note that Marton Moss Neighbourhood Forum has agreed, on the 21 April 2023 to an extension to the deadline for the Council to hold a Neighbourhood Planning referendum to the 6 October 2023.

3.0 Reasons for recommendation(s):

3.1 The National Planning Policy Framework (NPPF) and the Localism Act 2011 give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a set of tools for local people to get the right type of development for their community.

The Council formally designated the Marton Moss Neighbourhood Area and Neighbourhood Forum on 26 March 2019 in accordance with the Neighbourhood Plan (General) Regulations (as amended) 2012 - Regulations 7 and 10. This established the process for the Marton Moss Neighbourhood Forum (MMNF) as the qualifying body to produce a neighbourhood plan for the designated area. The Forum submitted their draft plan to the Council (Regulation 15) in August 2022. The Council published the draft plan for consultation in accordance with Regulation 16 in October 2022 (Appendix D refers). The Council appointed an independent examiner, in agreement with the Marton Moss Neighbourhood Forum, in accordance with Regulation 17 and the examiner has now published their report, which the Council received on 29 March 2023. The Council now need to publish their decision in accordance with Regulation 17a and consider whether the examiner’s recommendations and proposed modifications can be accepted to allow the plan to progress towards becoming a ‘made’ plan and part of Blackpool’s development plan, subject to a ‘yes’ vote in a referendum.

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

3.4 Is the recommendation in accordance with the Council’s approved budget? Yes

4.0 Other alternative options to be considered:

4.1 No reasonable alternative options. The Independent Examiner has scrutinised the Plan in making an assessment as to whether it meets the Basic Conditions and legal requirements

and subject to modification is of the view that the Plan is ready to proceed to Referendum. Officers have reviewed the Plan in light of the proposed modifications and have concluded that the Examiner's modifications are necessary for the Plan to meet the Basic Conditions and legal requirements. In addition, the Plan, with the Examiner's recommendations, is agreeable to the Marton Moss Neighbourhood Forum.

5.0 Council priority:

5.1 The relevant Council priority is 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 (Adopted January 2016) at 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 In November 2017, the local community voted in favour of producing their own neighbourhood plan for Marton Moss and the 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, as well as the Marton Moss Neighbourhood Forum, in accordance with Regulations 7 and 10 respectively of the Neighbourhood Plan Regulations.

6.3 Over the past 3 years, Marton Moss Neighbourhood Forum has been developing a draft Neighbourhood Plan. To assist in the drafting of the Plan, the Forum appointed Envision Consultants. In addition, other consultants were engaged to build evidence to support the policies and proposals in the Plan.

6.4 The Plan sets out policies in relation to the development and use of land in the designated Marton Moss Neighbourhood Area in accordance with S.38A of the 2004 Act.

6.5 The Plan includes policies and proposals which cover:

- **Design and the Local Environment** - requiring new buildings to be well designed, be in character with the local area and improving biodiversity; safeguarding areas of major open land from being inappropriately developed and securing environmental improvements; and to specifically improve the roadside appearance and retain the open character of the land at School Road/Midgeland Road Junction.
- **Housing Development** – allocating a limited number of housing sites and guiding the number, sizes, and types of new homes on each site; allowing windfall housing on unallocated sites provided they meet the policy’s strict criteria;
- **Horticultural and Equestrian Uses** supporting where possible horticultural businesses providing guidance regarding future alternative uses; and horse stabling and riding activities supporting equestrian development subject to certain criteria being met.
- **Heritage and Community** – a specific policy relating to Midgeland Farm to enable restoration and community use.

6.6 Community engagement has been at the centre the plan, with involvement of the public and various stakeholders at many stages of the process, which is acknowledged by the Examiner. The [consultation statement](#) (Appendix E refers) submitted with the draft plan at the Regulation 16 stage provides detail of the consultation and engagement that has been undertaken by the Marton Moss Neighbourhood Forum.

6.7 In March and April 2022 public consultation was undertaken in accordance with Regulation 14 of the Neighbourhood Planning Regulations allowing residents and stakeholders, including the Council, to comment on the policies and site allocations proposed within the draft plan.

- 6.8 Following this consultation, the Marton Moss Neighbourhood Forum made some changes in response to the representations received and submitted in August 2022 the Submission Draft Plan to the Council in accordance with Regulation 15 of the Neighbourhood Plan (General) Regulations. The Council publicised the draft plan and supporting documents for consultation for a 6 week period, in accordance with Regulation 16.
- 6.9 Following the Regulation 16 consultation, the Council appointed an independent examiner, in agreement with the Marton Moss Neighbourhood Forum, to enable the plan to move to examination, in accordance with Regulation 17. Via Intelligent Plans and Examinations Ltd., examiner Andrew Mead was appointed to undertake the examination of the draft plan.
- 6.10 The role of the examiner is to scrutinise the plan and determine whether the plan meets basic conditions as required by the Localism Act. It is usual for the examiner to recommend modifications to a plan in order for it to meet the basic conditions before it can go forward to the referendum. The basic conditions comprise:
- 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
- 6.11 The examination into the neighbourhood plan took place via written representations without the need for hearing sessions. Having considered all the information before him the Examiner made some additional requests to both the Council and the Marton Moss Neighbourhood Forum , which he set out in his [procedural matters letter](#). The Examiner also carried out an unaccompanied site visit to the area.
- 6.12 The final Examiner’s report (Appendix A refers) was received on 29 March 2023 and concludes that with the proposed modifications, the policies within the Marton Moss Neighbourhood Plan are in general conformity with the strategic policies of the Blackpool Local Plan Part 1; have regard to national guidance; would contribute to the achievement of sustainable development; and would meet the Basic Conditions and legal requirements. In

summary, the Examiner recommends that the Plan, once modified, proceeds to referendum.

- 6.13 With respect to referendum, the Examiner has considered that the referendum area should not be extended beyond that which the Plan relates. The Examiner came to this conclusion as he considers that the Plan, as modified, has no policy or proposal significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary.
- 6.14 The Examiner has recommended seven proposed modifications to the plan, which are set out in the appendix of the Examiner's report at pages 17 and 18. Appendix B to this report summarises the modifications along with the Examiner's reasoning for them. These modifications relate to the following policies:
- **MM1**, relating to building design, to ensure the policy takes in to account Planning Policy Guidance on drainage;
 - **MM2** relating to open space character and removing the reference in the policy to, 'significant open land elsewhere';
 - **MM4** adjusting the wording on 4 of the 21 housing site allocations to state an upper limit for the number of dwellings that can be developed on these sites;
 - **MM6** which relates to market gardening businesses, amended wording to protect amenity of neighbouring occupiers and conformity with Core Strategy and Local Plan Part 2 policy;
 - **MM8** amended wording in relation to the restoration and community role of Midgeland Farm; and finally
 - **MM9** to ensure the designated Local Green Space took account of the requirements of the National Planning Policy Framework. In addition, the Examiner recommended that the front cover of the Plan should state the period covered by the Plan, which is 2020 to 2030.
- 6.15 Officers have reviewed the Plan in light of the proposed modifications and conclude that the Examiner's modifications are necessary for the Plan to meet the Basic Conditions. The Marton Moss Neighbourhood Forum has also considered the proposed modifications, and following a meeting with the Council on 21 April 2023 agreed that the modifications are acceptable. Consequently the Marton Moss Neighbourhood Forum has modified the Plan accordingly, and have confirmed that they wish the Plan to proceed to referendum.

6.16 If approved, the referendum will be held at the earliest practicable opportunity, in accordance with legislation, with a potential date of 5^tOctober 2023. The question to be used in the referendum is set by the ‘Neighbourhood Planning (Referendums) Regulations 2012’, and must be:

“Do you want Blackpool Council to use the neighbourhood plan for Marton Moss to help it decide planning applications in the neighbourhood area?”.

6.17 If more than 50% of those voting in the referendum answer “yes”, the Plan would need to be formally ‘made’ which requires Full Council to formally adopt the Plan. Once ‘made’, the Marton Moss Neighbourhood Plan forms part of the Development Plan for Blackpool and will be used to inform decisions on planning applications that lie within the Marton Moss Neighbourhood Plan area.

6.18 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 **Appendix A** – Examiner’s Report on the Marton Moss Neighbourhood Plan 2020 - 2030

Appendix B – Summary Table of Examiner’s Proposed modifications and reasoning

Appendix C – Draft Blackpool Council Decision Statement: Marton Moss Neighbourhood Plan Proceeding to Referendum

Appendix D - Marton Moss Neighbourhood Plan Regulation 16 Draft – August 2022

Appendix E - Marton Moss Neighbourhood Plan Consultation Statement - August 2022

8.0 Financial considerations:

8.1 The council has a duty to provide officer support to the community preparing a neighbourhood plan and as a result incurs additional costs to cover various stages of publicity, independent examination and referendum. However, local planning authorities are able to claim monies from the Department of Levelling Up, Housing and Communities to offset the costs of undertaking this work. A payment of £20,000 becomes eligible once the local authority have set a date for the referendum. This payment is expected to cover all

costs incurred by the Council.

9.0 Legal considerations:

9.1 In accordance with regulation 12 (4) Schedule 4B of the Town and Country Planning Act 1990 (as applicable by virtue of s38A (3) of the Planning and Compulsory Purchase Act 2004), the Council must hold a referendum if it is satisfied either:

a. The proposed Neighbourhood Plan meets the following conditions:

(i) The basic conditions are met

(ii) It is compatible with the ECHR

(iii) It complies with the provision made by or under s38A (6) and s38B of the Planning and Compulsory Purchase Act 2004

Or

b. The proposed Neighbourhood Plan would meet the criteria if modifications were made (whether or not recommended by the examiner).

9.2 As per paragraph 6.12 of this report, the modifications set out by the Examiner will ensure that the Neighbourhood Plan will meet the basic conditions and legal requirements and so can proceed to referendum.

9.3 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 Basic Conditions and legal requirements, the Council are required to progress the plan to referendum to meet the requirements of the regulations.

11.0 Equalities considerations:

11.1 The Examiner has confirmed that the Plan meets the Basic Conditions subject to recommended modifications. One of the conditions is that the Plan must be compatible with human rights requirements. The Examiner is satisfied that the Plan will not have a discriminatory impact on any particular group of individuals. There are not considered to be any equality impacts relating to recommendations of this report.

12.0 Sustainability, climate change and environmental considerations:

12.1 The Plan was supported by a Strategic Environmental Assessment and Habitats Regulation Assessment. It is considered by both the Examiner and Council Officers that the Plan meets the Basic Conditions in terms of sustainability.

13.0 Internal/external consultation undertaken:

13.1 The Marton Moss Neighbourhood Plan has undertaken consultation on the Neighbourhood Plan, which is set out in the Consultation Statement (Appendix E refers) submitted with the Regulation 16 draft of the Plan. 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 and 16 stages. The Consultation Statement details who has been consulted on the plan through the process, 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

17.0 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

18.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

19.0 Declarations of interest (if applicable):

19.1 None.

20.0 Executive decision:

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

1. To endorse the proposed modifications to the Marton Moss Neighbourhood Plan for the reasons given in the Examiner's Report as set out in Appendix B.
2. To agree that the draft decision statement at Appendix C can be issued to inform interested parties that the modified Marton Moss Neighbourhood Plan should proceed to Referendum as soon as reasonably possible with a potential Referendum date of 5 October 2023.
3. To note that Marton Moss Neighbourhood Forum has agreed, on the 21 April 2023 to an extension to the deadline for the Council to consider Examiner's Report to the 7 June 2023.
4. To note that To note that Marton Moss Neighbourhood Forum has agreed, on the 21 April 2023 to an extension to the deadline for the Council to hold a Neighbourhood Planning referendum to the 6 October 2023.

21.0 Date of Decision:

21.1 6 June 2023

22.0 Reason(s) for decision:

22.1 The National Planning Policy Framework (NPPF) and the Localism Act 2011 give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a set of tools for local people to get the right type of development for their community.

The Council formally designated the Marton Moss Neighbourhood Area and Neighbourhood Forum on 26 March 2019 in accordance with the Neighbourhood Plan (General) Regulations (as amended) 2012 - Regulations 7 and 10. This established the process for the Marton Moss Neighbourhood Forum (MMNF) as the qualifying body to produce a neighbourhood plan for the designated area. The Forum submitted their draft plan to the Council (Regulation 15) in August 2022. The Council published the draft plan for consultation in accordance with Regulation 16 in October 2022 (Appendix D refers). The Council appointed an independent examiner, in agreement with the Marton Moss Neighbourhood Forum, in accordance with Regulation 17 and the examiner has now published their report, which the Council received on 29 March 2023. The Council now need to publish their decision in accordance with Regulation 17a and consider whether the examiner's recommendations and proposed modifications can be accepted to allow the plan to progress towards becoming a 'made' plan and part of Blackpool's development plan, subject to a 'yes' vote in a referendum.

23.0 Date Decision published:

23.1 6 June 2023

24.0 Executive Members in attendance:

24.1

25.0 Call-in:

25.1

26.0 Notes:

26.1

