



Report on the Marton Moss Neighbourhood Plan 2020 - 2030

**An Examination undertaken for Blackpool Council with the support of
Marton Moss Neighbourhood Forum on the August 2022 submission
version of the Plan.**

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Date of Report: 29 March 2023

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Main Findings - Executive Summary

From my examination of the Marton Moss Neighbourhood Plan (MMNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the designated Marton Moss Neighbourhood Forum;
- The Plan has been prepared for an area properly designated – the Marton Moss Neighbourhood Area as shown on page 7 of the Plan;
- The Plan specifies the period during which it is to take effect: 2020 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Marton Moss Neighbourhood Plan 2020–2030

- 1.1 The formal process to prepare a neighbourhood plan for Marton Moss began following the adoption of the Blackpool Local Plan Part 1: Core Strategy (BLP) in 2016. Policy CS26 of the BLP promotes a neighbourhood planning approach for Marton Moss in order to develop neighbourhood policy which supports the retention and enhancement of its distinctive character, whilst identifying in what circumstances development, including residential, may be acceptable. In March 2019, Blackpool Council (BC) designated the Marton Moss Neighbourhood Area (MMNA) and the Marton Moss Neighbourhood Forum (MMNF). The boundaries of the Plan area are identical to the spatial extent of Policy CS26 of the BLP.
- 1.2 The MMNA, extending over about two square kilometres, does not coincide with a statistical area of the 2011 Census, but a best estimate of its population would appear to be between 1,249 and 1,616.¹ The MMNA lies in the eastern part of Blackpool adjoining the western boundary of Fylde Borough, with Blackpool Airport nearby to the west. The flat landscape was previously the site of numerous market gardens. Redundant greenhouses are an occasional feature within the area, together with the patchwork of former gardens and detached houses. Following the

¹ MMNP: paragraph 21.

preparation of the Plan by the MMNF, it was finally submitted to BC in August 2022.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the MMNP by BC with the agreement of the MMNF.
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law)²; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

² The existing body of environmental regulation is retained in UK law.

³ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the MMNA, excluding policies relating to minerals and waste development, includes the Blackpool Local Plan Part 1: Core Strategy 2012 – 2027 (BLP Part 1) which was adopted in January 2016 and the Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (BLP Part 2) which was adopted in February 2023.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Marton Moss Neighbourhood Plan 2020–2030, dated August 2022;
 - the map on page 7 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement, dated August 2022;
 - the Basic Conditions Statement, dated August 2022;
 - the Strategic Environmental Assessment, dated July 2022;
 - the Habitats Regulations Assessment, dated July 2022;
 - the Housing Site Allocations Appraisal, dated August 2022;
 - the Housing Viability Commentary, dated August 2022;
 - the Biodiversity Strategy, dated August 2022;
 - the Major Open Land Study, dated August 2022;
 - the Local Green Space Study, dated August 2022;
 - the Footpaths, Bridleways and Cycle Routes Study, dated August 2022;
 - all the representations that have been made in accordance with the Regulation 16 consultation;⁴ and
 - the request for additional clarification sought in my letter of 8 February 2023 to BC and the MMNF and their responses dated 15 February and 22 February 2023 respectively.⁵

⁴ View at: <https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Planning/Planning-policy/Blackpool-local-plan/Marton-Moss-Neighbourhood-Plan-%E2%80%93-Background-information-and-previous-consultation.aspx>

⁵ View at: <https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Planning/Planning-policy/Blackpool-local-plan/Marton-Moss-neighbourhood-plan.aspx>

Site Visit

- 2.4 I made an unaccompanied site inspection to the MMNP Area on 16 February 2023 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Marton Moss Neighbourhood Plan has been prepared and submitted for examination by the MMNF, which is a qualifying body. The MMNP extends over all the area designated by BC in March 2019.

Plan Period

- 3.2 In paragraph 4 of the Introduction, the period of the Plan is described as from 2020 to 2030. I recommend that, in order to be clear for all users of the Plan, the period should be stated on the front cover. (**PM1**)

Neighbourhood Plan Preparation and Consultation

- 3.3 The comprehensive Consultation Statement (CS) describes the thorough preparation of the Plan with involvement of the public and various stakeholders at many stages of the process. Public drop in events were held prior to the formation of the MMNF. A call for sites had been established as part of the preparation for the Local Plan Part 2 (see paragraph 2.1 above) and these were assessed as part of the MMNP with other sites included as identified in the neighbourhood planning process. A Facebook page was created. A residents survey was carried out and a Design Code drafted. An informal consultation was carried out for six

weeks from 21 July 2020 with local and statutory stakeholders through an online comments form and emails. A meeting was also held in 2020 with local horticulturalists.

- 3.4 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 7 March 2022 for a period of six weeks until 19 April 2022. The list of consultees is recorded in Appendix G of the CS together with the comments made, the replies by the MMNF and any resulting changes to the Plan. These are described on pages 76 – 92 of the CS.
- 3.5 The Plan was submitted to BC in August 2022. Consultation in accordance with Regulation 16 was carried out for six weeks from 17 October until 28 November 2022. 31 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the MMNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.8 The Basic Conditions Statement (BCS) advises that the MMNP is fully compatible with the European Convention on Human Rights, transported into law by the Human Rights Act 1998. The MMNP has been prepared within the existing framework of statute, national planning policy and guidance, local level strategic policies, which are compatible with the Convention. I am aware from the Consultation Statement that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I have found no reason to disagree with the statements in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The report of the Strategic Environmental Assessment (SEA) concluded that the Plan is likely to lead to significant positive effects (population and housing) and minor positive effects (biodiversity, climate change, historic environment and landscape). The three statutory consultees were notified of the report at the Regulation 16 consultation and made no adverse comments.
- 4.2 So far as Habitats Regulations Assessment (HRA) is concerned, the Ribble and Alt Estuaries (Ramsar and Special Protection Area (SPA)), are located about 3km from the Plan area. The HRA report concluded that likely significant effects from the housing allocations and windfall housing policies, and from the footpaths, bridleways and cycle routes policy on the Ramsar and SPA could not be screened out, mostly due to recreational pressure and the loss of functionally linked land.
- 4.3 Following Appropriate Assessment, it was concluded that, provided the recommended changes outlined in the HRA are included in the Plan, the MMNP will contain a sufficient policy framework to ensure no adverse effects on the integrity of international designated sites will occur in isolation or in combination with other projects and plans. The recommendations were that for recreational pressure, the Plan should add a caveat that residential development will only be supported if the developer commits to providing homeowner packs to new residents identifying the disturbance sensitivity of the wintering waterfowl using the Ribble Estuary, encouraging responsible dog ownership and identifying other areas of accessible greenspace that could be visited as an alternative. Similarly, improvements to access to existing footpaths and bridlepaths should be contingent on them not exacerbating recreational pressure issues at the SPA and Ramsar sites. Having considered that assessment, Natural England concurred with the conclusions.⁶
- 4.4 I have read the SEA and HRA and the other information provided, and having considered the matter independently, I also agree with the conclusions. Therefore, I am satisfied that the MMNP is compatible with EU obligations.

Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan

⁶ Reply from Natural England, dated 6 October 2021.

against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.

- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁷
- 4.7 Accordingly, having regard to the Marton Moss Neighbourhood Plan, the consultation responses, other evidence⁸ and the site visit, I consider that the main issues in this examination are whether the MMNP policies: (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

Vision and Objectives

- 4.8 The overall vision for the MMNP is described in paragraphs 14 and 15 on page 9 of the Plan. The vision is then used to develop 10 objectives which are tabulated according to how each objective will be achieved, other benefits which would accrue and which policy will deliver what objective. These set the context for the subsequent land use policies.

Policy MM1 Building Design

- 4.9 Policy MM1 supports the design of proposals for new development subject to criteria a. to e. Criterion a. requires that the provisions set out in the Marton Moss Design Code are reflected in the submitted scheme. Criterion c. considers drainage requirements about which United Utilities suggested including a long separate policy and raised detailed concerns about the stipulation in the policy that there should be no site level raising. For those reasons, I consider that the site level raising phrase should be deleted but with the addition of a reference to PPG advice on drainage and flood risk. **(PM2)** Subject to those modifications, I consider that the policy would have regard to national guidance⁹, would generally conform with Policies CS1, CS7, CS8 & CS9 of the BLP Part 1 and would meet the Basic Conditions.

⁷ PPG Reference ID: 41-041-20140306.

⁸ The other evidence includes the responses from BC and the MMNF received on 15 February and 22 February 2023 respectively, to the questions in my letter of 8 February 2023.

⁹ NPPF: paragraphs 126 – 130, 153 & 174.

Policy MM2 Open Land Character

- 4.10 Policy MM2 defines three areas of Major Open Land which are to be safeguarded in order to maintain their contribution to the overall character of Marton Moss and the green infrastructure. The policy seeks to restrict development not only on Major Open Land, but also on significant open land elsewhere, and I consider that the latter category is too uncertain and lacking in clarity for development management to be effective. Therefore, I shall recommend the deletion of the phrase. **(PM3)** Subject to that modification, the policy will have regard to national guidance¹⁰, generally conforms with Policies CS1, CS6, CS7 & CS21 of the BLP Part 1 and meets the Basic Conditions.

Policy MM3 School Road/Midgeland Road Junction

- 4.11 Policy MM3 seeks to improve the appearance of the land around the junction of School Road and Midgeland Road. I consider that the policy has regard to national guidance¹¹, generally conforms with Policy CS7 of the BCLP Part 1 and meet the Basic Conditions.

Policy MM4 Housing Site Allocations

- 4.12 Policy MM4 allocates 21 mostly small sites for housing in the Plan area which would accommodate overall between 71 and 81 dwellings.¹² Some allocations within the policy show alternatives as appropriate forms of development. For example, Site C states that development could be at least 6 terraced houses fronting Common Edge Road and 1 detached dwelling or 5 terraced houses fronting School Lane. In my questions seeking clarification, I queried whether expressing the appropriate forms of development as alternatives would offer sufficient clarity for effective development management.
- 4.13 Although the MMNF would prefer no changes made to the descriptions, I agree with BC that the wording I canvassed in my question no. 6 b. would provide flexibility to guide the development of the site allocation, together with an upper limit to help guard against inappropriate and excessive development within whole plots, and would assist in protecting the distinctive character of Marton Moss. Therefore, I shall recommend modifications to the descriptions of appropriate development in Sites C, G and H. **(PM4)**
- 4.14 I agree with the responses from the MMNF about the exclusion of Sites A, K and M and Sites MM1, MM2 and MM3 (based on the AECOM schedule) from the Plan. I also agree with the reasoning of the MMNF for the reduction from 3 detached dwellings to 2 at Site N and the reason from

¹⁰ NPPF: paragraphs 120 & 174.

¹¹ NPPF: paragraph 130.

¹² See response to question 9 from MMNF, dated 22 February 2023.

BC for the altered description at Site I, which I shall recommend as a modification. **(PM4)**

Policy MM5 Windfall Housing

- 4.15 Policy MM5 supports housing development on land not allocated for that purpose, subject to five criteria. The policy would have regard to national guidance¹³, would generally conform with Policy CS2 of the BLP Part 1 and would meet the Basic Conditions.

Policy MM6 Market Gardening Businesses

- 4.16 Policy MM6 supports development involving the re-use of an existing glasshouse and/or the diversification of an operating horticultural business with certain provisos. In order to enable the policy to generally conform with Policy CS4 of the BLP Part 1, BC has suggested an amendment to clause c., the deletion of clause d. and the addition of a final sentence. The MMNF has agreed with the suggestions and so do I for the same reasons as advanced by BC, other than the requirement to comply with the NPPF which is taken as read. Therefore, I shall recommend them as a modification to the policy which would then also have regard to national guidance¹⁴ and meet the Basic Conditions. **(PM5)**

Policy MM7 Horse Stabling and Riding Activities

- 4.17 Policy MM7 supports proposals for development involving equestrian use. The policy has regard to national guidance, generally conforms with key objective 11 of the BLP Part 1 and meets the Basic Conditions.

Policy MM8 Midgeland Farm

- 4.18 Midgeland Farm, bought by Blackpool Corporation in 1968 and now owned by Lancashire County Council, is a locally listed farm, where associated land has been used as landfill which is now restored. Policy MM8 seeks to safeguard it for community use and to retain at least part of the remains of the buildings. BC has suggested amendments to the policy based on the structural condition and the future of the buildings at the farm to which the MMNF agree. I also agree with the suggestions and shall recommend them as modifications. **(PM6)** The policy would then have regard to national guidance¹⁵, would generally conform with key objective 5 of the BLP Part 1 and would meet the Basic Conditions.

Policy MM9 Local Green Space

- 4.19 Policy MM9 designates one Local Green Space (LGS) immediately to the north of St Nicholas School. As explained in the NPPF, LGS designation

¹³ NPPF: paragraph 71.

¹⁴ NPPF: paragraph 84 and 86.

¹⁵ NPPF: paragraphs 92, 93 & 190.

should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.¹⁶ LGS should also be capable of enduring beyond the end of the Plan period.¹⁷ I consider that the LGS meets the criteria for designation outlined in the NPPF and I also note that the land is owned by BC and is a well-used area of informal recreational open space.

- 4.20 However, the policy states that only minor buildings or similar structures ancillary to and essential for the open recreational enjoyment of this land will be permitted. This does not have due regard to national guidance¹⁸, (albeit it is correctly stated in paragraph 137 of the Plan which immediately precedes Policy MM9), so I shall recommend an appropriate modification to address this. **(PM7)** Therefore, subject to the modification, I consider that Policy MM9 would have regard to national guidance, would generally conform with Policy CS6 of the BLP Part 1 and would meet the Basic Conditions.

Policy MM10 Footpaths, Bridleways and Cycle Routes

- 4.21 Policy MM10 requires development proposals to improve accessibility, where feasible, and to take opportunities to create new multi modal paths along routes where links are missing. The improvements will assist in diverting recreational pressure from the Ribble and Alt Estuaries SPA and Ramsar. The policy has regard to national guidance¹⁹, generally conforms with Policy CS6 of the BLP Part 1 and meets the Basic Conditions.

Overview

- 4.22 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the MMNP are in general conformity with the strategic policies of the BLP Part 1, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.23 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies, and simple text improvements such as those suggested helpfully by BC in the Regulation 16 Consultation responses, by the MMNF in the response of 22 February 2023 to my questions of clarification, and

¹⁶ NPPF: paragraph 102.

¹⁷ NPPF: paragraph 101.

¹⁸ NPPF: paragraphs 103, 147 - 151.

¹⁹ NPPF: paragraph 100 & 104.

in other Regulation 16 representations. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.²⁰

5. Conclusions

Summary

- 5.1 The Marton Moss Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the MMNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The MMNP, as modified, has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Concluding Comments

- 5.4 The MMNF and other voluntary contributors are to be commended for their efforts in producing a Plan which has the merits of being concise and comprehensive. The Plan is logical, very informative and well-illustrated. I enjoyed examining it and visiting the area. I agree with the comment by the Chairman of the MMNF in the Foreword to the Plan that it has been pitched "about right." The Consultation Statement and the Basic Conditions Statement were extremely useful, as were the constructive responses from the MMNF and BC to my questions of clarification.
- 5.5 Subject to the recommended modifications, the MMNP will make a positive contribution to the Development Plan for the area and should enable the attractive character and appearance of Marton Moss to be maintained whilst enabling sustainable development to proceed.

²⁰ PPG Reference ID: 41-106-20190509.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Front cover	Include within the title: "2020 – 2030" .
PM2	Policy MM1	c. Delete: "... with no site level raising ...". Substitute: "... local dyke network, subject to advice on sustainable drainage and flood risk in the PPG. "
PM3	Policy MM2	Delete: "... and significant open land elsewhere ...".
PM4	Policy MM4	Amend the "Appropriate forms of development" to: Site C: "No more than 11 dwellings." Site G: "No more than 8 dwellings." Site H: "No more than 6 dwellings." Site I: "1 detached dwelling fronting School Road."
PM5	Policy MM6	Amend c. to: "would not unduly disturb neighbouring residential occupiers." Delete d. Add a final sentence: "Where the proposal is for a town centre use, it will need to comply with Blackpool Local Plan Policies CS4: Retail and Other Town Centre Uses; and DM15: Threshold for Impact Assessment."
PM6	Policy MM8	Amend b. to: "measures to retain, as far as reasonably practicable, the structure of the farmhouse, stable, barn and early shippens will be supported. Any loss will be mitigated by measures to preserve any remaining structures and/or programme of archaeological recording."
PM7	Policy MM9	Amend the policy to:

		<p>"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 development will be managed in accordance with national policy for Green Belts."</p>
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