

Report to:	EXECUTIVE
Relevant Officer:	Alan Cavill, Director of Communications and Regeneration
Relevant Cabinet Member:	Councillor Lynn Williams, Leader of the Council
Date of Meeting:	6 November 2023

MARTON MOSS NEIGHBOURHOOD DEVELOPMENT PLAN - Adoption (Making) of the Neighbourhood Plan

1.0 Purpose of the report:

1.1 The purpose of this report is to:

- a) appraise members of the of the outcome of the Referendum on the Marton Moss Neighbourhood Plan.
- b) seek Executive to recommend to Council to adopt the Marton Moss Neighbourhood Plan.
- c) to inform members of the next stages.

2.0 Recommendation(s):

2.1 To recommend to Full Council:

- (i) to formally “make” the Marton Moss Neighbourhood Development Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the designated area.
- (ii) to authorise the Director of Communications and Regeneration to undertake the necessary steps for the adoption process to be completed and that delegated powers be given to the Head of Planning Strategy to make any final modifications to improve readability; correct any factual matters or typographical errors; and the final presentation of the document.

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.
- 3.2 The Council formally designated the Marton Moss Neighbourhood Area and Neighbourhood Forum on 26th 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.
- 3.2 The Forum submitted their draft plan, which covers the period 2020 to 2030, to the Council (Regulation 15) in August 2022. The Council published the draft plan for consultation in accordance with Regulation 16 in October 2022.
- 3.3 The Council appointed an independent examiner in February 2023, in agreement with the Marton Moss Neighbourhood Forum, in accordance with Regulation 17 and the examiner published his report (refer Appendix 4b), which the Council received on 29th March 2023.
- 3.4 The Council published their decision in accordance with Regulation 17a and accepted the examiner's recommendations and proposed modifications to allow the Referendum Plan (refer Appendix 4a) to progress towards becoming a 'made' plan and part of Blackpool's development plan, subject to a 'yes' vote in a referendum.
- 3.5 The referendum was held on 5th October 2023 in accordance with the Neighbourhood Planning (Referendums) Regulations 2012 (as amended in 2013). There was a turnout of 32.19%. Of the votes received 246 (90.44%) voted 'yes' in response to the referendum question, "Do you want Blackpool Council to use the Neighbourhood Plan for Marton Moss to help it decide planning applications in the neighbourhood area?" ([Marton Moss neighbourhood planning referendum results \(blackpool.gov.uk\)](https://www.blackpool.gov.uk/marton-moss-neighbourhood-planning-referendum-results))
- 3.6 The majority "yes" votes mean the Council is now required to formally 'make' (adopt) the Plan.
- 3.7 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.8 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None as the Marton Moss Neighbourhood Plan has been produced in line with the relevant planning regulations and as outlined in paragraph 3.5 supported by a majority of voters in the referendum on 5 October 2023.

5.0 Council priority:

5.1 The relevant Council priorities are both:

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

6.0 Background information

6.1 The Blackpool Local Plan Part 1: Core Strategy (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 19th February 2018. The Council subsequently formally designated the Marton Moss Neighbourhood Area on 26th 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 4 years, the Marton Moss Neighbourhood Forum has been developing a draft Neighbourhood Plan covering the period 2020 to 2030. 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 (Refer Appendix 4a) 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 submitted with the draft plan at the Regulation 16 stage provides detail of the consultation and engagement that has been undertaken by the MMNF (blackpool.gov.uk/Residents/Planning-environment-and-community/Documents/S03-Consultation-Statement-Final.pdf).

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 February 2023, 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 Examiner's report (Appendix 4b refers) was received on 29 March 2023 and concluded 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 recommended that the Plan, once modified, should proceed to referendum.

- 6.13 With respect to referendum, the Examiner considered that the referendum area should not be extended beyond that which the Plan relates. The Examiner came to this conclusion 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 recommended seven proposed modifications to the plan, which are set out in the appendix of the Examiner's report at pages 17 and 18. 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 reviewed the Plan in light of the proposed modifications and concluded that the Examiner's modifications are necessary for the Plan to meet the Basic Conditions. The Marton Moss Neighbourhood Forum also considered the proposed modifications, and following a meeting with the Council on 21st April 2023 agreed that the modifications are acceptable. Consequently the Marton Moss Neighbourhood Forum modified the Plan accordingly, confirmed that they wished the Plan to proceed to referendum.

6.16 The referendum was held, in accordance with legislation, on 5th October 2023. The question used in the referendum is set by the ‘Neighbourhood Planning (Referendums) Regulations 2012’, and was:

“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 There was a turnout of 32.19%. Of the votes received 246 (90.44%) voted ‘yes’ in response to the referendum question ([Marton Moss neighbourhood planning referendum results \(blackpool.gov.uk\)](https://www.blackpool.gov.uk)). The majority “yes’ votes mean the Council is now required to formally ‘make’ (adopt) the Plan

6.18 **Next Stages**

As required by legislation, once the Marton Moss Neighbourhood Plan is adopted and Regulation 19 Decision Statement (refer Appendix 4c) is published, the respective documents need to be made available as soon as reasonably practical by publishing on the Council’s website and a printed copy needs to be made available for inspection. Also, the Council has to notify any person who asked to be notified of the making of the plan that it has been adopted and where and when it may be inspected.

6.19 Does the information submitted include any exempt information? No

7.0 **List of Appendices:**

7.1 Appendix 4a – Marton Moss Neighbourhood Plan (and Policies Map) – Referendum Plan

Appendix 4b– Examiners Report on the Marton Moss Neighbourhood Plan

Appendix 4c – Draft Regulation 19 Decision Statement

8.0 **Financial considerations:**

8.1 The work is being undertaken within existing budgetary provisions.

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).

The modifications set out by the Examiner that were incorporated into the plan to ensure that the Neighbourhood Plan met the basic conditions and legal requirements and enabled the Plan proceed to referendum. The referendum took place on the 5 October 2023. The majority "yes" votes mean the Council is now required to formally 'make' (adopt) the Plan. The Marton Moss Neighbourhood Plan, when made, will become part of the Council's statutory development plan

10.0 Risk management considerations:

10.1 Once 'made' (adopted), 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 adopt the plan due to the successful outcome at referendum.

11.0 Equalities considerations and the impact of this decision for our children and young people:

11.1 The Examiner confirmed that the Neighbourhood Plan meets the Basic Conditions subject to the recommended modifications which were incorporated into the Plan. One of the basic 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 Forum has undertaken consultation on the Neighbourhood Plan, which is set out in the Consultation Statement 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 Background information and various submitted documents can be accessed on the Blackpool Council Website under the following link:

www.blackpool.gov.uk/martonmossnp

15.0 Key decision information:

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 17/2023

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

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

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 27 October 2023 Date approved:

18.0 Declarations of interest (if applicable):

18.1

19.0 Summary of Discussion:

19.1

20.0 Executive decision:

20.1

21.0 Date of Decision:

21.1

22.0 Reason(s) for decision:

22.1

23.0 Date Decision published:

23.1

24.0 Alternative Options Considered and Rejected:

24.1

25.0 Executive Members in attendance:

25.1

26.0 Call-in:

26.1

27.0 Notes:

27.1