

# MIDDLESBROUGH COUNCIL

AGENDA ITEM

<b>COUNCIL</b>
----------------

**30 NOVEMBER 2016**

## **ADOPTION OF THE MARTON WEST NEIGHBOURHOOD PLAN**

**DIRECTOR OF ECONOMIC DEVELOPMENT & COMMUNITIES –  
KEVIN PARKES**

### **PURPOSE OF THE REPORT**

- 1 The purpose of this report is to seek the adoption of the Marton West Neighbourhood Plan, so that it can form part of the Council's Development Plan and become a 'material consideration' in the determination of planning applications within the designated Marton West Neighbourhood Area.

### **BACKGROUND**

2. The Neighbourhood Planning (General) Regulations 2012 enable local authorities to designate Neighbourhood Areas, and appoint Neighbourhood Forums. Neighbourhood Forums are where local community groups/residents can apply to the Council to set-up a Forum, and establish a vision and general planning policies for the development and use of land in their designated neighbourhood. This takes the form of a Neighbourhood Plan, which the Forum (or other relevant body) prepares.
3. The above Regulations make clear that a Neighbourhood Plan should be prepared to be aligned with the strategic needs and priorities of the wider area and must be in general conformity with the National Planning Policy Framework (NPPF), and the strategic policies of a Council's Development Plan. In addition, Neighbourhood Plans are required to plan positively and not promote less development than set-out in the Development Plan or undermine its strategic policies.
4. In 2013 the Council approved the designation of the Marton West Ward as a Neighbourhood Area and the setting-up of the Marton West Neighbourhood Forum, enabling the Forum to prepare a Neighbourhood Plan for the designated area.
5. The Forum prepared and submitted its draft Marton West Neighbourhood Plan, to the Council for examination in November 2015. The examination into the draft Plan commenced at the beginning of April 2016, which was undertaken by an independent examiner. The examiner's report was issued at the beginning of May 2016 and recommended that the draft Plan should proceed to referendum, subject to some minor amendments being made. The draft Plan and all

associated documentation can be downloaded from the Council's website, and by going to its Planning policy webpages.

6. The referendum was held on Thursday 20 October 2016, and conducted in accordance with procedures similar to those used at local government elections.

The referendum question put before the Marton West electorate was:

**Do you want Middlesbrough Council to use the Neighbourhood Plan for Marton West to help it decide planning applications in the Marton West neighbourhood area?**

<b>The result of the referendum was as follows:</b>	
605 votes in favour	71 votes against
<b>The Ward electorate is 4335, giving a turn-out for the referendum of 15.62%.</b>	

7. Under the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), if more than 50% of those voting in the referendum vote 'yes', then the local planning authority must bring the Plan into force as soon as reasonably practicable. There are however, limited exceptions where the local planning authority can decline to adopt the Plan, particularly if they consider it would breach any EU obligations or any Convention rights. In this instance, it is considered that the Plan does not breach any of these obligations or rights.
8. Following the successful outcome of the referendum the next step in the process, involves the Council formally adopting the finalised Neighbourhood Plan, as part of the Development Plan, upon which it becomes a 'material consideration' in the determination of planning applications within the designated Marton West Neighbourhood Area.
9. The Marton West Neighbourhood Plan, which has been developed by local residents, working closely with the Council will be the first neighbourhood plan to be adopted within Middlesbrough and the Tees Valley. Additionally, the neighbourhood planning process has also brought about a greater understanding by Marton West residents of local planning issues within their area.
10. Once the Plan has been adopted, the Council is required to issue an adoption notice to be placed on the Council's web-site. After adoption of the Plan, any person who feels aggrieved by the Plan may apply to the High Court to seek a judicial review of the decision to adopt the Plan. This application to the High Court must be made within six-weeks after the day on which the Plan was adopted.

## **PROPOSALS**

11. That in accordance with the above Regulations, and relevant Council procedures the Marton West Neighbourhood Plan be adopted, in order to form part of the

Council's planning policy documentation and in determination of planning applications within the designated Marton West Neighbourhood Area.

## **FINANCIAL CONSIDERATIONS**

12. Following the adoption of the Plan by the Council, it can apply to the DCLG for £20k under the Neighbourhood Planning New Burdens funding. This payment is to cover the costs of the examination and any other further steps that may be needed for the Plan to come into legal force.

## **RECOMMENDATIONS**

13. It is recommended that the Council adopts the Marton West Neighbourhood Plan to form part of the Council's Development Plan, and become a 'material consideration' in the determination of planning applications within the designated Marton West Neighbourhood Area.

## **BACKGROUND PAPERS**

- DCLG – Neighbourhood Planning (General) Regulations 2012.
- DCLG – Neighbourhood Planning (Referendums) Regulations 2012 (as amended).

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