

Report of:	Director of Regeneration and Culture, Richard Horniman Executive Member for Regeneration, Cllr Ashley Waters
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Submitted to:	Council 24th March 2021
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Subject:	Approval of the Modified Marton West Neighbourhood Plan
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Summary

Proposed decision(s)
To approve the Modified Marton West Modified Neighbourhood Plan, incorporating the recommendations of the Independent Examiner’s Report.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Yes	No	No

Contribution to delivery of the 2020-23 Strategic Plan		
People	Place	Business
<i>Neighbourhood Plans are required to be compatible with a Council’s own strategic policies in the promotion or improvement of the social, economic and environmental well-being of the area.</i>	<i>Neighbourhood Plans are required to plan positively and not promote less development than set out in a Council’s development plan or undermine its strategic policies.</i>	<i>Neighbourhood Planning ensures close working with local communities to support them in preparing their Neighbourhood Plans, in order that they are aligned with the strategic needs and priorities of the wider area.</i>

Ward(s) affected
This report affects Marton West Ward. The Ward Members have been consulted on the Modified Marton West Neighbourhood Plan and the Independent Examiner’s Report.

What is the purpose of this report?

1. To approve the Modified Marton West Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report.

Why does this report require a Member decision?

2. When adopted, the Marton West Neighbourhood Plan will form part of the Council's Policy Framework. Prior to its adoption, the Council needs to make a decision to approve the Plan, taking into account the recommendations of the Independent Examiner, so that a referendum can take place.
3. The decision to approve Neighbourhood Plans is a non-Executive function, and must be made the Borough Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Council's constitution.

Report Background

4. Under the Planning and Compulsory Purchase Act 2004, and Neighbourhood Planning (General) Regulations 2012, parish councils and designated neighbourhood forums can prepare Neighbourhood Plans, that put in place a vision and general planning policies for the development, and use of land in their designated neighbourhood. Neighbourhood Plans form part of the Statutory Development Plan, against which future planning applications within the designated Neighbourhood Area will be determined.
5. A Neighbourhood Plan should 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 Local 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.
6. 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.
7. The Forum prepared and submitted its original Marton West Neighbourhood Plan, to the Council for examination in November 2015. Following an independent examination and a successful referendum result, the draft Neighbourhood Plan, was subsequently adopted by the Council in November 2016.
8. As a consequence of recent Ward boundary changes, part of the Coulby Newham Ward covering Newham Hall, Brass Castle Lane and De Brus Park areas, now lie within the Marton West Ward. The existing adopted Neighbourhood Plan for Marton West, does not therefore cover these areas, due to them not being within the Ward at the time of its preparation.
9. In August 2018, the Council received two applications from local De Brus Park residents to establish the Marton-in-Cleveland Neighbourhood Area and Forum in order to prepare a Neighbourhood Plan for those areas outside of the existing designated Neighbourhood Area, but which now lie within the amended Marton West Ward boundary. These applications were refused in January 2019, on the basis that

they did not meet the guidelines on what constitutes a Neighbourhood Area or Forum.

10. The Council agreed however, to extend the Marton West Neighbourhood Area to incorporate those areas excluded from the designated area, and which now form part of the amended Ward boundary. It was also agreed that an early review should be undertaken, by the Marton West Neighbourhood Forum, of the adopted 2016 Marton West Neighbourhood Plan, in order to take account of the amended designated Neighbourhood Area.
11. The Marton West Neighbourhood Forum subsequently submitted a modified draft Neighbourhood Plan (see Appendix 2) to the Council for examination in July 2020, incorporating the boundary changes, updating relevant adopted planning policies to reflect the enlarged Neighbourhood Area boundary, and to include additional proposed open space designations.
12. The Independent Examination into the modified Plan was undertaken in December 2020. The Examiner's Report (see Appendix 1) was issued at the end of January 2021, and recommended that the modified Plan should proceed to referendum stage of the Neighbourhood Planning process, subject to some minor amendments being made.

Next Steps

13. Once the Modified Marton West Neighbourhood Plan is approved, a decision statement will be published on the Council's website, and the Plan will progress to the next stage in the Neighbourhood Planning process, which is the referendum stage. The referendum is arranged by the Council, and is conducted under current national electoral and referendum guidelines. The referendum only takes place in the area that the draft Neighbourhood Plan covers, in this case Marton West Ward. If more than 50% of those voting in the referendum vote 'yes', the Neighbourhood Plan must be adopted by the Council, and will become part of the statutory development plan alongside the Local Plan.
14. Due to the Covid-19 pandemic, all neighbourhood planning referendums have been suspended, in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020. Under these regulations, the earliest the referendum could take place is 6 May 2021. However, due to the advanced logistical preparations of the delayed elections it is not possible to hold a referendum alongside the elections for the Tees Valley Mayor and the Police and Crime Commissioner that are due to take place on 6 May. The referendum will be arranged as soon as practicable after this date.
15. Once a local planning authority has issued a decision statement detailing its intention to send the draft Neighbourhood Plan to referendum, the Plan can be given significant weight in decision-making process. The Plan will become a material planning consideration in the determination of future planning applications within the designated Neighbourhood Area until the referendum can take place.

What decision(s) are being asked for?

16. To approve the Modified Marton West Modified Neighbourhood Plan, incorporating the recommendations of the Independent Examiner's Report.

Why is this being recommended?

17. To enable the Modified Marton West Neighbourhood Plan to proceed to the referendum stage in the Neighbourhood Planning process.

Other potential decisions and why these have not been recommended

18. Under the Regulations, a local authority can pursue a different course of action, by making its own modifications to the Neighbourhood Plan. If it does, the local authority must give clear reasons for doing so, and for departing from the Independent Examiner's recommendations. Also, additional public consultation would need to take place. There are also exceptional circumstances where the Secretary of State may be asked to intervene, where the local authority fails to submit the draft Neighbourhood Plan for referendum or departs from an Independent Examiner's recommendations.
19. Given that the Independent Examiner's Report and recommendations are well balanced and provide the necessary flexibility, it is not proposed to depart from the recommendations.

Impact(s) of recommended decision(s)

Legal

20. The legal framework for preparing Neighbourhood Plans is set out in the Planning & Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012. The Marton West Neighbourhood Plan has been prepared in accordance with the legislation.
21. The Regulations require that the local authority make a decision on the Examiner's recommendations within five weeks from the day following receipt of their Report unless the local authority and the Neighbourhood Forum agree an alternative date. As it will not be possible to meet this five week deadline, it has been agreed with the Marton West Neighbourhood Forum that the decision statement on the Examiner's report and recommendations will be issued as soon as possible after the Plan is approved by the Council.
22. As outlined above in paragraph 14, all neighbourhood planning referendums have been suspended until 6 May 2021 due to the Covid-19 pandemic. A referendum will be arranged on the Marton West Neighbourhood Plan as soon as is practicable following the decision to approve the Plan.
23. Once the Council issues a decision statement detailing its intention to send the Neighbourhood Plan to referendum, the Plan can be given significant weight in decision-making process. The Plan will become a material planning consideration in the determination of future planning applications within the designated Neighbourhood Area until the referendum can take place.

24. The Marton West Neighbourhood Plan will become part of the statutory development if more than 50% of those voting in the referendum are in support of the Plan. The outcome of the referendum, and the adoption of the Plan, will be subject to a future report to Council.

Financial

25. The financial implications as a result of this report, include both preparation and public engagement processes that the Council is required to undertake. In addition, there will be the following identified costs:
- Independent Examiner fees = £2,835
 - Undertaking the referendum is estimated to be in the region of £15-20,000.
26. The above costs associated with the preparation of the Marton West Neighbourhood Plan including the independent examiner's fees and the referendum, are currently being met from established service budgets. The Government provides grant funding to local planning authorities to assist with the additional process costs. Under this grant funding, we will be eligible for £20,000, once there has been a successful referendum outcome and the Neighbourhood Plan has been adopted.

Policy Framework

27. The decision to approve the Modified Marton West Neighbourhood Plan does not, in itself, alter the Council's Policy Framework. However, it will result in a referendum. If more than 50% of eligible voters support the Plan, it will ultimately result in its adoption. Upon adoption, the policy framework will change as the Plan becomes part of the statutory Development Plan.

Equality and Diversity

28. The Modified Marton West Neighbourhood Plan and the Independent Examiner's Report and Recommendations, have been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 3). This identifies that a full IA is not necessary.

Risk

29. Under the Regulations, where a local authority fails to submit the draft Neighbourhood Plan for referendum or departs from an Independent Examiner's recommendations without providing clear reasons for doing so, the Secretary of State may be asked to intervene.

Actions to be taken to implement the decision(s)

30. Once the Modified Marton West Neighbourhood Plan is approved, the recommendations of the Independent Examiner will be incorporated into the Plan. In accordance with the regulations, a decision statement will be issued and placed on the Council's website to publicise the approval of the Plan. A referendum will be arranged for the Marton West Ward.

31. The adoption of the Marton West Neighbourhood Plan will depend on the outcome of the referendum, and be subject to a future report to the Borough Council.

Appendices

- Appendix 1 – The Independent Examiner’s Report and Recommendations.
- Appendix 2 – The submitted Marton West Modified Draft Neighbourhood Plan, showing the Examiner’s Recommendations.
- Appendix 3 – Initial Impact Assessment (IA).

Background papers

None.

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