

Report of:	Director of Regeneration and Culture, Richard Horniman Executive Member for Regeneration, Cllr Eric Polano
Submitted to:	The Council 20 October 2021
Subject:	Adoption of the Marton West Neighbourhood Plan – 2021-2029

Summary

Proposed decision(s)
That the Council adopts the Marton West Neighbourhood Plan 2021-2029, as part of the Council’s Policy Framework, so that the Plan can used in the determination of future planning applications within the designated Marton West Neighbourhood Area.

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

Contribution to delivery of the 2021-24 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 only affects Marton West Ward. The Ward Members have been consulted throughout the Neighbourhood Planning process, and are in support of the Plan being adopted.

What is the purpose of this report?

1. To adopt the Marton West Neighbourhood Plan 2021-2029, in accordance with the below Regulations, and relevant Council procedures, in order that the Plan can form part of the Council's Policy Framework, and be used in the determination of future planning applications within the designated Marton West Neighbourhood Area.

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. The decision to adopt Neighbourhood Plans is a non-Executive function, and must be made by the Borough Council, in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and the Council's constitution.

Report Background

3. 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.
4. 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.
5. 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. 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.
6. 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.
7. 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.

8. 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.
9. The Marton West Neighbourhood Forum subsequently submitted a modified draft Neighbourhood Plan 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.
10. The Independent Examination into the modified Plan was undertaken in December 2020. The Examiner's Report 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.
11. The referendum was held on Thursday 15 July 2021, 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?

The result of the referendum was as follows:	
644 votes in favour	48 votes against
The Ward electorate is 4319, giving a turn-out for the referendum of 16.02%.	

13. 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.
14. Following the successful outcome of the referendum the next step in the process, involves the Council formally adopting the finalised Marton West Neighbourhood Plan 2021-2029, replacing the existing 2016 Marton West Neighbourhood Plan, in the determination of planning applications within the designated Marton West Neighbourhood Area.
15. 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.

What decision(s) are being asked for?

16. That the Council adopts the Marton West Neighbourhood Plan 2021-2029, as part of the Council's Policy Framework, so that the Plan can be used in the determination of future planning applications within the designated Marton West Neighbourhood Area.

Why is this being recommended?

17. To enable the Plan to form part of the Council's Policy Framework, to be used in the determination of future planning applications within the designated Marton West Neighbourhood Area.

Other potential decisions and why these have not been recommended

18. Under the Regulations, following a successful referendum result a local planning authority must adopt the Neighbourhood Plan (see Appendix 1). If the local planning authority fails to adopt the Neighbourhood Plan, the Secretary of State may be asked to intervene.

Impact(s) of recommended decision(s)

Legal

19. 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.
20. As outlined above in paragraph 18, under the Regulations, following a successful referendum result a local planning authority must adopt the Neighbourhood Plan. If the local planning authority fails to adopt the Neighbourhood Plan, the Secretary of State may be asked to intervene.

Financial

21. 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 are the following identified costs:
 - Independent Examiner fees = £2,835; and,
 - Referendum costs estimated to be in the region of £15-20,000.
22. Following the adoption of the Plan, the Council would normally be eligible to apply to the Government under its Neighbourhood Planning New Burdens grant funding, which assists local planning authorities with additional neighbourhood planning costs, such as, independent examiner fees and undertaking the referendum.
23. As a consequence of measures brought in by the Government, in response to COVID-19, local planning authorities can now access this grant funding, once they have indicated their intention to proceed to the referendum stage of the Neighbourhood Planning process. The Council subsequently applied and as

received £20,000 from the grant-funding package to assist with the above-identified costs.

Policy Framework

24. The decision to adopt the Marton West Neighbourhood Plan 2021-2029 will alter the Council's Policy Framework, as the Plan becomes part of the statutory Development Plan.

Equality and Diversity

25. The Marton West Neighbourhood Plan 2021-2029, has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 2). This identifies that a full IA is not necessary.

Risk

26. Under the Regulations, where a local authority fails to adopt the Neighbourhood Plan following a successful referendum result, 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)

27. Once the Marton West Neighbourhood Plan 2021-2029 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.

Appendices

- Appendix 1 – The Marton West Neighbourhood Plan 2021-2029.
- Appendix 2 – Initial Impact Assessment (IA).

Background papers

Body	Report title	Date
Middlesbrough Council	Approval of the Modified Marton West Neighbourhood Plan	24 th March 2021

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